

Title IX Sexual Harassment and Related Conduct Policy

Policy Summary

The George Washington University is committed to maintaining a positive climate for study and work, in which individuals are judged solely on relevant factors, such as skill and performance, and can pursue their activities in an atmosphere that is free from discrimination, harassment, and violence. The university does not discriminate on the basis of sex or gender in any of its education or employment programs or activities. Sexual Harassment is destructive to such a climate and will not be tolerated in the university community.

This Policy informs members of the university community about the university's prohibition against Sexual Harassment and retaliation. It provides information about resources, reporting options, and prompt and equitable resolution options. The Policy reinforces the university's commitment to preventing and responding to Sexual Harassment in a manner consistent with applicable federal, state and local law. Consistent with the procedures set forth and referenced in this Policy, the university will take steps to eliminate Sexual Harassment, prevent its recurrence, and remedy any discriminatory effects for members of the university community.

This policy supersedes the university's Sexual and Gender Based Harassment and Interpersonal Violence Policy.

Who is Governed by this Policy

- Faculty
- Staff
- Students
- Volunteers
- Other participants in university Programs and Activities, including individuals attempting to participate in university Programs and Activities, both on campus and in other locations
- Individuals such as visitors to GW campuses, vendors, alumni, independent contractors, and others.

Policy

The university prohibits Sexual Harassment, as defined below, by any person governed by this Policy. The university, through this Policy, encourages prompt reporting of Sexual Harassment; identifies persons to whom Sexual Harassment may be reported; prohibits Retaliation against persons who exercise any rights under this Policy; assures confidentiality and privacy to the extent possible consistent with federal, state, and local law and the need to address and resolve reports of Sexual Harassment appropriately and foster a safe learning, living and working environment; explains how each report of Sexual

Harassment will receive a prompt response from the university; assures all members of the university community that each Formal Complaint of Sexual Harassment will receive a prompt, equitable, impartial and thorough investigation and/or resolution; and provides for appropriate remedial, disciplinary, or other corrective action.

The university is committed to addressing Sexual Harassment through prevention and education. It is the responsibility of every member of the university community to foster an environment free of Sexual Harassment. All members of the university community are encouraged to take reasonable and prudent actions to prevent or stop an act of Sexual Harassment. Taking action may include direct intervention when safe to do so, enlisting the assistance of friends, contacting law enforcement, or seeking assistance from a person in authority.

If Sexual Harassment occurs, the university will respond firmly, fairly, and in a timely manner, using informal and formal procedures designed to eliminate the conduct, prevent its recurrence, and remedy any adverse effects of the conduct on members of the campus community or in university Programs or Activities. A person who experiences and reports (or is reported to have experienced) Sexual Harassment under this Policy will be offered prompt, reasonable, and appropriate supportive measures, and a person who is found responsible for violating this Policy may be subject to a range of potential disciplinary action, up to and including expulsion or termination. Some forms of Sexual Harassment may also violate federal, state, and/or local criminal laws, and criminal prosecution may occur independently of any actions taken by the university.

Sexual Harassment can be committed by or against individuals of any sex or gender and can occur between individuals of the same sex/gender or different sexes/genders. Sexual Harassment can also occur between strangers or acquaintances, as well as persons involved in intimate, sexual, dating, domestic, or familial relationships. Additionally, intoxication or impairment from alcohol, drugs or other substances is not a defense to a violation of this Policy. Unless specifically noted, intent is not a required element to establish a policy violation.

The university also prohibits retaliation (which includes words or acts, as described below) against an individual or group of individuals involved in a protected activity under this Policy. Protected activity includes participating, testifying, assisting, or refusing to participate in any manner in proceedings under this Policy; making a good faith report under this Policy; filing an external complaint; or opposing in a reasonable manner and consistent with university policy, an action reasonably believed to constitute a violation of this Policy. Retaliation can take many forms, including, but not limited to, adverse action or violence, discrimination, threats, coercion, and intimidation that would discourage a reasonable person (under similar circumstances and with similar identities to the targeted individual or group) from engaging in protected activity. Reports of retaliation will be addressed by the university separate from the procedures provided in this Policy, as appropriate.

All university community members are expected to provide truthful information in any proceeding under this Policy. Submitting or providing false or misleading information to the university in bad faith or with a view to personal gain or intentional harm to another in connection with any proceeding under this Policy is prohibited and may be subject to disciplinary sanctions, in accordance with applicable university policy or procedures. 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.

Nothing in this Policy shall be deemed to revoke any right a faculty member may have to file a grievance under the Faculty Code or limit academic freedom, guaranteed by the Faculty Code, which is a preeminent value of the university. This Policy shall not be interpreted to abridge academic freedom. Accordingly, in an academic setting, expression that is reasonably designed or reasonably intended to contribute to academic inquiry, education, or debate on issues of public concern does not violate this Policy.

Notice of Non-Discrimination and Role of Title IX Coordinator

Consistent with the university's Equal Opportunity, Nondiscrimination, Anti-Harassment and Non-Retaliation Policy, the university does not unlawfully discriminate against any person in any of its education or employment programs and activities, including admissions, on any basis prohibited by federal law, the District of Columbia Human Rights Act or other applicable law, including on the basis of sex or gender, and it does not tolerate discrimination or harassment on the basis of sex or gender. The university complies with Title IX of the Education Amendments of 1972 ("Title IX"), which prohibits discrimination on the basis of sex in the university's programs and activities; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), as amended by the Violence Against Women Reauthorization Act of 2013

(VAWA), which, with Title IX, governs this Policy related to the university's response to sexual assault, dating violence, domestic violence and stalking; Title VII of the Civil Rights Act of 1964 ("Title VII"), which prohibits discrimination on the basis of sex in employment; the District of Columbia Human Rights Act; and other applicable law.

Concerns about the university's application of Title IX may be addressed to the university's Title IX Coordinator (at titleix@gwu.edu); 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).

To request disability accommodations in connection with this Policy and accompanying procedures, students should contact the [Office of Disability Support Services](#) at 202-994-8250 or dss@gwu.edu. Employees and other members of the university community should contact the [Equal Employment Opportunity and Access office](#) at 202-994-9656 or eeo@gwu.edu.

The Role of the Title IX Coordinator

The university has designated a Title IX Coordinator to oversee the implementation of this Policy, to ensure compliance with Title IX, and relevant portions of VAWA and Title VII, and to work with the Division of Safety and Facilities on compliance with the Clery Act and other applicable laws. The university's Interim Title IX Coordinator is Asha Reynolds:

Asha Reynolds

Interim Title IX Coordinator

Director, Office for Diversity, Equity and Community Engagement (ODECE)

The George Washington University

812 20th Street NW (Building YY)

Washington, D.C. 20052

[202-994-7434](tel:202-994-7434)

titleix@gwu.edu

The university's Title IX Coordinator oversees the university's centralized response to all reports of Sexual Harassment to ensure implementation of this Policy and compliance with applicable federal, state, and local law. The Title IX Coordinator and designated staff will:

- Communicate with all members of the university community regarding applicable law and policy and provide information about how individuals may access resources and reporting options.
- Maintain and implement applicable university policies to ensure institutional compliance with applicable law.
- Ensure that all students and employees have access to education and training regarding Title IX, related provisions of the Clery Act, and Sexual Harassment as defined in this Policy.
- Respond to any report regarding conduct that may violate this Policy. In this capacity, the Title IX Coordinator shall:
 - Direct the provision of any Supportive Measures.
 - Oversee the prompt and equitable investigation and resolution of a report of Sexual Harassment.
 - Take appropriate action to respond to reports of Sexual Harassment, prevent its recurrence, and remedy its effects.
- Maintain centralized records of all reports, investigations and resolutions.

The Title IX Coordinator maintains broad oversight responsibility, but may delegate responsibilities under this Policy to designated administrators or external professionals who will have appropriate training and/or experience. When used in this Policy, the term Title IX Coordinator may include an appropriate designee.

Definitions

Key terms related to this Policy are defined immediately below. Additional important terms are defined throughout the text of the Policy and in [Appendix A](#).

Sexual Harassment: conduct on the basis of sex that satisfies one or more of the following:

- a. A university employee conditions the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct;
- b. unwelcome conduct 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 Programs or Activities;
- c. **Sexual Assault:** formally defined in 20 U.S.C. § 1092(f)(6)(A)(v), means any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent (such as incapacitation, age, family relation to the other party, or intellectual or other disability). Sexual Assault can be committed by or against

individuals of any sex or gender and can occur between individuals of the same sex/gender or different sexes/genders. The university will rely on the definition of sexual assault provided in the federal Uniform Crime Reporting system, which includes the following:

- i. sexual intercourse with another person, including oral or anal sexual intercourse, or the use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
- ii. 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 their age or because of their temporary or permanent mental or physical incapacity;
- iii. sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; or
- iv. sexual intercourse with a person who is under the statutory age of consent.

d. **Dating Violence:** formally defined in 34 U.S.C. § 12291(a)(1)), means any act of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined based on a consideration of the length, type, and frequency of interactions between the persons involved in the relationship.

e. **Domestic Violence:** formally defined in 34 U.S.C. § 12291(a)(8), means a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

f. **Stalking:** formally as defined in 34 U.S.C. 12291(a)(30), means 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

Complainant: an individual who is alleged to have experienced Sexual Harassment.

Respondent: an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.

Formal Complaint: a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the university investigate the allegation of Sexual Harassment.

University's Programs or Activities: means any operation of the university, including: (1) locations, events, or circumstances where the university exercised substantial control over both the Respondent and the context in which the sexual harassment occurs; and (2) any building owned or controlled by a student organization officially recognized by the university.

Consent: requires voluntary and freely given agreement, through words and/or actions, to engage in mutually-agreed upon sexual activity. Consent cannot be obtained through force, where there is a reasonable belief of the threat of force, or when the other person is incapable of providing consent, including because of Incapacitation. In evaluating whether Consent has been freely sought and given, the university will consider the presence of any force, threat of force, or coercion; whether the Complainant had the capacity to give consent; and whether the communication (through words and/or actions) between the parties would be interpreted by a reasonable person (under similar circumstances and with similar identities) as a willingness to engage in a particular sexual act. For more information on Consent, please see [Appendix A](#).

Incapacitation: the inability, temporarily or permanently, to give Consent because the individual is mentally and/or physically impaired, either voluntarily or involuntarily, or the individual is unconscious, asleep or otherwise unaware that the sexual activity is occurring. In addition, an individual is incapacitated if they demonstrate that they are unaware at the time of the incident of where they are, how they got there, or why or how they became engaged in a sexual interaction. When alcohol or other drugs are involved, Incapacitation is a state of drunkenness, intoxication or impairment that is so severe that it interferes with a person's capacity to make informed and knowing decisions. In evaluating Consent in cases of reported Incapacitation, the university asks two questions: (1) Did the Respondent know that the Complainant was incapacitated? and

if not, (2) Would a unimpaired, reasonable person in a similar set of circumstances as the Respondent have known that the Complainant was incapacitated? If the answer to either of these questions is "yes," there was no Consent. For more information on Incapacitation, please see [Appendix A](#).

Scope and Jurisdiction

This Policy applies to Sexual Harassment that occurs in the university's Programs or Activities. This Policy may also apply to Sexual Harassment that occurs outside the university's Programs or Activities when, in the discretion of the Title IX Coordinator:

1. there is close proximity between the reported conduct and the university community;
2. there is a sufficient nexus between the reported conduct and the university's Programs or Activities; and/or
3. the reported conduct has alleged continuing adverse effects or creates a hostile environment on campus or in the university's Programs or Activities.

Where reported conduct involves a potential violation of both this Policy and another university policy, the university may choose to investigate and/or adjudicate all of the potential misconduct under the procedures set forth in this Policy, provided that doing so would not unduly delay a prompt or equitable resolution of the report.

This Policy applies to all reports of Sexual Harassment that are received by the university on or after the effective date of this Policy, regardless of when the Sexual Harassment is alleged to have occurred. Where the date of the reported Sexual Harassment precedes the effective date of this Policy, the definition of Sexual Harassment in existence at the time of the alleged incident(s) will be used, except where use of such definition would be contrary to law. The procedures under this Policy, however, will be used to investigate and resolve all reports of Sexual Harassment subject to this Policy made on or after the effective date of this policy, regardless of when the alleged incident(s) occurred, except where the use of such procedures would be contrary to law.

Allegations of discrimination and other misconduct on the basis of sex that are not covered by this Policy may be governed by other university policies or processes, including but not limited to the Code of Student Conduct, the Student Grievance Procedures, the Employee Handbook, the Faculty Code, the university's Policy on Equal Opportunity, Nondiscrimination, Anti-Harassment and Non-Retaliation, the Prohibited Relationships with Students Policy, and the Nepotism and Personal Relationships in Employment Policy.

This Policy supersedes any conflicting information in any other university policy with respect to the definitions or procedures relating to Sexual Harassment within the scope of this Policy and provides the exclusive university remedy for alleged Sexual Harassment within the scope of this Policy.

Understanding Privacy and Confidentiality

Issues of privacy and confidentiality play important roles in this Policy and may affect individuals differently. While they are closely related, the concepts of privacy and confidentiality are distinct terms that are explained in more detail in [Appendix B](#).

Individuals involved in the resolution processes under this policy are encouraged to exercise discretion in sharing information in order to safeguard the integrity of the process and to avoid the appearance of retaliation. While discretion regarding the process is important, Complainants and Respondents are not restricted from discussing and sharing information with others who may support or assist them during the process. Intentional disclosures that are not for the purpose of preparing for the

resolution process or obtaining support may be subject to the prohibition on retaliation if determined to be retaliatory in nature. All parties are encouraged to maintain the privacy of Family Educational Rights and Privacy Act (FERPA)-protected and/or sensitive information gathered or learned in the process.

Reporting Options and Resources

The university encourages all individuals to promptly report Sexual Harassment to the Title IX Coordinator and law enforcement. The university also recognizes that deciding to report can be difficult and is an intensely personal decision. Complainants and witnesses are encouraged to seek assistance from campus and community resources and to explore all potential reporting and support options.

A Complainant has the right to report, or decline to report, potential criminal conduct to law enforcement. Under limited circumstances, posing a threat to health or safety of any individual, or to comply with applicable law, the university may independently notify law enforcement.

University processes and law enforcement investigations operate independently of one another, although the Title IX Coordinator may coordinate information with GWPD as part of the intake assessment.

Anyone can make a report as follows:

- **Make a report to the Title IX Coordinator in person, by telephone, by email or online at:**

Office for Diversity, Equity and Community Engagement (ODECE)

812 20th Street NW (Building YY)

Washington, D.C. 20052

202-994-7434

titleix@gwu.edu

titleix.gwu.edu/report-incident

- **If on campus, contact GWPD for assistance in filing a criminal complaint and preserving physical evidence at:**

George Washington University Police Department

Philips Hall B148

801 22nd Street, NW

Washington, D.C. 20052

202-994-6111 [Emergency line]

202-994-6110 [Non-emergency line]

gwpd@gwu.edu

- **If off campus, call 911 to reach local emergency response.**

An individual may pursue some or all of these steps at the same time (e.g., one may simultaneously pursue a Title IX report and a criminal complaint). When initiating any of the above options, an individual does not need to know whether they wish to request any particular course of action nor how to label what happened. As part of a report to the Title IX Coordinator, an individual can also request Supportive Measures.

When a report of Sexual Harassment is made to the Title IX Coordinator, the Title IX Coordinator will promptly contact the Complainant and conduct an assessment to determine next steps, including whether the university may offer Supportive Measures (discussed below). However, the university will not commence a resolution process without a Formal Complaint (see below).

Where an individual's report of Sexual Harassment identifies a respondent who is a member of the Title IX office, individuals may report to the Vice Provost for Diversity, Equity, and Community Engagement.

Anonymous Reporting

A Complainant is not required to reveal their identity to GWPD in order to report an incident. A person can call GWPD and ask that the information remain anonymous or use the TIPS Line at 202-994-TIPS.

Anonymous reports can also be made to the Title IX Coordinator at titleix.gwu.edu/report-incident or by calling GW's Sexual Assault & Intimate Violence (SAIV) Helpline at [202-994-7222](tel:202-994-7222) (24/7). The Sexual Assault and Intimate Violence (SAIV) Helpline at [202-994-7222](tel:202-994-7222) is a confidential crisis helpline for GW students impacted by sexual harassment, sexual assault, dating and domestic violence, and stalking.

Providing information may help the university maintain accurate records regarding the number of incidents involving students, employees, and third parties; determine if there is a pattern of conduct with regard to a particular location or Respondent; and alert the campus community to potential dangers when appropriate. Depending on the amount of information available in the anonymous report, however, the university's ability to respond with an investigation or resolution process may be limited. The university will not decline to investigate a matter based solely on whether the report was submitted anonymously.

Timeframe for Reporting

Complainants and witnesses are encouraged to report Sexual Harassment as soon as possible in order to maximize the university's ability to respond promptly and effectively. The university does not, however, limit the timeframe for reporting.

Amnesty

The university encourages reports of Sexual Harassment and participation in any ensuing process. It is the policy of the university to seek to remove barriers to reports and participation by providing amnesty for potential violations of alcohol and/or drug use policies occurring at or near the time of the incident for student parties and witnesses who report or otherwise participate in the university's Sexual Harassment process. In general, the university will not pursue disciplinary action for personal consumption of alcohol or other drugs that would otherwise be a violation of the Code of Student Conduct against a student who makes a good faith report to the university, or participates as a party or witness to Sexual Harassment, provided the misconduct did not endanger the health or safety of others. The university may engage in an assessment or educational discussion or pursue other non-disciplinary options regarding alcohol or other drug use.

Requests for Anonymity

Once a report has been shared with the Title IX Coordinator, a Complainant may request that their identity not be shared with the Respondent (request for anonymity), that no investigation occur, or that no resolution process be pursued. The university will carefully balance this request in the context of the university's commitment to provide a safe and non-discriminatory environment for all university community members. The university will make all reasonable efforts to respond to the report consistent with a Complainant's request, but in order to pursue a resolution against a Respondent under this Policy, the Respondent must be provided with sufficient notice of the reported conduct, including the Complainant's identity if known.

In some cases, including where the university determines that the failure to pursue a resolution process would be inconsistent with its legal obligations, the university may choose to pursue a resolution even if a Complainant requests that no resolution be pursued.

Campus and Community Resources

After receiving notice of alleged Sexual Harassment, and regardless of whether the university ultimately determines that Sexual Harassment occurred, the university will offer resources and/or assistance to impacted members of the university community. The university may also assist those individuals in identifying and contacting external law enforcement agencies and community resources.

Some of these resources are designated as confidential (see “Confidential Resources” below); other resources provide support but may be staffed by designated reporters who need to make a report to the Title IX Coordinator (see “Designated Reporters” below).

Members of the university community may obtain information about campus and community resources relating to Sexual Harassment by reviewing [Appendix C](#) or visiting titleix.gwu.edu.

Emergency Resources and Law Enforcement

Emergency medical assistance and campus safety/law enforcement assistance are available 24/7 both on and off campus. Individuals are encouraged to contact law enforcement and seek medical treatment as soon as possible following an incident that may pose a threat to safety or physical well-being or following a potential criminal offense. An incident can be anonymously reported to the George Washington University Police Department (GWPD).

Members of the university community who believe their safety or the safety of others is threatened or who have experienced or witnessed Sexual Harassment that may be criminal in nature should immediately call GWPD at [\(202\) 994-6111](tel:2029946111), or call 911 to reach local law enforcement.

More information about how to report Sexual Harassment that is in progress or threatened, and information about medical care, is available in [Appendix C](#) and on the following website: titleix.gwu.edu.

Confidential Resources

Students and employees who wish to discuss Sexual Harassment in a confidential setting may consult with the list of Confidential Resources identified in [Appendix C](#). Confidential Resources **will not disclose** personally identifying information about you to the Title IX Coordinator without your permission. Speaking with a Confidential Resource about Sexual Harassment will not constitute a report to the university or law enforcement. When an individual who otherwise is a Confidential Resource receives information outside of their professional role in the provision of services, the individual may be a Designated Reporter that is required to share that information with the Title IX Coordinator (see below). For example, a licensed psychologist in the Colonial Health Center who receives a disclosure in the context of speaking at a prevention program would be required to share the information with the Title IX Coordinator.

University Community Members' Reporting Obligations

It is important to understand the different reporting responsibilities of university community members. Some community members are designated as **Confidential Resources**, meaning that they will not report personally identifying information shared with them about Sexual Harassment to the Title IX Coordinator, as described above. Some individuals are **Designated Reporters** and are required by the university to promptly share all information about Sexual Harassment with the Title IX Coordinator. If a reporting party is uncertain about whether someone with whom they want to discuss a report is a Designated Reporter or serving as a Confidential Resource, the reporting party is encouraged to ask directly before disclosing.

“Designated Reporters” are **university community members who are required by this Policy to promptly report** any information they learn about suspected or alleged Sexual Harassment or potential violations of this Policy to the university’s Title IX Coordinator. Unless identified and acting as a Confidential Resource (see above), Designated Reporters include:

- President, Provost, Vice Presidents, Deans, and Department Chairs
- Deputy, Vice, Assistant and Associate, Provosts, Deans, and individuals who directly report to any of these roles
- Faculty
- Athletic Director, Coaches, Assistant Coaches, Graduate Assistants and other Athletics Department employees
- All Residence Directors, Resident Advisors and Area Coordinators
- Anyone who directly supervises students, student workers, faculty or other staff
- Managers, coordinators, program heads, directors (including deputy, vice, assistant or associate positions)

- All staff in Enrollment Management and Student Affairs
- Academic Advisors
- All staff in the Office for Diversity, Equity and Community Engagement
- All staff in the Division of Human Resources
- GW Police Department Staff and all other Division of Safety and Facilities staff
- Individuals designated as Campus Security Authorities under the Clery Act

Designated Reporters must report all known information, including the identities of the parties, the date, time, and location, and any details about the reported incident to the Title IX Coordinator. Designated Reporters may provide support and assistance to a Complainant, witness, or Respondent, but they cannot promise confidentiality or withhold information about Sexual Harassment. Failure by a Designated Reporter to report suspected or alleged Sexual Harassment in a timely manner may subject them to appropriate discipline, including removal from a position or termination of employment.

Designated Reporters may be required to report information disclosed 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 Sexual Harassment); or during an individual’s participation as a subject in an Institutional Review Board-approved human subjects research protocol (IRB research). Designated Reporters who learn, or anticipate learning, of conduct prohibited by this Policy during a public awareness event or through an IRB-approved human subject research must consult with the Title IX Coordinator regarding their obligation to disclose such information.

In addition, a Designated Reporter may choose not to make a report concerning a matter in which only they themselves would be a Complainant, even though the matter would otherwise fall within their reporting obligations.

All Other Employees not designated as Confidential Resources or Designated Reporters **are encouraged** to report any suspected violation of this Policy to the university’s Title IX Coordinator.

Extending Timeframes

The university will seek to respond as promptly as possible, consistent with the need to conduct sensitive and informed fact-gathering to ensure an equitable resolution. However, the parties may request, and the university may extend, any timeframe in this Policy for good cause. Good cause can include: efforts to ensure the integrity and thoroughness of the investigation; complying with a request from law enforcement; responding to the reasonable unavailability of the parties, their advisors, or witnesses; providing for language assistance or accommodations of disabilities; intervening breaks in the university calendar; adjustments for university finals periods; and complex investigations that may involve a large volume of information or number of witnesses or severe and/or widespread allegations of misconduct.

While requests for delays or extension of time by the parties may be considered, the university cannot unduly or unreasonably delay the prompt resolution of a Formal Complaint under this Policy. The university will notify the parties in writing of any extension of the timeframes for good cause, the reason for the extension, and the length of the extension.

Although cooperation with law enforcement may require the university to suspend the fact-finding portion of a Title IX investigation temporarily, the university will promptly resume its Title IX investigation as soon as it is notified by the law enforcement agency that the agency has completed the evidence gathering process. The university will not, however, wait for the conclusion of a criminal proceeding to begin or conclude its own investigation.

Timeframes apply equally to the Complainant and the Respondent.

Intake

Upon receipt of a report of Sexual Harassment, the Title IX Coordinator will promptly contact the Complainant to (1) discuss the availability of and the Complainant’s wishes with respect to Supportive Measures and (2) explain the process for filing a Formal Complaint.

As part of the intake assessment, the Title IX Coordinator will typically:

- assess the nature and circumstances of the report, including whether it provides the names and/or any other information that identifies the Complainant, the Respondent, any witness and/or any other individual with knowledge of the reported incident;
- assess the nature and circumstances of the report to determine whether the reported conduct raises a potential Policy violation, and whether the reported conduct is within the scope of this Policy;
- address immediate physical safety and emotional well-being;
- notify the Complainant of their right to contact (or decline to contact) law enforcement or seek a civil protection order;
- notify the Complainant of the right to seek medical treatment;
- notify the Complainant of the importance of preservation of evidence;

- consult with the GWPD or other university administrators as appropriate;
- refer the report to GWPD to enter the report into the university's daily crime log if required by the Clery Act;
- with GWPD, assess the reported conduct and discern the need for a timely warning under the Clery Act;
- provide the Complainant with written information about campus and community resources;
- notify the Complainant of the right to reasonable Supportive Measures regardless of whether they choose to file a Formal Complaint;
- provide the Complainant with an explanation of the procedural options, including formal resolution and alternative resolution;
- notify the Complainant of the right to be accompanied at any meeting by an advisor of their choice;
- assess the available information for any pattern of alleged conduct by Respondent;
- discuss the Complainant's expressed preference for the manner of resolution and any barriers to proceeding (e.g., confidentiality concerns);
- explain the university's policy prohibiting retaliation and how to report acts of retaliation; and
- determine the age of the Complainant; and if the Complainant is a minor, make the appropriate report of suspected abuse consistent with the university's Protection of Minors Policy.

If the facts alleged as part of the report would not, if true, support a conclusion that the conduct constitutes Sexual Harassment as defined in this Policy, the Title IX Coordinator may nevertheless continue to offer Supportive Measures. If the reported conduct, if true, would constitute Sexual Harassment under this Policy but took place outside the university's Programs or Activities, the Title IX Coordinator has the discretion to determine whether to proceed under the procedures set forth in this Policy (based on the factors discussed in the Scope and Jurisdiction section above) or refer to another university office for review and resolution.

The intake assessment will be conducted promptly, with the timeframe for the intake assessment tailored to the context and circumstances. The university will seek to complete the intake assessment within 10 business days, but recognizes that there may be circumstances in which this assessment takes longer.

Supportive Measures

Supportive measures are non-disciplinary, non-punitive individualized services, accommodations, and other assistance that the university may put in place, without fee or charge, after receiving notice of possible Sexual Harassment. Supportive Measures are designed to restore or preserve access to the university's education programs and activities and protect the safety of all parties and the university's educational environment while not being punitive in nature or unreasonably burdening any party. Whether a possible Supportive Measure for one party would unreasonably burden another party is a fact-specific determination that takes into account the nature of the educational programs, activities, opportunities, and benefits in which an individual is participating.

Upon receipt of a report of Sexual Harassment, the Title IX Coordinator, will contact a Complainant (1) to discuss the availability of Supportive Measures and (2) to explain that Supportive Measures are available with or without the filing of a Formal Complaint. The Title IX Coordinator will consider the Complainant's wishes with respect to implementation of Supportive Measures.

Reasonable and appropriate Supportive Measures are also available to the Respondent. The university will provide reasonable Supportive Measures to third parties as appropriate and available, taking into account the role of the third party and the nature of any contractual relationship with the university.

To determine the appropriate Supportive Measure(s) to be implemented, the university conducts an individualized assessment based on the unique facts and circumstances of each situation. The university will consider a number of factors, including the needs of the individual seeking supportive measures; the severity and/or pervasiveness of the alleged conduct; any continuing effects on the parties; whether the Complainant and the Respondent share the same residence hall, academic course(s), or job location(s); and whether court proceedings have been used to protect any parties (e.g., protective orders). The university will work in good faith to implement the requirements of judicially issued protective orders and similar orders, to the extent that doing so is within its authority.

The Title IX Coordinator is responsible for ensuring the implementation of Supportive Measures and coordinating the university's response with the appropriate offices on campus. The Title IX Coordinator has the discretion to impose and/or modify any Supportive Measure based on all available information and is available to meet with a Complainant or Respondent to address any concerns about the provision of Supportive Measures. The university will maintain the privacy of any

Supportive Measures provided under this Policy to the extent that maintaining such confidentiality would not impair the university's ability to provide the Supportive Measures, and the university will promptly address any violation of a Supportive Measure.

Supportive Measures may include:

- facilitating access to counseling and medical services;
- guidance in obtaining a sexual assault forensic examination;
- assistance in arranging rescheduling of exams and assignments and extensions of deadlines;
- academic support;
- assistance in requesting long-term academic accommodations through Disability Support Services (DSS) if the individual qualifies as an individual with a disability;
- change in class schedule, including the ability to transfer course sections or withdraw from a course;
- allowing either a Complainant or a Respondent to drop a class in which both parties are enrolled in the same section without penalty;
- changes in the Complainant's or Respondent's university work schedule or job and/or leadership assignments;
- change in campus housing;
- escort and other safety planning steps;
- mutual "no contact order," an administrative remedy designed to curtail contact and communications between two or more individuals;
- voluntary leave of absence;
- referral to resources to assist in obtaining a protective order;
- referral to resources to assist with any financial aid, visa or immigration concerns;
- limiting an individual's access to certain university facilities or activities; and/or
- any other remedial measure, as appropriate, that is non-disciplinary, non-punitive, and does not unreasonably burden any party's access to the university's education programs and activities.

The university may also impose an administrative leave (on either a paid or unpaid basis) for an employee following a Formal Complaint and during the pendency of a resolution process. The decision to impose an administrative leave may be made at any point in the process.

Advisor of Choice

Throughout this Policy's procedures, each party has the right to consult with an advisor of their choosing, including but not limited to, an attorney. Each party may be accompanied by no more than one advisor to a meeting or proceeding related to the resolution of a report under this Policy. The advisor may provide support and advice to the parties at any meeting and/or proceeding. Other than at a live hearing for the sole purpose of conducting any cross-examination, an advisor may not speak on behalf of a party or otherwise participate in, or in any manner delay, disrupt, or interfere with meetings and/or proceedings. The university will not unduly delay the scheduling of meetings or proceedings based on an advisor's unavailability. An advisor may be asked to meet with a university administrator in advance of any proceedings to understand the expectations of the role, privacy considerations, and appropriate decorum.

Emergency Removal

The Title IX Coordinator, in consultation with other university employees as appropriate, retains the right to remove a Respondent from the university's Program or Activities on an emergency basis.

A Respondent may be removed on an emergency basis when, based on an individualized safety and risk analysis, the university determines that an immediate threat to the physical health or safety of any individual arising from the allegations of Sexual Harassment justifies removal.

A Respondent who is subject to emergency removal from the university's Programs and Activities will be provided notice and an opportunity to challenge the decision promptly following the removal.

University Procedures for Resolving Formal Complaints

Formal Complaints of Sexual Harassment

Where a Complainant seeks to utilize the university's procedures for resolving a report of Sexual Harassment, a Complainant may file a Formal Complaint with the Title IX Coordinator in person, by mail, or by email. The Formal Complaint must contain the Complainant's physical or digital signature or otherwise indicate that the Complainant is the person filing. At the time a Formal Complaint is filed, the Complainant must be participating in or attempting to participate in the university's Programs or Activities in order for the Formal Complaint to trigger the resolution processes provided under this Policy. If at the time a

Formal Complaint is filed the Complainant is not participating or attempting to participate in the university's Programs or Activities, the Title IX Coordinator has the discretion to determine whether the Complaint may be investigated and adjudicated according to the procedures provided for in this Policy.

The Title IX Coordinator also has discretion to file a Formal Complaint about reported Sexual Harassment even if the Complainant chooses not to participate in the process and/or does not wish to file a report. When making this decision, the Title IX Coordinator will balance the wishes of the Complainant with the university's responsibility to investigate. For more information on what is considered in this decision please see [Appendix D](#). Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party to the resolution processes. The Title IX Coordinator's decision to sign a Formal Complaint is not a basis to assert bias on the part of any party in the process.

Upon the filing of a Formal Complaint, whether by a Complainant or the Title IX Coordinator, the university will proceed with one of the following options:

1. Proceed with an investigation under the formal resolution process.
2. Proceed with alternative resolution. Alternative resolution always requires the filing of a Formal Complaint and the consent of the Complainant and Respondent. Alternative Resolution is not available where the Respondent is a university employee and the Complainant is a student.
3. Refer the matter to another university office for resolution, as appropriate, if the Title IX Coordinator determines that a Formal Complaint filed by a Complainant is outside the scope and jurisdiction of this Policy.

If the Formal Complaint sets forth allegations that, if true, would not allege Sexual Harassment, did not occur in the university's Programs or Activities, or did not occur against a person in the United States, then the Title IX Coordinator will dismiss the Formal Complaint for Title IX purposes. Despite dismissal of the Formal Complaint for purposes of Title IX, the Title IX Coordinator has discretion to continue to investigate and adjudicate the Formal Complaint in accordance with this Policy if the alleged conduct meets the definition of Sexual Harassment and otherwise occurred within the scope and jurisdiction of this Policy.

In addition, the Title IX Coordinator may exercise discretion to dismiss a Formal Complaint for purposes of this Policy if at any time during the investigation or resolution process:

1. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint (or allegations asserted in the Formal Complaint);
2. The Respondent is not enrolled or employed by the university; or
3. Specific circumstances prevent the university from gathering evidence sufficient to reach a determination as to the Formal Complaint.

If a Formal Complaint is dismissed for any of these reasons, the Title IX Coordinator will promptly send written notice of the dismissal and reason(s) for the dismissal simultaneously to the parties, along with information about how to appeal the Title IX Coordinator's decision.

If the Title IX Coordinator dismisses the Formal Complaint for purposes of Title IX but elects to continue to investigate and adjudicate the conduct in accordance with this Policy, the Title IX Coordinator will promptly send written notice of this decision simultaneously to the parties, including notice of the decision to move forward with the Formal Complaint, notice of and reasons for the dismissal for purposes of Title IX, and information about how to appeal the Title IX Coordinator's decision to dismiss the Formal Complaint for purposes of Title IX.

Consolidation of Allegations into a Single Formal Resolution

The Title IX Coordinator has the discretion to consolidate multiple Formal Complaints, or allegations related to those complaints, into a single investigation and/or hearing if the allegations arise out of similar facts or circumstances. Consolidation might involve multiple Complainants and a single Respondent, multiple Respondents, or multiple Formal Complaints between the same Complainant and Respondent.

Written Notice of Allegations

Upon receipt of a Formal Complaint, and a determination that the Formal Complaint falls under this Policy, the Title IX Coordinator will send the parties a written Notice of Allegations that contains the following:

- Notice and information about the formal resolution and alternative resolution processes used by the university;
- Notice of the allegations potentially constituting Sexual Harassment, providing sufficient detail known at the time and sufficient time for a response to be prepared before any initial interview, including (1) identities of the parties, if known; (2) the conduct allegedly constituting Sexual Harassment; (3) the date and location of the alleged incident, if known; and (4) the Policy provisions the conduct is alleged to violate;

- A statement that the Respondent is presumed not responsible for the alleged Sexual Harassment until a determination regarding responsibility is made at the conclusion of the formal resolution process;
- Notice that each party may have an advisor of their choice who may be, but is not required to be, an attorney and who may inspect and review evidence;
- Notice that the university prohibits knowingly making false statements and knowingly submitting false information during the resolution process; and
- The university's prohibition against retaliation.

If at any time during the resolution process the university determines that additional allegations, not contained in the written Notice of Allegations, will be investigated as part of the same resolution, the university will provide the parties with a supplemental Notice of Allegations.

Options for Resolving a Formal Complaint

The university is committed to providing a prompt, thorough, equitable, and impartial resolution of all Formal Complaints of violations of this Policy. In doing so, the university offers two processes to resolve Formal Complaints of Sexual Harassment under this Policy: an alternative resolution, allowing for an informal or remedies-based option for resolving reports; or a formal resolution, involving an investigation and hearing.

Alternative Resolution

Alternative resolution is a voluntary and remedies-based resolution that may be available after a Formal Complaint is filed. Alternative resolution requires the mutual informed written consent of all parties and the university. Alternative resolution is not available to resolve allegations that an employee sexually harassed a student.

Potential remedies may include targeted or broad-based educational programming or training, supported direct conversation or interaction with the Respondent, and/or indirect action by the Title IX Coordinator. Depending on the form of alternative resolution, resolutions may involve disciplinary action against a Respondent. Disciplinary action will only be imposed against a Respondent where there is a sufficient factual foundation and both the Complainant and the Respondent have agreed to forego the additional procedures set forth in this Policy and accept an agreed upon sanction. The university will not compel a Complainant or Respondent to engage in any form of alternative resolution. The decision to pursue alternative resolution may be made at any time after a Formal Complaint is filed and prior to reaching a determination regarding responsibility, provided that:

- The university provides the parties a written notice informing the parties of the following: (i) the allegations; (ii) the requirements of the alternative resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; (iii) that at any time prior to agreeing to a resolution, any party has the right to withdraw from the alternative resolution process and resume the formal resolution process with respect to the Formal Complaint; and (iv) any consequences resulting from participating in the alternative resolution process, including the records that will be maintained or could be shared; and
- The university obtains the parties' voluntary, written consent to engage in the alternative resolution process.

Either party can request to end alternative resolution and resume formal resolution with respect to the Formal Complaint at any time prior to agreeing to a resolution. If an agreement acceptable to the university and all parties is reached through alternative resolution, the terms of the agreement are implemented and the matter is deemed resolved and closed. If an

agreement is not reached and the Title IX Coordinator determines that further action is necessary, or if a Respondent fails to comply with the terms of the alternative resolution, the matter may be referred for an investigation under the formal resolution process.

Where the Complainant or the Respondent withdraws from alternative resolution or alternative resolution is otherwise terminated for any reason, any statements or disclosures made by the parties to the university during the course of the alternative resolution may be considered in a subsequent investigation under the formal resolution process, to the extent required by law.

Alternative Resolution Timeframe

The alternative resolution process, from the date of the Formal Complaint through a final resolution, will ordinarily take between 30 and 60 business days. In the event good cause requires an extension of that timeframe, the university will inform the parties and provide the reasons for the extension of the time frame.

Formal Resolution: Investigation

The university will conduct a prompt and equitable investigation to gather information relevant to the Formal Complaint.

During the formal resolution proceedings, both the Complainant and Respondent have equitable opportunities, including the opportunity to participate in the investigation; to review and present information and evidence; to be accompanied by an advisor of their choice to any meeting and proceeding; and to timely notice of meetings at which their presence will be requested or required.

The Investigator, not the parties, is responsible for gathering relevant evidence. The Complainant and Respondent will be asked and have the opportunity to identify witnesses and provide other relevant information, such as documents, communications and other evidence, if available. The parties are encouraged to provide all relevant information as promptly as possible to facilitate prompt resolution and are encouraged to preserve relevant evidence. In the event that a party declines to voluntarily provide material information, the university's ability to conduct a prompt, thorough and equitable investigation may be impacted.

Initiating an Investigation

A university Investigator will conduct a prompt, thorough, fair and impartial investigation. The Investigator will receive annual training on: (1) issues of relevance; (2) the definitions in this Policy; (3) the scope of the university's Programs or Activities; (4) how to conduct an investigation; and (5) how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. The Investigator will be impartial and free from conflict of interest or actual bias for or against the Complainant or Respondent or Complainants or Respondents generally.

Before any interview, the individual being interviewed will be informed in writing of the date, time, location, participants, and purpose of the interview. Such notice will be provided with sufficient time for the individual to prepare for the interview.

Investigative Steps

During an investigation, the Investigator will seek to meet separately with the Complainant, Respondent, and relevant witnesses. Witnesses are individuals who may have information relevant to the incident, including individuals who may have observed the acts in question, may be able to provide contextual information, or may have other information related to the incident, the disclosure, the parties or related matters. Witnesses may not participate solely to speak about an individual's character. Where witnesses are interviewed as part of the investigation, the name of the witness and the information gathered in the interviews will be included in the final investigative report, which the parties will have the opportunity to review at the conclusion of the investigation. The Investigator will also gather other relevant information or evidence, including documents, photographs, communications between the parties, medical records (subject to the consent of the applicable person), and other electronic records as appropriate.

Social Media and Personal Communications

While the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the university and not on the parties, the university does not actively monitor online sources. Therefore, and as with all potentially relevant information, the Complainant, Respondent or witness should bring online information to the attention of the Investigator if they believe it is relevant. The Investigator may also consider information accessible from online sources that comes to the attention of Investigator.

The Investigator may consider communications involving or relating to one or both parties that either party brings to the attention of the Investigator or that is provided by the parties in response to a request by the Investigator. The Investigator may also seek review of information available on university devices or servers, consistent with the university's technology

policies.

Other Evidence: Site Visits and Experts

The Investigator may visit relevant sites or locations and record observations through written, photographic or other means. In some cases, the Investigator may consult with relevant experts when deemed appropriate and necessary by the university. The university will not consider polygraph results.

Medical and Counseling Records

In general, a person's medical and counseling records are confidential and not accessible to the Investigator unless the person voluntarily chooses to share those records with the Investigator in writing. In those instances, the relevant information from the records must be shared with the other party.

Prior or Subsequent Conduct

Prior or subsequent conduct may be considered in determining pattern, knowledge, intent or motive. For example, evidence of an articulable pattern of Sexual Harassment by the Respondent, either before or after the incident in question, regardless of whether there has been a prior finding of a policy violation, may be deemed relevant to the determination of responsibility for the Sexual Harassment under investigation. The determination of relevance of pattern evidence will be based on an assessment of whether the previous or subsequent conduct was substantially similar to the conduct under investigation or indicates a pattern of similar Sexual Harassment. The Investigator will determine the relevance of this information, which may involve additional investigative steps, and both parties will be informed if evidence of prior or subsequent conduct is deemed relevant.

Prior Sexual History

The sexual history of the Complainant will never be used to prove character or reputation. Evidence related to the prior sexual history is generally not used in determining whether a violation of this policy has occurred and will only be considered when a determination is made that it is directly relevant to the investigation. For example, if Consent is at issue, the sexual history between the parties may be relevant to determine the nature and manner of communications between the parties, which may inform the determination whether Consent was sought and reasonably appeared to have been given during the incident in question. As set forth in the Consent definition, even in the context of a relationship, Consent on one occasion does not constitute Consent on a subsequent occasion. In addition, prior sexual history may be relevant to prove that someone other than the Respondent committed the conduct alleged by the Complainant. The Investigator will determine the relevance of this information and both parties will be informed if evidence of prior sexual history is deemed relevant.

Impact and Mitigation Statements

Complainants and Respondents may submit a written impact or mitigation statement. The decision whether to provide an impact or mitigation statement is completely voluntary. The university will not draw any adverse inference solely from a Complainant's or Respondent's decision not to submit an impact or mitigation statement.

An impact statement is written information from the Complainant regarding how the alleged Sexual Harassment has affected them and the Complainant's views on an appropriate sanction. A mitigation statement is written information from the Respondent regarding any potential mitigating factors.

Parties will receive a copy of the impact or mitigation statement provided by the other party.

Relevance

The Investigator will review all information identified or provided by the parties and will determine the relevance of the information developed or received during the investigation. In general, the Investigator will not consider statements of personal opinion or statements as to any party's general reputation for any character trait.

Expectations of the Parties

The university expects all members of the university community to cooperate fully with the university's procedures for resolving a Formal Complaint. It is understood that there may be circumstances in which a Complainant or Respondent wish to limit their participation, and the university will respect the choice of the Complainant or Respondent as to how to engage in proceedings under this Policy. The university may, however, move forward with an investigation and resolution without the participation of a party or parties.

If a Complainant or Respondent chooses not to answer any or all questions in an investigation for any reason, the university will continue its process. The university will not draw any adverse inference solely from a Complainant's or Respondent's decision not to participate in the investigation or any form of resolution under this Policy; however, the Complainant or

Respondent should be aware that declining to participate in the investigation may impact the timing and outcome of the case.

Parties are reminded that, consistent with the policy's prohibition on retaliation, intimidation, threats of violence, or other conduct intended to cause a party or witness to not participate in an investigation or not appear for a hearing are expressly prohibited.

Timing of Investigation

The Investigator will provide periodic updates to the parties about the status of the investigation, with a goal to complete the fact-gathering portion of the investigation within approximately 50 business days.

Review of Preliminary Investigative Report and Evidence

At the conclusion of the fact-gathering portion of the investigation, the Complainant and Respondent will have an equal opportunity to inspect and review all evidence, both inculpatory and exculpatory, obtained as part of the investigation that is directly related to the allegations in the Formal Complaint, regardless of whether the university intends to rely on that evidence in reaching a determination.

The preliminary investigative report and evidence will be sent to the Complainant and the Respondent, and each party's advisor, if any. The evidence subject to the parties' inspection and review will be available at the live hearing and each party will have an equal opportunity to refer to such evidence during the hearing.

Each party will have ten business days to: (1) provide written comment or feedback, (2) submit additional information, (3) identify additional witnesses, and/or (4) request the collection of other information by the Investigator. The Investigator will determine the appropriateness of additional investigative steps and the relevance of additional information. If either party provides a written response or makes a request for additional investigation, the written response and any additional information gathered by the Investigator will be shared with the other party and incorporated as appropriate in the final investigative report. Any information gathered through additional investigation steps will be shared with both parties, and, as appropriate, each will have the opportunity for further response. Typically, each party will have three business days to review any additional substantive information.

As necessary, the Investigator will designate reasonably prompt timeframes to ensure a timely completion of the process while also providing an adequate opportunity for both parties to respond thoroughly to the information gathered during the investigation.

Final Investigative Report

Unless there are significant additional investigative steps requested by the parties or identified by the Investigator, normally within five business days after receipt and consideration of additional comments, questions, and/or information from the parties, the Investigator will prepare a final investigative report that fairly summarizes the relevant evidence. At least ten business days prior to a hearing, the Investigator will send the final investigative report to each party and each party's advisor, if any, for their review and optional written response. Both parties will receive simultaneous written notification of the availability of the final investigative report. Parties must provide their written response to the final investigative report, if any, to the Investigator at least two business days prior to the scheduled hearing. In the absence of good cause, information known to a party (or obtainable with reasonable diligence) but not provided to the Investigator will not be considered by the Hearing Officer in the determination of responsibility for a violation of the Policy.

Formal Resolution: Live Hearing

The university's Formal Resolution process is designed to determine whether there has been a violation of this Policy and identify and implement a tailored and individual response intended to eliminate Sexual Harassment, prevent its recurrence and remedy its effects, while supporting the university's educational mission, legal obligations and commitment to Title IX. Remedies and sanctions may also serve to promote safety and/or deter other individuals from similar future behavior. Other remedies may include corrective action that is intended to be non-punitive, such as targeted or broad-based educational programming or training.

Hearing Officer

The Hearing Officer is the individual designated by the university to preside over the hearing and to issue a written determination regarding responsibility. The Hearing Officer will be impartial and free from actual bias or conflict of interest. The Hearing Officer will receive annual training regarding the university's policies and procedures; the handling of sexual misconduct cases; how to conduct a hearing; issues of relevance, including when questions and evidence about the

Complainant's sexual predisposition or prior sexual behavior are not relevant; how to serve impartially by, among other things, avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and other relevant issues. The Hearing Officer will also be trained on any technology that might be used during a hearing.

The parties will be informed of the identity of the Hearing Officer at least five (5) business days before the hearing. If the Hearing Officer has concerns that they cannot conduct a fair or unbiased review, the Hearing Officer must report those concerns to the Title IX Coordinator and a different Hearing Officer will be assigned. Similarly, a Complainant or a Respondent who has concerns that the assigned Hearing Officer cannot conduct a fair and unbiased hearing, may report those concerns to the Title IX Coordinator who will assess the circumstances and whether a different Hearing Officer should be assigned.

Hearing Procedures

Information relating to the hearing process and format, including questioning at the hearing, record of the hearing, and the role of the Disciplinary Authority, can be found in the **Hearing Procedures**. Hearings will ordinarily be scheduled within 10 business days of providing the final investigative report to the parties.

Written Notice of Outcome, including Remedies and/or Sanctions

After the live hearing, the Hearing Officer will make a finding by the preponderance of the evidence as to whether the Respondent(s) violated the Policy and will issue a written notice of outcome.

Regardless of their participation in the Formal Resolution process, the Complainant and Respondent will simultaneously receive the written notice of outcome.

If the Hearing Officer determines that the Respondent is responsible for violating this Policy, the Hearing Officer will refer the matter to the appropriate Disciplinary Authority who will determine the appropriate remedies and/or sanction(s) to be imposed. The Disciplinary Authority is typically the university administrator with appointing or other authority over the Respondent as follows:

- For student Respondents, the Disciplinary Authority is the Vice President for Student Affairs and Dean of Students or designee.
- For staff Respondents, the Disciplinary Authority is the Vice President for Human Resources or designee, who may consult with the Respondent's direct supervisor.
- For a Respondent who is both a student and employee, the Disciplinary Authority is the Dean of Students or designee if the Respondent's primary status is an enrolled student. The Disciplinary Authority is the Vice President for Human Resources or designee if the Respondent's primary status is an employee who is enrolled as a student as a benefit of their own employment. Where there is a question about the predominant role of the Respondent, the Title IX Coordinator may direct that the Dean of Students and the Vice President for Human Resources work collaboratively as the Disciplinary Authority. Such a Respondent may be subject to any of the sanctions applicable to students and employees.
- For faculty Respondents, the Disciplinary Authority is the Provost and Executive Vice President for Academic Affairs or designee, who may consult with the Dean or Department Chair.

More information regarding the written notice of outcome and the role of the Disciplinary Authority can be found in the **Hearing Procedures**.

Remedial measures and sanctions will not be imposed until any appeal process in this Policy is final.

Sanctions and Corrective Action for Student Respondents

Sanctions and corrective actions for student Respondents include warning, censure, disciplinary probation, removal from university housing, suspension, expulsion, restriction from employment at the university, educational program attendance, educational project, professional assessment, removal from specific courses, activities or organizations, transcript notation and/or notification to other institutions, withholding or delaying the conferral of a degree, prohibitions against participation in academic honor ceremonies, such as graduation, training, guidance, and measures to protect health and safety.

Student-employees who are reported to have engaged in Sexual Harassment in their employment capacity may be subject to sanctions both in connection with their employment and in connection with their student status, as appropriate under applicable processes. If a student is employed through a financial aid package, such as work study, any modification to the employment will not result in a decrease in student aid funds.

Sanctions and Corrective Action for Staff Respondents

Sanctions and corrective actions for staff Respondents include oral or written warning, disciplinary probation, suspension, termination of employment, no re-hire, mandatory training and/or coaching, guidance, adjustment of responsibilities, limitation on participation in university committees, events, organizations, or programs and activities, and measures to protect health and safety.

Sanctions and Corrective Action for Faculty Respondents

Sanctions and corrective actions for faculty Respondents include oral or written warning, reprimand, censure, training, guidance, adjustment of supervisory, evaluative or other academic or non-academic responsibilities, measures to protect health and safety, leave, suspension, dismissal, non-reappointment, and a recommendation that proceedings be initiated to terminate tenure under Article V.C.1 of the Faculty Code.

Appeals

The Complainant or Respondent may appeal the dismissal of the Formal Complaint and/or the written notice of outcome based on the grounds for appeal described below by submitting a written appeal within five business days of receiving the applicable notice. The appeal will be conducted in an impartial manner and equivalent procedural rights will be provided to both parties throughout the process.

Appeals Officer

The appeal review will be conducted by an Appeals Officer. The Appeals Officer will be impartial and free from actual bias or conflict of interest and will receive annual training regarding the university's policies and procedures and other relevant issues.

Grounds for Appeal

A Complainant or Respondent may appeal on one or more of the following grounds:

- There was a material deviation from the procedures that affected the outcome of the case.
- There is new and relevant information that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter.
- The sanction(s) was clearly inappropriate and/or disproportionate to the conduct for which the Respondent was found responsible.
- The Title IX Coordinator, investigator(s), or Hearing Officer(s) had an actual bias or conflict of interest for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

Process for Review

The appeal shall consist of a plain, concise and complete written statement outlining the basis for appeal and all relevant information to substantiate the appeal. Dissatisfaction with the outcome is not sufficient grounds for appeal. The appeal will be narrowly tailored to the stated appeal grounds.

Each party will be given the opportunity to review and respond in writing to the other party's appeal. Any response by a party to the other party's appeal must be submitted within three business days of receiving the other party's appeal.

The Appeals Officer will review the matter based on the issues identified in the appeal(s) materials. The Appeals Officer has the authority to determine the appropriateness of evidence, including whether certain evidence should be considered, and the strength and weight that evidence will be given. The Appeals Officer will consider the final investigative report, the written notice of outcome, and any written appeal submissions by the parties. The Appeals Officer may request additional information as necessary.

Appeals are not intended to be a reevaluation of the facts gathered, nor may the Appeals Officer substitute their judgment for that of the Investigator, Hearing Officer, or Disciplinary Authority merely because they disagree with the outcome. The finding and sanction are presumed to have been decided reasonably and appropriately, and the Appeals Officer should give deference to the underlying outcome unless there is clear error based on the stated appeal grounds.

Based upon its review of an appeal of a dismissed Formal Complaint, the Appeals Officer may:

1. Deny the appeal and uphold the dismissal; or
2. Grant the appeal and refer the Formal Complaint back to the Title IX Coordinator with instructions.

Based upon its review of an appeal of a written notice of outcome, the Appeals Officer may:

1. Deny the appeal and affirm the outcome;
2. Grant the appeal and refer the matter back for a new hearing with instructions;
3. Grant the appeal and refer the matter back to the investigative process with instructions;
4. Affirm the Hearing Officer's findings and refer the matter to the supervisor of the Disciplinary Authority for modification of the sanctions.

The Appeals Officer will strive to complete the appeal review within 10 business days of receipt of all documents. The entire appeal process, from the date the appeal is filed through the written notice of the outcome of the appeal, will ordinarily take no more than 21 business days. In the event good cause requires an extension of that timeframe, the university will inform the parties and provide the reasons for the extension of the timeframe.

Both parties will be provided with written notice of the outcome of the appeal simultaneously. The notice will describe the result of the appeal and rationale for the Appeals Officer's decision. The determination by the Appeals Officer is final, except in cases where the Appeals Officer refers the matter for further action, as stated above.

Contacts

Contact	Phone Number	Email Address
Director and Title IX Coordinator 812 20th Street NW (Building YY) Washington, D.C. 20052	<u>202-994-7434</u>	<u>titleix@gwu.edu</u>

Responsible University Official(s): Vice Provost for Diversity, Equity, and Community Engagement; Vice President of Student Affairs and Dean of Students; Vice President for Human Resources; Title IX Coordinator

Responsible Office(s): Office for Diversity, Equity and Community Engagement, Division of

Effective Date: August 14, 2020

Origination Date: July 1, 2018

Last Material Change: August 14, 2020

More information describing university policies is outlined in the [University Policy Principles](#).

Office of Ethics, Compliance, and Risk

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