

Sexual and Gender-Based Misconduct and Other Forms of Interpersonal Violence

[HOME < HTTPS://WORDPRESS.GMU.EDU >](https://wordpress.gmu.edu) / [POLICIES](#) /

SEXUAL AND GENDER-BASED MISCONDUCT AND OTHER FORMS OF INTERPERSONAL VIOLENCE

Policy Categories

[Academic Policies < https://universitypolicy.gmu.edu/university-policies/academic-policies/ >](https://universitypolicy.gmu.edu/university-policies/academic-policies/)

[Computing < https://universitypolicy.gmu.edu/university-policies/computing/ >](https://universitypolicy.gmu.edu/university-policies/computing/)

[Emergency and Enterprise Risk Management < https://universitypolicy.gmu.edu/university-policies/emergency-and-enterprise-risk-management/ >](https://universitypolicy.gmu.edu/university-policies/emergency-and-enterprise-risk-management/)

[Financial < https://universitypolicy.gmu.edu/university-policies/financial/ >](https://universitypolicy.gmu.edu/university-policies/financial/)

[General Policies < https://universitypolicy.gmu.edu/university-policies/general-policies/ >](https://universitypolicy.gmu.edu/university-policies/general-policies/)

[Human Resources and Payroll < https://universitypolicy.gmu.edu/university-policies/human-resources-and-payroll/ >](https://universitypolicy.gmu.edu/university-policies/human-resources-and-payroll/)

[Research < https://universitypolicy.gmu.edu/university-policies/research/ >](https://universitypolicy.gmu.edu/university-policies/research/)

[Safety < https://universitypolicy.gmu.edu/university-policies/safety/ >](https://universitypolicy.gmu.edu/university-policies/safety/)

[Student Policies < https://universitypolicy.gmu.edu/university-policies/student-policies/ >](https://universitypolicy.gmu.edu/university-policies/student-policies/)

University Policy Number 1202

Categorized: [General Policies < https://universitypolicy.gmu.edu/university-policies/general-policies/>](https://universitypolicy.gmu.edu/university-policies/general-policies/)

Responsible Office: [Diversity, Equity and Inclusion < https://universitypolicy.gmu.edu/responsible-office/diversity-equity-and-inclusion/>](https://universitypolicy.gmu.edu/responsible-office/diversity-equity-and-inclusion/)

Policy Procedure:

- [Appendix A: Investigating and Resolving Reports of Prohibited Conduct < http://universitypolicy.gmu.edu/wp-content/uploads/2013/01/1202-Appendix-A-2022-2023-updated-2022.08.29.docx>](http://universitypolicy.gmu.edu/wp-content/uploads/2013/01/1202-Appendix-A-2022-2023-updated-2022.08.29.docx)
- [Appendix B: Resource and Reporting Guide for Students & Employees](#)
- [Appendix C: Sexual and Interpersonal Prevention, Education and Awareness Training Programs](#)

Related Law & Policy:

- [Policy 1201: Non-Discrimination Policy < https://universitypolicy.gmu.edu/policies/non-discrimination-policy/>](https://universitypolicy.gmu.edu/policies/non-discrimination-policy/)
- [Policy 1204: Consensual Relationships < https://universitypolicy.gmu.edu/policies/consensual-relationships/>](https://universitypolicy.gmu.edu/policies/consensual-relationships/)
- [Policy 1412: Reporting of Clery Act Crimes and/or Prohibited Sexual Conduct < https://universitypolicy.gmu.edu/policies/reporting-of-clery-act-crimes-andor-prohibited-sexual-conduct/>](https://universitypolicy.gmu.edu/policies/reporting-of-clery-act-crimes-andor-prohibited-sexual-conduct/)
- [Virginia Administrative Code, 8 VAC 35-31-10 et seq.](#)
- [Federal Code 34 CFR Part 106. Nondiscrimination on the Basis of Sex in Education.](#)
- [Virginia Code § 23.1-806. Reporting of acts of sexual violence < http://law.lis.virginia.gov/vacode/title23.1/chapter8/section23.1-806/>](http://law.lis.virginia.gov/vacode/title23.1/chapter8/section23.1-806/)
- [Virginia Code § 23.1-900. Academic transcripts; suspension, permanent dismissal, or withdrawal from institution. < http://law.lis.virginia.gov/vacode/title23.1/chapter9/section23.1-900/>](http://law.lis.virginia.gov/vacode/title23.1/chapter9/section23.1-900/)
- [Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d < https://www.justice.gov/crt/title-vi-1964-civil-rights-act>](https://www.justice.gov/crt/title-vi-1964-civil-rights-act)
- [Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 < https://www.justice.gov/crt/title-ix-education-amendments-1972>](https://www.justice.gov/crt/title-ix-education-amendments-1972)
- [Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998, 20 U.S.C. § 1092\(f\) < http://www2.ed.gov/policy/highered/leg/hea98/sec486.html>](http://www2.ed.gov/policy/highered/leg/hea98/sec486.html)
- [Violence Against Women Act, PL113-4](#)

I. Scope

This policy applies to George Mason University ("University") students, employees, employees of contractors, visitors, guests, and other third parties.

This policy applies to acts of Prohibited Conduct when:

1. the conduct occurs on campus or other property owned or controlled by the University;
2. the conduct occurs in the context of a University employment or education program or activity, including, but not limited to, University-sponsored study abroad, research, on-line, or internship programs; or
3. the conduct occurs outside the context of University employment or a University educational program or activity, but has continuing adverse effects on or creates a hostile environment for an individual while on the University's campus or other property owned or controlled by the University or in any University employment or educational program or

II. Policy Statement

The University is committed to providing a safe and non-discriminatory learning, living, and working environment for all members of the University community. The University does not discriminate on the basis of sex or gender in any of its education or employment programs and activities. The University complies with Title IX of the Education Amendments of 1972 ("Title IX"); 34 CFR Part 106 ("Title IX Regulations"); Title VII of the Civil Rights Act of 1964 ("Title VII"); the Virginia Human Rights Act; Violence Against Women Act ("VAWA"); and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act").

It is a violation of University policy to engage in Sexual Assault, Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment,^[1] https://universitypolicy.gmu.edu/policies/sexual-harassment-policy/#_ftn1 Sexual Exploitation, Dating Violence, Domestic Violence and Stalking, and Complicity in the commission of any act prohibited by this policy, and Retaliation against a person for the good faith reporting of any of these forms of conduct or participation in any investigation or proceeding under this policy (collectively, "Prohibited Conduct"). Prohibited Conduct is prohibited regardless of the sex, sexual orientation, and/or gender identity/expression of the Complainant or Respondent.

Prohibited Conduct under this policy extends beyond the definitions of "sexual harassment" adopted by the Department of Education in the Title IX Regulations.

The University will take prompt and equitable action to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects. Some forms of Prohibited Conduct may also constitute crimes under Virginia law, which may subject a person to criminal prosecution and punishment in addition to any sanctions under this policy. Complainants have the right to notify or decline to notify law enforcement in addition to any actions taken under this policy. Complainants may simultaneously pursue criminal and University complaints.

The University urges anyone who becomes aware of an incident of Prohibited Conduct to report the incident immediately to the University's Title IX Coordinator. Employees must report

any Prohibited Conduct of which they are aware to the Title IX Coordinator, except in specific circumstances described in Section IV.D. Reports can be made:

- By contacting the University's Title IX Coordinator or Deputy Title IX Coordinator by telephone, email, or in person at their respective location, email addresses, and/or phone numbers listed in Section IV of this Policy; or
- By
- By completing the online sexual or interpersonal misconduct intake form for reporting Prohibited Conduct to the Title IX Coordinator at <https://diversity.gmu.edu/titleix-webform> < <https://diversity.gmu.edu/titleix-webform> >.

There is no time limit for reporting Prohibited Conduct to the University under this policy. Please review [Resources and Reporting Guide for Students & Employees < http://universitypolicy.gmu.edu/wp-content/uploads/2013/01/Policy-1202-Appendix-B-Resource-and-Reporting-Guide-for-Students-and-Employees-August-2020-FINAL-09012020.pdf >](http://universitypolicy.gmu.edu/wp-content/uploads/2013/01/Policy-1202-Appendix-B-Resource-and-Reporting-Guide-for-Students-and-Employees-August-2020-FINAL-09012020.pdf) (Appendix B) for a list of available on- and off-campus confidential resources.

Upon receipt of a report, the Title IX Coordinator shall promptly contact the reporting party and, if known and different from the reporting party, the Complainant. The Title IX Coordinator shall discuss with the Complainant the options available to the Complainant under the University Grievance Procedures (Appendix A), including the option to submit a Formal Complaint, and the Supportive Measures that are available. The Title IX Coordinator may provide Supportive Measures, as determined appropriate by the Title IX Coordinator, to any individual involved in a report of Prohibited Conduct, regardless of whether the Complainant requests that the University initiate an investigation of the Prohibited Conduct. The Title IX Coordinator may also impose emergency measures as necessary to protect the physical health and safety of the Complainant, Respondent, or other individuals.

In order to initiate a formal investigation of Prohibited Conduct by the University, a Complainant must submit a Formal Complaint to the Title IX Coordinator. Upon receipt of a Formal Complaint requesting that the University investigate an allegation of Prohibited Conduct, the University shall follow the grievance procedures described in Appendix A: Procedures for Responding to Reports of Prohibited Conduct Committed by Students and Employees. A Respondent shall be presumed to be not responsible for the alleged conduct until a determination is made as to responsibility at the end of the grievance process. The University shall use the preponderance of the evidence standard in determining responsibility for a violation of this policy for all cases. **Being impaired by alcohol and/or other drugs is no defense to violating this policy.**

Employees or students who violate this policy may face disciplinary action up to and including termination or expulsion. Third Parties who commit Prohibited Conduct may have their relationships with the University terminated and/or their privileges of being on University premises withdrawn.

The Department of Education has decided to use narrow definitions of quid pro quo and hostile environment sexual harassment in the Title IX. The University is required to use those

definitions to determine if sexual harassment constitutes a violation of Title IX. However, the University has determined that conduct that falls outside of the definitions used in the Title IX Regulation can constitute sexual harassment and is therefore a violation of this Policy. As such Quid Pro Quo Sexual Harassment includes Title IX Quid Pro Quo Sexual Harassment and University Policy Quid Pro Quo Sexual Harassment, as defined in the Definition Section. Hostile Environment Sexual Harassment includes Title IX Hostile Environment Sexual Harassment and University Policy Hostile Environment Sexual Harassment, as defined in the Definition Section.

III. Definitions

Prohibited Conduct: Prohibited Conduct is defined as the following:

A. As provided in the Title IX Regulations, the following is defined as sexual harassment under Title IX and prohibited under this policy:[\[2\] <](https://universitypolicy.gmu.edu/policies/sexual-harassment-policy/#_ftn2)

[https://universitypolicy.gmu.edu/policies/sexual-harassment-policy/#_ftn2>](https://universitypolicy.gmu.edu/policies/sexual-harassment-policy/#_ftn2)

a. Sexual Assault: Any sexual act directed against another person, without the Consent of the Complainant including instances where the Complainant is incapable of giving

1. **Rape**— Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
2. **Sodomy**—Oral or anal sexual intercourse with another person, without the Consent of the victim, including instances where the victim is incapable of giving Consent because of age or because of temporary or permanent mental or physical incapacity.
3. **Sexual Assault with An Object**—To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the Consent of the victim, including instances where the victim is incapable of giving Consent because of age or because of temporary or permanent mental or physical incapacity. An “object” or “instrument” is anything used by the offender other than the offender’s genitalia, e.g., a finger, bottle, handgun, stick.
4. **Fondling**— The touching of the private body parts of another person for the purpose of sexual gratification, without the Consent of the victim, including instances where the victim is incapable of giving Consent because of age or because of temporary or permanent mental or physical incapacity.

b. Sexual Assault: Nonforcible sexual intercourse

1. **Incest**—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
2. **Statutory Rape**—Nonforcible sexual intercourse with a person who is under the statutory age of consent.

c. Quid Pro Quo Sexual Harassment as Defined in Title IX Regulations (“Title IX Quid Pro Quo Sexual Harassment”): An employee of the University conditioning the provision of aid,

benefit, or service on another individual's participation in unwelcome sexual conduct.

d. Hostile Environment Sexual Harassment as Defined in Title IX Regulation ("Title IX Hostile Environment Sexual Harassment"): Unwelcome conduct based on sex that would be determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or [\[3\] < https://universitypolicy.gmu.edu/policies/sexual-harassment-policy/#_ftn3 >](https://universitypolicy.gmu.edu/policies/sexual-harassment-policy/#_ftn3)

e. Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and 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 Dating violence does not include acts covered under the definition of domestic violence.

f. Domestic Violence: Violence committed by a current or former spouse or intimate partner of the Complainant; a person with whom the Complainant shares a child in common; a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner; a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Virginia; by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Virginia. To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate

g. Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress. Stalking may include the concept of "cyber-stalking," a particular form of stalking in which a person uses electronic media, such as the internet, social networks, blogs, cell phones, texts, or other similar devices to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion. When allegations of stalking are unrelated to sex and/or gender-based harassment, cases may be referred to the appropriate office and governed by either the Code of Student Conduct, Department of Human Resources Policy, Administrative/Professional Faculty Handbook, or the Faculty

B. The University has determined that the following conduct also constitutes Prohibited Conduct:

a. To the extent that conduct does not fall under the definition of Title IX Quid Pro Quo Sexual Harassment or Title IX Hostile Environment Sexual Harassment, the following conduct violates University Policy:

i. University Policy Quid Pro Quo Sexual Harassment: Unwelcome conduct based on sex where submission to or rejection of such conduct is used, explicitly or implicitly, as the basis for

decisions affecting an individual's education, employment, or participation in a University program or activity.

ii. University Policy Hostile Environment Sexual Harassment: Unwelcome conduct based on sex that is so severe, persistent, or pervasive that it alters the conditions of education, employment, or participation in a University program or activity, thereby creating an environment that a reasonable person in similar circumstances and with similar identities would find hostile, intimidating, or abusive. An isolated incident, unless sufficiently severe, does not amount to Hostile Environment Harassment.

b. Sexual Exploitation: Purposely or knowingly doing one or more of the following without Consent:

- Taking sexual advantage of another person.
- Taking advantage of another's sexuality.
- Exceeding the boundaries of consensual Sexual Contact without the knowledge of the other individual.

Sexual Exploitation may be committed for any purpose, including sexual arousal or gratification, financial gain, or other personal benefit.

Examples include, but are not limited to, purposefully or knowingly:

- Causing the incapacitation of another person through alcohol and/or drugs (or any other means) for the purpose of compromising that person's ability to give Affirmative Consent to sexual activity;
- Allowing third parties to observe private sexual activity from a hidden location (e.g., closet) or through electronic means (e.g., Skype or livestreaming of images) without consent of all parties;
- Engaging in voyeurism (e.g., watching private sexual activity without the consent of the participants or viewing another person's intimate parts (including genitalia, groin, breasts or buttocks) in a place where that person would have a reasonable expectation of privacy);
- Recording or photographing private sexual activity and/or a person's intimate parts (including genitalia, groin, breasts or buttocks) without consent;
- Disseminating or posting images of private sexual activity and/or a person's intimate parts (including genitalia, groin, breasts or buttocks) without consent;
- Maliciously threatening to disclose or disclosing an individual's Sexual Orientation, Gender Identity, or Gender Expression;
- Prostituting another person;
- Possessing, creating, or distributing child pornography;
- Exposing another person to a sexually transmitted infection or virus without the other's knowledge; or

- Failing to use contraception, or deliberately removing or compromising contraception (Stealth) without the other party's knowledge.

c. Complicity: Complicity is any act taken with the purpose of aiding, facilitating, promoting or encouraging the commission of an act of Prohibited Conduct under this Policy by another person. Examples of complicity include, but are not limited to, restraining another individual during a sexual assault, encouraging someone to commit dating violence or sexual assault, or intentionally not intervening for the purpose of facilitating another person committing Prohibited Conduct

C. Retaliation: No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this policy, or because the individual has made a report or complaint, testified, assisted, participated, or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX or this policy.

Consent: Consent means affirmative agreement to engage in conduct. In order to be affirmative, the agreement must be demonstrated through clear words or actions and must be informed and voluntary. A person who wants to engage in a specific sexual activity is responsible for obtaining Consent for that activity. Lack of protest does not constitute Consent. Lack of resistance does not constitute Consent. Silence and/or passivity also do not constitute Consent.

Consent to one form of sexual activity does not, by itself, constitute Consent to another form of sexual activity. Consent to sexual activity on a prior occasion does not, by itself, constitute Consent to future sexual activity. In cases of prior relationships, the manner and nature of prior communications between the parties and the context of the relationship may have a bearing on the presence of Consent.

Consent may be withdrawn at any time. An individual who seeks to withdraw Consent must communicate, through clear words or actions, a decision to cease the sexual activity. Once Consent is withdrawn, the sexual activity must cease immediately.

Consent cannot be obtained through physical violence, threats, intimidation, or coercion.

a. Physical violence means that a person is exerting control over another person through the use of physical force. Examples of physical violence include hitting, punching, slapping, kicking, restraining, choking, and brandishing or using any weapon.

b. Threats are words or actions that would compel a reasonable person to engage in unwanted sexual activity. Examples include threats to harm a person physically, to reveal private information, to harm a person's reputation, or to cause a person academic or economic harm.

c. Intimidation is an implied threat that menaces or causes reasonable fear in another person. A person's size, alone, does not constitute intimidation; however, a person's size may be used in a way that constitutes intimidation (e.g., blocking access to an exit).

d. Coercion is the use of an unreasonable amount of pressure to gain sexual access. Coercion is more than an effort to persuade, entice, or attract another person to engage in sexual activity. When a person makes clear a decision not to participate in a particular activity, a decision to stop a particular activity, or a decision not to go beyond a certain activity, continued pressure can be coercive. In evaluating whether coercion was used, the University will consider: (i) the frequency of the application of the pressure, (ii) the intensity of the pressure, (iii) the degree of isolation of the person being pressured, and (iv) the duration of the pressure.

Consent also cannot be obtained by taking advantage of the Incapacitation of another, where the person initiating sexual activity knew or reasonably should have known that the other person was Incapacitated. In evaluating Consent in cases of alleged Incapacitation, the University asks two questions: (1) Did the person initiating sexual activity know that the other party was Incapacitated? And if not, (2) Would a sober, reasonable, lay (i.e., non-medical professional) person in the same situation have known that the other party was Incapacitated? If the answer to either of these questions is "YES," Consent was absent.

Incapacitation: Incapacitation means that a person lacks the ability to make informed, rational judgments about whether or not to engage in an activity. A person may be Incapacitated as a result of the consumption of alcohol and/or other drugs, mental or physical helplessness, sleep, unconsciousness, lack of awareness that an activity is taking place or due to a temporary or permanent physical or mental health condition. Incapacitation as a result of consumption of alcohol and/or drugs is a state beyond drunkenness or intoxication. A person is not necessarily Incapacitated merely as a result of drinking or using drugs.

Evaluating Incapacitation requires an assessment of an individual's abilities to:

- Communicate a choice
- Understand relevant information
- Reason about choices; and/or
- Appreciate the consequences of a situation.

Potential indicators of Incapacitation include (1) an inability to understand or answer questions such as: "Do you know where you are?" "Do you know how you got here?" "Do you know what is happening?" "Do you know whom you are with?"; (2) slurred or incomprehensible speech; (3) unsteady gait; (4) combativeness; (5) emotional volatility; (6) vomiting, or (7) incontinence.

Title IX Coordinator: The Title IX Coordinator is the University employee responsible for coordinating the University's compliance with and enforcement of Title IX and this policy.

Complainant: An individual who is alleged to be the victim of Prohibited Conduct.

Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute Prohibited Conduct.

Confidential Employee: Any employee of the Student Support and Advocacy Center ("SSAC"), Counseling and Psychological Services ("CAPS"), or Student Health Services ("SHS") or any other

employee who is a licensed medical, clinical or mental-health professional (e.g., physicians, nurses, physicians' assistants, psychologists, psychiatrists, professional counselors and social workers, and those performing services under their supervision), when acting in that professional role in the provision of services to a patient who is a student ("health care providers"); and (2) any employee providing administrative, operational and/or related support for such health care providers in their performance of such services.

Non-Confidential Employee: Any employee who is not a Confidential Employee. This includes students who are serving as Resident Assistants, Graduate Teaching Assistants, and all other student-employees, when disclosures are made to any of them in their capacities as employees.

Formal Complaint: A document or electronic submission (e.g., email, or online form) filed by a Complainant or the Title IX Coordinator with the Title IX Coordinator alleging Prohibited Conduct against a Respondent and requesting that the University investigate the allegation of Prohibited Conduct. A Formal Complaint filed by a Complainant must contain a physical or digital signature or otherwise indicate that the complainant is the person filing the Formal Complaint.

Supportive Measures: Non-disciplinary, non-punitive individualized services offered as appropriate and as reasonably available without fee or charge to a Complainant or Respondent that (1) restore or preserve equal access to the University employment or education programs and activities, without unreasonably burdening the other party, (2) protect the safety of the parties or the University community, or (3) deter Prohibited Conduct.

- The University is required by the Title IX Regulations to use these definitions for sexual harassment under Title IX.
- Whether conduct is unwelcome is a subjective determination based on the specific Complainant. Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances ("in the shoes of the Complainant"), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

IV. Compliance

A. Title IX Coordinator and Deputy Title IX Coordinators

The Title IX Coordinator is charged with monitoring the University's compliance with Title IX; ensuring appropriate education and training; coordinating the University's investigation, response, and resolution of all reports of Prohibited Conduct; and ensuring appropriate actions to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects. The Title IX Coordinator is the sole employee of the University who has the authority to institute corrective measures on behalf of the University to address violations of this policy or Title IX. The Title IX Coordinator is also responsible for providing Supportive Measures to Complainants and Respondents as determined to be appropriate by the Title IX Coordinator. The Title IX Coordinator or Deputy Title IX Coordinators are available to meet with any student, employee, or third party to discuss this policy or the accompanying procedures.

The University has also designated Deputy Title IX Coordinators who may assist the Title IX Coordinator in the discharge of these responsibilities. The Title IX Coordinator and Deputy Title IX Coordinators receive appropriate training to discharge their responsibilities.

The Title IX Coordinator and Deputy Title IX Coordinators can be contacted by telephone, email, or in person during regular office hours:

Although the University has identified senior and deputy coordinators to ensure ease of access across campus locations, central reporting of incidents must be to the Title IX Coordinator.

Crystal C. Coombes

Title IX Coordinator

Diversity, Equity, and Inclusion

Fairfax Campus

Aquia Room 373

Phone: (703) 993-8730

Email: titleix@gmu.edu

Online: [Sexual and Interpersonal Misconduct Reporting Form < https://diversity.gmu.edu/titleix-webform >](https://diversity.gmu.edu/titleix-webform)

Thomas M. Bluestein

Senior Deputy Title IX Coordinator

Diversity, Equity, and Inclusion

Fairfax Campus

Aquia Room 373

Phone: (703) 993-8730

Email: tblueste@gmu.edu

Emily Gleason

Deputy Title IX Coordinator

Diversity, Equity, and Inclusion

Fairfax Campus

Aquia Room 373

Phone: (703) 993-8730

Email: egleaso@gmu.edu

Nena Rodgers

Senior Associate Athletic Director, Academic Services

Fairfax Campus

120 Field House

Phone: 703-993-3594

Email: nroddgers1@gmu.edu

Christopher Carr

Chief Diversity Officer

Dean's Office, Volgenau School of Engineering

Fairfax Campus

2202 Nguyen Engineering

Building Phone: (703) 993-2567

Email: ccarr21@gmu.edu

Kent Zimmerman

Director for Student Success/Professor of Information Technology

Deputy Title IX Coordinator

Mason Korea Campus Academic Building, Room G660

Phone: +82-32-626-5110

Email: dzimmer2@gmu.edu

Leigh Winstead

Clinical Professor

Deputy Director, Mason Veterans and Service Members Clinic

Arlington-Mason Square Campus

Hazel Hall Room 404

Phone: (703) 993-8210

Email: lwinst2@gmu.edu

Christian Barber

Director of Residence Life

Fairfax Campus

Housing and Residence Life Central Office

Phone: (703) 993-2720

Email: cbarber6@gmu.edu

Christi Wilcox

College of Engineering and Computing Diversity Associate

Fairfax Campus

Nguyen Engineering Building, Suite 2500

Phone: (703) 993-1000

Email: cwilcox6@gmu.edu

Sara Hawes

Director of Administration and Operations

Auxiliary Enterprises

Arlington-Mason Square Campus and Loudon Campus

Phone: (703) 993-8284

Email: sdolan5@gmu.edu

B. Other Resources

In addition to the Title IX Coordinator, the University offers a wide range of resources for all Students and Employees to provide support and guidance in response to any incident of Prohibited Conduct. For comprehensive information on accessing University and community resources, including emergency and ongoing assistance; health, mental health, and victim-advocacy services; options for reporting Prohibited Conduct to the University and/or law enforcement; and available support with academics, housing, and employment, review the [Resources and Reporting Guide for Students & Employees \(Appendix B\)](http://universitypolicy.gmu.edu/wp-content/uploads/2013/01/Policy-1202-Appendix-B-Resource-and-Reporting-Guide-for-Students-and-Employees-August-2020-FINAL-09012020.pdf). <
<http://universitypolicy.gmu.edu/wp-content/uploads/2013/01/Policy-1202-Appendix-B-Resource-and-Reporting-Guide-for-Students-and-Employees-August-2020-FINAL-09012020.pdf>>

Concerns about the University's application of Title IX, VAWA, Title VII, the Clery Act, or the Virginia Human Rights Act may be addressed to the United States Department of Education, Clery Act Compliance Division (at clery@ed.gov); the United States Department of Education, Office for Civil Rights (at OCR@ed.gov or (800) 421-3481); and/or the Equal Employment Opportunity Commission (at info@eeoc.gov or (800) 669-4000).

C. Supportive Measures

The University offers a wide range of Supportive Measures for Students and Employees, whether as Complainants or Respondents, to provide support throughout the initiation, investigation, and resolution of a report of Prohibited Conduct. The Title IX Coordinator is responsible for providing Supportive Measures, as deemed appropriate by the Title IX Coordinator. The University will offer reasonable and appropriate Supportive Measures to protect continued access to University employment or education programs and activities. Supportive Measures may be both remedial (designed to address safety and well-being and continued access to educational opportunities) or protective. Supportive measures may be temporary or permanent and may include, but are not limited to, no-contact directives, residence modifications, academic modifications and support, work schedule modifications, interim disciplinary suspension, interim suspension from employment, and pre-disciplinary leave (with or without pay).

Supportive Measures are available regardless of whether a Complainant pursues a complaint or investigation under this policy. The University will maintain the confidentiality of any Supportive Measures provided under this policy to the extent practicable and will promptly address any violation of the Supportive Measures. The Title IX Coordinator has the discretion to impose and/or modify any interim Supportive Measure based on all available information. The Title IX Coordinator is available to meet with Complainants or Respondents to address any concerns about the provision of Supportive Measures.

D. Responsibility of Employees to Report Prohibited Conduct

1. Confidential Employees

Confidential Employees provide confidential, trauma-informed counseling or support. Please review [Resources and Reporting Guide for Students & Employees](#) <

<http://universitypolicy.gmu.edu/wp-content/uploads/2013/01/Policy-1202-Appendix-B-Resource-and-Reporting-Guide-for-Students-and-Employees-August-2020-FINAL-09012020.pdf>> (Appendix B) for a list of available on- and off-campus confidential resources.

Confidential Employees will not disclose information about Prohibited Conduct reported to them by a student to the Title IX Coordinator without the student's permission, unless there is a continuing threat of serious harm to the patient/client or to others or there is a legal obligation to reveal such information (e.g., where there is suspected abuse or neglect of a minor).

2. Non-Confidential Employees

Non-Confidential Employees are required to report to the Title IX Coordinator all relevant details (obtained directly or indirectly) about any incident of Prohibited Conduct that involves a student or an employee as a Complainant, Respondent, and/or witness, including dates, times, locations, and names of parties and witnesses. This includes reports related to on- or off-campus conduct. Non-Confidential Employees are not required to report information disclosed (1) at public awareness events (e.g., "Take Back the Night," candlelight vigils, protests, "survivor speak-outs" or other public forums in which students may disclose incidents of Prohibited Conduct; collectively, "Public Awareness Events"), or (2) during a student's participation as a subject in an Institutional Review Board-approved human subjects research protocol ("IRB Research"). The University may provide information about students' Title IX rights and about available University and community resources and support at Public Awareness Events, however, and Institutional Review Boards may, in appropriate cases, require researchers to provide such information to all student subjects of IRB Research.

Consistent with the requirements of Va. Code § 23.1-806 (the "Virginia Reporting Statute"), Non-Confidential Employees are also required to report to the Title IX Coordinator all information obtained, from any source, about alleged Prohibited Conduct that occurs anywhere on University campus (including residence halls); on any contiguous (off-campus) property owned or controlled by the University; on any property controlled by a student organization (including fraternity houses) or frequently used by students, wherever located; and public property (including streets, sidewalks and parking facilities) that is within or immediately adjacent to, and accessible from, campus.

E. Privacy and Confidentiality

Information related to a report under this Policy will only be shared with those University employees who need to know in order to assist in the assessment, investigation, or resolution of the report. If the decision is made to pursue disciplinary action against a Respondent, information related to the report will be shared with the Respondent.

Information regarding a report will not be shared with third parties (including either the Complainant or Respondent's parents or guardians) unless the party has signed a waiver that is compliant with FERPA, there is an articulable threat to the health or safety of the party or other individuals, the University if required by law to share the information, or the party is a minor and sharing is permissible under the Family Education Rights and Privacy Act (FERPA) with the minor's parents or guardians.

Under the Virginia Reporting Statute, the University is required to report information about acts of sexual violence that constitute felonies to the law enforcement agencies and the prosecuting authorities who would be responsible, respectively, for investigating and prosecuting such allegations.

F. Clery Act Compliance and Timely Warnings

If a report of Prohibited Conduct discloses a serious and immediate threat to the campus community, GMU Department of Police and Public Safety will issue a timely notification to protect the health or safety of the community as required by the Clery Act. The notification will not include identifying information about a Reporting Party.

Pursuant to the Clery Act and the 2019 Amendments to the Violence Against Women Act, anonymous statistical information regarding reported criminal incidents must be shared with GMU Department of Police and Public Safety for inclusion in the Daily Crime Log. This information will also be included in the University's Annual Security Report (<http://police.gmu.edu/annual-security-report> < <http://police.gmu.edu/annual-security-report> > /). The University may also share aggregate and not personally identifiable data about reports, outcomes, and sanctions.

See University Policy Number 1412: Reporting of Clery Act Crimes and/or Prohibited Sexual Conduct for more information about Clery Act Reporting.

G. Amnesty Policy

The University will not pursue disciplinary action against Complainants, Respondents, or witnesses for disclosure of illegal personal consumption of drugs and/or alcohol where such disclosures are made in connection with a good faith report or investigation of Prohibited Conduct.

H. Records

The Compliance, Diversity, and Ethics office will maintain records of all reports under this Policy and their outcomes for seven years.

I. Prevention and Awareness Programs and Trainings

The University provides training to students and employees on this policy and topics and issues related to maintaining an education and employment environment free from harassment and discrimination. All employees are required to attend Title IX training as part of orientation and then complete an in-person online training annually. For a description of [the University's training related to this policy, see Training, Prevention, and Awareness Programs \(Appendix C\). < http://universitypolicy.gmu.edu/wp-content/uploads/2013/01/Policy-1202-Appendix-C-Sexual-and-Interpersonal-Prevention-Education-and-Awareness-Training-Programs-updated-09102020.pdf >](http://universitypolicy.gmu.edu/wp-content/uploads/2013/01/Policy-1202-Appendix-C-Sexual-and-Interpersonal-Prevention-Education-and-Awareness-Training-Programs-updated-09102020.pdf)

The University is committed to the prevention of Prohibited Conduct through regular and ongoing education and awareness programs. Incoming students and new employees receive primary prevention and awareness programming as part of their orientation, and returning students and current employees receive ongoing training and related education. For a description of the University's prevention and awareness programs, including programs on minimizing the risk of incidents of Prohibited Conduct and bystander intervention, see [Training, Prevention, and Awareness Programs < http://universitypolicy.gmu.edu/wp-content/uploads/2013/01/Policy-1202-Appendix-C-Sexual-and-Interpersonal-Prevention-Education-and-Awareness-Training-Programs-updated-09102020.pdf>](http://universitypolicy.gmu.edu/wp-content/uploads/2013/01/Policy-1202-Appendix-C-Sexual-and-Interpersonal-Prevention-Education-and-Awareness-Training-Programs-updated-09102020.pdf) (Appendix C).

The Title IX Coordinator, Deputy Title IX Coordinators, Title IX Investigators, and Title IX Hearing/Appeal Officers shall all receive training as required in the Title IX Regulations, including training on the definition of sexual harassment under the Title IX Regulations and this Policy, the scope of the University's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Additionally Title IX Hearing/Appeal Officers shall receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. Title IX Investigators shall receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. All trainings shall be available on the Title IX website.

J. **Obligation to Provide Truthful Information**

All University community members are expected to provide truthful information in any report or proceeding under this policy. Submitting or providing false or misleading information in bad faith or with a view to personal gain or intentional harm to another in connection with an incident of Prohibited Conduct is prohibited and subject to disciplinary sanctions under the University's Student Code of Conduct and disciplinary action under the appropriate employee disciplinary policy. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are not later substantiated.

V. Forms

CSA Crime Statistics Reporting Form: <http://police.gmu.edu/clery-act-reporting/csa-form/> [< http://police.gmu.edu/clery-act-reporting/csa-form/>](http://police.gmu.edu/clery-act-reporting/csa-form/)

Title IX Sexual and Interpersonal Misconduct Intake Form: <https://diversity.gmu.edu/titleix-webform> [< https://diversity.gmu.edu/titleix-webform>](https://diversity.gmu.edu/titleix-webform)

VI. Dates

A. Effective Date:

This policy will become effective upon the date of approval by the Provost and Executive Vice President and Senior Vice President for Administration and Finance.

B. Date of Most Recent Review:

8/31/2022

VII. Timetable for Review

The University will review and update this policy, as appropriate, by October 31 of each year. The University will evaluate, among other things, any changes in legal requirements, existing University resources, and the resolution of cases from the preceding year (including, but not limited to, timeframes for completion and sanctions and remedies imposed). The Title IX Coordinator shall certify to the State Council of Higher Education for Virginia that this policy has been reviewed and updated, as appropriate, in accordance with Virginia law.

XIV. Signatures

Approved:

___/S_____

Senior Vice President for Administration and Finance

___/S_____

Provost and Executive Vice President

Date Approved: April 20, 2006

Revised: August 15, 2014

Revised: March 25, 2015

Revised: September 11, 2015

Revised: June 22, 2016

Revised: August 25, 2016

Revised: February 14, 2016

Revised: August 25, 2017

Revised: August 24, 2018

Revised: August 28, 2019

Revised: 5/14/2020

Revised: 6/26/2020

Revised: 8/13/2020

Revised: 8/24/2021

Revised: 10/07/2021

Revised: 8/31/2022



< <https://www.gmu.edu> >

4400 University Drive, Fairfax, Virginia 22030

© 2022 George Mason University

Contact via Skype < <https://info.gmu.edu/campus-information/university-switchboard/#SkypeChat> >

Title IX < <https://diversity.gmu.edu/title-ix> >

Accessibility < <https://accessibility.gmu.edu/> >

Jobs < <https://jobs.gmu.edu/> >

Student Consumer Information < <https://oiep.gmu.edu/resources/student-consumer-information/> >

Privacy Statement < <https://www.gmu.edu/about-mason/internet-privacy> >

FOIA < <https://www.gmu.edu/about-mason/freedom-information-act-requests> >