

Sexual Misconduct Policy Primer

Equity and Compliance Programs
Fall 2023

Content Warning

The presentation content contains scenarios, topics and descriptions that may be offensive or triggering.



Georgia Tech's Sexual Misconduct Policy

Prohibits Sexual Misconduct, an **Umbrella term** for any unwanted sexual attention, contact, or activity that occurs without consent such as:

- Dating Violence and Domestic Violence;
- Nonconsensual Sexual Contact;
- Nonconsensual Sexual Penetration;
- Sexual Exploitation;
- Stalking;
- Sexual Harassment (*student on student, other than student on student*)



Prohibited Conduct: Definitions

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- Consent can be withdrawn at any time by a party by using clear words or actions.

Prohibited Conduct: Definitions

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.

- Violence includes sexual or physical abuse and threats of such abuse
- The existence of a covered relationship is based on the totality of the circumstances

Prohibited Conduct: Definitions

Domestic Violence

Violence committed by:

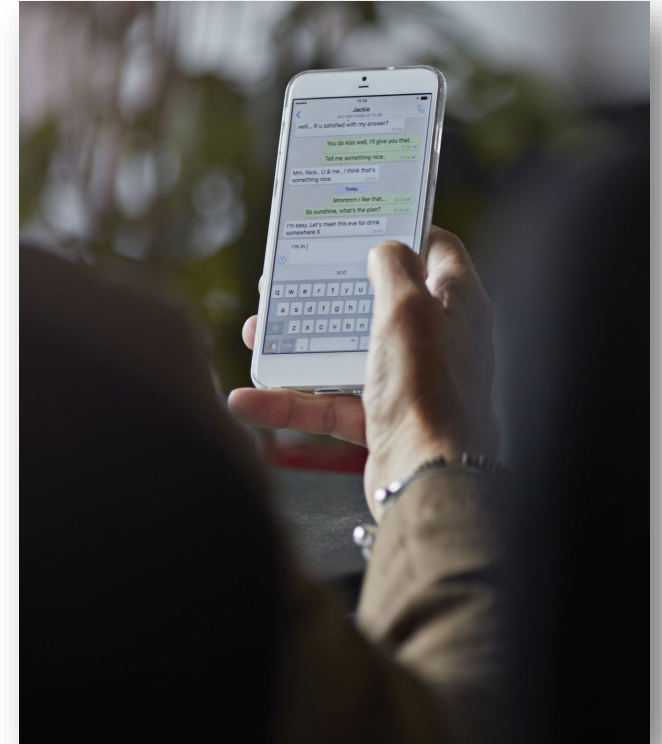
- a current **spouse**, former spouse or **intimate partner**
- a person whom the alleged victim/survivor **shares a child in common**
- a person who is **cohabiting** with or cohabitated with the alleged victim/ survivor as a spouse or intimate partner, or
- a person similarly situated to a spouse of the alleged victim/ survivor

Prohibited Conduct: Definitions

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.**

- Course of Conduct = two or more acts
- Can be direct actions or through third parties
- Could include the use of devices or other methods
- Includes following, monitoring, observing, surveilling, threatening, communicating to or about a person, or interfering with a person's property



Prohibited Conduct: Definitions

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 an STD or HIV to another individual through sexual activity;
7. Intentionally and inappropriately exposing one's breasts, buttocks, groin, or genitals in non-consensual circumstances; and/or
8. Sexually-based bullying.

Prohibited Conduct: Definitions

Nonconsensual Sexual Contact

Any **physical contact** with another person of a **sexual nature without the person's consent**.

Includes:

- Touching of another's intimate parts (genitalia, groin, breasts, 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

Prohibited Conduct: Definitions

Nonconsensual Penetration

- **Any penetration** of another's **body parts** without the person's consent.

Includes:

- **Penetration of the vagina, anus, or mouth by a penis, object, tongue, finger, or other body part**
- **Contact between the mouth of one person and the genitals or anus of another person**

Sexual Harassment (Student on Student)

- **Unwelcome**
- **Verbal, nonverbal, or physical conduct**
- **Based on sex** (including gender stereotypes),
- **Determined by a Reasonable Person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to participate in or to benefit from an institutional education program or activity in violation of Title IX.**



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:

- **Implicitly** or **explicitly** a **term or condition of** employment status in a course program or activity
 - **A basis for** employment or education decisions;
OR
 - Sufficiently severe, persistent, or pervasive to interfere with one's work or educational performance creating an **intimidating, hostile, or offensive** work environment or learning environment, or interfering with or limiting one's ability to participate in or to benefit from an institutional program or activity.
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- Note: Behavior may rise to the level of a Title IX violation



Examples of Sexually Harassing behaviors

Verbal	Physical	Nonverbal
<ul style="list-style-type: none">○ Telling jokes○ Using profanity○ Threats○ Sexual comments○ Whistling○ Asking about one's sexual fantasies○ Using terms of endearment	<ul style="list-style-type: none">○ Touching○ Patting○ Pinching○ "Accidentally" bumping○ Grabbing○ Blocking a passageway○ Kissing○ Providing unsolicited back or neck rubs	<ul style="list-style-type: none">○ Staring at someone○ Blowing kisses○ Winking○ Licking one's lips in a suggestive manner○ Displaying sexually oriented pictures or screensavers○ Sexually oriented notes, letters, faxes, or email