



**MINUTES OF THE REGULAR FACULTY SENATE MEETING  
HELD ON MAY 11, 2018  
AT 1957 E STREET NW/STATE ROOM**

Present: President LeBlanc, Provost Maltzman, Parliamentarian Charnovitz, and Registrar Amundson; Dean Dolling; Executive Committee Chair Marotta-Walters; Professors Briscoe, Bukrinsky, Cordes, Cottrol, Dugan, Esseesy Galston, Griesshammer, Harrington, Khilji, Lipscomb, Markus, McDonnell, McHugh, Price, Rehman, Rohrbeck, Sarkar, Schumann, Schwartz, Sidawy, Tekleselassie, Tielsch, Wallace, Wilson, Wirtz, Yezer, Zara, and Zeman.

Absent: Deans Akman, Brigety, Choudhury, Deering, Feuer, Goldman, Jeffries, and Morant; Professors Agca, Agnew, Costello, Dickinson, Gutman, Lewis, Nau, Pelzman, Pintz, and Roddis.

CALL TO ORDER

The meeting was called to order at 2:16 p.m.

APPROVAL OF THE MINUTES

The minutes of the April 13, 2018, Faculty Senate meeting were approved unanimously without comment.

INTRODUCTION OF NEW SENATORS FOR 2018-2019

The President welcomed five newly elected senators: Holly Dugan (CCAS/English), Dan Schwartz (CCAS/History), Tony Yezer (CCAS/Economics), Shaista Khilji (GSEHD/Human & Organizational Studies), and Abe Tekleselassie (GSEHD/Education Administration).

REPORT: University Budget Model (Forrest Maltzman, Provost, and Joe Cordes, Chair, Fiscal Planning & Budgeting Committee)

The Provost and Professor Cordes presented the objectives and parameters of the university's budget model; these are clearly outlined in the attached slides and are not reproduced in this text. The Provost explained that the new budget model, called for in the university's strategic plan and now in its third year, applies to the university's open schools (the closed schools—the School of Medicine and Health Sciences (SMHS) and the GW Law School—bring in revenues to cover their costs). He noted that there is no single perfect budget model that accomplishes every single objective an institution may have and that perfectly incentivizes every desired outcome. The Provost noted that, cumulatively, the model's components are designed to cover the costs of operations and to reward units for reputation building, teaching excellence, and research contributions. It is

therefore important to look at the budget model as a whole, as all of these pieces work together to accomplish the model's goals.

The Provost described two changes to the model for FY2019. First, the Milken Institute School of Public Health (GWSPH) will now have its undergraduates included in the new budget model, providing a SIP to GWSPH. On the graduate side, GWSPH continues to function as a closed model. Second, a graduate crossover revenue alignment has been implemented to provide 45%/45%/10% revenue sharing when a graduate student from an open unit school takes a course in a closed unit school (and vice versa). Prior to this change, revenue was flowing only to the school of enrollment.

The Provost spoke briefly about a high-level breakdown of the university budget, noting that the schools account for 62% of GW expenses. The FY2018 Q2 actuals provided in the slides display how the model breaks down across open and closed units as well as the central administration and also displays the breakdown of revenue and expense data into broad categories. Any remaining revenue within the schools goes to the schools' reserves. The Provost noted that having some level of university & school reserves is essential. The university asks the deans to try and build reasonable reserves for investing in new priorities as well as for building a tuition contingency in the event of missed enrollment targets. At the central level, the existence of reserves is very important as GW spent from central reserves from FY2013-FY2016, leaving it without sufficient reserves to absorb these types of shocks. The school reserves are growing under the new budget model. The central reserves remain in deficit but are being replenished as the university implements sustainable strategies to achieve and maintain a positive central reserve.

The Provost noted that the amount needed in reserve varies by school. A closed unit needs a stronger reserve to support their operational expenses, while an open unit with facility costs covered by the central administration may not need as large a reserve. GW's financial health, overall, is quite good, contributing approximately 5% of its overall revenue to reserves.

Professor Cordes continued the presentation, noting that the credit rating agencies view the existence of reserves at GW positively: reserves cushion against unanticipated negative shocks and provide an institution with the ability to invest in strategic priorities. The remaining question is what the right level of reserves is and how quickly that level should be achieved. The Fiscal Planning and Budgeting committee will be discussing this question (among others) this coming year, as decisions about budget levels for any given year are driven in part by the university's goals for its reserves.

Professor Cordes reflected on some concerns that have been expressed about the model, reiterating the Provost's point that there is no single model that will perfectly attain all of an institution's goals. These are outlined in the attached slides, together with their attendant pros and cons. He noted that the previous budget model was opaque; schools and units were not able to engage in long-term planning based on concrete information about the kind of return they would receive. Negotiations were undertaken annually between the administration and the unit; budgeting is now done on a 5-year planning horizon. Broadly speaking, the model decentralizes finances and returns more financial decision-making to the schools. There are some transparency issues that need to be resolved at the school level; for example, more clarity for faculty on how reserves are being built and used within the schools should be a priority.

Professor Yezer asked whether, in cases of legitimate concern about a school disproportionately benefitting from its students taking courses in other schools, there might be an arbitration process applied to determine what particular side contracts between schools should look like in terms of revenue sharing. This would encourage equilibrium across schools. The Provost responded that, across the board, there is a balance. He noted that he is typically the arbiter when agreements need to be reached. While there are occasional challenges, he pointed to the Global Communications program as a success story in this arena, having negotiated an agreement between the Columbian College of Arts and Sciences (CCAS) and the Elliott School of International Affairs (ESIA) that works well. The Provost pointed out that the vast majority of graduate students take courses within their school of enrollment; this is therefore not a sizable financial issue. Professor Yezer appreciated that the numbers can work out evenly in the aggregate but noted that the margin is at the individual course level where problems arise for individual departments whose classes are being heavily populated by students from other schools.

Professor Price, reading the FY2018 Q2 numbers, asked for a definition of “auxiliary enterprises.” The Provost clarified that by far the largest auxiliary enterprises at the university are the residence halls and parking operations.

Professor Wilson asked whether the Fiscal Planning and Budgeting committee discusses university debt as well as reserves. Professor Cordes responded that the committee comments on this issue but that the Board of Trustees makes final decisions in this area, working in concert with the central administration.

Professor Wirtz noted that the provided FY2018 Q2 information does not include information about the impact of the capital budget on the operating budget. He asked where GW stands in this regard this year as opposed to last year and whether this update misses important information about the capital budget. Professor Cordes noted that these data aren't available for the current fiscal year until the fiscal year has closed and that the Senate will receive this information when the annual budget and finance report is presented. Professor Wirtz noted his concern that, without this information, it is difficult to assess the true financial position of the university.

Professor Wirtz also asked how long the fixed numbers in the model (e.g., undergraduate payments and revenue returns to the schools, etc.) will remain at their current set levels. The Provost responded that five-year budgets and outlooks will drive changes here. He gave one specific example, noting that, next year, GW will be very close to the Foggy Bottom enrollment cap and will be working to manage to the cap. If, at some point, a new program needs to be built, it will almost certainly need to be built away from the Foggy Bottom campus. The question would then arise as to whether the off-campus program revenue incentive is still appropriate for those circumstances and whether adjustments to the model are required. If the cost of running the university were to change significantly, changes to the model would be warranted. For example, DC has passed a law mandating a new payroll tax that will cost GW \$3.3 million per year. In this case, the funds source is clearer (an adjustment to the fringe rate), but other situations might require an adjustment to the budget model.

Professor Galston asked whether graduate revenue comes predominantly from masters programs. The Provost responded that the discounting rate on doctoral programs is significantly higher than on masters programs; net revenue is indeed largely at the masters level, likely over 80%.

Professor Galston next inquired about the permissible school use of reserves, noting that the Board has in the past denied the use of reserves by the Law School when lower enrollments created a budget problem for the school. The Provost responded that the Board, given its fiduciary role, has been concerned about the spending down of reserves as part of a routine financial path. President LeBlanc noted that GW contributes to confusion in this area by on the one hand assuring the schools that efficient operations resulting in savings will provide the schools with reserves for their use while also noting that the schools do not have total control over their reserves. In fact, reserves have three typical uses:

1. To make strategic investments (via proposals to the administration and Board of Trustees);
2. To manage a transition period caused by unexpected events, providing a smoother glide path to a new future (via discussion and presentation of a solid plan); and
3. To maintain the cash required to run the business of the university (via the cumulative accounting of reserves across the university).

If all the schools tapped their reserves on demand, the university's entire cash holding (and GW needs to make a determination as to what the appropriate level of cash in hand should be) could disappear, leaving the institution in a precarious position. The university is constantly building margins for all three purposes. The schools have a certain degree of autonomy under the current model; with that autonomy comes the responsibility to help build the cash position of the university. The Provost has shown that this model has worked very hard to benefit the schools to the degree that it has the potential to bankrupt the central administration even while the aggregate financial position shows a positive year. Universities don't handle crises well (tenured faculty cannot be laid off, students expect consistent offerings, operations have fixed costs, etc.) and need to build in cushions and contingencies. GW's current cash position (between \$200-400 million per year) is low for the size of its enterprise, and the university therefore needs to build up its margins.

Professor Tielsch asked whether the open school model creates an incentive to be inefficient about space usage with the central administration covering facility costs. The Provost noted that some schools have developed a space cost allocation system that could be scaled up into a revised model, charging back for space. He noted the wide variability of spaces on campus in terms of size and quality and expressed his concern that the cost of setting up a university-wide allocation system might be more costly than beneficial. Generally, he noted, on-campus space is so scarce that higher efficiency may not be feasible regardless of the system implemented. Professor Tielsch noted that one potential benefit to having this kind of system in place would be having an available rate to charge for space costs on granting agencies that do not provide the full facilities & administrative rate but do permit space chargebacks.

Professor Griesshammer noted that the largest spending item in the budget is compensation. He referred to a recent memo on hiring and personnel matters from the Provost that shortened the typical contract length for contract faculty from 5 to 3 years, meaning that schools will need to invest more time in evaluating contract faculty on a shorter timeline. He asked whether this move is designed to provide more flexibility in hiring and firing contract faculty, and thus decrease expenses. The Provost responded that most of GW's contract faculty are on 3-year contracts. Three years is the desired norm, although exceptions may be requested, in order to avoid long-term commitments to faculty who aren't working out. Professor Griesshammer noted that some entities, such as the writing program, are comprised entirely of contract faculty on 5-year contracts; this shift would then essentially double the load of the retention committee. He doubted that "most" contracts are for 3 years and asked whether contract data can be provided in order to determine the impact of this change.

Professor Wilson asked whether contract faculty deemed particularly valuable to their programs should have longer contracts or be considered for tenure line positions as opposed to remaining on shorter contracts that might lead to instability within the program. The Provost reiterated that the memo does allow for requests for exceptions to be brought to Vice Provost Bracey. He noted that the university wants to avoid paying for long-term contracts when it becomes clear earlier on in the contract term that the person is not working out for the program.

REPORT: Policy Updates: “Policy on Prohibited Relationships with Students” and “Sexual and Gender-Based Harassment and Interpersonal Violence Policy” (Forrest Maltzman, Provost, and Caroline Laguerre-Brown, Vice Provost for Diversity, Equity, and Community Engagement)

The Provost introduced Vice Provost Caroline Laguerre-Brown, who has played a critical role in the development of the two attached policy drafts. He noted that she has worked extensively in the field of Title IX policy and compliance for twenty years prior to coming to GW—including several years at Johns Hopkins University—and has worked closely with the law firm brought in by GW last year to consult on the development of these policies. The Provost clarified that these drafts will not be the end of the university’s policy work on Title IX. This is an emerging area of the law; policies are changing, as are government and student expectations as more is learned about best practices. It is essential that universities get policy in this area right. Students, staff, and faculty alike are extremely concerned with this subject, and the Board understands the significance of these policies. The Board will be reviewing the draft policies before the Senate today at their May meeting and will adopt some form of revised Title IX policy before the end of the year while also understanding that the policies will be revisited regularly. The Provost extended his thanks to the Senate’s Professional Ethics and Academic Freedom committee, which was a critical partner in the development of these drafts, particularly the prohibited relationships policy.

Vice Provost Laguerre-Brown noted that GW brought in Leslie Gomez and Gina Smith from the law firm Cozen O’Connor in August of 2017 to work on revising what are currently three policies governing this area (the Sexual Harassment and Sexual Violence policy, the Threats and Acts of Violence policy, and relevant sections of the Code of Student Conduct). These three policies were enacted at different times and were driven by different regulatory structures. The result of GW’s comprehensive review with the consultants is a single unified Title IX policy and a separate prohibited relationships policy. One key change in the way GW will handle complaints under the new Title IX policy is a move from the use of a hearing panel (the current process) to a single investigator model (SIM). The SIM is used throughout higher education and involves a trained investigator with a legal background and significant experience conducting investigations. This individual would handle all information gathering, analysis, and fact finding related to a Title IX complaint. Following the investigation, a disciplinary authority would review the investigator’s report and evidence as well as any other information brought forward, making a determination about a sanction in the case. The policy offers more and more substantive opportunities for all parties to contribute to the process and to have access to information as well as the ability to react and respond to that information and request additional investigation. The policy also offers access to an enhanced external appeal process with more grounds for appeal than are available under the current policies.

Professor Cottrol asked whether, under the procedures just outlined, the accused is entitled to counsel during the proceedings. Vice Provost Laguerre-Brown responded that counsel is not

provided to individuals by the university but that every person involved has the right to counsel at any point and may have an advisor of their choice (including an attorney) present and participating in the process.

Provost Maltzman noted that this is a complex and emotional area. The juxtapositions of the Violence Against Women and Clery Acts and Title IX requirements make policy development challenging. The university needs to protect its students and ensure a safe environment; in many past Title IX issues at GW, both respondents and complainants have felt they didn't have appropriate due process and opportunities to appeal, in part because of the current panel system. He noted that the current panels—comprised of volunteer staff, students, and faculty—conduct the fact-finding elements. These panels are hearing predominantly student-on-student cases around questions including consent and the definition of assault and are frequently out of their legal depth when it comes to the complex cases they are asked to review. Under the current policy, a complaint involving a faculty member is frequently resolved prior to a hearing but, in the hearing environment, the adjudicating panel would be made up of three students and three faculty members.

The SIM builds in many opportunities for individuals to weigh in, respond to content, and otherwise participate in the investigative process. Under the new policy, the following processes would be followed:

- A professional investigator (most likely an attorney) working for the Title IX office performs an investigation of the facts and makes a finding in the case.
- If a sanction is necessary:
  - The Dean of Students would impose the sanction for a student.
  - The Provost would impose the sanction for a faculty member.
  - The head of Human Resources would impose the sanction for a staff member.
- Appeal opportunities are then present: instead of a community-drawn panel, a professional adjudicator would review the case and would have the opportunity to reverse the investigator's finding or determine that the sanction is incorrect. In the latter case:
  - The Provost would determine a new sanction for a student.
  - The President would determine a new sanction for a faculty member.
  - The Executive Vice President & Treasurer would determine a new sanction for a staff member.

The Provost noted that several elements in this area are unique to faculty and that the goal was not to rewrite the Faculty Code. The policy is clear that the Faculty Code's grievance process would be upheld for cases involving faculty, and any sanction involving the revocation of tenure would invoke the Code's tenure revocation process.

The Provost highlighted one more notable change in this policy affecting the faculty. Under Title IX guidelines, universities are asked to identify its responsible employees, or those employees who, when they know of an assault or likely assault, should notify the Title IX office. In the new policy, all faculty would become responsible employees and would be required to report possible Title IX violations to the Title IX Coordinator; this is a change in the faculty's role from GW's current policy. This change could assist the university in identifying a pattern of predatory behavior by individuals on campus. Vice Provost Laguerre-Brown noted that the driving force behind increasing the number of responsible employees on campus is increasing the likelihood that a victim will be

connected to the Title IX office following a violation. She further noted that referring a case to the Title IX office does not commit the complainant to a formal process.

Professor Cottrol noted some hesitancy and asked whether, in the case of violence or sexual assault, individuals should be referred to the police and the criminal justice system. Vice Provost Laguerre-Brown responded that this is actually the opposite of federal government guidance on this issue. A complainant must be allowed to make the decision about engaging law enforcement, and a faculty member cannot make a decision for them by notifying law enforcement of a violation. The Provost further noted that the Title IX office is well trained and equipped to assist a complainant with a criminal complaint process. The policy requires just that the faculty member notify the Title IX office, who will reach out to the student.

Professor Zeman expressed a concern about students who want to talk to someone about their experience but want to maintain confidentiality and whether knowing faculty are mandated reporters may reduce reporting. Vice Provost Laguerre-Brown responded that all a faculty member needs to report to the Title IX office is that a potential violation was reported and providing the student's name to the Title IX office for a follow-up contact. A faculty member honoring a request for confidentiality may end up in a position where they are perceived to have put the needs of the university ahead of health, safety, and well-being of the student. Professor Zeman noted that there needs to be clarity for both faculty and students on how these matters will be handled.

Professor Rohrbeck asked whether, as a member of the clinical psychology PhD program supervising a graduate student working with a client, she would have a conflict of interest between her responsibility as a faculty member and her responsibility to doctor-patient confidentiality. Vice Provost Laguerre-Brown clarified that the individual needs to honor the rules of the role they are playing when the disclosure is made, thereby protecting the doctor-patient confidentiality. Professor Rohrbeck asked whether language on how to address this conflict might be added to the policy, given that there are a number of clinics on campus where this would be a relevant issue; Vice Provost Laguerre-Brown confirmed that such language could be added.

Professor Cordes asked what constitutes a preponderance of evidence in this case. Vice Provost Laguerre-Brown responded that the "more likely than not" standard is used in all of the university's disciplinary cases.

Professor Griesshammer acknowledged that this is a difficult issue with competing forces but that he has to reserve judgment on the current policy as the document was not delivered to the Senate for review in a timely manner. He asked whether the change of the faculty role to "responsible employee" is driven by law. Vice Provost Laguerre-Brown responded that the guidance provided by the Department of Education outlines broadly that people in leadership roles should be considered responsible employees and that a responsible employee should be any other person a student could reasonably expect has the authority to address a situation. This is a broad net and more than implies the inclusion of faculty as responsible employees.

Professor Griesshammer noted that, in his role as a graduate student advisor, a lot of advising is on non-academic issues, such as help related to living in the US as a foreign student. This puts faculty in a different role with regard to their relationship with a student. Disclosing this requirement could potentially put a student off, particularly those from other cultures who aren't familiar with Title IX regulations. He noted that his takeaway from this policy is that, prior to any conversation with a

student, he should identify himself as a mandated reporter. Vice Provost Laguerre-Brown responded that the policy defines this for students and therefore does part of that job; it is important to manage student expectations and to talk to them about the faculty's responsibility and concern for student health, safety, and well-being. Part of this communication should include making it clear to a student that reporting a violation to the Title IX office does not commit the student to a process but means simply that they will receive contact and an offer of resources from the Title IX office. Professor Griesshammer noted that, in an emotional and stressful situation, that subtlety may be lost.

The Provost clarified that universities developing policies now are part of a clear trend that identifies all faculty as responsible employees. This is essential to identifying patterns of behavior and provides protections for faculty that would not be present should the Title IX office not become involved. Vice Provost Laguerre-Brown noted that, nationally, there are serious cases involving lawsuits and government complaints that, through the investigative process, discover that faculty members knew about the violations but never reported them to the central office responsible for providing support to students.

Professor McHugh noted that graduate assistants and other athletic department employees are included on the responsible employee listing and wondered whether this includes graduate teaching assistants. He asked whether the Provost would recommend that faculty include a reference to this policy in syllabi to help inform students of faculty responsibilities under the policy. Vice Provost Laguerre-Brown responded that the syllabus issue has not yet been taken up but that she believes it to be a good idea—the more the university can socialize the concepts in the policy, the better the process will work. Currently, graduate teaching assistants are not listed as responsible employees; this can be considered more carefully.

Professor Price asked whether, if a student informs a faculty member of a violation but then says they've reported it to the Title IX office, the faculty member's obligation to report is discharged. Vice Provost Laguerre-Brown responded that the faculty member should still report.

Professor Wirtz reviewed the communication timeline of this extremely important policy, noting that the Faculty Senate Executive Committee (FSEC) received a draft for review on April 11<sup>th</sup>. On April 18<sup>th</sup>, the FSEC was invited to a meeting with the consulting attorneys to raise questions. On April 29<sup>th</sup>, the FSEC was permitted to divulge those discussions, leaving just 12 days for faculty feedback, which he noted seems almost unconscionable and not how good policy is made. He noted that this is probably a pretty good policy, but he noted that Professor Rohrbeck has shown one way in which it is uninformed, and Professor McHugh has shown another way in which it is incomplete, demonstrating that the policy has not been given a proper vetting by the faculty. As positive as he is toward the intent of the policy, Professor Wirtz noted that the university could be doing more harm by passing a bad policy than by taking the time to pass a good policy.

Professor Cordes asked what the Senate is being asked to do today related to this policy. The Provost responded that today's report is an update to the Senate on the policy that will be going forward to the Board. He reiterated that this area of policy will be iterative, and there will be constant evolution of the policy. He agreed that he wanted more time to review and resolve every question in the current draft, but he noted that he also doesn't want to have one more person say that GW could have done better by a student but waited. There is a balance GW must strike between getting everything exactly the way it will always be and perfect—which doesn't exist in this arena—and passing a policy that will help more students. He stressed that additional input and



thoughts are always welcome and that the administration has been extremely clear with the Board that they should expect changes to this policy as more elements are examined. He noted that the policy on prohibited relationships has a huge impact on the faculty and is going to the Board largely as written and recommended by PEAFF.

Professor Cordes followed up his question, noting that the likely outcome of presenting this policy to the Board next week will result in the Board adopting this policy. He asked whether the Senate is satisfied that the consultation that occurred with PEAFF and the FSEC is adequate. Professor Wirtz confirmed that this summarizes his point of view and that he also has a concern regarding precedent, namely that faculty should have had a seat at this policy-setting table much earlier in the process. The Provost asked whether more consultation at this point is worth the price of waiting to implement necessary changes that will have a minimal impact on the faculty. Professor Griesshammer strenuously objected to the idea that the impact on the faculty is minimal and noted that CCAS faculty received the policy one day prior to this meeting, when it was made available to the Senate office to share.

Professor Marotta-Walters noted that she shares Professor Wirtz's and Professor Griesshammer's sentiments and has submitted some of the very suggestions made today in her report to the Board of Trustees Committee on Academic Affairs as well as to the open session of the full Board. In that report, she noted that she has asked the Board remand both policies back to PEAFF. She noted that she made an argument for an interim policy in order to avoid continuing with a badly outdated policy, but this was not appealing to the Board chair. There are many elements in both policies that need further faculty input. She noted that the Board chair has invited her to participate at the Audit committee of the Board, where policies are formulated prior to being put before the full Board. She is confident that, between the Academic Affairs and Audit committee work, there are some avenues available to delay the implementation of the policy.

President LeBlanc agreed with Professor Wirtz that this process is bad precedent and that he doesn't want it to happen again. He noted that he has raised this issue at virtually every Senate meeting this year, citing the current situation at the University of Rochester as an example of how badly this can turn out for an institution. The current GW policy has many flaws; the law, standards, and expectations in this area are constantly evolving. The administration worked this year as quickly as possible with its outside consultants to look at what GW had and to propose state of the art policies. The great frustration was that there was nothing for the Senate to do until the consultants' work was completed. He noted that the policy on prohibited relationships—which wasn't as sensitive to the work of the consultants—was shared with the FSEC in January and reflects a lot of input from PEAFF's work on the policy. The Title IX policy was deeply based on the consultants' work, and neither the administration nor the Senate had a lot of time to think about the resulting policy recommendations before bringing the policy forward. This brings an interesting question before the Senate, namely: on the policy that affects student-student interactions, which is where the vast majority of challenges and cases reside, is the university better off with the proposed policy (based on the consultants' work and, admittedly, very limited time and input) or the status quo (a policy with very serious flaws)? The President apologized to the Senate for the position they are in as related to these drafts; he noted that the administration stands closer to the faculty than the Senate may feel, but the university needs to make a judgment call as to whether it is better off with the proposed policy or the policies that currently exist. The policy can be evolved through experience by closely documenting how it works when implemented.

Professor Schumann asked whether this policy is reflective of best practices for 2018. Vice Provost Laguerre-Brown confirmed that it is, noting that universities that have gone through difficult Title IX situations emerge with new policies that look like the draft policy as opposed to GW's current policies in this area.

Professor Markus asked whether GW's policies in general are reviewed and updated on a regular cycle and whether this particular policy could be noted as being up for review on a fixed timeline. President LeBlanc responded that the racial discrimination issue this year revealed that the university's existing discrimination and racial bias policies had not been reviewed in some time. He noted that it is a wise meta-policy to regularly review and update university policies. The Provost noted that the administration has already notified the Board that this particular policy is an actively evolving area and that it will want to report back on how well the new policy is functioning and continuously update it. President LeBlanc committed to the review of this policy in a year's time. Professor Markus asked whether there might be a written annotation on policies to transparently state when the next review will occur.

Professor Rohrbeck asked whether an additional month could be granted for further dialogue with the faculty, then bringing the policy to the Board over the summer so that it can still be implemented by the start of the fall semester. The Provost responded that changes to the policy identified in the next month could be flagged for the Board over the summer, permitting immediate updates to the policy.

Professor Price stated that she is persuaded that even a rushed policy, which has at least gone through PEAFF, is better than what the university currently has in place. It is important that this policy be implemented and then reviewed in a year. The new policy is an improvement, and the university can't miss the moment for these vital issues. She also voiced her support for the inclusion of the policy in the syllabus so students are aware of how the process works.

The Provost noted that more time for review would be optimal, but he cautioned that what the Senate and the Board say about this policy and process will, rightly or wrongly, be interpreted by students as a statement on how they are valued. He noted that some of the hardest conversations he has had have been with students who feel that the university has served them poorly in these circumstances.

Professor Griesshammer asked whether the administration would include a phrase in this policy that it is to be reviewed within a year with full faculty consultation and be subject to regular reviews after that. This would help bring the faculty on board with this; it is critical that faculty do not feel that this policy was dropped on them at the last minute with no opportunity for input or feedback. The Provost responded that the Board knows the administration must report back on this policy; this is not an area that anyone believes will be solved in perpetuity with the current policy. The question of whether a statement should be added to this legal document requiring this review will require discussion with the appropriate parties. The President expressed his appreciation of the spirit in which the suggestion is offered and noted that the detail will need to be discussed. He committed to ensuring that the administration will continue to discuss this critical policy and listen very closely to what the Senate says, incorporating that input in future changes. He noted that the administration has already asked the chair of the Board Audit and Compliance committee to allow the administration to bring this policy back to them after a year of experience to discuss what adjustments are warranted.

Professor McDonnell asked when the Provost's office will publish procedures and communication to the faculty around this policy, noting that fear in the faculty stems from not knowing what to do in these situations. The Provost responded that, if the policy is adopted by the Board, there will need to be immediate notification to all faculty of the existence of the policy.

## INTRODUCTION OF RESOLUTIONS

None.

## GENERAL BUSINESS

- I. Nominations for election of 2018-2019 Senate standing committee chairs and members  
The attached Senate standing committee chairs and rosters for the 2018-2019 were approved by unanimous consent. A listing of faculty appointments to three university administrative committees was provided as a point of information.
- II. Approval of the 2018-2019 Senate calendar  
The 2018-2019 Senate calendar (attached) was approved by unanimous consent.
- III. Reports of Standing Committees  
Annual reports from the Appointments, Salary, & Promotion Policies (ASPP) (revised) and Educational Policy committees are attached to these minutes.
- IV. Report of the Executive Committee: Professor Sylvia Marotta-Walters, Chair  
The full report of the Executive Committee is attached to these minutes. Professor Marotta-Walters welcomed the new Senate members to what she expects will be a productive year. She noted that the work of the Senate gets done in committees and reminded sitting senators that they are strongly encouraged to participate in one or more Senate committees.

Professor Marotta-Walters acknowledged her relief at the president's comments on policy process at the university and assured the Senate that she will push for the inclusion of specific review dates on policies. Specific suggestions for the Board on the two policies at hand should be communicated by Senators to the FSEC Chair between now and Thursday morning (May 17<sup>th</sup>).

Several items of ongoing business were noted:

- The final bylaws review meeting occurred today for the GW School of Business (GWSB). This yearlong process is now concluding and has worked well to align the schools' bylaws with the Faculty Code.
- There are four active grievances before the Dispute Resolution Committee: GWSB (1), CCAS (2), and GSEHD (1). A grievance in ESIA was withdrawn following mediation.

- There are currently ten nonconcurrences before the FSEC. The FSEC Chair will recommend that, in the next year, the Senate undertake a review of the FSEC's recommendations in these cases over the past three years to see what, if any, have been implemented to see that nonconcurrences are reduced in the future.
- Donna Arbide, the new head of Development, will report to the Senate in September. In October, the Senate expects to review the newly reconstituted procedure for faculty salary equity reviews.
- The FSEC will meet next on August 24<sup>th</sup>; agenda items for the September 7<sup>th</sup> meeting should be transmitted to the Senate office by August 17<sup>th</sup>.

V. Provost's Remarks:

The Provost yielded his time to the President in the interest of time.

VI. President's Remarks:

The President reflected on a year of firsts at GW, including his first hosting of a head of state (President Macron of France), his first Power & Promise dinner (thanking donors who gave scholarships), his first Faculty Honors Program, and his first NEXT exhibit at the Corcoran showcasing artwork from graduating students.

He is looking forward to his first commencement on the mall this month, which will include remarks from commencement speaker Marcia McNutt, the first woman to head the National Academic of Sciences and the editor of *Science*. Honorary degrees will be awarded to Dr. McNutt, Olympian Elana Meyers Taylor, and President Emeritus Knapp.

The Middle States written report has been transmitted to the university by the review committee and is very enthusiastic. Subject to any findings of error in the report by GW, the report will go to the Middle States Commission on Higher Education, which will act formally in June. The university expects to be reaccredited; under the new Middle States reaccreditation timelines, the best and anticipated result is a full 8-year reaccreditation.

The President noted that he has now attended alumni events in every major center of GW alumni population in the country except Chicago, which is upcoming. The New York event was the best attended, with over 700 people attending a weeknight event in the city, including 20 incoming freshmen who were publicly acknowledged during the event. The President reported that the incoming class is very enthusiastic about coming to GW.

The university has just secured a very significant gift that will be publicized soon. The President noted that the typical goals of a campaign are to raise the target funds, raise the base of alumni support, and raise the baseline of annual gifts. GW's last campaign attained the first goal but not the other two, and the university will be engaging in a strategic initiative to increase alumni giving and raise the baseline of annual gifts as well.

## BRIEF STATEMENTS AND QUESTIONS

Professor Griesshammer suggested three ways in which enthusiasm for the President's five initiatives can be sustained and increased as work gets underway in these areas:

1. The Senate should add an agenda item at each meeting to receive an update on the progress of the five initiatives, in particular the work of the task forces.
2. Committee member names, affiliations, and contact information should be publicized.
3. Simplify the path to providing online input on the initiatives. He noted that the initial GW Today story on the initiatives website sent readers through several clicks to first reach the website, then the task forces (which provided just the names of the task force leaders), and then finally to a site where input could be submitted (although without transparency about where that input would go and how it would be assessed).

President LeBlanc thanked Professor Griesshammer for these suggestions and stated that he would follow up on each of them. He reminded the Senate that googling "GW strategic initiatives" would lead to a website enumerating each of the five initiatives. Within each initiative, specific steps already taken are being posted. There are links to leaders but not yet to the full committees. He expressed his support for a Senate agenda item that would focus on the initiatives and bring the task force leaders to the Senate to discuss the progress being made. He noted that each initiative has a feedback form on the website. Each initiative has a project manager who receives the online input and passes it on to the task force committees and provides the President with the opportunity to review all feedback.

## ADJOURNMENT

The meeting was adjourned at 4:52 pm.

# **New Senate Members 2018-2019 Session**

## CCAS

Holly Dugan (English)  
Dan Schwartz (History)  
Tony Yezer (Economics)

## GSEHD

Shaista Khilji (Human & Organizational Studies)  
Abe Tekleselassie (Education Administration)

# GW BUDGET MODEL

## UPDATE TO THE FACULTY SENATE

FORREST MALTZMAN & JOSEPH CORDES

May 11, 2018

### OVERVIEW

#### NEW BUDGET MODEL

- ▶ The new budget model is an alternative way of distributing resources to open unit schools.
- ▶ Our consolidated university budget includes Open Schools, Closed Schools, and Central Operations.
  - ▶ Open Schools: 7 schools operate under the new budget model
    - ▶ CCAS, CPS, ESIA, GSEHD, GWSB, SEAS, SON
  - ▶ Closed Schools: 3 schools are self-funding
    - ▶ GWSPH, LAW, SMHS
  - ▶ Central Operations
    - ▶ Development and Alumni Relations, External Relations, OVPR, EVP&T, Libraries, Provost, Student Affairs

# NEW BUDGET MODEL

THE GEORGE WASHINGTON UNIVERSITY  
WASHINGTON, DC

## PRIMARY OBJECTIVES

- ▶ Ensure that revenue growth benefits academic units (e.g. schools)
- ▶ Recognize that enrollment (particularly graduate) and research requires significant investment on the part of schools in reputation building faculty, state-of-the-art recruitment in graduate enrollment approaches, graduate aid, and academic infrastructure located within schools
- ▶ Enhance undergraduate cross-disciplinary flexibility and mobility
- ▶ Recognize that UG enrollment largely depends upon central decisions and will likely require more aid in foreseeable future
- ▶ Enable development of joint school programs at the graduate level
- ▶ Enhance predictability, transparency, and accountability
- ▶ Ensure all schools have ability to meet original costs ("held harmless")

# NEW BUDGET MODEL

THE GEORGE WASHINGTON UNIVERSITY  
WASHINGTON, DC

## TUITION PARAMETERS

- ▶ Undergraduate Tuition Revenues
  - ▶ FY18 Fixed Rate: \$330/UG student credit hour taught during the academic year
- ▶ Summer (Undergraduate Tuition)
  - ▶ 70% retained by the school
- ▶ Graduate Tuition Revenues
  - ▶ On-Campus<sup>(1)</sup>: 70% retained by the school by school of enrollment
  - ▶ Off-Campus: 80% retained by the school by school of enrollment
  - ▶ Online: 85% retained by the school by school of enrollment
  - ▶ Cross-School<sup>(2)</sup>: 45% retained by each school

(1) Since 2002, university fees have been included as part of the on-campus graduate tuition rate. These fees are 5.1% of published graduate tuition  
 (2) In FY18 for cross-over graduate programs, when an open-school student takes a closed-school course or vice versa, each school receives 45% of tuition revenue regardless of school of enrollment and central receives 10%. There are intra-school collaborative revenue-sharing agreements for jointly-developed programs between open schools (i.e., Global Communications).



# NEW BUDGET MODEL

## RESEARCH AND OTHER PARAMETERS

THE GEORGE WASHINGTON UNIVERSITY  
WASHINGTON, DC

- ▶ Supplemental Instructional Payment
  - ▶ Recognizes that differential costs of instruction and operations among schools.
  - ▶ Recognizes that different schools have different infrastructure obligations.
  
- ▶ Research Incentive based on Indirect Cost Recovery
  - ▶ Continue Practice:                   8% REIA to PI's  
  4% REIA to Departments
  - ▶ New Budget Model:                 15% Budget allocation to schools
  - ▶ Total Research Support:           27%

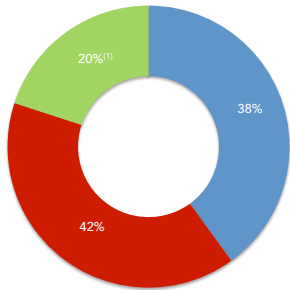
# NEW BUDGET MODEL

## UNDERGRADUATE REVENUE DISTRIBUTION

THE GEORGE WASHINGTON UNIVERSITY  
WASHINGTON, DC

### EXAMPLE

**TOTAL COST OF ATTENDANCE**  
31 CREDITS @ \$330/CREDIT HOUR  
FY18 TUITION = \$53,435



■ Central Operations ■ Financial Aid ■ School

- ▶ Undergraduate
  - ▶ Schools receive \$330/credit hour for instructional costs, plus a Supplemental Instructional Payment to account for differential costs of instruction across open schools.
  - ▶ Central administration pays 100% of student aid.

(1) Schools receive \$10,230 per student (exclusive of the Supplemental Instruction Payment).

## NEW BUDGET MODEL

### GRADUATE REVENUE DISTRIBUTION

THE GEORGE WASHINGTON UNIVERSITY  
WASHINGTON, DC

EXAMPLE

TOTAL COST OF ATTENDANCE

ON-CAMPUS MASTER'S PROGRAM (CCAS)  
18 CREDITS @ \$1655/CREDIT HOUR

■ Central Ops	■ School-based Aid	■ School
---------------	--------------------	----------

(1) Includes central-based aid  
(2) Schools receive \$14,895 per student

▶ **Graduate**

- ▶ Schools pay instruction costs and vast majority of aid & university fees, receiving tuition revenues based upon enrollment incentives:
  - ▶ On-Campus: 70%
  - ▶ Off-Campus: 80%
  - ▶ Online: 85%
  
- ▶ Central retains small graduate aid budget to incentivize various enrollment goals (e.g. Diversity Doctoral Packages; Tuition Support for graduate research assistants; etc.)

7 | OFFICE OF THE PROVOST
THE GEORGE WASHINGTON UNIVERSITY

## NEW BUDGET MODEL

### RESEARCH AND OTHER PARAMETERS

THE GEORGE WASHINGTON UNIVERSITY  
WASHINGTON, DC

▶ Cumulatively, the five components of the model are designed to cover the costs of operations and to reward units for reputation building, teaching excellence, and research contributions

8 | OFFICE OF THE PROVOST
THE GEORGE WASHINGTON UNIVERSITY

### NEW BUDGET MODEL

#### PLANNED NEW DEVELOPMENTS FOR FY19

THE GEORGE WASHINGTON UNIVERSITY  
WASHINGTON, DC

- GWSPH Participation: GWSPH undergraduates are now included in the new budget model
- Graduate Cross-Over Revenue Alignment: In FY19, when an open-school student takes a closed-school course or vice versa, each school receives 45% of tuition revenue regardless of school of enrollment and central receives 10%. There are intra-school collaborative revenue-sharing agreements for jointly-developed programs between open schools (i.e., Global Communications).

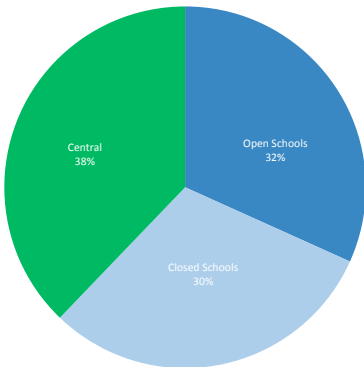
### CONSOLIDATED UNIVERSITY BUDGET

#### FY 2018 APPROVED EXPENSE BUDGETS

THE GEORGE WASHINGTON UNIVERSITY  
WASHINGTON, DC

- Schools account for 62% of university expenses
- Central accounts for 38% of university expenses

Category	Budget
Open Schools	\$ 311,614
Closed Schools	\$ 298,964
Central	\$ 371,420
<b>TOTAL</b>	<b>\$ 981,998</b>



# CONSOLIDATED UNIVERSITY BUDGET

## FY18 2Q ACTUALS (\$ IN THOUSANDS)

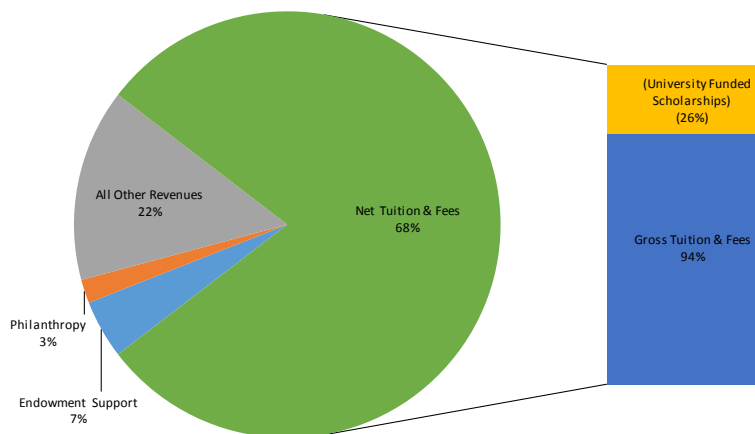
THE GEORGE WASHINGTON UNIVERSITY  
WASHINGTON, DC

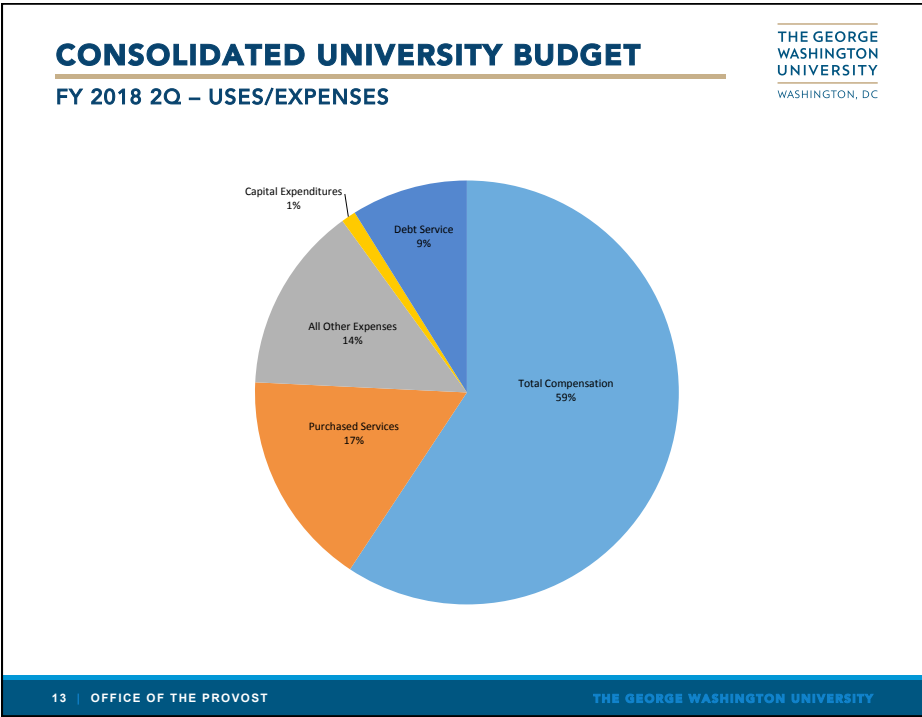
	Closed Schools	Open Schools	Total Schools	Total Central	Total
<b>REVENUES</b>					
<b>Total Student Tuition &amp; Fees</b>	<b>244,814,593</b>	<b>312,791,899</b>	<b>557,606,492</b>	<b>915,289,711</b>	<b>1,072,896,113</b>
Less: University funded scholarships	(48,646,100)	(28,616,579)	(77,262,679)	(21,791,201)	(299,653,880)
<b>Net Student Tuition &amp; Fees</b>	<b>196,168,493</b>	<b>284,175,320</b>	<b>480,343,723</b>	<b>293,498,510</b>	<b>773,842,233</b>
Indirect Cost Recoveries	19,565,360	-	19,565,360	9,506,339	29,071,699
Auxiliary Enterprises	162,000	80,000	242,000	116,941,853	117,183,853
Contributions	3,402,000	5,803,500	9,205,500	6,796,244	15,999,744
Net assets released from restrictions	10,685,000	3,107,000	13,802,000	1,875,674	15,477,674
Medical Education Agreements	62,380,629	174,220	62,554,849	1,874,501	64,429,350
Other/Investment Income	22,088,545	5,225,239	27,313,784	15,292,688	42,606,472
<b>Total Revenue</b>	<b>314,462,027</b>	<b>298,565,189</b>	<b>613,027,216</b>	<b>445,543,808</b>	<b>1,058,571,025</b>
<b>EXPENSES:</b>					
<b>Salaries and wages</b>					
Faculty Compensation	66,337,675	154,734,944	221,072,619	5,662,903	226,735,521
Non-Faculty Compensation	25,564,162	47,712,097	122,766,199	176,880,783	300,156,981
<b>Total Salaries</b>	<b>141,901,777</b>	<b>202,447,040</b>	<b>344,348,817</b>	<b>182,543,685</b>	<b>526,892,502</b>
Fringe benefits	33,337,489	45,973,312	79,310,791	35,024,922	114,335,673
<b>Total Compensation</b>	<b>175,239,216</b>	<b>248,420,352</b>	<b>423,659,568</b>	<b>217,568,607</b>	<b>641,228,175</b>
Purchased services	74,875,239	25,186,407	100,061,646	76,126,782	176,188,429
Supplies	3,456,909	2,925,004	6,381,913	4,753,939	11,135,882
Equipment	2,279,113	5,160,121	7,439,234	4,874,334	12,313,568
Real Estate	-	-	-	2,200,000	2,200,000
Occupancy	8,917,789	726,095	9,643,884	37,769,438	47,413,322
Scholarships and fellowships	1,815,887	8,411,989	10,227,896	4,408,877	14,636,773
Communications	410,829	768,430	1,179,259	3,077,862	4,257,121
Travel and training	3,943,459	9,641,393	13,584,852	6,648,182	22,233,033
Other	10,821,981	7,241,453	18,063,434	20,501,717	38,565,151
Cost Recoveries	(183,100)	(74,300)	(257,400)	(45,890,609)	(46,148,009)
Interdepartmental Assessments	11,979,184	2,622,860	14,602,044	31,884,943	46,586,986
<b>Total Expense</b>	<b>293,558,556</b>	<b>311,029,704</b>	<b>604,588,260</b>	<b>368,020,052</b>	<b>972,608,312</b>
<b>CHANGE IN NET ASSETS</b>					
Debt Service & Mandatory Purposes	(8,359,620)	(1,568,189)	(9,927,809)	(85,972,191)	(95,900,600)
Endowment Support	22,833,743	7,775,078	30,608,821	46,605,160	77,213,981
Capital Expenditures	(3,709,534)	(3,739,851)	(7,449,385)	(4,082,108)	(11,531,493)
Support/Investment Inflow/Outflow	(8,960,781)	12,000,254	3,039,472	(58,786,678)	(55,747,201)
Overhead Allocations	(22,243,649)	(829,624)	(23,073,273)	23,073,273	(0)
<b>Total change in net assets</b>	<b>(20,439,841)</b>	<b>13,637,668</b>	<b>(6,802,173)</b>	<b>(79,160,640)</b>	<b>(85,962,713)</b>
<b>Margin</b>	<b>463,631</b>	<b>1,172,153</b>	<b>1,635,783</b>	<b>(1,635,783)</b>	<b>(0)</b>
<b>Support &amp; Investment</b>					
Supplemental Instructional Payment	-	13,959,000	-	13,959,000	(13,959,000)
Provost Office Transfers	1,092,280	5,423,423	6,515,703	(6,515,429)	(0)
OPV's Transfers	881,437	5,546,939	6,428,376	(5,506,420)	(78,644)
RESERVES- PA Transfers - Margin Surplus / (Deficit)	(18,237,543)	(14,935,633)	(33,173,176)	(2,889,643)	(36,062,819)
RESERVES- PA Transfers - Other	6,697,047	2,367,424	9,064,471	(15,900,000)	(6,835,529)
P Transfers - Capital Projects	(16,000)	(847,858)	(863,858)	(13,052,681)	(13,916,539)
NAC G/D Transfers - Margin Surplus / (Deficit)	989,967	(105,875)	884,092	(0)	(84,092)
Other Transfers - NAC G/D	(2,042,196)	592,833	(1,449,363)	(41,506)	(1,490,869)
Other Transfers - Endowment and Perpetual Trust	-	-	-	80,000	80,000
Other Transfers - Taxable Debt Pool or Internal Advances	1,684,507	-	1,684,507	-	1,684,507
RESERVES- Endowment or Perpetual Trust	-	-	-	-	-
Support/Investment Other	-	-	-	-	-
<b>Support &amp; Investment Total</b>	<b>(8,960,781)</b>	<b>12,000,254</b>	<b>3,039,472</b>	<b>(58,786,678)</b>	<b>(55,747,201)</b>

# CONSOLIDATED UNIVERSITY BUDGET

## FY 2018 2Q – SOURCES/REVENUES

THE GEORGE WASHINGTON UNIVERSITY  
WASHINGTON, DC





## NEW BUDGET MODEL

### UNIVERSITY RESERVES

**THE GEORGE WASHINGTON UNIVERSITY**  
WASHINGTON, DC

- The university needs to build and maintain healthy reserves as a precaution against enrollment downturns, as a contingency for unexpected expenses and to be able to make strategic investments.

School Reserves

- A key performance metric for schools is the ability to maintain and increase their reserves and to balance their operating budgets without the use of reserves.
- Schools participating in the new budget model have responded very well to these incentives. All have made contributions to their reserves to invest in innovation and to build and maintain a healthy operating margin.
- Schools need reserves for both investment and tuition contingencies. While growing, school reserve levels are not yet sufficient to cover both.


Central Reserves

- From FY13-FY16, the university drew a cumulative \$100M from central reserves to balance the budget and meet our strategic commitments.
- Although we began to turn the corner in FY16 and achieved a positive margin of \$77M in FY17, the central reserves of the university remain in deficit. We are beginning to replenish central reserves and reduce the size of the central deficit. We are working on sustainable strategies to achieve and maintain a positive central reserve to ensure GW's long-term financial health and opportunities for investment.

14 OFFICE OF THE PROVOST
THE GEORGE WASHINGTON UNIVERSITY

### RESERVE USAGE SUMMARY

AS OF FY18 2Q

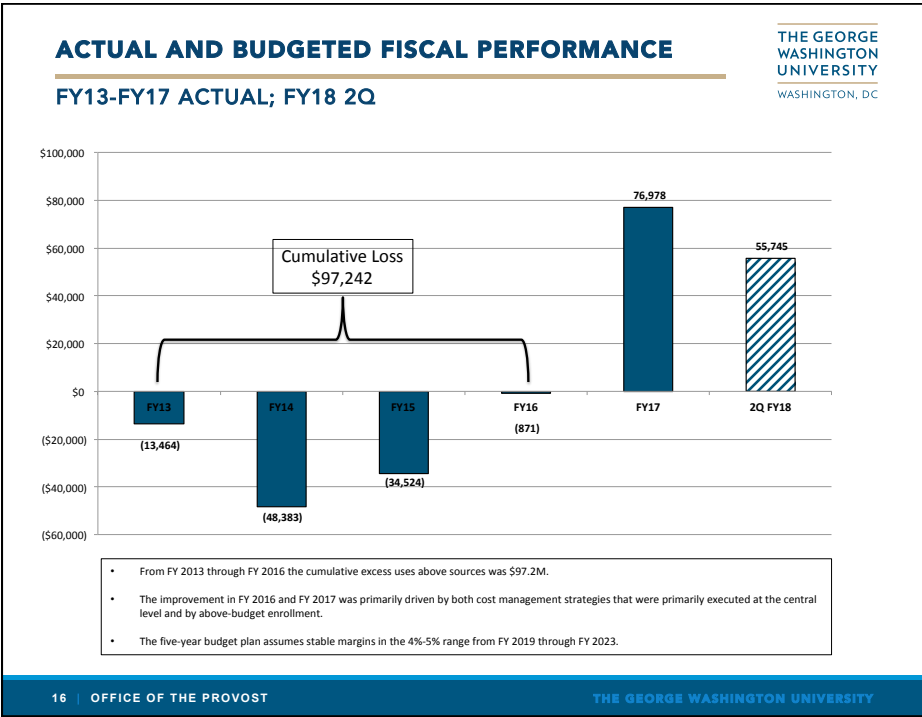


THE GEORGE WASHINGTON UNIVERSITY  
WASHINGTON, DC

	FY18 Beginning Balance	FY18 Net Reserve Inflow/(Usage)	Proj. FY18 Ending Balance
Open Schools	\$ 49,662	\$ 10,618	\$ 60,280
Closed Schools*	176,892	2,073	178,965
Total Schools	226,554	12,691	239,245
Central (Includes Provost & OVPR)	(58,283)	16,511	(41,772)
<b>TOTAL AVAILABLE RESERVES</b>	<b>\$ 168,271</b>	<b>\$ 29,202</b>	<b>\$ 197,473</b>

\*Almost 60% of school reserves are in SMHS, which has significant amount of planned usage for strategic programmatic and capital priorities

15 OFFICE OF THE PROVOST
THE GEORGE WASHINGTON UNIVERSITY



## POTENTIAL ISSUES AND CONCERNS

THE GEORGE  
WASHINGTON  
UNIVERSITY  
WASHINGTON, DC

### TREATMENT OF GRADUATE TUITION REVENUE

- Crediting graduate tuition revenue to the student's home school instead of to school offering the course
  - Plus:
    - Easy for schools to determine the financial consequences of creating new programs or expanding existing programs
    - Creates incentives for schools to continue to expand and to innovate graduate programs
  - Minus:
    - Potential incentive to not allow students whose tuition does "not count" into courses;
    - Potential incentive to not offer graduate courses that have "too many" students outside home school
- Alternative: credit graduate tuition revenue to the school offering the course (or split graduate tuition revenue between school offering the course and the home school of the student)
  - Plus:
    - Eliminates/reduces incentive to not allow registration of students outside the school offering the course
  - Minus:
    - Determining revenue consequences of offering new programs/courses is more complicated and less transparent
    - Schools may have incentives to discourage students from taking courses outside their home school

## POTENTIAL ISSUES AND CONCERNS

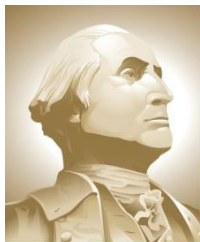
THE GEORGE  
WASHINGTON  
UNIVERSITY  
WASHINGTON, DC

### TREATMENT OF UNDERGRADUATE TUITION REVENUE

- What is the fixed teaching rate supposed to cover?
  - Costs are not only incurred at the school level, but there are also substantial costs at the university level that need to be covered
- Do the current methods for distributing undergraduate and graduate tuition create more of an incentive to invest more in graduate than undergraduate education?
  - Intent is to have revenue from undergraduate and graduate programs together cover schools' costs.







**THE GEORGE  
WASHINGTON  
UNIVERSITY**  
WASHINGTON, DC

**Responsible University Official:** Vice Provost for Diversity, Equity and Community Engagement;  
**Responsible Office:** Office for Diversity, Equity and Community Engagement;  
**Last Revised Date:** \_\_\_\_\_

## **POLICY ON PROHIBITED RELATIONSHIPS WITH STUDENTS**

---

### **Statement of Principles**

---

The George Washington University is committed to maintaining a safe, positive, and respectful environment where students, faculty, and staff study, learn, and work without concern that potentially exploitative or coercive sexual relationships may damage the associations essential to our educational mission, create real or perceived conflicts of interest, or jeopardize the fair treatment of members of our community.

The pedagogical, coaching, mentoring, and advising relationships among faculty, administrators, and students are central to the mission and purpose of the university. Faculty members, administrators, coaches, and certain other staff have important, multi-faceted, and influential roles with students. They serve as intellectual guides, role models, supervisors, mentors, educators and advisors for our students. Because the integrity of these relationships must be maintained and fostered for the benefit of the participants and third persons, the university expects these individuals to conduct themselves in a manner that does not potentially interfere with those relationships.

The relationships identified in this policy invariably involve individuals occupying positions of asymmetrical power and authority. That asymmetry has the potential to compromise the integrity of the educational process and creates an inherent risk of exploitative or coercive sexual and amorous relationships. The existence of a relationship in this context, even where consensual, may also create the perception of favoritism or preferential treatment that damages the integrity of the supervision and evaluation provided and may harm third parties. These types of relationships may also raise concerns that the person in authority has violated standards of professional conduct, raise the potential for conflicts of interest or bias, and undermine the respectful and productive educational and supervisory affiliations between individuals, and may lead to actual or perceived sexual harassment, discrimination, and other behavior harmful to members of our community.

Therefore, this policy prohibits, with few exceptions as identified in this policy:

- All sexual or amorous relationships between undergraduate students at the university and faculty, administrators, coaches, or certain other individuals (including staff), as identified in this policy.
- Sexual or amorous relationships between graduate students at the university and faculty, administrators, or certain other individuals (including staff), as identified in this policy, who have or may have in the future an instructional, evaluative or supervisory responsibility over the graduate student while the graduate student is at the university.

At the same time, the university recognizes that individuals otherwise covered by this policy may have pre-existing relationships. In such cases, the policy instructs the persons in the relationship with greater power or authority within the university to: 1) remove themselves from any supervisory, evaluative, advisory or other pedagogical role, and 2) disclose the relationship to the dean or highest authority in their school or division, who will take reasonable and appropriate steps to remediate the potential conflict of interest, as approved by the Provost and Executive Vice President for Academic Affairs or designee, and in consultation with other university staff as appropriate.

Members of the university community with questions or concerns about this policy and their obligations to follow it are encouraged to discuss the issues with staff in the Office of the Vice Provost for Diversity, Equity and Community Engagement.

---

## **The Policy**

---

1. For purposes of this policy, a “teacher” is someone who teaches, educates, supervises, or evaluates students and includes but is not limited to regular, part time, specialized, or visiting faculty. It includes faculty who may not be teaching during a particular semester or academic year but who serve as an academic administrator, as well as faculty who are on sabbatical or on some other form of leave. It also includes individuals who are graders, as well as graduate assistants who teach, supervise or evaluate students in connection with their academic endeavors.
2. For purposes of this policy, “staff” includes university employees, administrators, contractors, volunteers, and others who coach, mentor, counsel, advise, employ, supervise, manage, or evaluate students for or on behalf of the university. For purposes of this policy, staff does not include undergraduate student employees and who are primarily students.
3. For purposes of this policy, “amorous” means showing, expressing, or relating to sexual interest, intimacy or relations, irrespective of whether such conduct is welcome.
4. For purposes of this policy, an “undergraduate student” is someone who has not previously earned an undergraduate degree. Students who are pursuing a second or later degree are considered graduate students for purposes of this

policy. Students with unclear registration status or a registration status other than as a graduate or undergraduate student, and graduate students who are members of a university athletics team based on NCAA eligibility rules, are considered undergraduates for purposes of this policy.

5. For purposes of this policy, relationships that would otherwise be prohibited under this policy but that pre-date one or both parties' affiliation with the university may continue, provided that the relationship is promptly disclosed and an approved plan is implemented in accordance with Article III of this policy.

---

## **Article I Prohibited Relationships With Undergraduate Students**

---

No teacher (except for graders and graduate assistants, as provided below), administrator, or staff may have a sexual or amorous relationship with any undergraduate student at the university. No grader or graduate assistant may have a sexual or amorous relationship with any undergraduate student at the university who is enrolled in a course in the department in which the grader or graduate assistant is performing his or her duties.

No teacher, administrator, or staff may teach, instruct, evaluate, recommend (or serve as a reference for), supervise, or manage an undergraduate student with whom they have previously had a sexual or amorous relationship.

---

## **Article II Prohibited Relationships With Graduate Students**

---

No teacher, administrator, or staff may have a sexual or amorous relationship with a graduate student in their department or program. Further, no teacher, administrator, or staff may have a sexual or amorous relationship with a graduate student over whom they have, or likely will have a future instructional, evaluative, supervisory, or managerial relationship while the graduate student is matriculating at the university, including one who may be called upon to formally or informally provide a recommendation (or serve as a reference) for future employment or fellowship, research or other educational positions.

No teacher, administrator, or staff may teach, instruct, evaluate, recommend, supervise, or manage a graduate student with whom they have or previously had a sexual or amorous relationship.

---

## **Article III**

### **Pre-Existing Relationships**

---

Should a pre-existing sexual or amorous relationship exist, that pre-dates one or both parties' affiliation with the university and that otherwise would be prohibited under this policy, the person in the position of greater authority within the university shall: 1) recuse themselves from the institutional relationship with the person in the position of lesser authority in a manner that results in the least harm to that person; and 2) inform their dean, or highest authority in their school or division<sup>1</sup>, of the relationship, who will, as approved by the Provost and Executive Vice President for Academic Affairs or designee, and in consultation with other university staff as appropriate, ensure that the recusal has occurred, monitor continued recusal and implement appropriate remedial measures to minimize the conflict of interest or appearance thereof. These efforts shall be documented, and centrally maintained by the Office of the Vice Provost for Faculty Affairs.

---

## **Article IV**

### **Violations**

---

Violation of Article I or II of this Policy by the person in the position of greater authority and/or the failure to recuse or to inform the dean or highest authority in the school or division in a timely fashion required in Article III may subject the violator to disciplinary and/or corrective action. The university may take interim steps to manage or address the violation prior to taking disciplinary action, including but not limited to recusal of the person in the position of greater authority. The disciplinary and/or corrective action will depend on the particular circumstances of the violation, including but not limited to whether the person in the position of greater authority promptly reported the relationship prohibited under this policy; and may include additional training, counseling, a written warning, suspension (including suspension of relevant responsibilities such as teaching or advising), or termination of employment.

Nothing in this policy prohibits a member of the university community from bringing a complaint under the university Sexual and Gender-Based Harassment and Interpersonal Violence Policy, if, for example, the individual believes that the sexual or amorous relationship was not welcome or consensual. Further, in cases where there is a finding under the Sexual and Gender-Based Harassment and Interpersonal Violence Policy that a relationship was welcome or consensual, an investigation and appropriate action may still be taken for violations of this policy.

---

<sup>1</sup> If the person in the position of greater authority is the dean of a school, then the dean will inform the Provost and Executive Vice President for Academic Affairs. If the person in the position of greater authority is the Provost, the Provost will inform the President. If the person in the position of greater authority is the President, the President will inform the Chair of the Board of Trustees.

## Article V Questions & Consultations

---

Individuals who are or may be parties to a sexual or amorous relationship that may be prohibited here and who have questions about this policy or wish to consult with university personnel are encouraged to contact the office of the Vice Provost for Diversity, Equity and Community Engagement.

---

### Contacts

---

<b>Contact</b>	<b>Telephone</b>	<b>Email</b>
Vice Provost for Diversity, Equity and Community Engagement <i>Rice Hall, Suite 813 2121 Eye Street, NW Washington, D.C. 20052</i>	(202) 994-7297	<a href="mailto:diverse@gwu.edu">diverse@gwu.edu</a>

---

## Document History

---

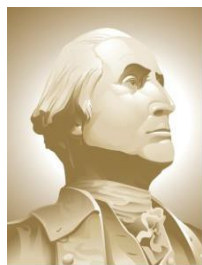
- **Policy Origination Date:** \_\_\_\_, 2018
- 

## Who Approved This Policy

---

*This policy, as well as all [university policies](#), are located on the [Office of Compliance and Privacy](#)'s home page.*

DRAFT



**THE GEORGE  
WASHINGTON  
UNIVERSITY**  
WASHINGTON, DC

**Responsible University Official:** Vice Provost for Diversity, Equity and Community Engagement; Senior Vice Provost for Enrollment and the Student Experience; Vice President for Human Resources; Title IX Coordinator

**Responsible Office:** Office for Diversity, Equity and Community Engagement, Division of Enrollment and the Student Experience, University Human Resources

## **Sexual and Gender-Based Harassment and Interpersonal Violence Policy**

*Applies to sexual and gender-based harassment, sexual assault, sexual exploitation, stalking, intimate partner violence, and retaliation*

---

### **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 discrimination, harassment and violence. The university does not discriminate on the basis of sex or gender in any of its education or employment programs or activities. Sexual and gender-based harassment and interpersonal violence are destructive of such a climate and will not be tolerated in the university community.

---

### **Reason for Policy**

---

This policy document informs members of the university community about the university's prohibition against sexual and gender-based harassment, interpersonal violence, and retaliation. It provides information about resources, reporting options, and prompt and equitable resolution options. The policy reinforces the university's commitment to preventing and responding to sexual and gender-based harassment and violence and interpersonal violence in a manner consistent with applicable federal, state and local law. Consistent with the procedures set forth in this policy, the university will take steps to eliminate sexual and gender-based harassment and violence, prevent their recurrence, and remedy any discriminatory effects for individuals or members of the university community.

---

## **Who is Governed by this Policy**

---

Faculty, staff, students, volunteers, and other participants in university programs and activities, both on campus and in other locations, and third parties, such as visitors to GW campuses, vendors, alumni, independent contractors, and others.

---

## **Table of Contents**

---

Add Clickable TOC

---

## **Policy**

---

The university prohibits sexual and gender-based harassment, sexual assault, sexual exploitation, intimate partner violence, stalking, retaliation, and complicity (collectively Prohibited Conduct) by any person governed by this Policy. This Policy document encourages prompt reporting of Prohibited Conduct; identifies persons to whom Prohibited Conduct may be reported; prohibits retaliation against persons who bring reports under this Policy; assures privacy to the extent possible consistent with the need to address and resolve Prohibited Conduct appropriately and foster a safe learning, living and working environment; assures all members of the university community that each report of Prohibited Conduct will receive a prompt, equitable, impartial and thorough investigation and/or resolution; and provides for appropriate disciplinary or other corrective action. A person who commits Prohibited Conduct in violation of this policy will be subject to disciplinary action, up to and including expulsion or termination. Some forms of Prohibited Conduct may also violate federal, state and/or local law, and criminal prosecution may occur independently of any disciplinary action imposed by the university.

The university's ultimate goal is to prevent Prohibited Conduct through prevention and education. It is the responsibility of every member of the university community to foster an environment free of Prohibited Conduct. However, if Prohibited Conduct occurs, the university will respond firmly, fairly and in a timely manner, using both informal and formal procedures designed to eliminate the conduct, prevent its recurrence, and remedy any adverse effects of the conduct on individuals, members of the campus community, or university-related programs or activities.



All members of the university community are encouraged to take reasonable and prudent actions to prevent or stop an act of Prohibited Conduct. Taking action may include direct intervention when safe to do so, enlisting the assistance of friends, contacting law enforcement, or seeking assistance from a person in authority. Retaliation against community members who make good faith reports of Prohibited Conduct or who participate in an investigation under this Policy is prohibited.

Nothing in this policy shall be deemed to revoke any right a faculty member may have to file a grievance under the Faculty Code. Grievance procedures under the Faculty Code will be implemented in a manner consistent with the requirements of Title IX and the Clery Act. Further, 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 does not violate this policy.

---

## **Notice of Non-Discrimination**

---

Consistent with the university's [Policy on Equal Opportunity](#), the university does not unlawfully discriminate against any person in any of its education or employment programs and activities on any basis prohibited by federal law, the District of Columbia Human Rights Act, or other applicable law, including on the basis of sex or gender, and it does not tolerate discrimination or harassment on the basis of sex or gender. The university complies with Title IX of the Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in the university's programs and activities; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), as amended by the Violence Against Women Reauthorization Act of 2013 (VAWA), which governs the policy related to the university's response to sexual assault, dating violence, domestic violence and stalking; Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits discrimination on the basis of sex; the District of Columbia Human Rights Act; and other applicable law.

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

Rory Muhammad  
Title IX Coordinator  
Director, Office for Diversity, Equity and Community Engagement (ODECE)

George Washington University  
Rice Hall, Suite 403  
2121 Eye Street, NW  
Washington, D.C. 20052  
(202) 994-7434  
[shrc@gwu.edu](mailto:shrc@gwu.edu)

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

To request disability accommodations, students should contact the [Office of Disability Support Services](#) at (202) 994-8250 or [dss@gwu.edu](mailto:dss@gwu.edu). Employees and other members of the university community should contact the [Office of Equal Employment Opportunity and Human Resources Policy Compliance](#) at (202) 994-9656 or [eeo@gwu.edu](mailto:eeo@gwu.edu).

---

## Scope and Jurisdiction

---

This policy governs the conduct of faculty, staff, students, volunteers, and other participants in university programs and activities that occur both on and off campus. It also governs the conduct of third parties, including visitors to GW campuses, vendors, alumni, independent contractors, and others.

In this policy, the term **Complainant** refers to an individual who is reported to have experienced Prohibited Conduct, regardless of whether the individual makes a report or seeks disciplinary action. The term **Respondent** refers to an individual who has been accused of Prohibited Conduct.

This policy applies to Prohibited Conduct that occurs:

- on campus or university property;
- in the context of any university-related or sponsored education program or activity, regardless of the location (including university-sponsored travel, research, or internship programs, or university-sponsored athletic events, including NCAA, club, and recreational activities);
- through the use of university-owned or provided technology resources; or
- when the conduct has continuing adverse effects or the creation or continuation of a hostile environment on campus. (See the discussion of

hostile environment under the section on Prohibited Conduct.)

The university's Title IX Coordinator will review the circumstances of the reported conduct to determine whether the university has jurisdiction or disciplinary authority over the Respondent or the conduct. In instances where the university does not have disciplinary authority over the Respondent or the conduct is unconnected to a university program or activity, the university will take reasonably available steps to support a Complainant or other community members through Interim Support Measures and provide assistance in identifying external reporting mechanisms.

This policy addresses discrimination on the basis of sex or gender as it relates to Prohibited Conduct reportedly committed by a student, employee, third party, or student organization. Discrimination on the basis of sex or gender not related to Prohibited Conduct, e.g., gender discrimination in terms of pay or promotion, as well as discrimination and harassment based on other federally protected classes, including race, color, religion, national origin, age, disability, veteran status, sexual orientation, gender identity or expression, or any other basis prohibited by applicable law in any of its programs or activities are governed by the university's [Policy on Equal Opportunity Policy](#).

In addition, student, staff, and faculty conduct is governed by applicable university policies and by the following:

- [Code of Student Conduct](#)
- [Employee Handbook](#), and any superseding provisions of an applicable collective bargaining agreement
- [Faculty Handbook](#), including the [Faculty Code](#).

Where conduct involves the potential violation of both this policy and another university policy, the university may choose to investigate other potential misconduct under the procedures set forth in this policy, provided that it does not unduly delay a prompt or equitable resolution of the report.

This policy applies to all reports of Prohibited Conduct that are received by the university on or after the effective date of this policy, regardless of when the Prohibited Conduct occurred. Where the date of the Prohibited Conduct precedes the effective date of this policy, the definitions of Prohibited Conduct in existence at the time of the alleged incident(s) will be used. The procedures under this policy, however, will be used to investigate and resolve all reports made on or after the effective date of this policy, regardless of when the incident(s) occurred.

---

## The Role of the Title IX Coordinator

---

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

- Communicate with all members of the university community regarding applicable law and policy and provide information about how individuals may access resources and reporting options.
- Maintain and implement applicable university policies to ensure institutional compliance with applicable law.
- Ensure that all students and employees have access to education and training regarding Title IX, related provisions of the Clery Act and Prohibited Conduct defined in this policy.
- Respond to any report regarding conduct that may violate this policy. In this capacity, the Title IX Coordinator shall:
  - Direct the provision of any Interim Support and Protective Measures (including oversight of the failure to abide by an interim protective measure).
  - Oversee the prompt and equitable investigation and resolution of the report.
  - Through Alternative Resolution or Disciplinary Resolution, take appropriate action to eliminate the Prohibited Conduct, prevent its recurrence and remedy its effects.
- Maintain centralized records of all reports, investigations, and resolutions.

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

The university's Title IX Coordinator is Rory Muhammad:

Rory Muhammad  
Title IX Coordinator  
Director, Office for Diversity, Equity and Community Engagement (ODECE)  
George Washington University

Rice Hall, Suite 403  
2121 Eye Street, NW  
Washington, D.C. 20052  
(202) 994-7434  
[shrc@gwu.edu](mailto:shrc@gwu.edu)

---

## Prohibited Conduct

---

In determining whether reported conduct violates this policy, the university will consider the totality of the facts and circumstances involved in the incident, including the nature of the reported conduct and the context in which it occurred. Prohibited Conduct can be committed by or against individuals of any sex or gender and can occur between individuals of the same sex/gender or different sexes/genders. Prohibited Conduct can occur between strangers or acquaintances, as well as persons involved in intimate, sexual, dating, domestic, or familial relationships. Lack of familiarity with university policy is not a defense to a violation of this policy. Unless specifically noted, intent is not a required element to establish a policy violation. Additionally, intoxication or impairment from alcohol, drugs, or other substances is not a defense to a violation of this policy.

This policy prohibits the following forms of conduct:

**Sexual and Gender-Based Harassment** involve a broad range of conduct:

**Sexual Harassment** is any unwelcome sexual advance, request for sexual favors, and/or other verbal or physical conduct of a sexual nature when one of the conditions outlined in (1), (2), or (3), below, is present.

**Gender-Based Harassment** includes harassment based on gender, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve contact of a sexual nature, when one of the conditions outlined in (1), (2), or (3), below, is present.

- (1) Submission to, or rejection of, such conduct is made implicitly or explicitly a term or condition of a person's instruction, academic standing, employment, or participation in any university program, activity, or benefit.
- (2) Submission to, or rejection of, such conduct by an individual is used as a basis for evaluation in making academic or personnel decisions.
- (3) Such conduct creates a hostile environment. A hostile environment exists when the conduct is sufficiently severe, persistent, or pervasive

that it unreasonably interferes with, limits, or deprives an individual from participating in or benefiting from the university's educational, employment, and/or campus-residential experience when viewed through both a subjective and objective standard.

A hostile environment can be created by persistent or pervasive conduct or by a single or isolated incident, if sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. A single incident of sexual assault, for example, may be sufficiently severe to constitute a hostile environment.

**Sexual and Gender-Based Harassment:**

- May be blatant and intentional and involve an overt action, a threat or reprisal, or may be subtle and indirect, with a coercive aspect that is unstated.
- Does NOT have to include intent to harm, be directed at a specific target, or involve repeated incidents.
- May be committed by anyone, regardless of gender, age, position, or authority. While there is often a power differential between two persons, perhaps due to differences in age, social, educational, or employment relationships, harassment can occur in any context.
- May be committed by a stranger, an acquaintance, or someone with whom the complainant has an intimate or sexual relationship.
- May be committed by or against an individual or may be a result of the actions of an organization or group.
- May occur by or against an individual of any sex, gender identity, gender expression, or sexual orientation.
- May occur in the classroom, in the workplace, in residential settings, or in any other context.
- May be a one-time event or may be part of a pattern of behavior.
- May be committed in the presence of others or when the parties are alone.
- May affect the Complainant and/or third parties who witness or observe harassment.

**Sexual and Gender-Based Harassment** may include, for example:

- Sexual Assault, Sexual Exploitation, Intimate Partner Violence, Stalking or any of the forms of Prohibited Conduct defined in this policy if they are committed on the basis of sex or gender.
- 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 conduct of a sexual nature.
- 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 conduct of a sexual nature is rejected.
- Unwelcome sexual advances, repeated propositions or requests for a sexual relationship to an individual who has previously indicated that such conduct is not wanted, unwelcome physical contact of a sexual nature, or sexual gestures, noises, remarks, jokes, questions, or comments about a person's sexuality that are so severe, persistent or pervasive that they would reasonably be perceived as creating a hostile or abusive work or educational environment.

**Sexual Assault** is any physical sexual act against any person, including any Sexual Intercourse or Sexual Contact, without Consent or where the other person is incapable of giving Consent due to Incapacitation, age, family relation to the other person, or intellectual or other disability.

- **Sexual Intercourse** is any act of vaginal or anal penetration, however slight, by a person's penis, finger, other body part, or an object, or, regardless of whether penetration occurs, any oral-genital contact.
- **Sexual Contact** is any intentional touching of a person's breasts, buttocks, groin, genitals, or other intimate parts. Touching may be over or under clothing and may include the Respondent touching the Complainant, the Respondent making the Complainant touch the Respondent or another person, or the Respondent making the Complainant touch the Complainant's own body.

**Sexual Exploitation** occurs when a person violates the sexual privacy of another or takes advantage of another person's sexuality without Consent. Sexual Exploitation may include:

- surreptitiously observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;
- recording, photographing, transmitting, showing, viewing, streaming, or distributing intimate or sexual images, audio recordings, or sexual information without the knowledge and consent of all parties involved; or
- exposing one's genitals or causing another to expose their own genitals in non-consensual circumstances.

**Intimate Partner Violence** is any assault, threat, physical abuse, act of violence or threatened act of violence, as defined below, that occurs between individuals who are involved or have been involved in a sexual, dating, spousal, or other intimate relationship (often referred to as dating violence; or between individuals with a familial or domestic relationship, excluding violence between roommates (often referred to as domestic violence)).

**Threats** are words or actions intended, causing, or reasonably likely to cause fear, pain, harm, injury, emotional distress or damage to any person or property. Threats may include Assault as it is defined in the Code of Student Conduct (placing a person in fear of imminent physical danger or injury through the use of electronic, verbal, or physical means).

**Violence** is the use of physical force with intent, effect, or reasonable likelihood of causing pain, harm, injury or damage to any person or property. Violence may include Physical Abuse as it is defined in the Code of Student Conduct (committing physical abuse and/or battery of any person).

In addition, when in the context of a current or former relationship, **Intimate Partner Violence** may include any form of Prohibited Conduct under this policy. As used in this policy, the definition of Intimate Partner Violence is consistent with the definitions of dating violence and domestic violence set forth in the Clery Act. When determining whether the reported conduct meets the Clery definition, whether there has been a domestic or dating relationship will be determined by a review of its length, type, and frequency of interaction.



**Stalking** is engaging in a course of conduct (i.e., more than one act) directed at a specific person which would cause a reasonable person (under similar circumstances and with similar identities to the Complainant) to experience fear or substantial emotional distress, or to fear for their safety or the safety of others. Acts that together constitute stalking may be direct actions or may be communicated by a third party, and can include, but are not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property or movement. It may also include threats of harm to self, others, pets, or property; pursuing or following; non-consensual (unwanted) communication by any means; unwanted gifts; trespassing; and surveillance or other related types of observation. Stalking includes cyber-stalking through electronic media, like the internet, social networks, blogs, cell phones, or text messages. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

**Retaliation** includes words or acts, as described below, committed against an individual or group of individuals involved in a protected activity. Protected activity includes making a good faith report under this policy; filing an external complaint; or opposing in a reasonable manner and consistent with university policy an action reasonably believed to constitute a violation of this policy. Retaliation may also include words or acts committed against an individual or group of individuals because they have participated in proceedings under this policy. Retaliation can take many forms, including, but not limited to, adverse action or violence, threats, and intimidation that would discourage a reasonable person (under similar circumstances and with similar identities to the targeted individual or group) from engaging in protected activity. See also the university's [Policy on Non-Retaliation](#).

**Complicity** is any deliberate act or failure to act that knowingly or intentionally aids, attempts, or assists the commission of a specific act of Prohibited Conduct by another person.

**Violation of University Directive** is the failure to abide by the terms of an Interim Protective Measure or comply with a requirement of this policy.

---

## **Consent and Incapacitation**

---

In determining whether certain forms of Prohibited Conduct violate this policy, the university must determine whether the acts occurred with the **Consent** of the Complainant.

**Consent** requires voluntary, informed, and freely given agreement, through words and/or actions, to engage in mutually-agreed upon Sexual Intercourse, Sexual

Contact, or other sexual activity. **Consent** cannot be obtained through force, where there is a reasonable belief of the threat of force, or by taking advantage of another person's Incapacitation.

In evaluating whether **Consent** has been freely sought and given, the university will consider the presence of any force, threat of force, or coercion; whether the Complainant had the capacity to give consent; and, whether the communication (through words and/or actions) between the parties would be interpreted by a reasonable person (under similar circumstances and with similar identities) as a willingness to engage in a particular sexual act.

Important considerations regarding **Consent** include:

- Consent to one form of sexual activity does not imply or constitute consent to another form of sexual activity.
- Consent on a prior occasion does not constitute consent on a subsequent occasion.
- Consent to an act with one person does not constitute consent to an act with any other person.
- The existence of a prior or current relationship does not, in itself, constitute consent; even in the context of a relationship, there must be real time and mutual consent to sexual activity.
- Consent can be withdrawn or modified at any time, and sexual contact must cease immediately once Consent is withdrawn.
- Consent cannot be inferred from the absence of a "no."
- Consent cannot be inferred from silence, passivity, or lack of verbal or physical resistance, and relying on nonverbal communication alone may result in a violation of this policy.

The age of Consent in the District of Columbia is 16. Individuals younger than 16 years of age are legally incapable of giving consent to Sexual Intercourse or Sexual Contact by an individual who is 4 or more years older.

**Incapacitation:** Incapacitation is the inability, temporarily or permanently, to give Consent because the individual is mentally and/or physically impaired, either voluntarily or involuntarily, or the individual is unconscious, asleep, or otherwise unaware that the sexual activity is occurring. In addition, an individual is incapacitated if they demonstrate that they are unaware at the time of the incident of where they are, how they got there, or why or how they became engaged in a sexual interaction.

When alcohol or other drugs are involved, Incapacitation is a state of drunkenness, intoxication, or impairment that is so severe that it interferes with a person's capacity to make informed and knowing decisions. Alcohol and other drugs impact each individual differently, and determining whether an individual is incapacitated requires an individualized determination. The university does not expect community

members to be medical experts in assessing Incapacitation. Individuals should look for the common and obvious warning signs that show that a person may be incapacitated or approaching Incapacitation. A person's level of intoxication is not always demonstrated by objective signs; however, some signs that a person may be incapacitated include clumsiness, difficulty walking, poor judgment, difficulty concentrating, slurred speech, vomiting, combativeness, or emotional volatility. A person who is incapacitated may not be able to understand some or all of the following questions: "Do you know where you are?" "Do you know how you got here?" "Do you know what is happening?" "Do you know whom you are with?"

An individual's level of intoxication may change over a period of time based on a variety of subjective factors, including the amount of substance intake, speed of intake, body mass, and metabolism. It is especially important, therefore, that anyone engaging in sexual activity is aware of both their own and the other person's level of intoxication and capacity to give consent.

It is important to remember that the use of alcohol or other drugs can lower inhibitions and create an atmosphere of confusion about whether Consent is effectively sought and freely given. If there is any doubt as to the level or extent of one's own or the other individual's intoxication or Incapacitation, the safest course of action is to forgo or cease any sexual activity. Even where there is insufficient evidence to establish Incapacitation, a Complainant's level of impairment may still be a relevant factor in establishing whether Consent was sought and freely given.

In evaluating Consent in cases of reported Incapacitation, the university asks two questions: (1) Did the Respondent know that the Complainant was incapacitated? and if not, (2) Would a sober, reasonable person in a similar set of circumstances as the Respondent have known that the Complainant was incapacitated? If the answer to either of these questions is "yes," there was no Consent; and the conduct is likely a violation of this policy.

A Respondent's voluntary intoxication is never an excuse for or a defense to Prohibited Conduct, and it does not diminish one's responsibility to determine that the other person has given Consent.

---

## **Understanding Privacy and Confidentiality**

---

Issues of privacy and confidentiality play important roles in this policy and may affect individuals differently. While they are closely related, the concepts of privacy and confidentiality are distinct terms that are defined below.

**Privacy** refers to the discretion that will be exercised by the university, including the Title IX Office, in the course of any investigation or disciplinary processes under this policy. Information related to a report of Prohibited Conduct will be handled discreetly and shared with a limited circle of university employees or designees who need to know in order to assist in the assessment, investigation, and resolution of

the report and related issues. Individuals will receive training in how to safeguard private information. The university will make reasonable efforts to investigate and address reports of Prohibited Conduct under this policy, and information may be disclosed to participants in an investigation as necessary to facilitate the thoroughness and integrity of the investigation. In all such proceedings, the university will maintain the privacy of the parties to the extent reasonably possible. The privacy of student education records will be protected in accordance with the university's [Policy on the Privacy of Student Records](#) and the Family Educational Rights and Privacy Act (FERPA). Access to an employee's personnel records is also governed by university policy and by applicable local laws.

**Confidentiality** refers to the statutory protections provided to individuals who disclose information in legally-protected or privileged relationships, including professional mental health counselors, medical professionals, and ordained clergy (Confidential Resources). These Confidential Resources must maintain the confidentiality of communications disclosed within the scope of the provision of professional services. When an individual shares information with a Confidential Resource (on campus or in the community) as a confidential communication in the course of a protected relationship, the Confidential Resource cannot disclose the information (including information about whether an individual has received services) to any third party without the individual's written permission or unless permitted or required consistent with ethical or legal obligations. Similarly, medical and counseling records cannot be released without the individual's written permission or unless permitted or required consistent with ethical or legal obligations.

Confidential Resources submit non-personally-identifying information about Clery-reportable crimes to the George Washington University Police Department for purposes of the anonymous statistical reporting under the Clery Act.

---

## **Reporting Responsibilities of University Employees**

---

It is important to understand the different responsibilities of university employees. Some employees are designated as **Confidential Resources**, meaning that they will maintain the Confidentiality of information shared with them, as described above. Some employees are designated as **Responsible Employees**, meaning that they are required to promptly share all information about Prohibited Conduct with the university's Title IX Coordinator. All other employees are encouraged, but not required, to share information with the Title IX Coordinator.

**Confidential Resources** include any university employee who has the ability to maintain the confidentiality of communications under applicable law or by designation. Confidential Resources include medical, clinical, or mental-health professionals (e.g., physicians, nurses, physician’s assistants, psychologists, psychiatrists, professional counselors, and social workers, and those performing services under their supervision), when acting in that professional role in the provision of services; and any employee providing administrative, operational, and/or related support for such providers in their performance of such services. GW’s Victim Services Specialist located in GWPD is a confidential resource by designation. Confidential Resources **will not disclose** information about Prohibited Conduct without the individual’s written permission or as set forth in the Confidentiality section above. When individuals who otherwise are Confidential Resources receive information outside of the provision of services, the Confidential Resource is required to share that information with the Title IX Coordinator. For example, a licensed psychologist who receives a disclosure in the context of speaking at a prevention program would be required to share the information with the Title IX Coordinator.

**“Responsible Employees”** are **required to promptly report** any information they learn about suspected Prohibited Conduct or potential violations of this policy. Responsible Employees include those university employees who have the authority to redress harassment or the duty to report harassment, and individuals that university community members would reasonably conclude have the responsibility or duty to report. While not an exhaustive list, Responsible Employees include:

- President, Vice Presidents, Deans, Provost & Department Chairs
- Deputy, Vice, Assistant, and Associate, Deans, Provosts, and individuals who directly report to any of the above roles
- Faculty
- Athletic Director, Coaches, Assistant Coaches, Graduate Assistants and other Athletics Department employees
- All Residence Directors, Resident Advisors, and Area Coordinators
- Anyone who directly supervises student workers, faculty, or other staff
- Managers, coordinators, program heads, directors (including deputy, vice, assistant or associate positions)
- All staff in the Enrollment and the Student Experience unit
- Deputy Title IX coordinators
- Academic Advisors
- All staff in the Office for Diversity, Equity & Community Engagement
- All Human Resources Staff
- GW Police Department Staff and all other Division of Safety and Security employees
- Individuals designated as Campus Security Authorities under the Clery Act

Responsible Employees must report all known information, including the identities of the parties, the date, time and location, and any details about the reported incident to the Title IX Coordinator. The Title IX Coordinator may share reports with other university employees to ensure a coordinated institutional response. Responsible Employees may provide support and assistance to a Complainant, witness, or Respondent; but they cannot promise Confidentiality or withhold information about Prohibited Conduct. Failure by a Responsible Employee to report suspected Prohibited Conduct in a timely manner may subject them to appropriate discipline, including removal from a position or termination of employment.

Responsible Employees are not required to report information disclosed at public awareness events (e.g., "Take Back the Night," candlelight vigils, protests, "survivor speak-outs," or other public forums in which students may disclose prohibited conduct (collectively, public awareness events)); or during an individual's participation as a subject in an Institutional Review Board-approved human subjects research protocol (IRB Research). The university may provide information about Title IX and available university and community resources and support at public awareness events. In addition, Institutional Review Boards may, in appropriate cases, require researchers to provide such information to all subjects of IRB Research. In addition, a Complainant may choose not to make a report in their own case, even if the Complainant would otherwise have reporting obligations as a Responsible Employee.

**All Other Employees** not designated as Responsible Employees or Confidential Resources **are encouraged** to report any suspected violation of this policy.

### **Clery Act Reporting**

Pursuant to the Clery Act, the university includes statistics about certain offenses in its annual security report and provides those statistics to the United States Department of Education in a manner that does not include any personally-identifying information about individuals involved in an incident. The Clery Act also requires the university to issue timely warnings to the university community about certain crimes that have been reported and may continue to pose a serious or continuing threat to campus safety. Consistent with the Clery Act, the university withholds the names and other personally-identifying information of complainants when issuing timely warnings to the university community.

### **Mandatory Reporting of Child Abuse**

In addition to the above reporting responsibilities, all university employees have an obligation to report suspected child abuse and neglect consistent with the university's [Protection of Minors](#) Policy.

---

## **Campus and Community Resources**

---

A Complainant or witness has many options, including seeking counseling or assistance from a Confidential Resource, making a report under this policy, and/or making a report to law enforcement. The university encourages prompt reporting of Prohibited Conduct to the Title IX Coordinator and law enforcement. The university also recognizes that deciding among these options can be difficult and is an intensely personal decision. Complainants and witnesses are encouraged to seek assistance from a Confidential Resource and to explore all potential reporting and support options.

### **Emergency Resources and Law Enforcement**

Emergency medical assistance and campus safety/law enforcement assistance are available 24/7 both on and off campus. Individuals are encouraged to contact law enforcement and seek medical treatment as soon as possible following an incident that may pose a threat to safety or physical well-being, or following a potential criminal offense. An incident can be reported to the George Washington University Police Department (GWPD) without revealing one's identity.

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

To report Prohibited Conduct that is in progress or threatened:

If the conduct is occurring or imminent on GW's Foggy Bottom or Mount Vernon campuses, or on any GW-controlled property in the District of Columbia, call GWPD at (202) 994-6111 or call the Metropolitan Police Department at 911.

If the conduct is in progress or imminent on any GW campus or property in Virginia or Maryland, dial 911 to reach the local law enforcement agency where the campus or property is located.

If the conduct has ended or a threat is not imminent, call GWPD at (202) 994-6110. In the District of Columbia calls may also be made to the Metropolitan Police Department non-emergency line at 311.

## **Medical Treatment and Preservation of Evidence**

Regardless of whether a report is filed with local law enforcement, individuals should preserve all evidence that could be relevant to any criminal charges that may be brought or that might be needed to obtain a protection order. Individuals who have been subjected to sexual assault are encouraged to obtain a physical examination by a Sexual Assault Nurse Examiner (SANE).

In the District of Columbia, a SANE exam may be obtained at the Washington Hospital Center (WHC), (202) 877-7000. Students at GW's Foggy Bottom and Mount Vernon campuses may contact GWPD at (202) 994-6111 for assistance in obtaining transportation to WHC. Alternatively, students may call the DC Victim Hotline at 1-844-4HELPDC (844-443-5732) to speak with an advocate and obtain a free uber ride to and from the hospital.

In Northern Virginia, a SANE exam may be obtained at INOVA Fairfax Hospital, (703) 776-3199.

In Montgomery County, Maryland, a SANE exam may be obtained at Shady Grove Adventist Hospital, (240) 826-6000.

Before obtaining a SANE examination, individuals should avoid showering, washing, changing clothes, combing hair, drinking, eating, or altering their physical appearance. Even if a SANE exam is not sought, all victims of violence should consider obtaining medical attention so that any issues relating to possible injury or disease from the incident may be addressed.

GW students may obtain medical attention from the Colonial Health Center – Medical Services office. This office can be reached at (202) 994-6827 or general information can be obtained at: <http://studenthealth.gwu.edu/>.

## **Campus Resources**

Members of the university community may obtain information about resources relating to Prohibited Conduct from:

- The university's Title IX Coordinator, (202) 994-7434, [shrc@gwu.edu](mailto:shrc@gwu.edu)
- The Division of Enrollment and the Student Experience, (202) 994-6710, [students@gwu.edu](mailto:students@gwu.edu)
- GWPD's Victim Services Specialist (Confidential Resource), (202) 994-0443, [tmwashington@gwu.edu](mailto:tmwashington@gwu.edu)
- Faculty Recruitment & Personnel Relations, (202) 994-6783, [frpr@gwu.edu](mailto:frpr@gwu.edu)
- University Human Resources, (202) 994-8500
- GW's Equal Employment Opportunity Office, (202) 994-9656
- The university's HAVEN website, <http://haven.gwu.edu>, a centralized location



for information and resources relating to power-based violence, including sexual violence, intimate partner violence, and hate/bias incidents.

The Title IX Office will provide Complainants with written notice about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance and other services, as well as options and available assistance for changing academic, living, transportation and working situations, if requested, if reasonably available, and regardless of whether reports are made to GWPD or local law enforcement. These supports are described in greater detail in the section on Interim Measures.

In addition, members of the university community may obtain guidance by contacting GW's Sexual Assault Response Consultative (SARC) Team. SARC Team members are Responsible Employees who are required to share all known information with the Title IX Coordinator. SARC Team members are not professional counselors, but they can identify sources of medical, legal, counseling, and academic assistance and explain reporting options both internally, at the university, and externally, with law enforcement or other agencies. SARC can be reached 7 days a week, 24 hours a day, at (202) 994-7222. More information about the SARC Team is available at <https://haven.gwu.edu/sexual-assault-response-consultation-team-sarc>.

### **Confidential Resources**

Students may contact the Colonial Health Center to obtain medical and counseling services. The Colonial Health Center can be reached at (202) 994-5300 or general information can be obtained at: <http://healthcenter.gwu.edu>.

Employees may obtain counseling from the university's Employee Assistance Program, which can be accessed by contacting [The Wellbeing Hotline - Resources For Living](#) at (866) 522-8509.

All community members may contact GWPD's Victim Services Specialist at (202) 994-0443 or [tmwashington@gwu.edu](mailto:tmwashington@gwu.edu). The Office of Victim Services provides confidential services designed to raise awareness and address the needs of those impacted by any form of crime. The Office of Victim Services provides: information about rights; space to discuss and process feelings and reactions in confidence; support to individuals who have been victimized; reporting options (on and off campus); obtaining interim supportive measures; connection to community resources, including counseling, protection orders, victim compensation, and legal representation; accompaniment and coordination of transportation to civil protection order hearings; safety planning; and, coordination of transportation to Washington Hospital Center for a Forensic Exam.

Assistance and information relating to incidents involving sexual assault, intimate partner violence, and stalking may also be obtained from these organizations not affiliated with the university:

*The DC Rape Crisis Center*, (202) 232-0789, (202) 333-RAPE (hotline), <http://dcrapecrisiscenter.org> (District of Columbia)

*Network for Victim Recovery of DC*, (202) 742-1727, [www.nvrdc.org](http://www.nvrdc.org) (District of Columbia)

*Sexual Assault Response and Awareness*, (703) 683-7273 (hotline), <https://www.alexandriava.gov/SexualViolence> (Alexandria, VA)

*Doorways for Women and Families*, (703) 237-0881, [www.doorwaysva.org](http://www.doorwaysva.org) (Arlington, VA)

*Loudoun Abused Women's Shelter*, (703) 777-6552, [www.lcsj.org](http://www.lcsj.org) (Loudoun County, VA)

*H.E.R. Shelter for Domestic Violence*, (757) 485-3384 (hotline), <http://www.hershelter.com> (Portsmouth, VA)

*Victim Assistance and Sexual Assault Program*, (240) 777-1355, (240) 777-4357 (hotline), [vasap@montgomerycountymd.gov](mailto:vasap@montgomerycountymd.gov) (Montgomery County, MD)

---

## Reporting Options

---

The university encourages all individuals to report Prohibited Conduct or a potential violation of this policy to the Title IX Coordinator, GWPD, and/or to local law enforcement. A Complainant has the right to report, or decline to report, potential criminal conduct to law enforcement. Upon request, the university will assist a complainant in contacting law enforcement at any time. Under limited circumstances posing a threat to health or safety of any individual or to comply with applicable law, the university may independently notify law enforcement.

An individual may make a report to the university, to law enforcement, to neither, or to both. Campus Title IX processes and law enforcement investigations operate independently of one another, although the university may coordinate information with GWPD as part of the Initial Assessment. Anyone can make a report as follows:

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

Office for Diversity, Equity and Community Engagement (ODECE)  
Rice Hall, Suite 403  
2121 I Street, NW

Washington, D.C. 20052  
(202) 994-7434  
[shrc@gwu.edu](mailto:shrc@gwu.edu)  
<https://haven.gwu.edu/report-incident>

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

George Washington University Police Department  
Rome Hall, Suite 101  
801 22nd Street, NW  
Washington, D.C. 20052  
(202) 994-6111 [Emergency line]  
(202) 994-6110 [Non-emergency line]  
gypd@gwu.edu

- **If off campus, call 911 to reach local law enforcement.**

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

### **Anonymous Reporting**

A Complainant is not required to reveal their identity with GYPD in order to report an incident. A person can call GYPD and ask that the information remain anonymous or use the TIPS Line at 202-944-TIPS.

Anonymous reports can also be made to the Title IX Coordinator at <https://haven.gwu.edu/report-incident>. Providing information may help the university maintain accurate records regarding the number of incidents involving students, employees, and third parties; determine if there is a pattern of conduct with regard to a particular location or Respondent; and alert the campus community to potential dangers when appropriate. Depending on the amount of information available in the anonymous report, however, the university's ability to respond with an investigation or disciplinary action may be limited.

### **Timeframe for Reporting**

Complainants and witnesses are encouraged to report Prohibited Conduct as soon as possible in order to maximize the university's ability to respond promptly and effectively. The university does not, however, limit the timeframe for reporting. Depending on the relationship of the Respondent to the university, the university may not have the authority to impose disciplinary action. Where the university does

not have disciplinary authority, the university will still seek to meet its Title IX obligations by evaluating the reported conduct, providing reasonably available Interim Support Measures, assisting the Complainant in identifying external reporting options, and taking reasonably available steps to end the Prohibited Conduct, prevent its recurrence and address its effects.

### **Amnesty**

The university encourages reporting and seeks to remove barriers to reporting by providing amnesty for Complainants and witnesses who report Prohibited Conduct for potential conduct violations occurring at or near the time of the incident. In general, the university will not pursue disciplinary action against a student who makes a good faith report to the university as a Complainant or witness to Prohibited Conduct for personal consumption of alcohol or other drugs (underage or illegal) which would otherwise be a violation of the Code of Student Conduct, provided the misconduct did not endanger the health or safety of others. The university may initiate an assessment or educational discussion or pursue other non-disciplinary options regarding alcohol or other drug use.

### **Requests for Anonymity**

Once a report has been shared with the Title IX Coordinator, a Complainant may request that their identity not be shared with the Respondent (request for anonymity), that no investigation occur, or that no disciplinary action be pursued. The university will carefully balance this request in the context of the university's commitment to provide a safe and non-discriminatory environment for all university community members. The university will take all reasonable efforts to investigate and respond to the report consistent with a Complainant's request, but in order to pursue disciplinary action or impose Interim Protective Measures against a Respondent, the Respondent must be provided with sufficient notice of the reported conduct. In some circumstances, the Title IX Coordinator may arrange for limited preliminary fact-finding by an investigator to gain a better understanding of the context of the report or take other appropriate steps, including consulting with GWPD. For more information, see the section on **Balancing Complainant Autonomy with University Responsibility to Investigate**.

---

## **Interim Measures**

---

Upon receipt of a report of Prohibited Conduct, the university will provide reasonable and appropriate interim measures designed to preserve access to educational opportunities; address safety concerns of the Complainant, the Respondent or broader university community; maintain the integrity of the investigative and/or

resolution process; and deter retaliation. These actions may be **supportive** (measures designed to provide support and maintain continued access to educational opportunities) or **protective** (involving a restrictive action against a Respondent).

**Interim Support Measures** are available to the Complainant regardless of whether the Complainant pursues an investigation or seeks a disciplinary resolution. **Interim Support Measures** are also available to Respondents. In contrast, **Interim Protective Measures** are only available when the university initiates an investigation as part of a disciplinary resolution. **Interim Protective Measures** may be imposed when the university has an articulable factual foundation that would support the taking of a restrictive measure prior to the conclusion of the investigation.

**Interim Support Measures** may include:

- Facilitating access to counseling and medical services
- Guidance in obtaining a sexual assault forensic examination
- Assistance in arranging rescheduling of exams and assignments and extensions of deadlines
- Academic supports
- Assistance in requesting long-term academic accommodations through the Office of Disability Support Services, if the individual qualifies as an individual with a disability
- Change in class schedule, including the ability to transfer course sections or withdraw from a course
- Allow either a Complainant or a Respondent to drop a class in which both parties are enrolled in the same section
- Voluntary changes in the Complainant's or Respondent's university work schedule or job assignment
- Change in campus housing
- Escort and other safety planning steps
- Mutual "no contact order," an administrative remedy designed to curtail contact and communications between two or more individuals
- Voluntary leave of absence
- Referral to resources to assist in obtaining a protective order
- Referral to resources to assist with any financial aid, visa, or immigration concerns
- Any other remedial measure that does not interfere with either party's access to education can be used to achieve the goals of this policy.

**Interim Protective Measures** may include:

- Imposition of a "no contact order" prohibiting certain individuals from having contact or communications with other individuals
- Change in the Respondent's class schedule
- Change in the Respondent's university work schedule or job assignment
- Change in the Respondent's campus housing
- Exclusion from all or part of university housing
- Exclusion from specified activities or areas of campus
- Prohibition from participating in student activities or representing the university in any capacity such as playing on an official team; serving in student government; performing in an official band, ensemble, or production; participating in a recognized student organization; participating in Greek life activities; or participating in academic honor ceremonies.
- Interim suspension
- Any other protective measure that can be used to achieve the goals of this policy.

The availability of supportive and protective measures will be determined by the specific circumstances of each report and interim measures will be tailored to avoid depriving all parties of their education. The university will consider a number of factors in determining which measures to take, including the needs of the student or employee seeking supportive and/or protective measures; the severity or pervasiveness of the alleged conduct; any continuing effects on the Complainant; whether the Complainant and the Respondent share the same residence hall, academic course(s), or job location(s); and whether court proceedings have been used to protect the Complainant (e.g., protective orders). The university will work in good faith to implement the requirements of judicially-issued protective orders and similar orders, to the extent that doing so is within its authority.

The determination of whether to impose the Interim Protective Measure of interim suspension of a student may be made by the Title IX Coordinator in consultation with other university employees as necessary. A Respondent may be suspended on an interim basis when there is evidence that the continued presence of the student on the campus poses a substantial and immediate threat to themselves or to others, or to the stability and continuance of normal university functions. The university may also impose a period of leave or separation for an employee. The decision to impose interim suspension or separation may be made at any point in the process.

The university will provide reasonable supportive and protective measures to third parties as appropriate and available, taking into account the role of the third party and the nature of any contractual relationship with the university.

The Title IX Coordinator is responsible for ensuring the implementation of interim measures and coordinating the university's response with the appropriate offices on campus. The Title IX Coordinator has the discretion to impose and/or modify any interim measure based on all available information and is available to meet with a Complainant or Respondent to address any concerns about the provision of interim measures. The university will maintain the privacy of any supportive and protective measures provided under this policy to the extent practicable and will promptly address any violation of an Interim Protective Measure.

All individuals are encouraged to report to the Title IX Coordinator any concerns about the failure of another to abide by any restrictions imposed through an Interim Protective Measure. In the event of an immediate health or safety concern, individuals should contact 911 or GWPD (on campus) immediately. The university will take action to enforce a previously implemented measure, which may include additional interim restrictions and/or disciplinary penalties for failing to abide by a university-imposed Interim Protective Measure.

---

## Overview of Resolution Processes

---

The university is committed to providing a prompt, thorough, equitable, and impartial resolution of all reported violations of this policy. The university uses two processes to resolve reports of Prohibited Conduct under this policy:

- **Alternative Resolution**, an informal framework that includes informal or restorative options for resolving reports that typically does not involve disciplinary action against a Respondent.
- **Disciplinary Resolution**, formal procedures which involve an investigation, adjudication, and, if appropriate, the imposition of sanctions.

The Title IX Coordinator will determine the appropriate resolution process after making an initial assessment of the reported information, consulting with the Complainant, considering campus safety, and evaluating the university's obligation to maintain an environment free from harassment and discrimination. Where a Complainant requests a Disciplinary Resolution and the available information raises the elements of Prohibited Conduct, the Title IX Coordinator will initiate an investigation.

## **Time Frame for Resolution**

The university will seek to complete the appropriate resolution process as promptly as possible, consistent with the need to conduct sensitive and informed fact-gathering to ensure an equitable resolution. The policy designates reasonably prompt timeframes for the major stages of the investigation and resolution process (typically set forth in business days), but the university may extend any timeframe in this policy for good cause. An extension may be required for good cause to ensure the integrity and thoroughness of the investigation; to comply with a request by law enforcement; in response to the unavailability of the parties or witnesses; or for other legitimate reasons, such as intervening breaks in the university calendar, university finals periods, the complexity of the investigation, the volume of information, number of witnesses, length of the written record, and/or the severity and extent of the alleged misconduct.

While requests for delays by the parties may be considered, the university cannot unduly or unreasonably delay the prompt resolution of a report under this policy. Reasonable requests for delays by the parties may serve to extend the time period for resolution of the report. The Title IX Coordinator, in consultation with the investigator, has the authority to determine whether an extension is required or warranted by the circumstances. The university will notify the parties in writing of any extension of the timeframes for good cause, the reason for the extension, and the length of the extension.

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

Investigations will proceed according to the timeframes in this policy to the extent possible during the summer and at other times when classes at the university are not in session. The Title IX Coordinator will work with the parties to balance the need for promptness and the preference for in-person meetings regarding the investigation.

Timeframes for all phases of the disciplinary process, including the investigation, any related disciplinary proceedings, and any related review of the finding, apply equally to both the Complainant and the Respondent.



### **Advisor of Choice**

Throughout Alternative or Disciplinary Resolution, each party has the right to consult with an advisor of their choosing. The advisor may be any person, including an attorney, who is not otherwise a party or witness involved in the investigation or whose role in the process does not otherwise create a conflict of interest. The parties may be accompanied by their respective advisor at any meeting or proceeding related to the resolution of a report under this policy. While the advisor may provide support and advice to the parties at any meeting and/or proceeding, they may not speak on behalf of the parties or otherwise participate in, or in any manner delay, disrupt, or interfere with meetings and/or proceedings. The university will not unduly delay the scheduling of meetings or proceedings based on an advisor's unavailability. An advisor may be asked to meet with a university administrator in advance of any proceedings to understand the expectations of the role, privacy considerations, and appropriate decorum.

### **Obligation to Provide Truthful Information**

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

---

## **Intake and Initial Assessment**

---

Upon receipt of a report of Prohibited Conduct, the Title IX Coordinator will take immediate and appropriate steps to investigate or otherwise determine what happened and work to resolve the matter promptly and equitably. The first step in this process is called an Initial Assessment.

As part of the Initial Assessment, the Title IX Coordinator will gather information about the reported conduct and respond to any immediate health or safety concerns raised by the report. The Title IX Coordinator will assess the Complainant's safety and well-being, offer the university's immediate support and assistance, and assess the nature and circumstances of the report to determine whether the reported conduct raises a potential policy violation, whether the reported conduct is within the scope of this policy, and the appropriate manner of resolution under this policy. The Title IX Coordinator may consult with the GWPD or other university administrators as part of the initial assessment.

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

- assess the nature and circumstances of the report, including whether it provides the names and/or any other information that identifies the Complainant, the Respondent, any witness, and/or any other individual with knowledge of the reported incident;
- address immediate physical safety and emotional well-being;
- notify the Complainant of their right to contact (or decline to contact) law enforcement or seek a civil protection order;
- notify the Complainant of the right to seek medical treatment;
- notify the Complainant of the importance of preservation of evidence;
- refer the report to GWPDP to enter the report into the university's daily crime log if required by the Clery Act;
- with GWPDP, assess the reported conduct and discern the need for a timely warning under the Clery Act;
- provide the Complainant with written information about on and off campus resources;
- notify the Complainant of the range of interim measures available, including the right to reasonable Interim Support Measures regardless of whether they choose to participate in a university or law enforcement investigation;
- notify the Complainant of the range of Interim Protective Measures available if the university pursues an investigation;
- provide the Complainant with an explanation of the procedural options, including Disciplinary Resolution and Alternative Resolution;
- notify the Complainant of the right to be accompanied at any meeting by an advisor of choice;
- assess the available information for any pattern of conduct by Respondent;
- discuss the Complainant's expressed preference for manner of resolution and any barriers to proceeding (e.g., confidentiality concerns);
- explain the university's policy prohibiting retaliation and how to report acts of retaliation; and
- determine the age of the Complainant; and if the Complainant is a minor, make the appropriate report of suspected abuse consistent with the university's [Protection of Minors](#) Policy.

When the Title IX Coordinator decides to initiate an investigation, impose Interim Protective Measures, or take any other action that impacts a Respondent, the Title IX Coordinator will also ensure that Respondent is notified and receives written information on available resources and options, consistent with the list outlined above.

The initial assessment will be conducted promptly and the time frame for the initial assessment will be tailored to the context and circumstances. The university will seek to complete the initial assessment within ten (10) business days, but recognizes that there may be circumstances where the initial assessment takes longer based on the availability of the Complainant or other necessary information, a Complainant's request to maintain privacy or not seek disciplinary action, or other factors outside of the university's control. The university understands that a Complainant may engage in delayed decision-making, which may impact the timing of the conclusion of the initial assessment.

### **Balancing Complainant Autonomy with University Responsibility to Investigate**

In order to protect the safety of the campus community, the Title IX Coordinator may need to proceed with an investigation even if a Complainant specifically requests that the matter not be pursued. The Title IX Coordinator may also initiate an investigation of potential violations of this policy even absent a formal report or identified Complainant or Respondent and even if a report has been withdrawn. In such a circumstance, the Title IX Coordinator will take into account the Complainant's articulated concerns, the safety of the campus community, fairness to all individuals involved, and the university's obligations under Title IX.

A Complainant may request that their name or other personally-identifiable information not be shared with a Respondent, that no investigation be pursued, or that no disciplinary action be taken. In these instances, before taking any further investigative steps, the Title IX Coordinator will discuss any concerns with the Complainant and seek to address and remedy barriers to reporting based upon concerns about retaliation or questions about procedural options and potential outcomes.

The Title IX Coordinator will balance the Complainant's request against the following factors in reaching a determination on whether the request can be honored:

- the totality of the known circumstances;
- the nature and scope of the alleged conduct, including whether the reported behavior involves the use of a weapon;
- the respective ages and roles of the Complainant and Respondent;
- the risk posed to any individual or to the campus community by not proceeding, including the risk of additional violence;
- whether there have been other reports of other prohibited conduct or other misconduct by the Respondent;

- whether the report reveals a pattern of misconduct related to Prohibited Conduct (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group;
- the Complainant's interest in the university's not pursuing an investigation or disciplinary action and the impact of such actions on the Complainant;
- whether the university possesses other means to obtain relevant evidence;
- fairness considerations for both the Complainant and the Respondent;
- the university's obligation to provide a safe and non-discriminatory environment; and
- any other available and relevant information.

The Title IX Coordinator will consider what steps may be possible or appropriate when a Respondent is unknown or the Complainant requests anonymity, and what other measures or remedies might be considered to address any effects of the reported behavior on the campus community. The Title IX Coordinator will make a determination regarding the appropriate manner of resolution under the policy. The university will seek resolution consistent with the Complainant's request, if it is reasonably possible to do so, based upon the facts and circumstances, while also protecting the health and safety of the parties and the university community.

Where the Title IX Coordinator determines that a Complainant's request(s) can be honored, the university may nevertheless take other appropriate steps to eliminate the reported conduct, prevent its recurrence, and remedy its effects on the Complainant and the university community. Those steps may include offering appropriate support measures to the Complainant, providing targeted training and prevention programs, and/or providing or imposing other remedies. The Title IX Coordinator may also re-open a report under this policy if any new or additional information becomes available, and/or if the Complainant later decides that they would like a Disciplinary Resolution to occur.

In those instances when the Title IX Coordinator determines that the university must proceed with an investigation despite the Complainant's request that it not occur, the Title IX Coordinator will notify the Complainant that the university intends to initiate an investigation. The Complainant is not required to participate in the investigation or in any of the actions taken by the university.

The university's ability to investigate and respond fully to a report may be limited if the Complainant requests anonymity or declines to participate in an investigation. The university will, however, pursue other steps to limit the effects of the reported conduct and prevent its recurrence. In all cases, the final decision on whether, how, and to what extent the university will conduct an investigation and whether other Interim Support or Protective Measures will be taken in connection with a report of

Prohibited Conduct will be made in a manner consistent with this policy.

At the conclusion of the initial assessment, the university will proceed with one of the following options:

- (1) Proceed with an investigation under the Disciplinary Resolution process. This will occur when a Complainant requests an investigation, where the Title IX Coordinator determines to proceed with an investigation even when a Complainant requests that no investigation be pursued, or where Alternative Resolution is not appropriate or available.
- (2) Proceed with Alternative Resolution. This will always require the consent of the Complainant. The consent of the Respondent is also required when the form of resolution involves the Respondent.
- (3) If outside the scope of this policy, refer the matter to another appropriate office or department for resolution under the relevant policy.

---

## **Alternative Resolution**

---

Alternative Resolution is a voluntary and remedies-based resolution that typically does not involve taking disciplinary action against a Respondent. In some forms of Alternative Resolution, the remedies imposed will focus on supporting the Complainant with no participation or involvement by the Respondent. In other forms of Alternative Resolution, the Respondent may agree to participate. Depending on the form of Alternative Resolution used, it may be possible for a complainant to maintain anonymity.

Any form of Alternative Resolution and any combination of interventions and remedies may be utilized. Where an initial assessment concludes that Alternative Resolution may be appropriate, the university will take prompt action through the imposition of individual and community remedies designed to maintain access to the educational, extracurricular, and employment activities at the university and to remedy the impacts of conduct on members of the university community. Examples of Interim Support Measures are included in the **Interim Measures** section of the policy.

Other potential remedies include targeted or broad-based educational programming or training, supported direct conversation or interaction with the Respondent, and/or indirect action by the Title IX Coordinator. In some circumstances, Alternative Resolution may involve disciplinary action against a Respondent. Disciplinary action

will only be imposed against a Respondent where there is a sufficient factual foundation and both the Complainant and the Respondent have agreed to forego the additional procedures set forth in this Policy and accept an agreed upon sanction. The university will not compel a Complainant to engage in mediation, to confront the Respondent directly, or to participate in any particular form of Alternative Resolution. The decision to pursue Alternative Resolution will be made when the university has sufficient information about the nature and scope of the conduct, which may occur at any time.

Participation in Alternative Resolution is voluntary, and either party can request to end Alternative Resolution at any time. If an agreement acceptable to the university, the Complainant, and the Respondent is reached through Alternative Resolution, the terms of the agreement are implemented and the matter is deemed resolved and closed. If an agreement is not reached, and the Title IX Coordinator determines that further action is necessary, or if a Respondent fails to comply with the terms of the Alternative Resolution, the matter may be referred for an investigation and Disciplinary Resolution.

Where the Complainant or the Respondent withdraws from Alternative Resolution or Alternative Resolution is otherwise terminated for any reason, any statements or disclosures made by the parties during the course of the Alternative Resolution may be considered in a subsequent investigation and Disciplinary Resolution.

The Title IX Coordinator will maintain records of all reports and conduct referred for Alternative Resolution, which will typically be complete within sixty (60) business days of the initial report.

---

## **Disciplinary Resolution: Investigation**

---

The university will conduct a prompt and equitable investigation to gather information relevant to the determination of whether there is sufficient information, by a preponderance of the evidence, to determine that a policy violation occurred. The investigation will be impartial and will be conducted by trained individuals who have no actual bias or conflict of interest.

During the investigation and disciplinary proceedings, both the Complainant and Respondent have equitable opportunities, including the opportunity to receive a written notice of investigation; to participate in the investigation; to review and present information and evidence; to be accompanied by an advisor of their choice to any meeting; to timely and equal access to information that will be used in disciplinary proceedings; to timely notice of meetings at which their presence will be requested or required; to simultaneous written notice of the outcome, sanction, and rationale; and to appeal the outcome.

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

### **Initiating an Investigation**

When the decision is made to initiate an investigation, the university will designate an Investigator to conduct a prompt, thorough, fair, and impartial investigation. The Investigator may be a university employee and/or an experienced external investigator. Any Investigator used by the university will receive annual training on issues related to sexual and gender-based harassment, sexual assault, dating violence, domestic violence, and stalking and on how to conduct an investigation that is fair and impartial, provides parties with notice and a meaningful opportunity to be heard, and protects the safety of all participants while promoting accountability. The Investigator will be impartial and free from conflict of interest or actual bias for or against the Complainant or Respondent.

### **Notice of Investigation**

The Title IX Coordinator will notify the Complainant and the Respondent, in writing, of the following information: (1) the names of the Complainant and the Respondent; (2) the date, time (if known), location, and a brief summary of the nature of the reported conduct; (3) the reported policy violation(s); (4) the name of the Investigator; (5) information about the parties' participation in the process; (6) the prohibition against retaliation; (7) the importance of preserving any potentially relevant evidence in any format; (8) how to challenge participation by the Investigator on the basis of a conflict of interest or bias; and (9) a copy of this policy. If the investigation reveals the existence of additional or different potential violations of this policy, the investigator will issue a supplemental notice of investigation.

### **Consolidation of Investigation**

The Title IX Coordinator has the discretion to consolidate multiple reports into a single investigation if evidence relevant to one incident is relevant to the others. Consolidation might involve multiple Complainants and a single Respondent, multiple Respondents, or conduct that is temporally or logically connected.

## **Investigative Steps**

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

## **Social Media and Personal Communications**

The Investigator may also consider information publicly available from online sources that comes to the attention of Investigator. The university does not actively monitor online sources, however, and as with all potentially relevant information, the Complainant, Respondent, or witness should bring online information to the attention of the Investigator if they believe it is relevant.

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

## **Other Evidence: Site Visits and Experts**

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

## **Medical and Counseling Records**

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



### **Prior or Subsequent Conduct**

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

### **Prior Sexual History**

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

### **Relevance**

The Investigator will review all information identified or provided by the parties and will determine the appropriateness, relevance, and probative value of the information developed or received during the investigation. In general, the Investigator will not consider statements of personal opinion or statements as to any party's general reputation for any character trait. All information considered relevant by the investigator will be provided to the parties for their review and comment, as described in this policy.

### **Expectations of the Parties**

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

If a Complainant or Respondent chooses not to answer any or all questions in an investigation for any reason, the university will continue its process; and the university will issue any discipline or sanctions, as appropriate. The university will not draw any adverse inference solely from a Complainant's or Respondent's decision not to participate in the investigation or any form of resolution under this policy; however, the Complainant or Respondent should be aware that declining to participate in the investigation may impact the timing and outcome of the case.

### **Effect of Withdrawal**

At any time, the university may place an administrative hold on the Respondent's university transcript, make a transcript notification, or defer or withhold the award of the Respondent's degree. Although a Respondent may withdraw from the university while the investigation is pending, this withdrawal may be considered permanent and the Respondent's transcript may note that there was a withdrawal while under investigation for sexual violence, when required by law. Even if a Respondent withdraws from the university, the Title IX Coordinator may proceed with further action as necessary to eliminate, prevent or address any impacts of the reported conduct.

### **Safeguarding the Privacy of Complainants and Respondents**

Individuals involved in investigations or disciplinary proceedings under this policy are encouraged to exercise discretion in sharing information in order to safeguard the integrity of the process and to avoid the appearance of retaliation. While discretion regarding the process is important, Complainants and Respondents are not restricted from discussing and sharing information with others who may support or assist them during the process. All parties, however, are encouraged to maintain the privacy of FERPA-protected and/or sensitive information gathered or learned in the process.

### **Timing of Investigation**

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

### **Coordination with Law Enforcement**

If there is a concurrent criminal investigation, the university will seek to work in a collaborative manner in order to respect the integrity of external investigations and university investigations. This may include contacting the law enforcement agency that is conducting any investigation to inform that agency that a university investigation is also in progress, attempting to ascertain the status of the criminal investigation, and seeking to determine the extent to which any evidence collected by law enforcement may be available to the university in its investigation.

### **Review of Preliminary Investigative Report**

At the conclusion of the fact-gathering portion of the investigation, the investigator will prepare a preliminary investigative report that provides the Complainant and the Respondent equal and timely access to information that will be used in determining whether there was a policy violation. The preliminary investigative report and accompanying documents will be made available to the Complainant and the Respondent to review. After reviewing the preliminary investigative report, each party will have five (5) business days to: (1) provide written comment or feedback, (2) submit additional information, (3) identify additional witnesses, and/or (4) request the collection of other information by the Investigator. The Investigator will determine the appropriateness of additional investigative steps and the relevance of additional information. If either party provides a written response or makes a request for additional investigation, the written response and any additional information gathered by the Investigator will be shared with the other party and incorporated as appropriate in the final investigative report. Any information gathered through additional investigation steps will be shared with both parties, and, as appropriate, each will have the opportunity for further response. Typically, each party will have three (3) business days to review any additional substantive information.

As necessary, the Investigator will designate reasonably prompt timeframes to ensure a timely completion of the process while also providing an adequate opportunity for both parties to respond thoroughly to the information gathered during the investigation. In the absence of good cause, information that could have been learned that is not provided to the Investigator upon review of the preliminary investigative report will not be considered in the determination of responsibility for a violation of the policy.

## **Final Investigative Report**

Unless there are significant additional investigative steps requested by the parties or identified by the Investigator, normally within five (5) business days after receipt and consideration of additional comments, questions, and/or information from the parties, the Investigator will prepare a final investigative report, which will include a determination whether there is sufficient information, by a preponderance of the evidence, to establish that a policy violation occurred. Both parties will receive simultaneous written notification of the availability of the final investigation report.

## **Actions upon Completion of Final Investigative Report**

Where there has been a finding that sufficient evidence exists to support one or more policy violations, the final investigative report will simultaneously be shared with the Disciplinary Authority for the determination of appropriate sanctions and/or corrective action. As set forth below, both the Complainant and Respondent may participate in that process.

Where there has been a finding that insufficient evidence exists to support a policy violation, the Complainant may appeal the finding by following the procedures set forth in the Appeal section below. Both the Complainant and Respondent may participate in the Appeal process.

---

## **Disciplinary Resolution: Sanction**

---

The university's disciplinary and corrective action resolution process is designed to identify and implement a tailored and individual response intended to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects, while supporting the university's educational mission, legal obligations and commitment to Title IX. Sanctions or interventions may also serve to promote safety and/or deter other individuals from similar future behavior. Other remedies may include corrective action that is intended to be non-punitive, such as targeted or broad-based educational programming or training.

## **Disciplinary Authority**

The Disciplinary Authority is the university administrator designated to review the final investigation report and determine the appropriate sanction(s) and/or remedies to be imposed. The Disciplinary Authority will be impartial and free from actual bias or conflict of interest.

The Disciplinary Authority is typically the university administrator with appointing or other authority over the Respondent as follows:

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

In all instances, the Disciplinary Authority may consult with the Title IX Coordinator to ensure that the sanction and/or remedies satisfy the university's obligation to eliminate the Prohibited Conduct, prevent its recurrence and address its effects.

### **Impact or Mitigation Statements**

In the time frame directed by the Title IX Coordinator, the Complainant and Respondent may submit a written impact or mitigation statement for consideration by the Disciplinary Authority. The decision whether to provide an impact or mitigation statement is completely voluntary. An impact statement is written information from the Complainant regarding how the Prohibited Conduct has affected them and the Complainant's views on an appropriate sanction. Impact statements may include description of: emotional impacts caused by the Prohibited Conduct; negative social or educational consequences arising from the Prohibited Conduct; medical or psychological consequences sustained as a result of the Prohibited Conduct; the Complainant's view on the Prohibited Conduct; or the Complainant's view on the appropriate sanction.

A mitigation statement is written information from the Respondent regarding any potential mitigating factors. Mitigation statements may include description of: the Respondent's previous good character; worthy social or academic contributions and public service; whether the Respondent accepted responsibility for the Prohibited Conduct; cooperation with the investigation; the Respondent's mental or physical health; the Respondent's view on an appropriate sanction; and the likely effect of the sanctions on Respondent. The Title IX Coordinator will review all information submitted in an impact statement or mitigation statement for relevance and appropriateness and may determine that some or all of the information submitted will not be provided to the Disciplinary Authority. Both parties will receive a copy of the impact or mitigation statement provided to the Disciplinary Authority.

### **Determination of Sanction**

Within ten (10) business days of receipt of all relevant information, the Disciplinary Authority will provide each party with the opportunity to meet with the Disciplinary Authority individually. Typically within seven (7) business days after the Disciplinary Authority meets with the parties (if such meetings occur), the Disciplinary Authority will determine the appropriate sanction and/or remedy.

In determining the appropriate sanction(s) and/or remedies, the Disciplinary Authority will consider a number of factors, including:

- the nature of the conduct at issue;
- the impact of the conduct on the Complainant;
- the impact or implications of the conduct on the university community;
- prior misconduct by the Respondent, including the Respondent's relevant prior discipline history, both at the university or elsewhere, and any criminal convictions, if such information is available and known;
- any expression of remorse or acceptance of responsibility by a Respondent;
- maintenance of a safe and respectful environment conducive to learning;
- protection of the university community;
- the necessity of any specific action in order to eliminate the Prohibited Conduct, prevent its recurrence, and remedy its effects on the Complainant or other university community members; and,

- any mitigating, aggravating, or compelling circumstances in order to reach a just and appropriate resolution in each case.

The Disciplinary Authority may also consider restorative outcomes that, taking into account the safety of the university community as a whole, allow a Respondent to develop insight about their responsibility for the behavior, learn about the impact of the behavior on the Complainant and the community, and identify how to prevent or change the behavior. Sanctions may be issued individually, or a combination of sanctions may be imposed.

Sanctions will typically be imposed immediately, although the Disciplinary Authority has the discretion to stay imposition of some or all sanctions pending an Appeal.

### **Sanctions and Corrective Action for Student Respondents**

Sanctions and corrective actions for student Respondents include, but are not limited to, censure, disciplinary probation, restitution, eviction from residence, suspension, expulsion, restriction from employment at the university, educational program attendance, educational project, professional assessment, removal from specific courses, activities or organizations, No Contact Order, transcript notification and/or notification to other institutions, withholding or delaying the conferral of a degree, prohibitions against participation in academic honor ceremonies such as graduation, training, guidance, and measures to protect health and safety.

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

### **Sanctions and Corrective Action for Staff Respondents**

Sanctions and corrective actions for staff Respondents include, but are not limited to, oral or written warning, disciplinary probation, suspension, termination of employment, training, guidance, adjustment of supervisory or evaluative responsibilities, and measures to protect health and safety.

### **Sanctions and Corrective Action for Faculty Respondents**

Sanctions and corrective actions for faculty Respondents include, but are not limited to, oral or written warning, reprimand, censure, suspension, dismissal, training, guidance, adjustment of supervisory or evaluative responsibilities, and measures to protect health and safety. Dismissal of a tenured faculty member will be subject to Article V.C.1. of the Faculty Code and Section F of the Procedures for

Implementation of the Faculty Code. Those Procedures will be implemented in a manner consistent with the requirements of Title IX and the Clery Act.

### **Written Notice of Outcome**

The Complainant and Respondent will receive simultaneous written notification of the outcome, including both the sanction and/or corrective action and the rationale. The Notice of Outcome will include information about the Appeal procedures.

---

## **Appeal**

---

The Complainant or Respondent may appeal the outcome by submitting a written appeal within five (5) business days of the date of the Notice of Outcome. The appeal will be conducted in an impartial manner and equivalent procedural rights will be provided to both parties throughout the process.

### **External Reviewer**

The appeal review will be conducted by an External Reviewer. The External Reviewer will be a neutral party outside of the university, most often an attorney, with significant legal experience, training, and knowledge regarding sexual and gender-based harassment and interpersonal violence. The External Reviewer will receive annual training regarding the university's policies and procedures and other relevant issues.

The university will maintain a pool of External Reviewers selected through an inclusive committee process under the direction of the Title IX Coordinator. The External Reviewers will serve for a limited term, unless reappointed by the selection committee. Any individual selected as an External Reviewer must be free from actual bias or conflict of interest.

### **Grounds for Appeal**

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

- A material deviation from the procedures that affected the outcome of the case;
- There is new and relevant information that was unavailable, with reasonable diligence and effort, at the time of the investigation that could materially affect the investigation findings;
- The sanction(s) was clearly inappropriate and/or disproportionate to the Prohibited Conduct for which the Respondent was found responsible.



## **Process for Review**

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

Each party will be given the opportunity to review and respond in writing to the other party's appeal. Any response by the opposing party must be submitted within three (3) business days. All appeal documents from each party will be considered together in one review process.

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

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

The External Reviewer may conclude that there is no error and therefore determine that the outcome be affirmed. In the alternative, the External Reviewer may identify error based on one of the stated appeals grounds. If so, the External Reviewer may modify the finding or may refer the matter back to the Title IX Coordinator, Investigator or Disciplinary Authority with instructions or recommendations for additional actions. The External Reviewer does not have the authority to modify sanction(s) in cases where the External Reviewer upholds a finding that the policy has been violated. However, the External Reviewer may recommend that the sanction(s) be reconsidered if, based on the record, the External Reviewer reasonably believes that the sanctions(s) may be inappropriate and/or disproportionate to the Prohibited Conduct for which the Respondent was found responsible. In such instances, the External Reviewer may refer the matter to the supervisor of the Disciplinary Authority (the Provost and Executive Vice President for Academic Affairs for matters where the Disciplinary Authority is the Dean of the Student Experience or designee; the Executive Vice President and Chief Financial Officer for matters where the Disciplinary Authority is the Vice President for Human Resources or designee; or the President for matters where the Disciplinary Authority is the Provost and Executive Vice President for Academic Affairs or designee) with recommendations for consideration.

The External Reviewer will strive to complete the appeal review within ten (10) business days of receipt of all documents. Both parties will be provided with written notice of the outcome of the appeal. The determination by the External Reviewer is final, except in cases where the External Reviewer refers the matter of appropriate sanction(s), as stated above. In such cases, the individuals identified above make the final determination with respect to sanction(s).

---

## Prevention and Awareness Programs

---

The university is committed to the prevention of Prohibited Conduct through regular and ongoing education and awareness programs. Incoming students and new employees receive primary prevention and awareness programming, and returning students and current employees receive ongoing training and related programs.

---

## Contacts

---

Contact	Telephone	Email
Director and Title IX Coordinator <i>Rice Hall, Suite 403            2121 Eye Street, NW            Washington, D.C. 20052</i>	(202) 994-7434	<a href="mailto:shrc@gwu.edu">shrc@gwu.edu</a>
Assistant Vice President for EEO and Employee Relations	(202) 994-9656	<a href="mailto:eeo@gwu.edu">eeo@gwu.edu</a>
Vice Provost for Faculty Affairs	(202) 994-5884	<a href="mailto:facultyaffairs@gwu.edu">facultyaffairs@gwu.edu</a>
Associate Dean of Students, Administrative Services & Senior Advisor	(202) 994-6710	<a href="mailto:kermit@gwu.edu">kermit@gwu.edu</a>
Senior Associate Athletic Director	(202) 994-0784	<a href="mailto:juliena@gwu.edu">juliena@gwu.edu</a>

---

## Document History

---

**Policy Origination Date:** July 1, 2018

**This policy supersedes the university's Sexual Harassment and Sexual Violence Policy.**

---

## Who Approved This Policy

---

*This policy, as well as all [university policies](#), are located on the [Office of Compliance and Privacy's](#) home page.*

DRAFT

**Faculty Senate  
Master Standing Committee List  
2018-2019 ROSTERS**

Non-voting members are those committee members serving on a committee because of their administrative role at the university, and the value that the person in that role brings to the committee. Non-voting members may be nominated for service by the President, the Provost, or a committee chair. These administrative committee members are not approved by the full senate and are referenced here for informational purposes. Should a non-voting member change positions at or leave the university, that individual would no longer serve on the committee, but a new individual in that role could be named to the committee in the same capacity.

---

**Appointment, Salary, & Promotion Policies**

**Chair: Cynthia Rohrbeck (CCAS)**

**FSEC Liaison: Robert Harrington (SEAS)**

---

<b>Member</b>	<b>Affiliation</b>	<b>Voting Status</b>
Abravanel, Eugene	CCAS	Voting
Anbinder, Tyler	CCAS	Voting
Biles, Brian	GWSPH	Voting
Briggs, Linda	SON	Voting
Cordes, Joseph	CCAS	Voting
Gupta, Murli	CCAS	Voting
Hayes, Carol	CCAS	Voting
Houghtby-Haddon, Natalie	CPS	Voting
LeLacheur, Susan	SMHS	Voting
Lipscomb, Diana	CCAS	Voting
McAleavey, David	CCAS	Voting
Owens, Richard	CCAS (Staff)	Voting
Plack, Margaret	SMHS	Voting
Rau, Pradeep	GWSB	Voting
Schanfield, Moses	CCAS	Voting
Storberg-Walker, Julia	GSEHD	Voting
Young, Heather	GWSPH	Voting
Zara, Jason	SEAS	Voting
Berberovic, Jelena	CCAS (Staff)	Non-Voting
Bracey, Chris	Faculty Affairs	Non-Voting
Maltzman, Forrest	Provost	Non-Voting
McLeod, Dale	HR	Non-Voting
Shea, Mafona	HR	Non-Voting

---

**Athletics**  
**Chair: Hugh Agew (ESIA)**  
**FSEC Liaison: Hugh Agnew (ESIA)**

---

<b>Member</b>	<b>Affiliation</b>	<b>Voting Status</b>
Baker, Robert	CCAS	Voting
Caras, Allison	CCAS	Voting
Cline, Eric	CCAS	Voting
Darcy-Mahoney, Ashley	SON	Voting
Gutman, Jeffrey	LAW	Voting
McHugh, Patrick	GWSB	Voting
Tuckwiller, Beth	GSEHD	Voting
Young, Heather	SMHS	Voting
Julien, Andre	Athletics	Non-Voting
Linebaugh, Craig	NCAA Liaison	Non-Voting
Vogel, Tanya	Athletics	Non-Voting

---

**Educational Policy**  
**Chair: Phil Wirtz (GWSB)**  
**FSEC Liaison: Phil Wirtz (GWSB)**

---

<b>Member</b>	<b>Affiliation</b>	<b>Voting Status</b>
Aviv, Eyal	CCAS	Voting
Beveridge, Scott	GSEHD	Voting
Cohen, Michael	CPS	Voting
Ganjoo, Rohini	SMHS	Voting
Golden, Catherine	SMHS	Voting
Hufford, Terry	Biological Sciences	Voting
Johnson, Candice	GWSPH (Staff)	Voting
Koutroulis, Ioannis	SMHS	Voting
Kristensen, Randi	WID	Voting
Minaei, Ashley	GWSPH (remote)	Voting
Nau, Henry	ESIA	Voting
Packer, Randall	CCAS	Voting
Pelzman, Joe	ESIA	Voting
Phillips, Robert	CCAS	Voting
Posey, Laurie	SON	Voting
Price, Marie	CCAS	Voting
Rau, Pradeep	GWSB	Voting
Robinson, Lilien	CCAS	Voting
Schumann, Mary Jean	SON	Voting
Schwartz, Lisa	SMHS	Voting
Seavey, Ormond	CCAS	Voting
Siczek, Megan	CCAS	Voting
Wyche, Karen	SON	Voting
Yezer, Anthony	CCAS	Voting
Zara, Jason	SEAS	Voting
Amundson, Beth	Registrar	Non-Voting
Arcieri, Michelle	Financial Aid	Non-Voting
Beil, Cheryl	Assessment	Non-Voting
Feuer, Michael	GSEHD	Non-Voting
Garrett, PB	Academic Technologies	Non-Voting
Maltzman, Forrest	Provost	Non-Voting
Murphy, Terry	Provost	Non-Voting
Street, Oliver	Retention	Non-Voting

---

**Fiscal Planning & Budgeting**  
**Chair: Joe Cordes (CCAS)**  
**FSEC Liaison: Christine Pintz (SON)**

---

<b>Member</b>	<b>Affiliation</b>	<b>Voting Status</b>
Bachnack, Will	GWSB	Voting
Baker, Sumera	CPS (Staff)	Voting
Berberovic, Jelena	CCAS (Staff)	Voting
Biles, Brian	GWSPH	Voting
Bosque-Pardos, Alberto	SMHS	Voting
Dimri, Goberdhan	CCAS	Voting
Freund, Maxine	GSEHD	Voting
Gabaldon, Theresa	LAW	Voting
Hopkins, Benjamin	ESIA	Voting
Kayes, Christopher	GWSB	Voting
Kim, Mikyong	GSEHD	Voting
Koutroulis, Ioannis	SMHS	Voting
Lang, Roger	SEAS	Voting
Linebaugh, Craig	CCAS	Voting
Mance, Rebecca	SON	Voting
Mellen, Nicholas	Academic Technologies	Voting
Mohamed, Mohamed	SMHS	Voting
Owens, Richard	CCAS (Staff)	Voting
Parsons, Donald	CCAS	Voting
Schumann, Mary Jean	SON	Voting
Tielsch, James	GWSPH	Voting
Wargotz, Eric	SMHS	Voting
Wilson, Arthur	GWSB	Voting
Yezer, Anthony	CCAS	Voting
Henry, Geneva	Libraries	Non-Voting
Maltzman, Forrest	Provost	Non-Voting
McCorvey, Ann	EVP&T	Non-Voting
Murphy, Terry	Provost	Non-Voting
O'Neal, Rene Stewart	Provost	Non-Voting

---

**Honors & Academic Convocations**  
**Chair: Scheherezade Rehman (GWSB)**  
**FSEC Liaison: Miriam Galston (LAW)**

---

<b>Member</b>	<b>Affiliation</b>	<b>Voting Status</b>
Friedman, Leonard	GWSPH	Voting
Ingraham, Loring	CCAS	Voting
Plack, Margaret	SMHS	Voting
Bracey, Chris	Faculty Affairs	Non-Voting
Peller, Michael	External Relations	Non-Voting

---

**Libraries**  
**Chair: Holly Dugan (CCAS)**  
**FSEC Liaison: Tony Sidawy (SMHS)**

---

<b>Member</b>	<b>Affiliation</b>	<b>Voting Status</b>
Acquaviva, Kimberly	SON	Voting
Cohen, Michael	CPS	Voting
Harizanov, Valentina	CCAS	Voting
McGuire-Kuletz, Maureen	GSEHD	Voting
Rodriguez, Ken	LAW	Voting
Ruckert, Elizabeth	SMHS	Voting
Smith, Andrew	CCAS	Voting
Thoma, Kathleen	SMHS	Voting
Wallace, Tara	CCAS	Voting
Henry, Geneva	Libraries	Non-Voting
Linton, Anne	Himmelfarb	Non-Voting
O'Neal, Rene Stewart	Provost	Non-Voting
Pagel, Scott	Law Library	Non-Voting



---

**Physical Facilities**

**Chair: Kim Roddis (SEAS)**

**FSEC Liaison: Anne Markus (GWSPH)**

---

<b>Member</b>	<b>Affiliation</b>	<b>Voting Status</b>
Anderson, Catherine	CCAS	Voting
Gallo, Linda	CCAS	Voting
Halliday, David	GWSB	Voting
King, Michael	CCAS	Voting
Neumann, Laura	GWSPH (Staff)	Voting
Robinson, Robbie	CCAS	Voting
Traub, John	CCAS	Voting
Ullman, Dan	CCAS	Voting
Whitlow, Malinda	SON	Voting
Wright, Dan	Ctr for Student Engagement	Voting
Amundson, Beth	Registrar	Non-Voting
Dent, David	EVP&T	Non-Voting
Murphy, Terry	Provost	Non-Voting
O'Neal, Rene Stewart	Provost	Non-Voting

---

**Professional Ethics & Academic Freedom**  
**Chair: Jeff Gutman (LAW)**  
**FSEC Liaison: Sylvia Marotta-Walters (GSEHD)**

---

<b>Member</b>	<b>Affiliation</b>	<b>Voting Status</b>
Alexander, Lisa	SMHS	Voting
Biles, Brian	GWSPH	Voting
Cseh, Maria	GSEHD	Voting
Darr, Kurt	GWSPH	Voting
Driskell, Quardricos	CPS	Voting
Garris, Charles	SEAS	Voting
Gastwirth, Joseph	CCAS	Voting
Gibson, Delores	GSEHD (Staff)	Voting
Houghtby-Haddon, Natalie	CPS	Voting
Kepic, Marcela	GSEHD	Voting
Kim, Mikyong	GSEHD	Voting
Leslie, Mayri	SON	Voting
Loew, Murray	SEAS	Voting
Malliarakis, Kate	SON	Voting
Marginean, Ioannis	CCAS	Voting
Orenstein, Dara	CCAS	Voting
Patel, Ashesh	SMHS	Voting
Robinson, Lilien	CCAS	Voting
Rodriguez, Ken	LAW	Voting
Sen, Sabyasachi	SMHS	Voting
Sinatora, Francesco	CCAS	Voting
Teitelbaum, Joel	GWSPH	Voting
Wilmarth, Arthur	LAW	Voting
Bracey, Chris	Faculty Affairs	Non-Voting
Weitzner, Richard	General Counsel	Non-Voting

---

**Research**  
**Chairs: Karen McDonnell (GWSPH) & Kausik Sarkar (SEAS)**  
**FSEC Liaison: Bill Briscoe (CCAS)**

---

<b>Member</b>	<b>Affiliation</b>	<b>Voting Status</b>
Applebaum, Kate	GWSPH	Voting
Banik, Debarati	Post-Doc	Voting
Bukrinsky, Michael	SMHS	Voting
Cohen-Cole, Jamie	CCAS	Voting
El-Ghazawi, Tarek	SEAS	Voting
Griesshammer, Harald	CCAS	Voting
Harizanov, Valentina	CCAS	Voting
Hsu, Stephen	SEAS	Voting
Kay, Matt	SEAS	Voting
Kouveliotou, Chryssa	CCAS	Voting
Kusner, Linda	SMHS	Voting
Leftwich, Megan	SEAS	Voting
Merluzzi, Jennifer	GWSPH	Voting
Rimal, Rajiv	GWSPH	Voting
Roche, Katy	GWSPH	Voting
Schultheiss, Katrin	CCAS	Voting
Streitwieser, Bernhard	GSEHD	Voting
Tuckwiller, Beth	GSEHD	Voting
Zhou, Qiuping (Pearl)	SON	Voting
Freund, Maxine	GSEHD	Non-Voting
Hyder, Adnan	GWSPH	Non-Voting
Korman, Can	SEAS	Non-Voting
Lohr, Gina	Research	Non-Voting
Mallinson, Trudy	SMHS	Non-Voting
Maltzman, Forrest	Provost	Non-Voting
Miller, Robert	SMHS	Non-Voting
Norlen, Tova	ESIA	Non-Voting
Rong, Yongwu	CCAS	Non-Voting

---

**University & Urban Affairs**  
**Chair: Robert Cottrol (LAW)**  
**FSEC Liaison: Anne Markus (GWSPH)**

---

<b>Member</b>	<b>Affiliation</b>	<b>Voting Status</b>
Bennett, William	SMHS	Voting
Cassar, Linda	SON	Voting
Catalanotti, Jillian	SMHS	Voting
Conroy, Fiona	CPS	Voting
Dawn, Karen	SON	Voting
LeLacheur, Susan	SMHS	Voting
Melton, Najeebe Danielle	SMHS	Voting
Orenstein, Dara	CCAS	Voting
Saliba, Zeina	SMHS	Voting
Schwartz, Dan	CCAS	Voting
Thomas, Marjorie (Eileen)	Athletics (Staff)	Voting
Whitlow, Malinda	SON	Voting

**Administrative Committee Appointments  
2018-2019**

---

**Committee on the Judicial System**

---

Barron, Mary	GWSPH	continuing	2-year term
Ganjoo, Rohini	SMHS	new	2-year term

---

**University Hearing Board**

---

Cobb Kung, Bethany	CCAS	continuing	1-year term
El-Banna, Majeda	SON	continuing	1-year term
Sexton, James	CCAS	continuing	1-year term

---

**Student Grievance Review Committee**

---

Artz, John	GWSB	continuing	1-year term
Cassar, Linda	SON	continuing	1-year term
Darcy-Mahoney, Ashley	SON	continuing	1-year term
El-Banna, Majeda	SON	continuing	1-year term
Gutman, Jeffrey	LAW	continuing	1-year term
Kleppinger, Kathryn	CCAS	new	1-year term
LeLacheur, Susan	SMHS	continuing	1-year term
Mohamed, Mohamed	SMHS	continuing	1-year term
Wilson, Art	GWSB	continuing	1-year term
Zysmilich, Martin	CCAS	continuing	1-year term

---

**Joint Committee of Faculty & Students (faculty members)**

---

Roster to be formalized following confirmation of new faculty chair for 2018-2019

**FACULTY SENATE CALENDAR  
2018-2019 Academic Year**

**EXECUTIVE COMMITTEE MEETINGS**

**Begin at noon ~ Executive  
Committee Members Only  
Held in Duques 650 except as noted**

**FACULTY SENATE MEETINGS**

**Begin at 2:10pm ~ Held in 1957 E  
Street/State Room (7th floor)**

August 24, 2018

September 21, 2018

October 26, 2018 (Duques 553)

November 16, 2018

December 14, 2018

January 25, 2019

February 22, 2019

March 22, 2019

April 26, 2019\*

May 11, 2018

September 7, 2018

October 12, 2018

November 9, 2018

December 7, 2018

January 11, 2019

February 8, 2019

March 1, 2019

April 12, 2019

May 10, 2019\*\*

\*Joint meeting of the old and new Executive Committees

\*\*First meeting of the 2019-2020 Academic Year session

The 2017 Faculty Assembly will be held on Wednesday, October 24, 2018, at 4pm in the Jack Morton Auditorium at 805 21st Street NW (School of Media & Public Affairs Building).

**NOTE:** To permit compliance with the rules requiring seven days notice of Senate meetings, the Executive Committee prepares the agenda two weeks in advance of the regular Senate meetings.

**The George Washington University**  
**FACULTY SENATE COMMITTEE**  
on  
**APPOINTMENT, SALARY, AND PROMOTION POLICIES**  
**Annual Report (2017-18)**

ASPP Committee was quite active this year. The committee held seven meetings during this academic year: three in the fall and four in spring. Here are the major issues considered this year:

**Benefits:** This is the second year where the administration has committed to holding down health care costs for faculty and staff. Our co-chair, Cynthia Rohrbeck, serves on the Benefits Advisory Committee (BAC) and is able to report the BAC deliberations to ASPP membership and to the Senate on a timely basis; other members of ASPP and BAC are Tyler Anbinder and Joseph Cordes. We note the importance of continuing to urge the GWU administration to sever the connection between the average salary increase and the GWU employer contribution to health insurance costs (the “3% rule.”). At our March meeting, it was reported that the administration will be providing larger than 3% increase to the benefits pool.

ASPP committee now has two staff representatives (Jelana Berberovic and Richard Owens) who have requested us to present a list of staff suggestions on benefits to the BAC. These included enlarged health insurance choices, free access to Lerner HWC, VSTC shuttle timings, transit subsidies, longer maternity leave, and performance review process. The committee has prioritized these requests and a smaller list will be presented for action to BAC and the administration.

**Salaries:** The administration reported the plan to again add 3% to the merit pool with 2% available for department chairs and 1% with the deans to make special adjustments. We agreed that it is important for the university to meet the 80% percentile goal of AAUP averages at all ranks, and 60% percentile floor in all schools. It is noted that two schools—CCAS and GSEHD—continue to lag below these goals and the administration is urged to make needed adjustments.

**Salary Equity Committee:** Several individuals involved in the last few rounds of the salary equity committee efforts have left the university or are on leave. Those changes, along with what might have been a complicated algorithm to identify discrepancies, and a double-blind format were mentioned as reasons for the lack of a timely response and adjustments. It has been decided move forward on this

initiative with a smaller committee so that needed adjustments can be made in “real time”.

We nominated three faculty members as members of the Salary Equity Committee: Senay Agca (Finance), Erin Chapman (History), and Dylan Conger (Public Policy). This committee has now been formed with three senior members to serve as advisors (Joseph Cordes, Miriam Galston, and Philip Wirtz). Vice-Provost Chris Bracey will chair the committee, with administration support from Joe Knop and Eric Yang. It is hoped that the initial round of reviews will go more quickly than in the past since it will be the Provost’s office that requests information from the Deans. The goal is to have feedback by the November 1 salary letters. Provost Maltzman is going to convene the first meeting of this committee in the near future. The salary equity committee will report to ASPP as a subcommittee of ASPP so its activities can be reported to the Faculty Senate on a timely basis.

**Retiree Health Benefits:** There have been concerns about the changes to health insurance for retirees. Those changes were previously discussed in the BAC, and reported to ASPP. Currently, retirees can stay on the GWU plan for 8 years post-retirement, at which point they must shift to another plan. It seems that other plans other than the GWU / Tower’s plan might be more favorable to our retirees (with larger pools, they may have lower rates).

**Submission dates for tenure/promotion dossiers:** As reported in our Interim Report, we discussed the difficulty for the School of Nursing in complying with GWU’s deadlines on dossiers for tenure and promotion because that school had August 1, 2017 deadline for submission of dossiers to their dean and the school wide personnel committee. It was noted that CCAS’s deadline for tenure dossier submission to the dean was December 2, 2017. The committee recommended to the School of Nursing to reconsider their procedures and revise their deadlines and rules.

**TIAA Concerns:** Some members brought up concerns regarding the practices of TIAA fund costs as published in several article in New York Times article. This is a topic that will be raised in the BAC meetings.

**Endowed Chairs:** We were asked by the executive committee to explore endowed professorships of market basket schools, including how they are created, the numbers, how the lines are developed and other issues relevant to possibly increasing such positions at GWU. After some discussion, we determined that these questions need to be clarified and asked the executive committee for



clarification. It was subsequently learnt that this issue has been referred back to the administration.

Respectfully Submitted,

Murli M. Gupta, Interim Chair and Cynthia Rohrbeck, Co-Chair  
April 5, 2018

Members	
Agca, Senay	GWSB
Anbinder, Tyler	CCAS
Abravanel, Eugene	CCAS
Biles, Brian	GWSPH
Briggs, Linda	SON
Cordes, Joseph	CCAS
Dickinson, Laura	LAW
Hayes, Carol	CCAS
LeLacheur, Susan	SMHS
Lipscomb, Dianna	CCAS
Maring, Joyce	SMHS
Mohamed, Mohamed	SMHS
Pittman, Delishia	GSEHD
Plack, Margaret	SMHS
Rau, Pradeep	GWSB
Schanfield, Moses	CCAS
Williams, James	ESIA
Zara, Jason	SEAS

<i>Ex-officio</i>	
Berberovic, Jelena	CCAS Staff
Bracey, Christopher	Faculty Affairs
Fulmer, Kimberly	SON Staff
Harrington, Robert	SEAS
Katz, Louis	EVP&T
Maltzman, Forrest	Provost
McLeod, Dale	HR
Owens, Richard	CCAS Staff
Shea, Mafona	Gelman

The George Washington University  
 Compilation of Top Administration Salaries; Comparisons with Average Faculty Salaries and Tuition Increases

April 25, 2018

**GW Compensation Data from IRS Form 990 filed in May annually**

Base compensation = W2/1099-MISC

Total Compensation = "Base compensation" + "Bonus and incentive compensation" + "Other compensation" + "Deferred compensation" + "Nontaxable benefits"

**President and Vice Presidents**

			Year Ending Jun-16	Year Ending Jun-15	1 year % Change 6/15-6/16	Year Ending Jun-14	2 year % Change 6/14-6/16	Year Ending Jun-13	3 year % Change 6/13-6/16	Year Ending Jun-12	4 year % Change 6/12-6/16
Compensation Type											
Steven Knapp	President	Base	\$1,124,075	\$1,069,414		\$991,036		\$1,180,534		\$961,781	
		Total	\$1,242,646	\$1,187,856	4.6%	\$1,108,695	12.1%	\$1,286,447	-3.4%	\$1,107,934	12.2%
Louis Katz	Exec VP & Treasurer	Base	\$1,005,040	\$950,109		\$875,935		\$1,381,110		\$810,842	
		Total	\$1,040,106	\$978,609	6.3%	\$903,935	15.1%	\$1,411,110	-26.3%	\$858,105	21.2%
Steven Lerman	Provost	Base	\$922,955	\$707,441		\$659,080		\$644,009		\$607,909	
		Total	\$1,049,153	\$866,793	21.0%	\$806,682	30.1%	\$790,557	32.7%	\$749,555	40.0%
Leo Chalupa	VP Research	Base	\$529,746	\$574,907		\$446,211		\$466,743		\$431,189	
		Total	\$570,702	\$615,563	-7.3%	\$498,494	14.5%	\$516,157	10.6%	\$480,235	18.8%
Beth Nolan	General Counsel	Base	\$638,155	\$590,162		\$557,808		\$623,234		\$508,055	
		Total	\$681,781	\$633,518	7.6%	\$596,799	14.2%	\$657,912	3.6%	\$561,229	21.5%
<b>Average Senior Administration Increases:</b>				Over 1 year:	6.5%	Over 2 years:	17.2%	Over 3 years:	3.4%	Over 4 years:	22.7%

**Tuition and fees (New Undergraduates- fixed tuition rates)**

<http://studentaccounts.gwu.edu/undergraduate-tuition>

	2018/19	2017/18	2016/17	2015/16	2014/15	2013/14	2012/13	2011/12	2010/11
Annual Tuition Increase:	\$55,140	\$53,435	\$51,875	\$50,367	\$48,700	\$47,290	\$45,780	\$44,148	\$42,905
	3.19%	3.01%	2.99%	3.42%	2.98%	3.30%	3.70%	2.90%	
<b>Total Increase in Tuition for New Undergraduates over 8 years (2010/11-2018/19):</b>						28.52%			

**Faculty Salaries Data (Average Regular Full Time Salaries, excludes School of Medicine)**

Source: Core Indicators of Academic Excellence, Faculty Senate Minutes (March)

(Note: These are salaries only. Do not include benefits)

	Average Salaries 2016/17	Average Salaries 2015/16	1 year % Change 6/16-6/17	Average Salaries 2014/15	2 year % Change 6/15-6/17	Average Salaries 2013/14	3 year % Change 6/14-6/17	Average Salaries 2012/13	4 year % Change 6/13-6/17	Average Salaries 2011/12	5 year % Change 6/12-6/17
Professor	\$174,606	\$168,794	3.4%	\$163,483	6.8%	\$161,441	8.2%	\$156,361	11.7%	\$152,000	14.9%
Associate Professor	\$114,969	\$114,459	0.4%	\$109,919	4.6%	\$109,413	5.1%	\$106,097	8.4%	\$103,100	11.5%
Assistant Professor	\$92,677	\$90,816	2.0%	\$90,072	2.9%	\$87,452	6.0%	\$86,893	6.7%	\$84,200	10.1%
<b>Average Faculty Increases:</b>		Over 1 year:	2.0%	Over 2 years:	4.8%	Over 3 years:	6.4%	Over 4 years:	8.9%	Over 5 years:	12.2%

# Faculty Senate Committee on Educational Policy

## Annual Report: 2017-2018 Academic Year

The Educational Policy Committee met on September 15, 2017; October 13, 2017; November 10, 2017; December 8, 2017, January 18, 2018; February 9, 2018; and April 13, 2018.

### 1. ONLINE AND HYBRID DEGREE PROGRAMS

At the September meeting, the Committee received and discussed the Report of the Joint Task Force on Online, Hybrid, and Off-Campus Degree Programs. Emeritus Professor Kurt Darr, Task Force Chair, presented the key findings presented in the Task Force Report (available at <https://facultysenate.gwu.edu/files/2016/07/October-13-Meeting-Minutes-Attachments-12xqxsd.pdf>). Following Professor Darr's presentation of the Report to the Senate and Chair Wirtz's discussion with the Online Committee (which raised questions about several of the assertions made in the Report), the Committee asked the Provost to present to the Committee in January recommendations and administrative steps taken to address areas of concern cited in the Report; based on his presentation at the January meeting, the Committee recommended he offer similar guidance at an upcoming Senate meeting. (Provost Maltzman's report is available at <https://facultysenate.gwu.edu/files/2018/02/Feb-2018-minutes-attachments-14lmjzr.pdf>). The Committee endorsed Provost Maltzman's report, and prepared Resolution 18/6, which, as amended and adopted by the Senate, is available at <https://facultysenate.gwu.edu/files/2016/07/March-2018-minutes-attachments-2d11wr5.pdf>.

### 2. ACADEMIC INNOVATIONS AND ACADEMIC TECHNOLOGY

At the October meeting, the Committee met with Geneva Henry, Dean of Libraries and Academic Innovations; PB Garrett, Senior Associate Dean for Innovation, Teaching, and Learning & Chief Technology Officer; Yordanos Baharu, Executive Director of Academic Enterprise Applications; Katherine Miscavige, Educational Developer; and Kes Shroer, Program Associate. The discussion focused around five primary areas of academic innovation: the University Teaching-Learning Center, the Instructional Technology Lab, the Teaching Network for Early Faculty Learning, the STEWORKS program, and the new partnership arrangements with existing internal resources (e.g., SMHS, SON). The Committee discussed with our guests extant efforts to bring scholarship and skills to faculty members' teaching through workshops such as the small teaching/course design institute; a new online faculty development course; the online syllabus initiative; the availability of GWorld photos in Blackboard; free video services available for faculty creating online courses; and a number of STEWORKS initiatives, including WebEx appointments to accommodate online students, Pearson online tutoring facilities, peer coaching, workshops in quantitative course support, and providing consultants to assist in particular substantive areas (such as econometrics).

### 3. ADMISSIONS POLICY

At the November meeting, the Committee met with Laurie Koehler, Vice Provost for Enrollment Management, Costas Solomou, Director of Admissions, and Michelle Arcieri, Interim Director of Financial Aid. There appears to be preliminary evidence that the University's new "test-optional policy" is achieving several salutary outcomes; however, important validation metrics (such as differences between "submitters" and "non-submitters" on screening tests for entry to introductory Economics courses, which the Committee views as an important indicator of the impact of the policy) have not yet been assessed. The Committee discussed with Vice Provost Koehler and her team key metrics upon which the assessment of the University's admissions policy is based, and the preliminary values for these metrics.

### 4. RETENTION POLICY

At the December meeting, the Committee discussed retention policy with Vice Provost Koehler and Oliver Street, Executive Director of Enrollment Retention. Although several metrics suggest that the University's retention rates are improving (particularly with regard to Freshmen), the University still lags behind several peer and aspirant schools in this area. Vice Provost Koehler and Executive Director Street discussed with the Committee several new initiatives that are being implemented to address this issue.

### 5. WITHDRAWAL POLICY

At the April meeting, the Committee discussed with the Provost a recent administrative revision to unify across five schools the date on which undergraduates are permitted to withdraw from courses. Concern was expressed about several aspects of this revision; the Committee decided to defer extensive consideration of the issue to the first meeting of the Fall semester, when more time would be available for informed debate.

## 6. TEXTBOOK POLICY

At the April meeting, the Committee discussed textbook policy with Alicia Knight, Senior Vice President for Operations, Karen Zinn, Executive Director for Business and Auxiliary Services, Auxiliary Services Contract Manager Anya Hughes, GWSA President Peak Sen Chua, and GWSA Executive Vice President Sydney Nelson. **The Committee wishes to bring to the Faculty's attention the critical need for diligence in timely submission of book adoptions (no later than mid-April).** Among many reasons, doing so can save students more than \$200,000 in textbook fees. The Committee discussed barriers to early textbook adoption notification (including delayed teaching assignments and just-in-time notifications of the deadline), and offered recommendations for increasing timely adoption rates (including better Discover integration, earlier notification to faculty, and a focus on courses where the textbooks remain unchanged across semesters).

Respectfully Submitted, Philip W. Wirtz, Chair

Eyal Aviv	Terry Hufford	Joseph Pelzman	Lisa Schwartz	<i>Michael Feuer*</i>
Scott Beveridge	Candice Johnson	Robert Phillips	Ormond Seavey	<i>PB Garrett*</i>
Olivia Blackmon	Ioannis Koutroulis	Marie Price	Megan Siczek	<i>Peter Konwerski*</i>
Geoffrey Carter	Jannet Lewis	Pradeep Rau	Philip Wirtz	<i>Forrest Maltzman*</i>
Yuliya Dobrydneva	Lisa Lipinski	Lilien Robinson	Anthony Yezer	<i>Terry Murphy*</i>
Rohini Ganjoo	Henry Nau	Silvana Rubino-Hallman	<i>Elizabeth Amundson*</i>	<i>Oliver Street*</i>
Catherine Golden	Sydney Nelson	Mary Jean Schumann	<i>Cheryl Beil*</i>	

*\*Ex-Officio*

## **Report of the Executive Committee**

May 11, 2018

Sylvia A. Marotta-Walters, Chair

Today marks the beginning of the Senate session for the Academic Year 2018/2019. I welcome the new members of the Senate and look forward to a productive year working with you. You will be representing your schools on the issues that derive from shared governance here at the university. You will be sharing that information with faculty in your respective schools as the academic year unfolds.

For all Senators, please remember that you are asked to sit on at least one Senate Standing Committee during your tenure as a Senator. The resolutions that come before the Senate are the direct result of the hard work that takes place within the committee structure. New Senators will find committee work provides a broad spectrum view of how the university community works together.

### **ACTIONS OF THE EXECUTIVE COMMITTEE**

#### **Draft Policies on Gender and Sexual Harassment and Violence, and on Prohibited Relationships.**

At the May 11, 2018, meeting of the Faculty Senate, the full Senate heard from Provost Maltzman about the draft policies that will replace the current policy on Sexual Harassment which was last substantively reviewed by faculty in 2014. Since then there have been changes in national legislation, as well as an explosion of examples of workplace misbehavior on these issues across the country. That there is a need for revision of existing policy is clear. Next week at the Board of Trustees' meeting, I will report my concern that faculty has had little time to engage in the mutual formulation of policies as required by the Faculty Code. Further, the Code also calls for faculty to be involved in decisions that affect the quality of education and life at the university. This set of policies has clear implications for both education and the quality of life at the university, for faculty, students, and staff. I am also going to recommend to the Trustees that we follow the model used when the university community – trustees, faculty, and administration – formed working groups to study ways to bring the Faculty Code to its next level. I believe the Senate's standing committee structure is well positioned to do this work and that at its conclusion a resolution on the two proposed policies can come to the floor of the Senate for full vote.

The administration has involved the Professional Ethics and Academic Freedom (PEAF) Committee since January 2018 in the prohibited relationships

portion of the policy, and has adopted most of the committee's proposed language, but the full Senate has not had an opportunity for discussion and revision.

The full policy on sexual harassment that is in draft form was only made available to the faculty on April 29. While the full policy was derived from an outside consultant with expertise in the area of sexual harassment, the faculty has not had sufficient time to review and provide input as called for in the Faculty Code and required for effective shared governance. In the short time since the draft policies were first released to PEAFF and to the Faculty Senate Executive Committee (FSEC), some concerns have been raised by faculty with expertise in these areas, about such things as due process during the investigation of claims, and how procedures will be designed to determine penalties to be imposed for violations. These concerns illustrate the importance of faculty involvement following the procedures required by the Code.

**Review of School Rules.** Prior to today's meeting on May 11, the Provost's working group on aligning school rules with the 2015 Code met to consider the School of Business' proposed By-Laws. The School of Business is the final school to be reviewed, the nine other schools having gone through their respective views throughout the past two years, beginning in the spring of 2017. The FSEC will charge the appropriate Senate committees during 2018/2019 with addressing the issues that have arisen in the course of these reviews. These are issues that go beyond aligning with the 2015 Code but which are important to institutionalize at the school level. The Provost's working group has viewed the culture of each school as being important to maintain in the construction of school rules as long as those cultural practices are aligned with the Code and clearly written so that faculty understand their rights and responsibilities.

## **FACULTY PERSONNEL MATTERS**

**Grievances:** There are four active grievances: one in GWSB, two in CCAS, and one in GSEHD.

The Elliott School grievance was withdrawn following mediation. Three of the cases are in various stages of mediation and one proceeded to the hearing stage.

**Non-Concurrences:** There are 10 non-concurrence cases from the CCAS, GWSB, GWPH, and SMHS. In light of the number of cases, the FSEC will undertake a review of recommendations it has made from 2015-2018 to determine how recommendations have been implemented by the schools across the university.

## **ANNOUNCEMENTS**

The next meeting of the Executive Committee is Friday, August 24, 2018. Please submit any reports or drafts of resolutions to the FSEC by Friday, August 17, 2018.

### **Upcoming Agenda Items**

September 7, 2018	Nominations for members of the Senate Standing Committees
	Report: Director of Development Donna Arbide
October 12, 2018	(Tentative) Faculty Salary Equity Committee