

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 local 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 or between individuals of different sexes or genders.

(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.

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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

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 hp

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 __ - _____

- 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: ~~the~~ ⁶ ~~3/21~~ ^{3/21} ~~proc~~ ^{proc}, and i

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.

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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.

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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/

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.

Effective Date: August 14, 2020

Origination Date: July 1, 2018

Last Material Change: August 14, 2020

Office of Ethics, Compliance and Risk
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