



**THE GEORGE
WASHINGTON
UNIVERSITY**
WASHINGTON, DC

Responsible University Officials: 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 Offices: 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 to 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.

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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)
The George Washington University
Rice Hall, Suite 403
2121 I Street, NW
Washington, D.C. 20052
202-994-7434
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); the United States Department of Education, Clery Act Compliance Division (at clery@ed.gov); the United States Department of Education, Office for Civil Rights (at OCR@ed.gov or 800-421-3481); and/or the Equal Employment Opportunity Commission (at info@eeoc.gov or 800-669-4000).

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

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Rice Hall, Suite 403
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202-994-7434
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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 four 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 Responsibility 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, 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 the Office of Victim Services (OVS) within the Division of Safety and Security 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 who 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 and 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 and 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. When individuals who are designated as Responsible Employees also serve, at times, a dual role as Confidential Resources, the individuals should not report information that they receive while providing services as Confidential Resources (except as set forth in the Confidentiality section above). 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 anonymously reported to the George Washington University Police Department (GWPD).

Members of the university community who believe their safety or the safety of others is threatened or who have experienced or witnessed 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, call 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 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: 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
- Enrollment and the Student Experience, 202-994-6710, students@gwu.edu
- Office of Victim Services' Victim Services Specialist (Confidential Resource), 202-994-0443, ovs@gwu.edu
- Faculty Recruitment and Personnel Relations, 202-994-6783, frpr@gwu.edu
- University Human Resources, 202-994-8500
- GW's Equal Employment Opportunity Office, 202-994-9656
- The university's HAVEN website, 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 seven days a week, 24 hours a day, at 202-994-7222. More information about the SARC Team is available at 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: 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 the Office of Victim Services (OVS) within the Division of Safety and Security at 202-994-0443 or ovs@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, hotline: 202-333-RAPE
(District of Columbia)

[*Network for Victim Recovery of DC*](#), 202-742-1727 (District of Columbia)

[*Sexual Assault Response and Awareness*](#), hotline: 703-683-7273
(Alexandria, Va.)

[Doorways for Women and Families](#), 703-237-0881 (Arlington, Va.)

[Loudoun Abused Women's Shelter](#), 703-777-6552 (Loudoun County, Va.)

[H.E.R. Shelter for Domestic Violence](#), hotline: 757-485-3384 (Portsmouth, Va.)

[Victim Assistance and Sexual Assault Program](#), 240-777-1355, hotline: 240- 777-4357 (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 Title IX Coordinator 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
haven.gwu.edu/report-incident

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

George Washington University Police Department
Rome Hall, Suite 101
801 22nd Street, NW

Washington, D.C. 20052
202-994-6111 [Emergency line]
202-994-6110 [Non-emergency line]
gwpd@gwu.edu

- **If off campus, call 911 to reach local 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 GWPD in order to report an incident. A person can call GWPD and ask that the information remain anonymous or use the TIPS Line at 202-944-TIPS.

Anonymous reports can also be made to the Title IX Coordinator at haven.gwu.edu/report-incident or by calling GW's Sexual Assault Response Consultative (SARC) Team at 202-994-7222 (24/7). When calling the SARC Team, individuals can simply state that they would like to remain anonymous. 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 support.
- 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 parties; whether the Complainant and the Respondent share the same residence hall, academic course(s), or job location(s); and whether court proceedings have been used to protect any parties (e.g., protective orders). The university will work in good faith to implement the requirements of judicially issued protective orders and similar orders, to the extent that doing so is within its authority.

The 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 GYPD (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 that 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 GWPD to enter the report into the university's daily crime log if required by the Clery Act;
- with GWPD, assess the reported conduct and discern the need for a timely warning under the Clery Act;
- provide the Complainant with written information about 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 10 business days, but recognizes that there may be circumstances in which 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., illicit use of drugs or alcohol) at a given location or by a particular group;
- the Complainant's interest in the university 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 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 notation, 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 Family Educational Rights and Privacy Act (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 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 business days to: (1) provide written comment or feedback, (2) submit additional information, (3) identify additional witnesses, and/or (4) request the collection of other information by the Investigator. The Investigator will determine the appropriateness of additional investigative steps and the relevance of additional information. If either party provides a written response or makes a request for additional investigation, the written response and any additional information gathered by the Investigator will be shared with the other party and incorporated as appropriate in the final investigative report. Any information gathered through

additional investigation steps will be shared with both parties, and, as appropriate, each will have the opportunity for further response. Typically, each party will have three business days to review any additional substantive information.

As necessary, the Investigator will designate reasonably prompt timeframes to ensure a timely completion of the process while also providing an adequate opportunity for both parties to respond thoroughly to the information gathered during the investigation. 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 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 investigative 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 investigative 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 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 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 notation and/or notification to other institutions, withholding or delaying the conferral of a degree, prohibitions against participation in academic honor ceremonies, such as graduation, training, guidance, and measures to protect health and safety.

Student-employees who are reported to have engaged in 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 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 a party to the other party's appeal must be submitted within three 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 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

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Document History

Policy Origination Date: July 1, 2018

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

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