

**THE GEORGE WASHINGTON UNIVERSITY**  
Washington, D.C.

The Faculty Senate

September 6 , 2012

The Faculty Senate will meet on Friday, September 14, 2012 at 2:10 p.m. in the State Room, 1957 E Street, N.W., 7<sup>th</sup> Floor.

**AGENDA**

1. Call to Order
2. Approval of the minutes of the regular meeting of May 11, 2012
3. Introduction of newly-elected and re-elected Senate members
4. **A RESOLUTION TO CONFIRM THE EMERGENCY ACTION OF THE FACULTY SENATE EXECUTIVE COMMITTEE APPROVING AN INTERIM POLICY AND PROCEDURES FOR SEXUAL HARASSMENT AND VIOLENCE FOR THE 2012-13 ACADEMIC YEAR (12/3)**  
(Resolution 12/3 and accompanying appendices attached)
5. Response of the Administration to Senate Resolutions for the 2011-12 Session [including Resolution 12/1 adopted at the May 11, 2012 Senate Meeting (2012-13 Session) -- the tabulation of resolutions is attached]
6. Update on the University's Strategic Plan: Provost Lerman
7. General Business
  - (a) Nominations for election of Chairs and members of Faculty Senate Standing Committees for the 2012-13 Session:  
Educational Policy Committee: Richard Stott; (other nominees to be announced)
  - (b) Nominations for appointment by the President of the following faculty members to Administrative Committees:  
  
Committee on the Judicial System: Bruno Petinaux  
University Hearing Board: Michael Seneff
  - (c) Report of the Executive Committee: Michael S. Castleberry, Chair
  - (d) Annual Reports of Senate Standing Committees (the Annual Report of the Committee on Professional Ethics and Academic Freedom is attached.)

- (e) Provost's Remarks
- (f) Chair's Remarks
- 8. Brief Statements (and Questions)
- 9. Adjournment

*Elizabeth A. Amundson*  
Elizabeth A. Amundson  
Secretary

Attachments

**A RESOLUTION TO CONFIRM THE EMERGENCY ACTION OF THE FACULTY SENATE EXECUTIVE COMMITTEE APPROVING AN INTERIM POLICY AND PROCEDURES FOR SEXUAL HARASSMENT AND VIOLENCE FOR THE 2012-13 ACADEMIC YEAR (12/3)**

WHEREAS, in Resolution 05/1, adopted on May 13, 2005, The Faculty Senate endorsed the Policy and Procedures for Sexual harassment which was proposed by the *Ad Hoc* University Committee on the Sexual Harassment Policy and Procedures; and

WHEREAS, in Resolution 05/1, the Faculty Senate determined that the endorsed Sexual Harassment Policy and Procedures satisfied the following objectives: (i) prohibiting sexual harassment by any student, staff member, faculty member, or other persons in the University community; (ii) encouraging reporting of sexual harassment before it becomes severe or pervasive; (iii) identifying persons in the University Administration to whom incidents of sexual harassment may be reported; (iv) prohibiting retaliation against persons who bring sexual harassment complaints; (v) assuring confidentiality to the full extent consistent with the need to resolve complaints of sexual harassment appropriately and fairly; (vi) assuring that allegations of sexual harassment will be properly, thoroughly, and impartially addressed with appropriate regard for the interests of the persons involved and principles of fairness and due process; and, (vii) providing for appropriate corrective action to be taken against persons who have engaged in sexual harassment; and,

WHEREAS, the current policy has been determined to be deficient following guidance provided by attorneys from the Department of Education regarding procedures universities must follow under TITLE IX. Specifically, the policy is required to: (i) convey the kinds of conduct that constitutes sexual harassment, including sexual assault and other forms of sexual violence; (ii) clarify that requiring the parties to mediate is not an option for resolving sexual assault complaints; (iii) provide equitable processes for both parties, including similar and timely access to any information used at a hearing; and, (d) designate reasonable but specific time frames for the major stages of the complaint; and,

WHEREAS, a working group in consultation with Provost Lerman, Vice President and General Counsel Nolan, and Executive Vice President Katz has developed a Sexual Harassment and Sexual Violence Policy and Procedures and recommends adoption on an interim basis effective immediately; and,

WHEREAS, Provost Lerman has requested that the Faculty Senate approve this Interim Policy for the 2012-13 academic year, effective immediately; and,

WHEREAS, adopting this Interim Policy immediately will: (i) ensure that all cases appearing in the current academic year may be adjudicated under the Interim Policy; (ii) provide ample time for Faculty Senate Committees to review the final Policy before its approval by the Faculty Senate (iii) respond affirmatively to Department of Education guidance; and,

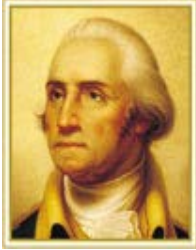
WHEREAS, the Executive Committee of the Faculty Senate on August 28, 2012, pursuant to its authority under Section 5(b)(6) of the Faculty Organization Plan, "to act on behalf of the Senate in emergencies on matters requiring immediate action when it is not feasible to call a special meeting of the Senate, such action to be reported to the Senate for confirmation at its next regular meeting" approved the Interim Policy for the remainder of the 2012-13 academic year, with the proviso that the Faculty Senate would confirm that decision at the next regular meeting;

**NOW, THEREFORE, BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY:**

1. That the action of the Senate Executive Committee of August 28, 2012 granting emergency approval for implementation of the "SEXUAL HARASSMENT AND SEXUAL VIOLENCE INTERIM POLICY AND PROCEDURES" for the 2012-2013 Academic Year, is confirmed by the Faculty Senate, and, further,
2. That the final Policy is understood to be subject to review and recommendations by appropriate Faculty Senate Committees which will take place over the current academic year, followed by final consideration of these recommendations by the Faculty Senate.

**ATTACHMENTS:** SEXUAL HARASSMENT AND SEXUAL VIOLENCE INTERIM POLICY AND PROCEDURES (including redline version).

Faculty Senate Executive Committee, September 6, 2012



THE GEORGE  
WASHINGTON  
UNIVERSITY  
WASHINGTON DC

**Responsible University Official:** Senior Vice President and General Counsel  
**Responsible Office:** Office of the Senior Vice President and General Counsel  
**Origination Date:** April 1999

## SEXUAL HARASSMENT AND SEXUAL VIOLENCE INTERIM POLICY AND PROCEDURES

### Policy Statement

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 ability and performance, and can pursue their activities in an atmosphere that is free from coercion, intimidation and violence. The university mission statement provides that the university "values a dynamic, student-focused community stimulated by cultural and intellectual diversity and built upon a foundation of integrity, creativity, and openness to exploration of new ideas." The university is committed to free inquiry, free expression, and the vigorous discussion and debate on which advancement of its mission depends. Sexual harassment is destructive of such a climate and will not be tolerated in the university community.

### Reason for Policy

The purpose of this policy document is to inform members of the university community about sexual harassment, including sexual violence, and explain what they can do if they encounter or observe it in connection with any university program or activity.

### Who Needs to Know This Policy

Faculty, staff and students.

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## **Policy/Procedures**

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### **Objectives**

This policy document is intended to inform members of the university community, including guests and visitors, about sexual harassment, including sexual violence, and the procedures they should follow if they encounter or observe it. The university prohibits sexual harassment by any student, staff member, faculty member, and others in the university community; encourages reporting of sexual harassment before it becomes severe or pervasive; identifies persons to whom sexual harassment may be reported; prohibits retaliation against persons who bring sexual harassment complaints; assures confidentiality to the extent possible consistent with the need to address and resolve harassment appropriately; assures all members of the university community that each complaint of sexual harassment will receive an adequate, reliable, and impartial investigation; and provides for appropriate corrective action.

The ultimate goal is to prevent sexual harassment through education and the development of a sense of community. However, if sexual harassment occurs, the university will respond firmly and fairly, and in a timely manner. As befits an academic community, the university's approach is to consider problems within an informal framework when appropriate, but to make formal procedures available for use when necessary.

### **What Sexual Harassment Is**

The university has adopted the following definition of sexual harassment based on guidance from the Equal Employment Opportunity Commission and Department of Education:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (1) Submission to such conduct is explicitly or implicitly made a term or condition of academic participation or activity, educational advancement, or employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions that affect the individual; (3) such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or limiting participation in University programs; or (4) the intent or effect of such conduct is to create an intimidating, hostile, or offensive academic or work environment. Sexual harassment may occur regardless of either party's gender. Sexual harassment includes sexual violence and other physical sexual acts (including, for example, sexual assault) that are perpetrated against a person's will or without a person's consent, or when a person is incapable of giving consent due to the ingestion of drugs or alcohol, or due to the person's intellectual or other disability.

## SEXUAL HARASSMENT AND SEXUAL VIOLENCE INTERIM POLICY AND PROCEDURES

Depending on the particular circumstances, sexual harassment may include, but is not limited to, the following:

1. Actual or attempted rape, sexual assault, sexual battery or molestation, without consent or against another's will, whether achieved through force, threat or intimidation, or advantage gained by the aggrieved party's mental or physical incapacity or impairment.
2. Non-consensual or forcible sexual touching.
3. Offering or implying an employment-related reward (such as a promotion, raise, or different work assignment) or an education-related reward (such as a better grade, a letter of recommendation, favorable treatment in the classroom, assistance in obtaining employment, grants or fellowships, or admission to any education program or activity) in exchange for sexual favors or submission to sexual conduct.
4. Threatening or taking a negative employment action (such as termination, demotion, denial of an employee benefit or privilege, or change in working conditions) or negative educational action (such as giving an unfair grade, withholding a letter of recommendation, or withholding assistance with any educational activity) or intentionally making the individual's job or academic work more difficult because submission to sexual conduct is rejected.
5. Unwelcome sexual advances, repeated propositions or requests for a sexual relationship to an individual who has previously indicated that such conduct is unwelcome, unwelcome physical contact of a sexual nature, or sexual gestures, noises, remarks, jokes, questions, or comments about a person's sexuality that would reasonably be perceived as creating a hostile or abusive work environment. A single incident involving severe misconduct may rise to the level of harassment.

This policy addresses only sexual harassment, including sexual violence, and does not address other forms of gender discrimination. For other university policies dealing with gender discrimination, contact the university's Office of Equal Employment Opportunity and Affirmative Action, Suite 320, 2033 K Street, NW, Washington, DC 20052.

Nothing in this policy limits academic freedom, guaranteed by the Faculty Code, which is a pre-eminent 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 shall not be construed as sexual harassment.

A person who commits sexual harassment in violation of this policy will be subject to disciplinary action, up to and including expulsion or termination.

### **Dissemination of This Policy**

The university is committed to preventing and remedying sexual harassment of students, faculty, and staff. To that end, the university has appointed individuals to oversee

compliance with applicable federal and local laws, including Title IX, as well as this policy and the procedures described herein. The Title IX Coordinator will oversee dissemination of this policy and these procedures to the university community. In addition, the university will sponsor programs to inform students, faculty, and staff about sexual harassment and the problems it causes; advise members of the university community of their rights and responsibilities under this policy and these procedures; and train personnel responsible for the administration of the policy and procedures. In particular, the university shall ensure that the Title IX Coordinator, Deputy Title IX Coordinator, and Assistant Title IX Coordinators and other personnel involved in responding to allegations of sexual harassment receive formal training by one or more individuals with appropriate expertise.

### **Consensual Relationships**

Relationships that are welcomed by the parties do not entail sexual harassment, and are beyond the scope of this policy. Whether a relationship is in fact welcomed will be gauged according to the circumstances; special risks are involved when one party – whether a faculty member, staff member or student – is in a position to evaluate or exercise authority over the other. It is inappropriate for a faculty member or teaching assistant to have a sexual relationship with a student who is currently in his/her course or is subject to his/her supervision or evaluation. It is similarly inappropriate for someone in a supervisory position to have a sexual relationship with an individual in a subordinate position. Even when both parties previously consented to a sexual relationship, a charge of sexual harassment may be based on subsequent conduct that one of them does not welcome. Members of the university community are cautioned that consensual relationships can in some circumstances entail abuse of authority, conflict of interest, or other adverse consequences that may be addressed in accordance with pertinent university policy and practice.

### **Addressing Sexual Harassment**

Members of the university community who believe they have been sexually harassed may seek redress through one or more of the following means: consultation, administrative review, and formal hearing. Often, concerns can be resolved through consultation or after administrative review. If the matter is not satisfactorily resolved using these procedures, a formal hearing may be initiated.

Members of the university community who experience one or more instances of conduct of a sexual nature that may be inappropriate (even if the person is unsure whether the conduct constitutes sexual harassment) may discuss the matter with the person who has engaged in the behavior, and are encouraged to discuss it with the appropriate department chair, dean, or staff supervisor, the Dean of Students, the Title IX Coordinator, the Deputy Title IX Coordinator, or an Assistant Title IX Coordinator (see the list under Contacts on page 7). However, in cases involving allegations of sexual violence, discussion with the person who engaged in the behavior is discouraged. Anyone who



observes conduct of this nature directed at other persons should bring it to the attention of one or more of the university officials listed in this paragraph.

I. Consultation

Any university official or individual with responsibilities under this policy who receives a report of possible sexual harassment shall advise the reporting person of the opportunity to consult with the Sexual Harassment Response Coordinator (“Response Coordinator”). During consultation, the person who alleges sexual harassment will be provided with a copy of the university’s Sexual Harassment and Sexual Violence Policy and Procedures, have an opportunity to ask questions about them, and obtain assistance in developing strategies to deal with the matter. See Appendix A.

II. Administrative Review

Any member of the university community who believes that he or she has been sexually harassed by a university employee, student or third party in connection with any university program or activity may file a complaint against that person. The allegations will be carefully investigated and an effort will be made to resolve the complaint in accordance with the procedures set forth in Appendix B.

III. Formal Hearing Procedure

The formal hearing procedure set forth in Appendix C is available when the administrative review procedure fails to resolve a complaint of sexual harassment. The person who made the sexual harassment complaint (the “Complainant”) or a responsible university official may initiate a formal hearing against the person who allegedly engaged in sexual harassment (the “Respondent”). When both the Complainant and the Respondent are students, the procedures set forth in Section 1 of Appendix C will govern the formal hearing procedure. In all other cases the procedures set forth in Section 2 of Appendix C will govern the formal hearing procedure.

**Outcomes**

When allegations of sexual harassment are addressed through either the administrative review procedure or the formal hearing procedure, both parties will receive concurrent written notice of the outcome. When either procedure results in a determination that sexual harassment occurred, the findings and recommendations shall be referred to the appropriate university official for imposition of corrective action and sanctions as appropriate.

In cases involving Respondents who are students, any such corrective action or sanctions shall be determined by the Office of Student Rights and Responsibilities. In cases involving suspension or expulsion of a student, the Senior Associate Provost and Dean of

Student Affairs, in concurrence with the Provost and Executive Vice President for Academic Affairs, will impose sanctions. In cases involving GW faculty and staff, no final sanction except a written reprimand may be imposed based on an administrative review without the Respondent's written consent. Corrective actions are non-punitive measures that may include, without limitation, training, guidance, adjustment of supervisory or evaluative responsibilities (including administrative leave with full pay and benefits), and measures to protect health and safety. A range of relevant considerations should be taken into account in determining the extent of sanctions, such as the severity of the offense, the effect of the offense on the victim and on the university community, and the Respondent's record of past offenses, if any. Sanctions may include, but are not limited to, a written reprimand, disciplinary probation, suspension, expulsion, or termination of employment; provided that a tenured faculty member may not be dismissed except in accordance with the procedures set forth in Section F of the Procedures for Implementation of the Faculty Code. The university may impose interim corrective action at any time, if doing so reasonably appears required to protect a member of the university community.

### **Redress of Disciplinary Action**

Nothing in this policy or these procedures shall be deemed to revoke any right that any member of the GW faculty or staff may have to seek redress of a disciplinary action, such as a faculty member's right to maintain a grievance under the Faculty Code.

### **Confidentiality**

Investigators and decision-makers will strive to maintain confidentiality to the full extent appropriate, consistent with applicable law and the need to resolve matters effectively and fairly and protect the university community. All persons involved in the proceedings will be advised of the need for discretion and confidentiality. Inappropriate breaches of confidentiality may result in disciplinary action.

In some cases Complainants may request that their names be kept confidential during the consultation (Appendix A) and administrative review (Appendix B) stages. The university will do so as long as it does not prevent the university from responding effectively to the incident and protecting other members of the campus community. If the Respondent is a student the Complainant may choose to reiterate his or her request for confidentiality at the formal hearing stage (Appendix C), but will be told that the university's ability to proceed with the hearing may be limited as a result. If the Respondent is a member of the GW faculty or staff, the Complainant whose name has not been released earlier will be required to permit release of such information to the Respondent in order for the Complainant to initiate the formal hearing procedure.

### **Retaliation**

Retaliation against a person who reports or complains of sexual harassment or provides information in a sexual harassment investigation or proceeding is prohibited by law.

Allegations of retaliation will be investigated and may result in disciplinary action up to and including termination or expulsion.

**False Claims**

A person who knowingly makes false allegations of sexual harassment, or who knowingly provides false information in a sexual harassment investigation or proceeding, will be subject to disciplinary action.

**Time Limits**

The university aims to administer this policy and these procedures in an equitable and timely way. The time limits set forth herein may be extended for good cause, upon request. Persons making allegations of sexual harassment are encouraged to come forward without undue delay.

**Interpretation of Policy**

The Office of the Senior Vice President and General Counsel (202-994-6503) is available to provide advice on questions regarding interpretation of this policy and the procedures described herein.

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**Website Address**

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[GW University Policies](#)

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**Contacts**

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Title IX Coordinator:

Vice Provost for Diversity and Inclusion (202) 994-7440 [diverse@gwu.edu](mailto:diverse@gwu.edu)

Deputy Title IX Coordinator:

Sexual Harassment Response Coordinator (202) 994-2657 [taraw@gwu.edu](mailto:taraw@gwu.edu)

Assistant Title IX Coordinators:

Assistant Vice Provost, Faculty  
Recruitment & Personnel Relations (202) 994-6783 [abwool@gwu.edu](mailto:abwool@gwu.edu)  
Associate Dean of Students, Administrative  
Services & Senior Advisor (202) 994-6710 [kermit@gwu.edu](mailto:kermit@gwu.edu)  
Associate Director, EEO &  
Affirmative Action (202) 994-9652 [bradyr@gwu.edu](mailto:bradyr@gwu.edu)  
Senior Associate Director of Athletics (202) 994-5896 [athmjw@gwu.edu](mailto:athmjw@gwu.edu)

## **Related Information**

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[Code of Student Conduct](#)

[Equal Employment Opportunity/Affirmative Action Statement](#)

[Non-Retaliation Policy](#)

[Faculty Code](#)

[Staff grievance procedures](#)

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## **Appendices**

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<b>Appendix A</b>	Consultation Procedure
<b>Appendix B</b>	Administrative Review
<b>Appendix C</b>	Formal Hearing Procedure

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## **Who Approved This Policy**

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Louis Katz, Executive Vice President and Treasurer

Steven Lerman, Provost and Executive Vice President for Academic Affairs

Beth Nolan, Senior Vice President and General Counsel

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## **History/Revision Dates**

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**Origination Date:** April 1999

**Last Amended Date:** November 2005

**Next Review Date:**

## **Appendix A**

### **Consultation Procedure**

1. The consultation consists of one or more voluntary meetings between the Response Coordinator and the person who requests the consultation based on one or more instances of a sexual nature that may be inappropriate.
2. During the consultation, a copy of the Sexual Harassment and Sexual Violence Policy and Procedures will be provided and questions about them will be answered. Other matters may also be addressed or clarified, and the person alleging sexual harassment will be offered assistance in developing strategies to deal with the matter, including counseling. The outcome of the consultation may be that no further action is necessary, or the administrative review procedure under Appendix B may be initiated.
3. A record of the consultation will be prepared and maintained. The record will be considered confidential to the full extent consistent with fairness, applicable law, and the university's need to take preventive and corrective action (see also "Confidentiality" above). If the record of the consultation includes an allegation of sexual harassment against a person named in the record, the record will not be disclosed to any person other than the Response Coordinator, the Title IX Coordinator, and the Office of the Senior Vice President and General Counsel, unless the person so named is notified in writing. Absent compelling reason to the contrary, any such notification shall precede the disclosure.
4. When the Response Coordinator has reason to believe that criminal conduct may have occurred or that action is necessary to protect the health or safety of any individual or to comply with applicable law, the university may, as the Office of the Senior Vice President and General Counsel determines, refer the matter to appropriate authorities.
5. Persons who believe they have been subjected to or who otherwise have observed sexual harassment are encouraged to seek assistance from the university through these procedures promptly. As discussed in Appendix B, a person who wishes to file a complaint alleging sexual harassment and invoke administrative review ordinarily must do so within 180 days of when the harassment occurred, although this time period will be extended if before doing so the person seeks assistance through consultation. In that event the time to file a complaint will be extended for the period of time required for the consultation to be concluded.

## **Appendix B**

### **Administrative Review**

1. Following consultation, or if consultation is not sought, a member of the university community who believes that he or she has been sexually harassed by a university employee or student or third party may file a complaint against the person believed to have engaged in the harassing conduct.
2. Complaints of sexual harassment by students against other students must be filed with the GW Office of Student Rights and Responsibilities (“SRR”), 2129 I Street, NW, Washington, DC 20052, Tel. (202) 994-6758. All other complaints must be filed with the Response Coordinator, Suite 403, 2121 Eye Street, NW, Washington, DC 20052, Tel. (202) 994-2657. Complaints must be filed within 180 days of when the harassment occurred, unless the person alleging sexual harassment (the “Complainant”) can demonstrate good cause to the SRR or Response Coordinator why the complaint could not have been filed within this period.
3. To file a complaint, the Complainant will be asked to provide a signed statement containing a factual account of the alleged harassment. The SRR or Response Coordinator may assist the Complainant in preparing this statement. If the Complainant declines to provide a signed statement, a written summary of the Complainant’s oral allegations may be prepared.
4. After the complaint is filed, the person who is accused of harassment (the “Respondent”) will be provided with a written summary of the material allegations. The Title IX Coordinator will also be informed that the complaint has been filed and provided with the Complainant’s signed statement or written summary.
5. The SRR or Response Coordinator will conduct an adequate, reliable and impartial investigation of the alleged harassment, typically within 30 days. Depending on the circumstances, the SRR or Response Coordinator may work with the GW Police Department to conduct the investigation and consult with other university offices with respect to it. The SRR or Response Coordinator will provide the Complainant and the Respondent with similar and timely opportunities to identify witnesses and provide evidence relevant to the complaint, and will advise the parties and any persons interviewed or notified about the alleged harassment of the need for discretion and confidentiality.
6. While the investigation is underway, the university may take interim action in response to the complaint, if appropriate. If the person accused is a student, this action could include interim suspension from the university or removal from university housing. Steps may also be taken to allow the person making the complaint to minimize or avoid contact with the accused person, change academic or living arrangements for one or both parties, or provide the complaining person with access to counseling, medical or academic support services.

7. After the investigation is completed, the SRR or Response Coordinator will attempt to determine whether an acceptable resolution of the matter may be achieved informally. If the matter involves a Respondent who is a member of the GW faculty or staff, the Response Coordinator will also discuss the matter with the university official who would be responsible for recommending any corrective and/or disciplinary action against the Respondent (“Responsible University Official”) and that person will assist in the effort to determine whether the matter may be resolved informally.
8. Informal resolution of a matter could involve corrective action and/or sanctions against the Respondent, or it could involve no further action. Informal resolution of a matter does not involve face-to-face mediation between the parties and either party may end his or her participation at any time. In cases involving Respondents who are members of the GW faculty or staff, no final sanction except a written reprimand may be taken based on an administrative review procedure without the Respondent’s written consent. Any corrective action or sanction imposed by a Responsible University Official must be within his or her discretion and consistent with his or her authority. The university may also take interim corrective action during this period if doing so reasonably appears to be required to protect a member of the university community.
9. The SRR or Responsible University Official will provide concurrent written notice to the Complainant and Respondent of the outcome of the administrative review procedure, subject to any legal restrictions regarding confidentiality. (See section in Policy entitled “Confidentiality” for limitations on disclosure of information.)
10. If the matter is not resolved informally, the SRR or Responsible University Official shall determine whether to initiate a formal hearing against the Respondent as set forth in Appendix C.
11. If the matter is not resolved informally, and the SRR or Responsible University Official decides not to initiate a formal hearing against the Respondent, or the matter is resolved informally and the Complainant is dissatisfied with that resolution, the Complainant may request further review as set forth in Appendix C.

## **Appendix C**

### **Formal Hearing Procedure**

#### **Section 1 – Students**

1. If a student's complaint of sexual harassment against another student is not resolved through the administrative review procedure, the SRR will determine, based on the complaint and the investigation, whether to charge the Respondent with violating the GW Code of Student Conduct (the "Code"). SRR will make this determination within 30 days of when it completes the administrative review procedure, and it will communicate its decision in writing to the Complainant and the Respondent. Upon request, SRR will also provide both parties with access to witness statements and documents obtained in connection with the investigation that are relevant to the complaint, to the extent permitted by law.
2. If a student's complaint of sexual harassment against another student is not resolved through the administrative review procedure, and the SRR decides not to charge the Respondent with violating the Code, or the student's complaint of sexual harassment against another student is resolved through the administrative review procedure, and the Complainant is dissatisfied with that resolution, the Complainant may appeal that decision or resolution by submitting a letter that fully explains all reasons for the appeal to the Response Coordinator, 403 Rice Hall, 2121 I Street, NW, Washington, DC 20052. The appeal must be filed within 5 business days of the date the Complainant receives from the SRR notice of the outcome of the administrative review procedure. The SRR will provide the appeal to the Respondent, who shall be permitted to file a response to the appeal within 5 business days of when the appeal is received. The Response Coordinator will evaluate the appeal and notify the Complainant and Respondent in writing whether it has been granted or denied. This determination by the Response Coordinator will generally be made within 20 business days of when the appeal has been received. That determination is final and may not be further appealed.
3. Students should be aware that when the Response Coordinator grants an appeal of a decision by the SRR not to charge the other student with violating the Code it does not mean that the student has violated the Code or will be sanctioned. Instead, it means that a charge will now be made and disciplinary proceedings will be conducted on that charge. The student will only be found in violation if the hearing board or conference officer is persuaded by a preponderance of the evidence that the student has committed the violation charged.
4. If the SRR charges the Respondent with violating the prohibitions in the Code on sexual violence and/or sexual misconduct, disciplinary proceedings will be



commenced against that student according to the procedures outlined in the Code and in this Section of the Sexual Harassment and Sexual Harassment Policy and Procedures. If there is any conflict between the procedures outlined in the Code and the procedures outlined in the Sexual Harassment and Sexual Violence Policy and Procedures, the latter will govern.

5. In cases where a student has filed a sexual harassment complaint against another student, the Complainant may choose to be a party in the disciplinary hearing or conference conducted on that charge. In these cases, the Complainant will be given a timely opportunity, similar to the Respondent's, to present and question other witnesses and offer relevant evidence to the hearing board or conference officer.
6. In cases involving charges of sexual violence by one student against another student, neither the Complainant nor the Respondent will be permitted to question the other directly. Instead, any questions that the Complainant or the Respondent want to ask the other must be written out and provided to the presiding officer, who will read the questions while the party who provided the questions listens from a separate location.
7. In cases involving charges of sexual violence and/or sexual misconduct, the parties will have similar and timely access to witness statements and other documents gathered in connection with the investigation of the complaint that the SRR intends to use in the hearing or conference, to the extent permitted by law. SRR will inform the Complainant and Respondent in writing of the outcome of the hearing or conference, and any sanction that has been imposed that relates directly to the Complainant.
8. As a general practice the SRR attempts to complete disciplinary proceedings on charges of sexual violence and/or sexual misconduct within 45 days. However, completing these proceedings may take longer in individual cases, depending on the circumstances involved, the complexity of the facts, the availability of witnesses, and other factors.
9. The parties will have a similar and timely opportunity to appeal the outcome of the disciplinary hearing or conference, to the extent permitted by law, although not the sanction imposed, if any. Appeals will be conducted according to the procedure outlined in the Code of Student Conduct. As a general practice, the appeal panel will attempt to reach its decision within 45 days from the date the appeal is filed, although additional time may be required in individual cases depending on the circumstances involved, the complexity of the facts, the availability of witnesses, and other factors. The decision of the appeal panel will be communicated in writing to the Complainant and Respondent within this period. That decision, and the outcome and sanctions (if any) resulting from any new hearing or conference

ordered by the appeal panel in connection with the appeal shall be final and conclusive and no further appeals will be permitted.

10. All of the time periods discussed in this Appendix C.1. of the Sexual Harassment and Sexual Violence Policy and Procedures and the Code of Student Conduct will be suspended if either the fall or spring semester ends while proceedings on a student's complaint of sexual harassment against another student are pending. Those periods will then resume when the next fall or spring semester begins. In addition, if the university has taken interim steps in response to a complaint of sexual harassment, such as making it possible for a Complainant to minimize or avoid contact with a Respondent, those steps will remain in effect during the suspension period. The university may also take additional interim steps in response to a complaint, if appropriate, during this period.
11. In cases where the university is unable to complete its work within the time periods discussed herein, and believes substantial additional time will be required to do so, it will notify the affected party or parties and explain that further time is required.
12. It is important to note that federal law prohibits unlawful retaliation against any student who files a complaint alleging sexual harassment, participates in an investigation of any complaint alleging sexual harassment, or otherwise asserts the right to an educational environment free of sexual harassment.

## **Section 2 – Special Panels**

- A. Initiation of Special Panel Procedure
  1. In all cases not covered by Section 1 of Appendix C, if a complaint of sexual harassment is not resolved through the administrative review procedure, or is resolved through that procedure but the Complainant is dissatisfied with that resolution, the Complainant or Responsible University Official may initiate a formal hearing by filing a written request with the Vice President for Human Resources or his/her designee. In such cases the procedures set forth in this Section 2 of Appendix C shall apply, and if there is any conflict between these procedures and the procedures in Section 1 of Appendix C or the GW Code of Student Conduct, the procedures set forth in this Section 2 shall apply.
  2. The request for a formal hearing must be filed within 30 days after receipt of information from the Responsible University Official of the disposition of the administrative review (see Appendix B). The written request for a formal hearing (the "formal complaint") must include a description of the material facts related to the alleged sexual harassment, must state why the

disposition of the matter should be modified or overturned, and may include a statement of the relief requested.

3. The Vice President for Human Resources will send a copy of the formal complaint, including the name of the person alleged to have been sexually harassed, to the Respondent.

B. Establishment of Special Panel Procedures

1. A formal complaint filed under Appendix C, Section 2, will be heard by a six-member panel selected by lot by the Vice President for Human Resources as described in Section C. Panelists will be selected from a pool of 18, six of whom are faculty members appointed by the Provost and Executive Vice President for Academic Affairs, with the concurrence of the Council of Deans and the Faculty Senate Executive Committee. If the concurrence does not occur within 30 days, the Provost and Executive Vice President for Academic Affairs and the Council of Deans shall select three of the faculty panel members, and Faculty Senate Executive Committee shall select the remaining three faculty panel members. Six members of the pool shall be staff employees appointed by the Vice President for Human Resources; and six members of the pool shall be students appointed by the Senior Associate Provost and Dean of Student Affairs.
2. Each appointee to the pool ordinarily will serve a two year term. The appointing official should stagger the appointments so that, if feasible, the terms of not more than five of his or her appointees expire in any year.
3. An appointee to the pool may be removed and replaced at any time, at the discretion of the appointing official. The appointing official should promptly fill vacancies in the pool according to the procedure in Section B.1 above.
4. The Vice President for Human Resources or designee will conduct mandatory training of all appointees to the pool at the time of appointment and periodically thereafter. No pool member shall receive such training while serving on a special panel. Training will address roles and responsibilities of panel members, hearing procedures, applicable policies, and other techniques and standards pertinent to the formal complaint and hearing process.

C. Selection of Panel

1. Within five business days after receiving the written request to proceed with a formal complaint (see A.1 above), the Vice President for Human Resources will select by lot the six-member panel from the pool. Two of the panel members will be drawn from the same status group as the Respondent; two panel members will be drawn from the same status group as the Complainant; and two panel members will be drawn from among the pool members in the

remaining status group(s). No member of a faculty member's department or of a staff member's administrative department may serve on the special panel.

2. The Vice President for Human Resources will notify the parties of the panelists' names. Within three business days of receipt of the notice, either party may submit to the Vice President for Human Resources a written objection to designation of any panel member. The objection must clearly state the reasons for the objection. The Vice President for Human Resources may, at his or her discretion, replace a challenged panelist with another member of the pool from the same status group.
3. A designated panelist who at any time has or may reasonably be perceived as having a conflict of interest is otherwise unable to serve on a special panel shall recuse himself or herself, and notify the Vice President for Human Resources of the recusal. For sound reasons, which shall be disclosed to the parties and panel members, the Vice President for Human Resources, in his or her discretion, may replace a panel member. The successor panel member shall be selected by lot by the Vice President for Human Resources from among pool members of the recused or replaced panel member's status group.

D. Special Panel Organization

1. Within five business days after their appointment, special panel members will select a chairperson and review the request for a hearing.
2. The special panel may request clarification or additional information from the Vice President for Human Resources or the parties. Panel members may not communicate with either party outside the presence of the other party. The special panel shall provide both parties with copies of all written communications sent to either party.

E. Scheduling Hearing

1. The special panel will set a hearing date and time. The panelists will meet within a reasonable time, normally with five business days after their appointment, to select a chairperson and set the hearing date and time. The hearing will be held within a reasonable time, normally within 20 business days after the special panel is appointed.
2. The special panel chairperson will notify the parties of the hearing date, time, and location at least ten business days before the hearing. Within two business days after receiving notice of the hearing, a party with a scheduling conflict may submit to the chairperson a request for postponement. The chairperson, after consulting the special panel members, has discretion to reschedule the hearing. All parties will be notified as soon as feasible if the hearing is rescheduled.

3. If a party does not appear for the hearing within 30 minutes after the scheduled time, the special panel will decide whether to reschedule the hearing or proceed.
4. Upon request the parties will be provided access to witness statements and other documents gathered in connection with the investigation of the complaint, to the extent permitted by law.

F. Conduct of Hearing

1. The special panel chairperson will preside at the hearing and decide procedural issues. Only persons participating in the proceeding may be present during the hearing except as otherwise provided in these procedures. The hearing will be conducted in the following sequence:
  - a) Preliminary matters. The Chairperson will introduce the parties, their advisors, and the special panel members; review the order of proceedings; explain procedures that govern use of the tape recorder; and present a brief summary of the formal complaint.
  - b) Opening statements. The party who requested the hearing may make an opening statement. The responding party may then make an opening statement. Each opening statement shall not exceed 15 minutes.
  - c) Presentation of formal complaint. The party who requested the hearing may present to the panel testimony, witnesses, documents or other evidence. Following the testimony of the party who requested the hearing, and of each witness, the responding party may ask questions.
  - d) Response to formal complaint. The party who responded to the formal complaint may present testimony, witnesses, documents or other evidence to the panel. Following the testimony of the responding party, and of each witness, the party who requested the hearing may ask questions. In cases of sexual violence, the special panel typically does not allow parties to question or cross-examine each other directly during the hearing, and instead requires that such questioning be conducted indirectly and/or from a separate location.
  - e) Closing statements. The party who requested the hearing may make a closing statement. The responding party may then make a closing statement. Each closing statement shall not exceed 15 minutes.
2. Special panel members may ask questions of parties or witnesses at any time during the hearing.

3. The hearing will not be conducted according to strict rules of evidence. However, the special panel chairperson may limit or exclude irrelevant or repetitive testimony, and may otherwise rule on what evidence may be offered. To determine whether a persistent pattern of harassment exists, the special panel may request that appropriate University officials (in consultation with the Office of the Senior Vice President and General Counsel) provide evidence subject to university policies and applicable laws, including the privacy of student education records, of prior written reprimands and/or sanctions imposed against the Respondent based on past incidents of sexual harassment as part of the hearing record.
4. When the hearing cannot be completed in one session, the special panel chairperson may continue the hearing to a later date and time.
5. The hearing will be recorded on audiotape. Either party may obtain from the Chief Human Resource Officer a copy of the recording at reasonable cost, on written request.

G. Witnesses

1. Each party (and the panel) may ask witnesses to testify at the hearing, but no person may be compelled to testify. However, each party shall have a right to know prior to the hearing the contents of and names of the authors of any written statements that may be introduced against him or her, and the right to rebut unfavorable inferences that might be drawn from such statements.
2. At least three business days before the hearing, each party must provide the chairperson, the Vice President for Human Resources and the other party a list of witnesses he or she intends to present at the hearing.
3. The special panel may request that additional witnesses appear. The Vice President for Human Resources will, if feasible, arrange for the appearance of these witnesses.
4. Each party is responsible for notifying its witnesses of the hearing date, time, and location. A hearing will not necessarily be postponed because a witness fails to appear.
5. In identifying persons to appear as witnesses, parties should be aware that live testimony is preferred and that the panel may give less weight to the evidence of a witness who is able but unwilling to appear.
6. All witnesses (except for the Complainant and the Respondent) will be excluded from the hearing before and after their testimony. A witness may be recalled at the discretion of the special panel chairperson.

7. A university employee must obtain permission from his or her supervisor to be absent from work to appear at a hearing. Employees will be paid for reasonable time spent while preparing for or appearing at a hearing during working hours, but not for other time spent on the complaint outside working hours.
8. A student must obtain permission from his or her professor to be absent from class to appear at a hearing.
9. Supervisors and professors should be aware of the importance of hearings and not unreasonably withhold permission to appear at a hearing. If an employee or student needs assistance in obtaining permission to appear at a hearing, he or she should contact the Vice President for Human Resources.

H. Advisors

1. Each party may be accompanied by not more than two advisors, who may be university employees or other persons the party selects; provided that not more than one of the advisors shall be an attorney.
2. No advisor, including an attorney who may be acting as an advisor, may speak on behalf of the party, make an opening or closing statement, present testimony or examine witnesses. The advisor's role is limited to assisting the party to prepare for the hearing and providing the party private advice during the hearing.
3. A Complainant or Respondent who plans to be accompanied by an attorney or other advisor at the hearing must notify the panel chairperson and the other party at least five business days before the hearing.
4. The special panel may request or the university may provide a University-furnished attorney or other advisor to be present at any hearing to advise the special panel.
5. The university may have an observer present at the hearing.

I. Decision After Hearing

1. After the hearing, the special panel will meet in closed session to review the hearing and make a decision on the formal complaint. In order to make a determination that sexual harassment occurred the decision must be supported by the preponderance of the evidence and approved by a majority of the special panel members.
2. The special panel's report of its decision must be in writing and set forth findings of fact, conclusions, and, where appropriate, recommendations for

corrective action, including sanctions, that are approved by a majority of the special panel members.

3. The special panel will submit the report of its decision to the Vice President for Human Resources within ten business days after the hearing ends. The Vice President for Human Resources shall send a copy of the special panel report to the Complainant and to the Respondent (at their home addresses of record, by courier, overnight mail or certified mail, return receipt requested) except for portions that the university is required by law to treat as confidential. The Vice President for Human Resources shall also send copies of the special panel report to the responsible university officials, including the vice president(s) responsible for oversight of the status group(s) to which the parties belong.
4. If the special panel concludes that sexual harassment occurred, the Vice President for Human Resources will forward a copy of the special panel report to the Responsible University Official or SRR. After reviewing the special panel report, the Responsible University Official or SRR will decide whether to impose corrective action, including sanctions, consistent with that official's authority. In cases involving suspension or expulsion of a student, the Senior Associate Provost and Dean of Student Affairs, in concurrence with the Provost and Executive Vice President for Academic Affairs, will impose sanctions. A responsible university official will notify the parties in writing of the disposition, and the basis for that disposition.
5. As a general practice, a decision on a formal complaint will be rendered within 45 days of when the Vice President for Human Resources receives it. However, certain cases may require additional time, depending on the circumstances involved, the complexity of the facts, the availability of witnesses, and other factors. In cases where a special panel is unable to complete its work within this period of time, and believes substantial additional time will be required, it will notify the affected party or parties and explain that further time is required.

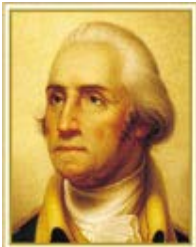
J. Review of Special Panel Decision

1. A party dissatisfied with a special panel decision may submit a request for review to the Vice President for Human Resources, who will transmit the request to the vice president(s) responsible for oversight of the status groups to which the parties belong. For example, when the Complainant is a staff member and the Respondent a faculty member, the Vice President for Human Resources and the Provost and Executive Vice President for Academic Affairs will jointly review the matter; when Complainant and Respondent are both faculty members, the Provost and Executive Vice President for Academic Affairs will review the matter.



## SEXUAL HARASSMENT AND SEXUAL VIOLENCE INTERIM POLICY AND PROCEDURES

2. The request for review must be in writing and set forth reasons why the special panel decision should be modified or overturned. The request for review must be based on the hearing record and may not present new evidence or testimony.
3. The request for review must be submitted within 10 business days after the party's receipt of the special panel decision. If the request is not received by then, the special panel decision will be the final university decision on the formal complaint.
4. The Vice President(s) will strive to issue a final decision on the review, based on the hearing record, within 30 business days following submission of the request for review. The decision of the Vice President(s) shall be the final decision on the formal complaint within the university.
5. When a special panel decision that includes a finding of sexual harassment is final, or when the final decision on a review is issued, the Vice President for Human Resources will provide a copy of it to the Responsible University Official or SRR. Any corrective action, including sanctions, taken shall be within the discretion and consistent with the authority of that official. In cases involving suspension or expulsion of a student, the Senior Associate Provost and Dean of Student Affairs, in concurrence with the Provost and Executive Vice President for Academic Affairs, will impose sanctions. A range of relevant considerations should be taken into account in determining the extent of sanctions, such as the severity of the offense, the effect of the offense on the victim and on the university community, and the Respondent's record of past offenses, if any. .
6. A responsible university official shall send a copy of the final decision to the parties (at their home address of record, by courier, overnight mail or certified mail, return receipt requested) except for portions that the university is required by law to treat as confidential.



THE GEORGE  
WASHINGTON  
UNIVERSITY  
WASHINGTON DC

**Responsible University Official:** Senior Vice President and General Counsel  
**Responsible Office:** Office of the Senior Vice President and General Counsel  
**Origination Date:** April 1999

## SEXUAL HARASSMENT AND SEXUAL VIOLENCE POLICY AND PROCEDURES

### Policy Statement

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 ability and performance, and can pursue their activities in an atmosphere that is free from coercion ~~and~~, intimidation, and violence. The ~~University~~ university mission statement provides that the ~~University~~ university "values a dynamic, student-focused community stimulated by cultural and intellectual diversity and built upon a foundation of integrity, creativity, and openness to exploration of new ideas." The ~~University~~ university is committed to free inquiry, free expression, and the vigorous discussion and debate on which advancement of its mission depends. Sexual harassment is destructive of such a climate and will not be tolerated in the ~~University~~ university community.

### Reason for Policy/~~Purpose~~

~~This~~ The purpose of this policy ~~and these procedures aim document is~~ to inform members of the ~~University~~ university community ~~what about~~ sexual harassment ~~is and, including~~ sexual violence, and explain what they can do ~~should if~~ they encounter or observe it in connection with any university program or activity.

### Who Needs to Know This Policy

Faculty, staff and students.

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## Policy/Procedures

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### Objectives

This policy ~~and these procedures aim~~ document is intended to inform members of the ~~University~~ university community ~~what, including guests and visitors, about~~ sexual harassment ~~is, including sexual violence,~~ and ~~what the procedures~~ they ~~can do~~ should follow if they encounter or observe it. The ~~University~~ university prohibits sexual harassment by any student, staff member, faculty member, and others in the ~~University~~ university community; encourages reporting of sexual harassment before it becomes severe or pervasive; identifies ~~accessible~~ persons to whom sexual harassment may be reported; prohibits retaliation against persons who bring sexual harassment complaints; assures confidentiality to the ~~full~~ extent possible consistent with the need to address and resolve ~~the matter~~ harassment appropriately; assures all members of the university community that ~~allegation~~ each complaint of sexual harassment will ~~be promptly, thoroughly, and impartially addressed~~ receive an adequate, reliable, and impartial investigation; and provides for appropriate corrective action.

The ultimate goal is to prevent sexual harassment; through education and the continuing development of a sense of community. ~~But~~ However, if sexual harassment occurs, the ~~University~~ university will respond firmly and fairly, ~~and in a timely manner~~. As befits an academic community, the ~~University's~~ university's approach is to consider problems within an informal framework when appropriate, but to make formal procedures available for use when necessary.

### What Sexual Harassment Is

The ~~University~~ university has adopted the following definition of sexual harassment; ~~substantially derived based on guidance from the~~ Equal Employment Opportunity Commission and Department of Education ~~statements~~:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (1) Submission to such conduct is explicitly or
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## SEXUAL HARASSMENT AND SEXUAL VIOLENCE POLICY AND PROCEDURES

implicitly made a term or condition of academic participation or activity, educational advancement, or employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions that affect the individual; (3) such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or limiting participation in University programs; or (4) the intent or effect of such conduct is to create an intimidating, hostile, or offensive academic or work environment. ~~Sexual harassment may occur without regard to either party's gender.~~ Sexual harassment may occur regardless of either party's gender. Sexual harassment includes sexual violence and other physical sexual acts (including, for example, sexual assault) that are perpetrated against a person's will or without a person's consent, or when a person is incapable of giving consent due to the ingestion of drugs or alcohol, or due to the person's intellectual or other disability.

Depending on the particular circumstances, sexual harassment may include, but is not limited to, the following:

1. Actual or attempted rape, sexual assault, sexual battery or molestation, without consent or against another's will, whether achieved through force, threat or intimidation, or advantage gained by the aggrieved party's mental or physical incapacity or impairment.
2. Non-consensual or forcible sexual touching.
3. Offering or implying an employment-related reward (such as a promotion, raise, or different work assignment) or an education-related reward (such as a better grade, a letter of recommendation, favorable treatment in the classroom, assistance in obtaining employment, grants or fellowships, or admission to any education program or activity) in exchange for sexual favors or submission to sexual conduct.
4. Threatening or taking a negative employment action (such as termination, demotion, denial of an employee benefit or privilege, or change in working conditions) or negative educational action (such as giving an unfair grade, withholding a letter of recommendation, or withholding assistance with any educational activity) or intentionally making the individual's job or academic work more difficult because submission to sexual conduct is rejected.
5. Unwelcome sexual advances, repeated propositions or requests for a sexual relationship to an individual who has previously indicated that such conduct is unwelcome, unwelcome physical contact of a sexual nature, or sexual gestures, noises, remarks, jokes, questions, or comments about a person's sexuality that would reasonably be perceived as creating a hostile or abusive work environment. A single incident involving severe misconduct may rise to the level of harassment.

This policy addresses only sexual harassment, including sexual violence, and does not ~~deal with~~ address other forms of gender discrimination. For other ~~University~~ university policies dealing with gender discrimination, ~~consult The George Washington University~~ contact the university's Office of Equal Employment Opportunity and Affirmative Action, Suite 320, 2033 K Street, NW, Washington, DC 20052.

## SEXUAL HARASSMENT AND SEXUAL VIOLENCE POLICY AND PROCEDURES

Nothing in this policy limits academic freedom, guaranteed by the [Faculty Code](#), which is a pre-eminent 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 shall not be construed as sexual harassment.

A person who commits sexual harassment in violation of this policy will be subject to disciplinary action, up to and including expulsion or termination.

### **Prevention; Dissemination of Information This Policy**

The [University](#) is committed to preventing and remedying sexual harassment of students, faculty, and staff. To that end, [the university has appointed individuals to oversee compliance with applicable federal and local laws, including Title IX, as well as this policy and the procedures described herein.](#) The Title IX Coordinator will oversee [dissemination of](#) this policy and these procedures ~~will be disseminated into~~ the [University](#) community. In addition, the [University](#) will sponsor programs to inform students, faculty, and staff about sexual harassment and the problems it causes; advise members of the [University](#) community of their rights and responsibilities under this policy and these procedures; and train personnel responsible for the administration of the policy and procedures. In particular, the ~~University shall assure that the Sexual Harassment Response Coordinator (in the Office of the Senior Vice President and General Counsel) who is designated by the University to conduct the consultation and the administrative review processes described below~~ [University shall ensure that the Title IX Coordinator, Deputy Title IX Coordinator, and Assistant Title IX Coordinators](#) and other personnel involved in responding to allegations of sexual harassment receive formal training by one or more individuals with appropriate expertise.

### **Consensual Relationships**

Relationships that are welcomed by the parties do not entail sexual harassment, and are beyond the scope of this policy. Whether a relationship is in fact welcomed will be gauged according to the circumstances; special risks are involved when one party – whether a faculty member, staff member or student – is in a position to evaluate or exercise authority over the other. It is inappropriate for a faculty member or teaching assistant to have a sexual relationship with a student who is currently in his/her course or is subject to his/her supervision or evaluation. It is similarly inappropriate for someone in a supervisory position to have a sexual relationship with an individual in a subordinate position. Even when both parties previously consented to a sexual relationship, a charge of sexual harassment may be based on subsequent conduct that one of them does not welcome. Members of the [University](#) community are cautioned that consensual relationships can in some circumstances entail abuse of authority, conflict of interest, or other adverse consequences that may be addressed in accordance with pertinent [University](#) policy and practice.

### **What To Do**

## SEXUAL HARASSMENT AND SEXUAL VIOLENCE POLICY AND PROCEDURES

~~Three possible levels of procedural redress are available to members of the University~~  
[Addressing Sexual Harassment](#)

~~Members of the university community who believe that sexual harassment has occurred—they have been sexually harassed may seek redress through one or more of the following means:~~ consultation, administrative review, and formal hearing. Often, concerns can be resolved through consultation or after administrative review. If the matter is not satisfactorily resolved ~~through the consultation or administrative review procedure~~ using these procedures, a formal hearing may be initiated.

### ~~I. Consultation~~

~~A member~~

~~Members of the University~~university community who ~~is uncomfortable with~~experience one or more instances of conduct of a sexual nature that may be inappropriate (even if the person is unsure whether the conduct constitutes sexual harassment);) may discuss the matter with the person who has engaged in the behavior ~~or with his or her own~~, and are encouraged to discuss it with the appropriate department chair, dean, or staff supervisor; the ~~Associate Vice President and~~ Dean of Students; ~~the Director of~~ the Office of Equal Employment Opportunity; Title IX Coordinator, the Deputy Title IX Coordinator, or an Assistant ~~Vice President for Faculty Recruitment and Personnel Relations; or the Sexual Harassment Response Coordinator (“Coordinator”)~~ who shall be consulted ~~hen appropriate by any of~~ Title IX Coordinator (see the list under Contacts on page 7). However, in cases involving allegations of sexual violence, discussion with the foregoing person who engaged in the behavior is discouraged. Anyone who observes conduct of this nature directed at other persons. Any of the foregoing University should bring it to the attention of one or more of the university officials listed in this paragraph.

### ~~I. Consultation~~

Any university official or individual with responsibilities under this policy who receives a report of possible sexual harassment shall advise the reporting person of the availability of consultation opportunity to consult with the Sexual Harassment Response Coordinator, and shall provide a written account of the report to the (“Response Coordinator. (See “Confidentiality” paragraph below.) In response to a request for”). During consultation, the Coordinator will provide a copy of person who alleges sexual harassment policy and procedures, respond to will be provided with a copy of the university’s Sexual Harassment and Sexual Violence Policy and Procedures, have an opportunity to ask questions about them, assist and obtain assistance in developing strategies to deal with the matter. See Appendix A.

### ~~II. Administrative Review;~~

Any member of the university community who believes that he or she has been sexually harassed by a university employee, student or third party in connection with any university program or activity may file a complaint against that person. The allegations will be carefully investigated and work an effort will be made to resolve the complaint in accordance with the procedureprocedures set forth in Appendix A-  
B.

## ~~II. Administrative Review~~

~~An administrative review, which is initiated in the same manner as a consultation, entails an investigation by the Coordinator of the charges in accordance with Appendix B.~~

## III. Formal Hearing Procedure

The formal hearing procedure set forth in Appendix C is available when the administrative review procedure fails to resolve ~~satisfactorily the allegationa~~ complaint of sexual harassment. The person who made the ~~allegation of~~ sexual harassment complaint (the “Complainant”) or a responsible ~~University~~ university official may initiate a formal hearing against the person who allegedly engaged in sexual harassment (the “Respondent”).

~~A formal hearing is initiated by. When both the Complainant or a responsible University official by written request submitted to the Chief Human Resources Officer or his/her designee. The request to proceed with a formal hearing is due within 30 days after receipt of information from the responsible University official of the disposition of the administrative review procedure. The Chief Human Resources Officer will inform the requesting party of the process that will be followed and provide a copy of the applicable procedure.~~

~~The Code of Student Conduct and the Respondent are students, the procedures set forth in Section 1 of Appendix C will govern the formal hearing procedure, when both parties are students. The applicable staff grievance procedures will govern the formal hearing procedure when. When both parties are staff members. The formal hearing will be held in accordance with the Formal Hearing Procedures set forth in Appendix C, when:~~

- ~~a) the Complainant is a student and the Respondent aare members of the GW faculty or staff member;~~
- ~~b) the Complainant is a faculty member and the Respondent a staff member or student;~~
- ~~c) the Complainant is a staff member and the Respondent a faculty member or student; or~~

## SEXUAL HARASSMENT AND SEXUAL VIOLENCE POLICY AND PROCEDURES

~~d) — the Complainant and Respondent are faculty members, the applicable GW staff grievance procedures will govern the formal hearing procedure. In all other cases the procedures set forth in Section 2 of Appendix C will govern the formal hearing procedure.~~

### **Outcomes**

~~If~~ When allegations of sexual harassment are addressed through either the administrative review procedure or the formal hearing procedure, both parties will receive concurrent written notice of the outcome. When either procedure results in a determination that sexual harassment occurred, the findings and recommendations shall be referred to the appropriate University official for imposition of corrective action, ~~including and~~ sanctions that as appropriate.

In cases involving Respondents who are students, any such corrective action or sanctions shall be determined by the ~~official is authorized to impose; provided, however, that~~ Office of Student Rights and Responsibilities. In cases involving suspension or expulsion of a student, the Senior Associate Provost and Dean of Student Affairs, in concurrence with the Provost and Executive Vice President for Academic Affairs, will impose sanctions. In cases involving GW faculty and staff, no final sanction except ~~for~~ a written reprimand may be imposed based on an administrative review without the Respondent's written consent. Corrective actions are non-punitive measures that may include, without limitation, training, guidance, adjustment of supervisory or evaluative responsibilities (including administrative leave with full pay and benefits), and measures to protect health and safety. A range of relevant considerations should be taken into account in determining the extent of sanctions, such as the severity of the offense, the effect of the offense on the victim and on the University community, and the Respondent's record of past offenses, if any. Sanctions may include, but are not limited to, a written reprimand, disciplinary probation, suspension, expulsion, or termination of employment; provided that a tenured faculty member may not be dismissed except in accordance with the procedures set forth in Section F of the Procedures for Implementation of the Faculty Code. The University may impose interim corrective action at any time, if doing so reasonably appears required to protect a member of the University community.

### **Redress of Disciplinary Action**

Nothing in this policy or these procedures shall be deemed to revoke any right that any member of the ~~University community~~ GW faculty or staff may have to seek redress of a disciplinary action, such as a faculty member's right to maintain a grievance under the Faculty Code.

### **Confidentiality**



~~The Coordinator and other investigators~~Investigators and decision-makers will strive to maintain confidentiality to the full extent appropriate, consistent with applicable law and the need to resolve the matter~~matters~~ effectively and fairly. ~~The parties, persons interviewed in the investigation, persons notified of the investigation, and~~ and protect the university community. All persons involved in the proceedings will be advised of the need for discretion and confidentiality. Inappropriate breaches of confidentiality may result in disciplinary action.

~~The name of the Complainant need not be disclosed to the Respondent at the initial consultation or at the administrative review stages, but such disclosure will be necessary at the formal hearing stage. University officials initially consulted by the Complainant, including the Coordinator, and other investigators and decision makers may, at the Complainant's request, agree to keep the Complainant's name confidential and such agreement will be binding throughout the consultation and administrative review stages.~~In some cases Complainants may request that their names be kept confidential during the consultation (Appendix A) and administrative review (Appendix B) stages. The university will do so as long as it does not prevent the university from responding effectively to the incident and protecting other members of the campus community. If the Respondent is a student the Complainant may choose to reiterate his or her request for confidentiality at the formal hearing stage (Appendix C), but will be told that the university's ability to proceed with the hearing may be limited as a result. If the Respondent is a member of the GW faculty or staff, the Complainant whose name has not been released earlier will be required to permit release of such information to the Respondent in order for the Complainant to initiate the formal hearing procedure.

### **Retaliation**

Retaliation against a person who reports or complains of sexual harassment or ~~who~~ provides information in a sexual harassment investigation or proceeding is prohibited.

Alleged by law. Allegations of retaliation will be ~~subject to investigation~~investigated and may result in disciplinary action up to and including termination or expulsion.

### **False Claims**

A person who knowingly makes false allegations of sexual harassment, or who knowingly provides false information in a sexual harassment investigation or proceeding, will be subject to disciplinary action.

### **Time Limits**

The ~~University~~university aims to administer this policy and these procedures in an equitable and timely ~~manner.~~ Established~~way.~~ The time limits set forth herein may be extended for good cause, upon request. Persons making allegations of sexual harassment are encouraged to come forward without undue delay.

### **Interpretation of Policy**

The Office of the Senior Vice President and General Counsel (202-994-6503) is available to provide advice on questions regarding interpretation of this policy and ~~these~~the procedures described herein.

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### **Website ~~Addresses for This Policy~~Address**

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[GW University Policies](#)

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### **Contacts**

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<u>Subject</u>	<u>Contact</u>	<u>Telephone</u>	<u>Email Address</u>
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Title IX Coordinator:

<u>Vice Provost for Diversity and Inclusion</u>	<u>(202) 994-7440</u>	<u>diverse@gwu.edu</u>
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Deputy Title IX Coordinator and Sexual

Harassment (202) 994-6503 gwlegal@gwu.edu

Harassment Response Coordinator:

<u>[Title]</u>	<u>(202) 994-xxxx</u>	<u>taraw@gwu.edu</u>
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Assistant Title IX Coordinators:

Assistant Vice Provost, Faculty

<u>Recruitment &amp; Personnel Relations</u>	<u>(202) 994-6783</u>	<u>abwool@gwu.edu</u>
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Associate Dean of Students, Administrative

<u>Services &amp; Senior Advisor</u>	<u>(202) 994-6710</u>	<u>kermit@gwu.edu</u>
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Associate Director, ~~Executive Director of EEO &~~

<u>Affirmative Action</u>	<u>(202) 994-965233</u>
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<u>brady@gwu.edu</u>	<u>lydiam@gwu.edu</u>
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<u>Senior Associate Director of Athletics</u>	<u>(202) 994-5896</u>	<u>athmjlw@gwu.edu</u>
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### **Related Information**

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[Code of Student Conduct](#)

[Equal Employment Opportunity/Affirmative Action Statement](#)

[Non-Retaliation Policy](#)

[Faculty Code](#)

[Staff grievance procedures](#)

## Appendices

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<b>Appendix A</b>	Consultation Procedure
<b>Appendix B</b>	Administrative Review
<b>Appendix C</b>	Formal Hearing Procedure— <a href="#">Special Panels</a>

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## Who Approved This Policy

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~~[Robert Chernak, Senior Vice Provost and Senior Vice President for Student and Academic Support Services](#)~~

[Louis Katz, Executive Vice President and Treasurer](#)

Steven Lerman, Provost and Executive Vice President for Academic Affairs

Beth Nolan, Senior Vice President and General Counsel

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## History/Revision Dates

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**Origination Date:** April 1999

**Last Amended Date:** November 1, 2005

**Next Review Date:** [June 30, 2012](#)

## Appendix A

### Consultation Procedure

1. The consultation consists of one or more voluntary meetings between the Response Coordinator and the person who requests the consultation based on one or more instances of a sexual nature that may be inappropriate.
2. ~~The Coordinator will provide~~ During the consultation, a copy of the ~~sexual harassment policy~~ Sexual Harassment and ~~procedures~~ Sexual Violence Policy and ~~respond to~~ Procedures will be provided and questions about them. ~~The Coordinator will be answered. Other matters may address~~ also be addressed or clarified, and ~~clarify the matter with~~ the person, ~~assist~~ alleging sexual harassment will be offered assistance in developing strategies to deal with the matter, ~~recommend~~ including counseling ~~or other assistance, determine.~~ The outcome of the consultation may be that no further action is necessary, or ~~initiate~~ the administrative review procedure under Appendix B may be initiated.
3. ~~The Coordinator will prepare a~~ A record of the consultation, ~~which will be prepared and maintained by the Office of the Senior Vice President and General Counsel.~~ The record will be considered confidential to the full extent consistent with fairness, applicable law, and the University's ~~university's~~ need to take preventive and corrective action (see also "Confidentiality" above). If the record of the consultation includes an allegation of sexual harassment against a person named in the record, the record will not be disclosed to any person ~~outside other than the Response Coordinator, the Title IX Coordinator, and~~ the Office of the Senior Vice President and General Counsel, unless the person so named is notified in writing, ~~and absent.~~ Absent compelling reason to the contrary, ~~the any such~~ notification will/shall precede the disclosure.
4. When the Response Coordinator has reason to believe that criminal conduct may have occurred or that action is necessary to protect the health or safety of any individual, ~~the University or to comply with applicable law, the university~~ may, as the Office of the Senior Vice President and General Counsel determines, refer the matter to appropriate authorities.
5. ~~Although consultation may be requested and an administrative review procedure pursued within any reasonable time after the events giving rise to the consultation or administrative review procedure, persons~~ Persons who believe they have been subjected to or who otherwise have observed sexual harassment are encouraged to seek assistance from the University through these procedures promptly ~~university through these procedures promptly.~~ As discussed in Appendix B, a person who wishes to file a complaint alleging sexual harassment and invoke administrative review ordinarily must do so within 180 days of when the harassment occurred, although this time period will be extended if before doing so the person seeks assistance through consultation. In that event the time to file a complaint will be extended for the period of time required for the consultation to be concluded.



## Appendix B

### Administrative Review

1. Following consultation, a person who alleges or if consultation is not sought, a member of the university community who believes that he or she has been sexually harassed by a university employee or student or third party may file a complaint against the person believed to have engaged in the harassing conduct.
- ~~1.2.~~ Complaints of sexual harassment by students against other students must be filed with the GW Office of Student Rights and Responsibilities (“SRR”), 2129 I Street, NW, Washington, DC 20052, Tel. (202) 994-6758. All other complaints must be filed with the Response Coordinator, Suite 403, 2121 Eye Street Avenue, NW, Washington, DC 20052, Tel. (202) 994-2657. Complaints must be filed within 180 days of when the harassment occurred, unless the person alleging sexual harassment (the “Complainant”) has the right to pursue an administrative review procedure if not satisfied with the results of the consultation can demonstrate good cause to the SRR or Response Coordinator why the complaint could not have been filed within this period.
- ~~2.3.~~ The Coordinator will inform To file a complaint, the Complainant will be asked to provide a signed statement containing a factual account of the alleged harassment. The SRR or Response Coordinator may assist the Complainant to prepare a signed in preparing this statement. If the Complainant declines to provide a signed statement, the Coordinator will prepare a written summary of the Complainant’s oral allegations (see “Confidentiality” above) will be prepared.
- ~~3.~~ The Coordinator will inform the After the complaint is filed, the person who is accused of harassment (the “Respondent of the allegations in sufficient detail to permit an informed response, including providing the Respondent with-”) will be provided with a written summary of the material allegations.
4. The Title IX Coordinator will investigate also be informed that the complaint has been filed and provided with the Complainant’s signed statement or written summary.
- ~~4.5.~~ The SRR or Response Coordinator will conduct an adequate, reliable and impartial investigation of the alleged harassment as promptly as-, typically within 30 days. Depending on the circumstances permit, will afford, the SRR or Response Coordinator may work with the GW Police Department to conduct the investigation and consult with other university offices with respect to it. The SRR or Response Coordinator will provide the Complainant and the Respondent a reasonable opportunity to respond to the allegation with similar and timely opportunities to identify witnesses and provide evidence relevant to the complaint, and will advise the parties and any persons interviewed or notified about the alleged harassment of the need for discretion and confidentiality.

## SEXUAL HARASSMENT AND SEXUAL VIOLENCE POLICY AND PROCEDURES

- ~~5. Upon initiating an investigation, the Coordinator may inform the University officials who would be charged with recommending corrective and disciplinary action (“responsible University officials”) of the administrative review procedure.~~
- ~~6. Upon concluding the investigation, the Coordinator will report~~While the investigation is underway, the university may take interim action in response to the complaint, if appropriate. If the person accused is a student, this action could include interim suspension from the university or removal from university housing. Steps may also be taken to allow the person making the complaint to minimize or avoid contact with the accused person, change academic or living arrangements for one or both parties, or provide the complaining person with access to counseling, medical or academic support services.
- ~~7. After the investigation is completed, the SRR or Response Coordinator will attempt to determine whether an acceptable resolution of the matter may be achieved informally. If the matter involves a Respondent who is a member of the GW faculty or staff, the Response Coordinator will also discuss the matter with the university official who would be responsible for recommending any corrective and/or disciplinary action against the Respondent (“Responsible University Official”) and that person will assist in the effort to determine whether the matter may be resolved informally.~~
- ~~6.8. Informal resolution of a matter could involve corrective action and/or sanctions against the Respondent, or it could involve no further action. Informal resolution of a matter does not involve face-to-face mediation between the parties and either party may end his or her findings on the matter to the responsible University official. The Coordinator will make every effort to resolve the matter informally among the parties, subject to the approval of the responsible University official. The informal resolution of the matter may include corrective action, including sanctions; provided, however, that participation at any time. In cases involving Respondents who are members of the GW faculty or staff, no final sanction except for a written reprimand may be taken based on an administrative review procedure without the Respondent’s written consent. Any such~~In cases involving Respondents who are GW students, no disciplinary sanction may be imposed based on an administrative review procedure without the Respondent’s written consent. Any corrective action, ~~including sanctions, shall be or sanction imposed by the responsible~~a Responsible University ~~official and~~Official must be within his or her discretion and consistent with his or her authority. The ~~University~~university may also take interim corrective action ~~at any time~~during this period if doing so reasonably appears to be required to protect a member of the ~~University~~university community.
- ~~9. The SRR or Responsible University Official will provide concurrent written notice to the Complainant and Respondent of the outcome of the administrative review procedure, subject to any legal restrictions regarding confidentiality. (See section in Policy entitled “Confidentiality” for limitations on disclosure of information.)~~

- ~~7.10. If the Coordinator is unable to resolve the matter is not resolved~~ informally, the ~~responsible University official~~ shall determine, based on the report obtained from the Coordinator, whether or not to recommend the imposition of corrective action, including one ~~SRR~~ or more final sanctions against the Respondent. ~~If the recommended disposition involves a final sanction other than a written reprimand, and if the Respondent does not give written consent to the imposition of such sanction, the responsible~~ Responsible University ~~official~~ Official shall determine whether to initiate a formal hearing against the Respondent, as set forth in Appendix C.
- ~~8. A responsible official will notify the parties in writing of the disposition of the administrative review procedure; provided, that the official may omit from the notice portions of the foregoing information that the University is required by law to treat as confidential. (See "Confidentiality" above for restrictions on disclosure of information.)~~
- ~~9. If dissatisfied with the disposition of the administrative review procedure, the Complainant may initiate the formal hearing procedure.~~
11. If the matter is not resolved informally, and the SRR or Responsible University Official decides not to initiate a formal hearing against the Respondent, or the matter is resolved informally and the Complainant is dissatisfied with that resolution, the Complainant may request further review as set forth in Appendix C.
- ~~10. If a Respondent who is a member of the GW faculty or staff is dissatisfied with the disposition of resolution of the complaint through the administrative review procedure, the Respondent may pursue applicable grievance procedures.~~



## Appendix C

### Formal Hearing Procedure—Special Panels

#### Section 1 – Students

1. If a student’s complaint of sexual harassment against another student is not resolved through the administrative review procedure, the SRR will determine, based on the complaint and the investigation, whether to charge the Respondent with violating the GW Code of Student Conduct (the “Code”). SRR will make this determination within 30 days of when it completes the administrative review procedure, and it will communicate its decision in writing to the Complainant and the Respondent. Upon request, SRR will also provide both parties with access to witness statements and documents obtained in connection with the investigation that are relevant to the complaint, to the extent permitted by law.
2. If a student’s complaint of sexual harassment against another student is not resolved through the administrative review procedure, and the SRR decides not to charge the Respondent with violating the Code, or the student’s complaint of sexual harassment against another student is resolved through the administrative review procedure, and the Complainant is dissatisfied with that resolution, the Complainant may appeal that decision or resolution by submitting a letter that fully explains all reasons for the appeal to the Response Coordinator, xxx Rice Hall, 2121 I Street, NW, Washington, DC 20052. The appeal must be filed within 5 business days of the date the Complainant receives from the SRR notice of the outcome of the administrative review procedure. The SRR will provide the appeal to the Respondent, who shall be permitted to file a response to the appeal within 5 business days of when the appeal is received. The Response Coordinator will evaluate the appeal and notify the Complainant and Respondent in writing whether it has been granted or denied. This determination by the Response Coordinator will generally be made within 20 business days of when the appeal has been received. That determination is final and may not be further appealed.
3. Students should be aware that when the Response Coordinator grants an appeal of a decision by the SRR not to charge the other student with violating the Code it does not mean that the student has violated the Code or will be sanctioned. Instead, it means that a charge will now be made and disciplinary proceedings will be conducted on that charge. The student will only be found in violation if the hearing board or conference officer is persuaded by a preponderance of the evidence that the student has committed the violation charged.

4. If the SRR charges the Respondent with violating the prohibitions in the Code on sexual violence and/or sexual misconduct, disciplinary proceedings will be commenced against that student according to the procedures outlined in the Code and in this Section of the Sexual Harassment and Sexual Harassment Policy and Procedures. If there is any conflict between the procedures outlined in the Code and the procedures outlined in the Sexual Harassment and Sexual Violence Policy and Procedures, the latter will govern.
5. In cases where a student has filed a sexual harassment complaint against another student, the Complainant may choose to be a party in the disciplinary hearing or conference conducted on that charge. In these cases, the Complainant will be given a timely opportunity, similar to the Respondent's, to present and question other witnesses and offer relevant evidence to the hearing board or conference officer.
6. In cases involving charges of sexual violence by one student against another student, neither the Complainant nor the Respondent will be permitted to question the other directly. Instead, any questions that the Complainant or the Respondent want to ask the other must be written out and provided to the presiding officer, who will read the questions while the party who provided the questions listens from a separate location.
7. In cases involving charges of sexual violence and/or sexual misconduct, the parties will have similar and timely access to witness statements and other documents gathered in connection with the investigation of the complaint that the SRR intends to use in the hearing or conference, to the extent permitted by law. SRR will inform the Complainant and Respondent in writing of the outcome of the hearing or conference, and any sanction that has been imposed that relates directly to the Complainant.
8. As a general practice the SRR attempts to complete disciplinary proceedings on charges of sexual violence and/or sexual misconduct within 45 days. However, completing these proceedings may take longer in individual cases, depending on the circumstances involved, the complexity of the facts, the availability of witnesses, and other factors.
9. The parties will have a similar and timely opportunity to appeal the outcome of the disciplinary hearing or conference, to the extent permitted by law, although not the sanction imposed, if any. Appeals will be conducted according to the procedure outlined in the Code of Student Conduct. As a general practice, the appeal panel will attempt to reach its decision within 45 days from the date the appeal is filed, although additional time may be required in individual cases depending on the circumstances involved, the complexity of the facts, the availability of witnesses, and other factors. The decision of the appeal panel will be communicated in writing to the Complainant and Respondent within this period. That decision, and the

outcome and sanctions (if any) resulting from any new hearing or conference ordered by the appeal panel in connection with the appeal shall be final and conclusive and no further appeals will be permitted.

10. All of the time periods discussed in this Appendix C.1. of the Sexual Harassment and Sexual Violence Policy and Procedures and the Code of Student Conduct will be suspended if either the fall or spring semester ends while proceedings on a student's complaint of sexual harassment against another student are pending. Those periods will then resume when the next fall or spring semester begins. In addition, if the university has taken interim steps in response to a complaint of sexual harassment, such as making it possible for a Complainant to minimize or avoid contact with a Respondent, those steps will remain in effect during the suspension period. The university may also take additional interim steps in response to a complaint, if appropriate, during this period.
11. In cases where the university is unable to complete its work within the time periods discussed herein, and believes substantial additional time will be required to do so, it will notify the affected party or parties and explain that further time is required.
12. It is important to note that federal law prohibits unlawful retaliation against any student who files a complaint alleging sexual harassment, participates in an investigation of any complaint alleging sexual harassment, or otherwise asserts the right to an educational environment free of sexual harassment.

## Section 2 – Special Panels

### A. Initiation of Special Panel Procedure

1. ~~The complainant or a responsible~~1. In all cases not covered by Section 1 of Appendix C, if a complaint of sexual harassment is not resolved through the administrative review procedure, or is resolved through that procedure but the Complainant is dissatisfied with that resolution, the Complainant or Responsible University ~~official~~ ~~must file~~ Official may initiate a formal hearing by filing a written request with the ~~Chief~~ Vice President for Human Resource ~~Officer~~ Resources or his/her designee. In such cases the procedures set forth in this Section 2 of Appendix C shall apply, and if there is any conflict between these procedures and the procedures set forth in Section 1 of Appendix C or the GW Code of Student Conduct, the procedures set forth in this Section 2 shall apply.
2. The request for a formal hearing must be filed within 30 days after receipt of information from ~~a responsible~~ the Responsible University ~~official~~ Official of the disposition of the administrative review (See Appendix B). The written request for a formal hearing (the “formal complaint”) must include a

description of the material facts related to the alleged sexual harassment, must state why the disposition of the matter should be modified or overturned, and may include a statement of the relief requested.

32. The Chief Vice President for Human Resource Officer Resources will send a copy of the formal complaint, including the name of the person alleged to have been sexually harassed, to the responding party.
- ~~3. An aim of the special panel process is to complete, if feasible, the formal complaint procedure within 45 business days of the Chief Human Resource Officer's receipt of the formal complaint request Respondent.~~

A.B. Establishment of Special Panel Procedures

1. A formal complaint filed under Appendix C, Section 2, will be heard by a six-member panel selected by lot by the Chief Vice President for Human Resource Officer Resources as described in Section C. Panelists will be selected from a pool of 18, six of whom are faculty members appointed by the Provost and Executive Vice President for Academic Affairs, with the concurrence of the Council of Deans and the Faculty Senate Executive Committee. If the concurrence does not occur within 30 days, the Provost and Executive Vice President for Academic Affairs and the Council of Deans shall select three of the faculty panel members and Faculty Senate Executive Committee shall select the remaining three faculty panel members. Six members of the pool shall be staff employees appointed by the Chief Vice President for Human Resource Officer Resources; and six members of the pool shall be students appointed by the Senior Associate Provost Vice President and Dean of Student Affairs.
2. Each appointee to the pool ordinarily will serve a two year term. The appointing official should stagger the appointments so that, if feasible, the terms of not more than five of his or her appointees expire in any year.
3. An appointee to the pool may be removed and replaced at any time, at the discretion of the appointing official. The appointing official should promptly fill vacancies in the pool according to the procedure in Section B.1 above.
4. The Chief Vice President for Human Resource Officer Resources or designee will conduct mandatory training of all appointees to the pool at the time of appointment and periodically thereafter. No pool member shall receive such training while serving on a special panel. Training will address roles and responsibilities of panel members, hearing procedures, applicable policies, and other techniques and standards pertinent to the formal complaint and hearing process.

B.C. Selection of Panel

## SEXUAL HARASSMENT AND SEXUAL VIOLENCE POLICY AND PROCEDURES

1. Within five business days after receiving the written request to proceed with a formal complaint (see A.1 above), the Chief Vice President for Human Resource Officer Resources will select by lot the six-member panel from the pool. Two of the panel members will be drawn from the same status group as the Respondent; two panel members will be drawn from the same status group as the Complainant; and two panel members will be drawn from among the pool members in the remaining status group(s). No member of a faculty member's department or of a staff member's administrative department may serve on the special panel.
2. The Chief Vice President for Human Resource Officer Resources will notify the parties of the panelists' names. Within three business days of receipt of the notice, either party may submit to the Chief Vice President for Human Resource Officer Resources a written objection to designation of any panel member. The objection must clearly state the reasons for the objection. The Chief Vice President for Human Resource Officer Resources may, at his or her discretion, replace a challenged panelist with another member of the pool from the same status group.
3. A designated panelist who at any time has or may reasonably be perceived as having a conflict of interest is otherwise unable to serve on a special panel shall recuse himself or herself, and notify the Chief Vice President for Human Resource Officer Resources of the recusal. For sound reasons, which shall be disclosed to the parties and panel members, the Chief Vice President for Human Resource Officer Resources, in his or her discretion, may replace a panel member. The successor panel member shall be selected by lot by the Chief Vice President for Human Resource Officer Resources from among pool members of the recused or replaced panel member's status group.

### C.D. Special Panel Organization

1. Within five business days after their appointment, special panel members will select a chairperson and review the request for a hearing.
2. The special panel may request clarification or additional information from the Chief Vice President for Human Resource Officer Resources or the parties. Panel members may not communicate with either party outside the presence of the other party. The special panel shall provide both parties with copies of all written communications sent to either party.

### D.E. Scheduling Hearing

1. The special panel will set a hearing date and time. The panelists will meet within a reasonable time, normally with five business days after their appointment, to select a chairperson and set the hearing date and time. The hearing will be held within a reasonable time, normally within 20 business days after the special panel is appointed.

2. The special panel chairperson will notify the parties of the hearing date, time, and location at least ten business days before the hearing. Within two business days after receiving notice of the hearing, a party with a scheduling conflict may submit to the chairperson a request for postponement. The chairperson, after consulting the special panel members, has discretion to reschedule the hearing. All parties will be notified as soon as feasible if the hearing is rescheduled.
3. If a party does not appear for the hearing within 30 minutes after the scheduled time, the special panel will decide whether to reschedule the hearing or proceed.
4. Upon request the parties will be provided access to witness statements and other documents gathered in connection with the investigation of the complaint, to the extent permitted by law.

E.F. Conduct of Hearing

1. The special panel chairperson will preside at the hearing and decide procedural issues. Only persons participating in the proceeding may be present during the hearing except as otherwise provided in these procedures. The hearing will be conducted in the following sequence:
  - a) Preliminary matters. The Chairperson will introduce the parties, their advisors, and the special panel members; review the order of proceedings; explain procedures that govern use of the tape recorder; and present a brief summary of the formal complaint.
  - b) Opening statements. The party who requested the hearing may make an opening statement. The responding party may then make an opening statement. Each opening statement shall not exceed 15 minutes.
  - c) Presentation of formal complaint. The party who requested the hearing may present to the panel testimony, witnesses, documents or other evidence. Following the testimony of the party who requested the hearing, and of each witness, the responding party may ask questions.
  - d) Response to formal complaint. The party who responded to the formal complaint may present testimony, witnesses, documents or other evidence to the panel. Following the testimony of the responding party, and of each witness, the party who requested the hearing may ask questions. In cases of sexual violence, the sSpecial Ppanel typically does not allow parties to question or cross-examine each other directly during the hearing, and instead requires that such questioning be conducted indirectly and/or from a separate location.

## SEXUAL HARASSMENT AND SEXUAL VIOLENCE POLICY AND PROCEDURES

- e) Closing statements. The party who requested the hearing may make a closing statement. The responding party may then make a closing statement. Each closing statement shall not exceed 15 minutes.
2. Special panel members may ask questions of parties or witnesses at any time during the hearing.
3. The hearing will not be conducted according to strict rules of evidence. However, the special panel chairperson may limit or exclude irrelevant or repetitive testimony, and may otherwise rule on what evidence may be offered. To determine whether a persistent pattern of harassment exists, the special panel may request that appropriate University officials (in consultation with the Office of the Senior Vice President and General Counsel) provide evidence subject to university policies and applicable laws, including the privacy of student education records, of prior written reprimands and/or sanctions imposed against the Respondent based on past incidents of sexual harassment as part of the hearing record.
4. When the hearing cannot be completed in one session, the special panel chairperson may continue the hearing to a later date and time.
5. The hearing will be recorded on audiotape. Either party may obtain from the Chief Human Resource Officer a copy of the recording at reasonable cost, on written request.

### F.G. Witnesses

1. Each party (and the panel) may ask witnesses to testify at the hearing, but no person may be compelled to testify. However, each party shall have a right to know prior to the hearing the contents of and names of the authors of any written statements that may be introduced against him or her, and the right to rebut unfavorable inferences that might be drawn from such statements.
2. At least three business days before the hearing, each party must provide the chairperson, the Chief Vice President for Human Resource Officer Resources and the other party a list of witnesses he or she intends to present at the hearing.
3. The special panel may request that additional witnesses appear. The Chief Vice President for Human Resource Officer Resources will, if feasible, arrange for the appearance of these witnesses.
4. Each party is responsible for notifying its witnesses of the hearing date, time, and location. A hearing will not necessarily be postponed because a witness fails to appear.



## SEXUAL HARASSMENT AND SEXUAL VIOLENCE POLICY AND PROCEDURES

5. In identifying persons to appear as witnesses, parties should be aware that live testimony is preferred and that the panel may give less weight to the evidence of a witness who is able but unwilling to appear.
6. All witnesses (except for the Complainant and the Respondent) will be excluded from the hearing before and after their testimony. A witness may be recalled at the discretion of the special panel chairperson.
7. A University employee must obtain permission from his or her supervisor to be absent from work to appear at a hearing. Employees will be paid for reasonable time spent while preparing for or appearing at a hearing during working hours, but not for other time spent on the complaint outside working hours.
8. A student must obtain permission from his or her professor to be absent from class to appear at a hearing.
9. Supervisors and professors should be aware of the importance of hearings and not unreasonably withhold permission to appear at a hearing. If an employee or student needs assistance in obtaining permission to appear at a hearing, he or she should contact the Chief Vice President for Human Resource Officer Resources.

### G.H. Advisors

1. Each party may be accompanied by not more than two advisors, who may be University employees or other persons the party selects; provided that not more than one of the advisors shall be an attorney.
2. No advisor, including an attorney who may be acting as an advisor, may speak on behalf of the party, make an opening or closing statement, present testimony or examine witnesses. The advisor's role is limited to assisting the party to prepare for the hearing and providing the party private advice during the hearing.
3. A Complainant or Respondent who plans to be accompanied by an attorney or other advisor at the hearing must notify the panel chairperson and the other party at least five business days before the hearing.
4. The special panel may request or the University may provide a University-furnished attorney or other advisor to be present at any hearing to advise the special panel.
5. The University may have an observer present at the hearing.

### H.I. Decision After Hearing



## SEXUAL HARASSMENT AND SEXUAL VIOLENCE POLICY AND PROCEDURES

1. After the hearing, the special panel will meet in closed session to review the hearing and make a decision on the formal complaint. In order to make a determination that sexual harassment occurred, the decision must be supported by the preponderance of the evidence and approved by a majority of the special panel members.
2. The special panel's report of its decision must be in writing and set forth findings of fact, conclusions, and, where appropriate, recommendations for corrective action, including sanctions, that are approved by a majority of the special panel members.
3. The special panel will submit the report of its decision to the Chief Vice President for Human Resource Officer Resources within ten business days after the hearing ends. The Chief Vice President for Human Resource Officer Resources shall send a copy of the special panel report to the Complainant and to the Respondent (at their home addresses of record, by courier, overnight mail or certified mail, return receipt requested) except for portions that the University university is required by law to treat as confidential. The Chief Vice President for Human Resource Officer Resources shall also send copies of the special panel report to the responsible University university officials, including the vice president(s) responsible for oversight of the status group(s) to which the parties belong.
4. If the special panel concludes that sexual harassment occurred, the Chief Vice President for Human Resource Officer Resources will forward a copy of the special panel report to the Responsible University Official or SRR. a University university official responsible for implementing corrective or disciplinary action. After reviewing the special panel report, the Responsible University Official or SRR a responsible University official will decide whether to impose corrective action, including sanctions, consistent with that official's authority. In cases involving suspension or expulsion of a student, the Senior Associate Provost and Dean of Student Affairs, in concurrence with the Provost and Executive Vice President for Academic Affairs, will impose sanctions. A responsible University university official will notify the parties in writing of the disposition, and the basis for that disposition.
5. As a general practice, a decision on a formal complaint will be rendered within 45 days of when the Vice President for Human Resources receives it. However, certain cases may require additional time, depending on the circumstances involved, the complexity of the facts, the availability of witnesses, and other factors. In cases where a special panel is unable to complete its work within this period of time, and believes substantial additional time will be required, it will notify the affected party or parties and explain that further time is required.

### I.J. Review of Special Panel Decision

## SEXUAL HARASSMENT AND SEXUAL VIOLENCE POLICY AND PROCEDURES

1. A party dissatisfied with a special panel decision may submit a request for review to the Chief Vice President for Human Resource Officer Resources, who will transmit the request to the vice president(s) responsible for oversight of the status groups to which the parties belong. For example, when the Complainant is a staff member and the Respondent a faculty member, the Chief Vice President for Human Resources Officer and the Provost and Executive Vice President for Academic Affairs will jointly review the matter; when Complainant and Respondent are both faculty members, the Provost and Executive Vice President for Academic Affairs will review the matter.
2. The request for review must be in writing and set forth reasons why the special panel decision should be modified or overturned. The request for review must be based on the hearing record and may not present new evidence or testimony.
3. The request for review must be submitted within 1510 business days after the party's receipt of the special panel decision. If the request is not received by then, the special panel decision will be the final University university decision on the formal complaint.
4. The Vice President(s) will strive to issue a final decision on the review, based on the hearing record, within 2030 business days following submission of the request for review. The decision of the Vice President(s) shall be the final decision on the formal complaint within the University university.
5. When a special panel decision that includes a finding of sexual harassment is final, or when the final decision on a review is issued, the Chief Vice President for Human Resource Officer Resources will provide a copy of it to the Responsible University Official or SRR. University university official(s) responsible for implementing corrective or disciplinary action. Any corrective action, including sanctions, taken shall be within the discretion and consistent with the authority of that official. In cases involving suspension or expulsion of a student, the Senior Associate Provost and Dean of Student Affairs, in concurrence with the Provost and Executive Vice President for Academic Affairs, will impose sanctions. —the authority of the responsible University university official. A range of relevant considerations should be taken into account in determining the extent of sanctions, such as the severity of the offense, the effect of the offense on the victim and on the University university community, and the Respondent's record of past offenses, if any. Respondent will be promptly notified of the outcome.
6. A responsible Responsible University official Official shall send a copy of the final decision to the parties (at their home address of record, by courier, overnight mail or certified mail, return receipt requested) except for portions that the University university is required by law to treat as confidential.

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RESOLUTIONS 2011-12 SESSION

	Date of Meeting	Title of Resolution	Action	Response of Administration
11/1	9-9-11	A Resolution to Amend the <i>Faculty Organization Plan</i> to Provide Representation for the School of Nursing on the Faculty Senate and the Faculty Senate Executive Committee	Adopted, as amended	Administration concurs and will place this item on the Faculty Assembly Agenda 10-4-11  See e-mails in binder
FA 11/1	10-4-11	A Resolution to Amend the <i>Faculty Organization Plan</i> to Provide Representation for the School of Nursing on the Faculty Senate and the Faculty Senate Executive Committee	Adopted	Senate Resolution 11/1 was approved by the Board of Trustees, 10-21-11
11/2	4-13-12	A Resolution to Amend the <i>Faculty Organization Plan</i> to Clarify the Allocation of Seats for Schools on the Faculty Senate	Substitute Resolution 11/2 was adopted	Administration concurs and will place this item on the Faculty Assembly Agenda 10-2-12  .
2012-13 Session		A Resolution to Endorse Amendments to The George Washington University Policy on Conflicts of Interest and Commitment for Faculty and Investigators		Administration concurs; approved by the Board of Trustees at its meeting, May 17, 2012
12/1	5-11-12		Adopted	[To view the Policy as adopted, see the 5-11-12 Senate minutes at <a href="http://www.gwu.edu/~facsen">www.gwu.edu/~facsen</a> ]

**A RESOLUTION TO AMEND THE FACULTY ORGANIZATION PLAN TO  
PROVIDE REPRESENTATION FOR THE SCHOOL OF NURSING ON THE  
FACULTY SENATE AND THE FACULTY SENATE EXECUTIVE  
COMMITTEE (11/1)**

**WHEREAS,** Article III, Section 2(a)(3) of the Faculty Organization Plan currently provides for representation on the Faculty Senate from the following eight Schools: the Columbian College of Arts and Sciences, the Elliott School of International Affairs, the Graduate School of Education and Human Development, the Law School, the School of Business, the School of Engineering and Applied Science, the School of Medicine and Health Sciences, and the School of Public Health and Health Services; and

**WHEREAS,** Article III, Section 5(b) of the Faculty Organization Plan currently provides that the Faculty Senate Executive Committee consists of eight faculty members elected by the Faculty Senate, including one member from each of the foregoing Schools;

**WHEREAS,** the University recently created a new School of Nursing (“SON”), and SON should be assigned representation on the Faculty Senate and the Faculty Senate Executive Committee;

**WHEREAS,** SON is beginning the second year of its operation and is working to achieve compliance with Article I.B.1. of the Faculty Code; and

**WHEREAS,** SON has reported that it currently has 13 tenured or tenure-accruing faculty members, representing 72% of the 18 regular, active-status members of its faculty; and

**WHEREAS,** SON currently does not have any non-administrative tenured faculty members who are eligible to serve on the Faculty Senate under Article III, Section 2(a)(3) of the Faculty Organization Plan, but SON expects to have in place one or more non-administrative tenured faculty members who would be eligible to serve on the Faculty Senate beginning with the 2012-2013 session; and

**WHEREAS,** in view of the current stage of SON’s development, SON should be assigned one representative on the Faculty Senate and one representative on the Faculty Senate Executive Committee, with such representation to take effect beginning with the 2012-2013 session; **NOW, THEREFORE,**

**BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE  
WASHINGTON UNIVERSITY**

- (1) That the first sentence of Article III, Section 2(a)(3) of the Faculty Organization Plan be amended to read as follows, with such amendment to take effect commencing with the 2012-2013 session of the Faculty Senate:

“The faculty members of the Senate shall be elected by and from their faculties as follows: the Columbian College of Arts and Sciences, nine; the Graduate School of Education and Human Development, Law School, School of Business, School of Engineering and Applied Science, and School of Medicine and Health Sciences, three each; the Elliott School of International Affairs and the School of Public Health and Health Services, two each; and the School of Nursing, one.”

- (2) That the first four sentences of Article III, Section 5(b) of the Faculty Organization Plan be amended to read as follows, with such amendment to take effect commencing with the 2012-2013 session of the Faculty Senate:

“The Executive Committee shall consist of nine faculty members of the Senate and the President ex officio. The following nine schools shall have one representative each on the Executive Committee: the Columbian College of Arts and Sciences, the Elliott School of International Affairs, the Graduate School of Education and Human Development, the Law School, the School of Business, the School of Engineering and Applied Science, the School of Medicine and Health Sciences, the School of Nursing, and the School of Public Health and Health Services. Any faculty member of the Senate shall be eligible to be elected to the Executive Committee. The Chairman shall be elected first by the Senate; and the Senate shall thereafter elect the other eight elective members of the Executive Committee, subject to the restriction that the Executive Committee may not include two or more members who have been elected to the Senate by the same school or faculty group.”

- (3) That the President, as Chairman of the Faculty Assembly, is petitioned to place on the agenda of the Faculty Assembly at its meeting on October 4, 2011, the foregoing proposed amendments to the Faculty Organization Plan.
- (4) That, upon approval by the Faculty Assembly, the President is requested to forward the foregoing proposed amendments to the Faculty Organization Plan for final approval by the Board of Trustees as soon as conveniently possible.

Faculty Senate Committee on Professional Ethics and Academic Freedom  
August 24, 2011

Adopted, as amended, September 9, 2011

**A RESOLUTION TO AMEND THE FACULTY ORGANIZATION PLAN TO CLARIFY THE ALLOCATION  
OF SEATS FOR SCHOOLS ON THE FACULTY SENATE (11/2)**

**WHEREAS, Article III, Section 2, subsection (a) (3) of The George Washington University Faculty Organization Plan was last amended by action of the University’s Board of Trustees on October 21, 2011, to read as follows:**

**“The faculty members of the Senate shall be elected by and from their faculties as follows: the Columbian College of Arts and Sciences, nine; the Graduate School of Education and Human Development, School of Engineering and Applied Science, School of Business, School of Medicine and Health Sciences, and Law School, three each; the Elliott School of International Affairs and the School of Public Health and Health Services, two each; and the School of Nursing, one. The faculty members shall be professors, associate professors, or assistant professors in full-time service who have tenure as of the academic year next succeeding the date of election....”;**

**WHEREAS, the Faculty Senate plays a crucial role in shared governance at the University;**

**WHEREAS shared governance is strengthened by the diversity of discipline and experience manifested by the University faculty;**

**WHEREAS to be effective the Faculty Senate needs to be viewed by all parties as fairly representing the entire University faculty;**

**WHEREAS the current allocation of Senate seats results in a large number of small and large departments having no direct representation on the Senate;**

**WHEREAS there are 19 departments with 11 or more tenure track faculty that currently do not have direct representation on the Senate, including: Accountancy, American Studies, Anatomy, Anthropology, Biochemistry, Chemistry, Computer Science, Engineering Management and Systems Engineering, History, Health Services Management and Leadership, Management, Mathematics, Media and Public Affairs, Physics, Political Science, Preventive and Community Health, Psychology, Romance, German, and Slavic Languages, Statistics, and Strategic Management and Public Policy;**

**WHEREAS the current allocation of Senate seats denies the Senate the opportunity to hear directly from our colleagues in many disciplines and raises questions as to whether the Senate accurately represents the views of the entire University faculty;**

**WHEREAS, The George Washington University Faculty Organization Plan plays a significant role in ensuring the preservation of the Faculty Senate as a strong deliberative body; and as such, it should be written in a manner that is clear, fair, and able to stand the test of time; NOW, THEREFORE,**

**BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY:**

**(1) That Article III, Section 2, subsection (a) (3) of The George Washington University Faculty Organization Plan be amended to read as follows, with such amendment to take effect commencing with the 2013-2014 session of the Faculty Senate:**

**“The faculty members of the Senate shall be elected by and from their faculties as follows: the Columbian College of Arts and Science, 11 seats; the Graduate School of Education and Human Development, 3 seats; the School of Engineering and Applied Science, 4 seats; the School of Business, 5 seats; the School of Medicine and Health Sciences, 5 seats; the Law School, 4 seats; the Elliott School of International Affairs, 3 seats; the School of Public Health and Health Services, 3 seats; and the School of Nursing, 2 seats. The faculty members shall be professors, associate professors, or assistant professors in full-time service who have tenure as of the academic year next succeeding the date of election....”;**

**(2) That, upon adoption by the University’s Board of Trustees of the foregoing amendment to the Faculty Organization Plan, the Faculty Handbook should be revised to reflect the change set forth in that amendment.**

**(3) That the President, as Chairman of the Faculty Assembly, is petitioned to place on the agenda of the Faculty Assembly at its meeting on October 2, 2012, the foregoing proposed amendments to the Faculty Organization Plan.**

**(4) That, upon approval by the Faculty Assembly, the President is requested to forward the foregoing proposed amendments to the Faculty Organization Plan for final approval by the Board of Trustees as soon as conveniently possible.**

**Substitute Resolution 11/2 was adopted April 13, 2012**



**A RESOLUTION TO ENDORSE AMENDMENTS TO THE GEORGE WASHINGTON  
UNIVERSITY POLICY ON CONFLICTS OF INTEREST AND COMMITMENT FOR  
FACULTY AND INVESTIGATORS (12/1)**

**WHEREAS**, the Faculty Senate has previously adopted resolutions endorsing the original adoption of the University's Policy on Conflicts of Interest and Commitment for Faculty and Investigators (the "University Policy"), including its attached disclosure forms (Appendices A and B), as well as subsequent amendments thereto; and

**WHEREAS**, the University Administration has advised the Faculty Senate that the Department of Health and Human Services ("DHHS") has recently issued revised conflict of interest requirements for Investigators who conduct research sponsored by the National Institutes of Health and other agencies administered by the Public Health Service ("PHS"); and

**WHEREAS**, a joint committee composed of administration and faculty representatives has proposed amendments to the University Policy, including a new Appendix C to be completed by Investigators conducting research sponsored by PHS-administered agencies; and

**WHEREAS**, the University Administration has advised the Faculty Senate that the proposed amendments to the University Policy, in the form attached to this Resolution as Exhibit A (unmarked) and Exhibit B (marked to show changes from the current University Policy), are necessary to enable the University to comply with the revised conflict of interest requirements issued by DHHS for Investigators who conduct research sponsored by PHS-administered agencies; and

**WHEREAS**, the Faculty Senate Committee on Professional Ethics and Academic Freedom has reviewed and endorsed the proposed amendments to the University Policy, including the new Appendix C thereto, in the form attached to this Resolution as Exhibits A and B; and

**WHEREAS**, the Faculty Senate believes that the proposed amendments to the University Policy, as shown on Exhibits A and B attached to this Resolution, are consistent with the best interests of the University and its faculty; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON  
UNIVERSITY:**

- (1) That the Faculty Senate hereby endorses amendments to the University's Policy on Conflicts of Interest and Commitment for Faculty and Investigators (the "University Policy"), including a new Appendix C thereto, in the form attached to this Resolution as Exhibit A (unmarked) and Exhibit B (marked to show changes from the current University Policy); and
- (2) That the Faculty Senate understands and expects that future proposed amendments to the University Policy (including its Appendices) will be presented to the Faculty Senate for its review and recommendations in accordance with the procedures followed in connection with the adoption of this Resolution.

Faculty Senate Committee on Professional Ethics and Academic Freedom  
April 9, 2012

**Adopted May 11, 2012**

**ANNUAL REPORT OF THE FACULTY SENATE COMMITTEE ON  
PROFESSIONAL ETHICS AND ACADEMIC FREEDOM  
2011-2012**

The Faculty Senate Committee on Professional Ethics and Academic Freedom (“PEAF”) held three “in person” meetings during the 2011-2012 academic year. In addition, the Committee held “virtual” discussions via email throughout the year. Following is a summary of the Committee’s activities during the year:

1. At the request of the Faculty Senate Executive Committee, the PEAFF Committee approved a proposed resolution to amend Article III, Sections 2(a)(3) and 5(b) of the *Faculty Organization Plan* to provide representation for the School of Nursing (SON) on the Faculty Senate and the Faculty Senate Executive Committee. On September 9, 2011, the Faculty Senate adopted the PEAFF Committee’s proposed resolution as Faculty Senate Resolution 11/1 (with a technical amendment). On October 4, 2011, the Faculty Assembly approved Faculty Senate Resolution 11/1 as Faculty Assembly Resolution FA 11/1. The Board of Trustees subsequently approved the amendments to the *Faculty Organization Plan* set forth in Faculty Assembly Resolution FA 11/1.
2. In May 2011, the PEAFF Committee appointed a Subcommittee on *Faculty Code* Compliance. During the 2011-2012 academic year, under the leadership of its chair, Edward Cherian, the Subcommittee reviewed *Faculty Code* compliance issues at the School of Public Health and Health Services (SPHHS) and SON. The Subcommittee provided advice on those issues to the Faculty Senate Executive Committee and to the Deans of SPHHS and SON.
3. At the request of the Faculty Senate Executive Committee, the PEAFF Committee conducted extensive discussions regarding the optimal representation of the various Schools in the Faculty Senate. Professors David McAleavey and Gary Simon from the Executive Committee joined those discussions. The PEAFF Committee ultimately approved (by a vote of 7-4) a proposed Resolution to amend Article III, Section 2(a)(3) of the *Faculty Organization Plan* to provide equal representation of three Senators per School for each of the nine Schools except the Columbian College of Arts and Sciences (CCAS), which would receive an allocation of nine Senators due to its three historic “divisions” (liberal arts, mathematics and natural sciences, and social sciences). Three dissenting members of the PEAFF Committee prepared a minority report proposing that (i) each of the nine Schools should receive a minimum representation of two Senators and (ii) 22 additional Senators should be distributed among the Schools based on the number of tenure-track faculty members at each School. At its meeting on April 13, 2012, the Faculty Senate did not adopt the PEAFF

Committee's proposed resolution and instead adopted Substitute Resolution 11/2 based on the Committee's minority report. Faculty Senate Substitute Resolution 11/2 will be presented for consideration by the Faculty Assembly in the fall of 2012.

4. At the request of the Faculty Senate Executive Committee, the PEAFF Committee approved a proposed resolution to amend the University Policy on Conflicts of Interest and Commitment for Faculty and Investigators in order to bring that Policy into compliance with new requirements issued by the Department of Health and Human Services for investigators who conduct research sponsored by the Institutes of Health and other agencies administered by the Public Health Service. On May 11, 2012, the Faculty Senate adopted the PEAFF Committee's proposed resolution as Faculty Senate Resolution 12/1. Resolution 12/1 has been forwarded to the Administration for its review and approval.
  
5. During the 2010-2011 academic year, the PEAFF Committee reviewed the procedures followed in recent dean searches in several Schools and determined that some of those procedures were not consistent with the existing language of Part C.2.b. of the *Procedures for the Implementation of the Faculty Code* (pages 20-21) (*Code Procedures*) and the guidelines for dean searches set forth in Resolution 90/9 adopted by the Faculty Senate on December 14, 1990. After further discussions, the PEAFF Committee approved a proposed resolution at its meeting on April 9, 2012. The proposed resolution would amend the *Code Procedures* by incorporating new guidelines for dean searches that are consistent with the principles of shared governance set forth in the *Faculty Code*, the *Code Procedures* and Faculty Senate Resolution 90/9. The Faculty Senate Executive Committee subsequently reviewed the PEAFF Committee's proposed resolution and returned that proposal to the PEAFF Committee for further consideration during the 2012-2013 academic year.

Respectfully submitted,

Arthur E. Wilmarth, Jr., Chair

cc: Professor Michael Castleberry (Chair, Faculty Senate Executive Committee)  
Members of the PEAFF Committee  
Ms. L. Sue Campbell, Faculty Senate Coordinator