

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

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

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

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

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

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

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

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

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

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

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

Faculty Senate Executive Committee, September 6, 2012

Adopted as amended September 14, 2012