

**Georgetown University  
Policy on Sexual Misconduct**

Policy Statement

Our commitment to provide a safe and hospitable environment for all members of our community to work and study. Sexual Misconduct subverts the University's mission, diminishes the dignity





accused of Sexual Misconduct. Individuals impacted by Sexual Misconduct are encouraged to seek confidential counseling and other support resources offered by the University and by off-campus providers. Individuals are encouraged not to wait to seek confidential counseling, and University counselors can take proactive steps to assist concerned individuals. A description of <https://sexualassault.georgetown.edu/resourcecenter>. In addition,



training identified as mandatory. Investigations involving alleged violations of this policy shall be conducted by officials who receive training on issues related to sexual harassment, sexual assault, dating violence, domestic violence, and stalking as well as on how to conduct a grievance process that protects the safety of all parties involved and promotes accountability.

Revocation by Operation of Law

In the event that any provision of the Title IX Final Rule, 85 Fed. Reg. 30026 (May 19, 2020) is modified, invalidated, or stayed by federal law (including any federal statute, administrative rule or regulation, direction from the Department of Education, executive order, or controlling judicial order), any related provision in this Policy will be modified or deemed inoperative consistent with that change in federal law for all pending or new proceedings covered by the Policy as of the effective date of the change in law.

Appendix B shall be investigated and adjudicated under other University conduct policies and procedures as appropriate.



Lack of verbal or physical resistance, or submission by the unwilling participant, when such submission results from the use of force, threats, or coercion by the Respondent shall not constitute consent.

A person is considered incapable of giving consent if he/she/they are asleep, unconscious, and/or losing and regaining consciousness, or clearly mentally or physically incapacitated, for example, by alcohol and/or other drugs (signs of incapacitation include, but are not limited to, difficulty walking, inability to speak in

**Informal Resolution** does not involve a full investigation and adjudication.

**Non-Title IX Sexual Misconduct** Title IX Sexual Harassment.

**Report** (including electronic) communication from an individual alleging conduct that could constitute Sexual Misconduct, whether or not the individual is alleged to be the victim or target of the conduct. A Report is not a Complaint.

**Respondent** Alleged in a Complaint to be the perpetrator of conduct that could constitute Sexual Misconduct.

**Retaliation** action against any individual (1) for the purpose of interfering with any right or privilege secured by a sex discrimination law or this Policy, or (2) because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy. Retaliation includes charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a Report or Complaint of sex discrimination or Sexual Harassment, when such charges are made for the purpose of interfering with any right or privilege secured by this Policy.

**Sexual Misconduct** Unwanted conduct of a sexual nature that constitutes Sexual Harassment, Title IX Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, or Stalking. Specifically, Sexual Misconduct includes:

1. **Sexual Harassment:** Any unwelcome conduct of a sexual nature, including sexual advances, request for sexual favors, or other verbal or physical conduct of a sexual or gender-based nature when:
  - a. Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment or academic relationship; or
  - b. Submission to or rejection of such conduct is used as a basis for making an employment or academic decision affecting an individual; or
  - c. Such conduct has the purpose or effect of interfering with an individual's work or hostile, or offensive environment.<sup>1</sup>

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<sup>1</sup> Interpretation of the Policy

2. Title IX Sexual Harassment (as defined below).

3. Sexual Assault as defined under the Jeanne Clery Disclosure of Campus Security Policy (an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation), which includes:

Any sexual act including Rape, Sodomy, Sexual Assault with An Object, or Fondling directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent; also unlawful sexual intercourse.

- a. Rape (Except Statutory Rape): The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
- b. Sodomy: Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
- c. Sexual Assault With An Object: To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
- d. Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including

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If an issue of sexual harassment is raised in strictly academic areas, such as coursework, the matter will be handled in consultation and coordination between the Title IX Coordinator and the University's Academic Integrity Officer. If the alleged conduct involves issues of academic freedom.

To constitute sexual harassment, the conduct in question must be objectively intimidating, hostile, or abusive. The alleged conduct must be severe, pervasive, and objectively offensive, and it must be sufficient to create a hostile educational environment. Alleged conduct, standing alone, is not sufficient by itself to constitute sexual harassment. Sexual harassment is especially serious when it occurs between teachers and students or supervisors and subordinates. In such situations, sexual harassment unfairly exploits the power inherent in a faculty member's or supervisor's position. Although sexual harassment often occurs when one person takes advantage of a position of authority over another, the University recognizes that sexual harassment may also occur between people of equivalent status. This includes peer sexual harassment. Regardless of the form it may take, the University will not tolerate unwelcome conduct of a sexual nature that creates an unacceptable working or educational environment.



iii. Stalking in this provision relates to stalking on

Program or Activity of the University (as defined under the definition of Title IX Sexual Harassment).<sup>2</sup> A Title IX Complaint may be filed with the Title IX Coordinator in person, by mail, or electronically. An electronic submission means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose) that is signed by the Complainant with a digital signature, or otherwise indicates that the Complainant is the person filing the Title IX Complaint. Where the Title IX Coordinator signs a Title IX Complaint, the Title IX Coordinator is

## Appendix B

### Grievance Procedures for Sexual Misconduct and Title IX Sexual Harassment

#### Overview

Georgetown has established Grievance Procedures for the prompt, fair, and impartial resolution of all Complaints of Sexual Misconduct under this Policy [ ] and Title IX Sexual Harassment. The University will investigate the allegations in any Complaint in a prompt, fair, and impartial manner, with one or more internal or external investigators. Following the investigation, a determination regarding responsibility will be made in accordance with the applicable Grievance Procedures. If there is a determination of responsibility, the University will determine sanctions and remedies as appropriate. The applicable Grievance Procedures also provide for an appeals process.

Unless resolved through Informal Resolution, the University will investigate the allegations in any Complaint in a prompt, fair, and impartial manner, with one or more internal or external investigators. Following the investigation, a determination regarding responsibility will be made in accordance with the applicable Grievance Procedures. If there is a determination of responsibility, the University will determine sanctions and remedies as appropriate. The applicable Grievance Procedures also provide for an appeals process.

#### Determination of Grievance Procedure

Different Grievance Procedures for investigation, decision-making, sanctions, and appeals will apply depending on the nature of the allegation (e.g., whether or not the Respondent (employee, student, or other), and the campus with which the Respondent is affiliated. If the Complainant and Respondent are in different statuses, then the status of the Respondent will determine the applicable Grievance Procedures (e.g., if a Title IX Complaint is filed by a Student against an Employee, the IDEAA Title IX procedures will apply). Where a Respondent is both a Student and Employee of the University, the Title IX Coordinator shall decide which Grievance Procedures apply based on the circumstances, including the capacity in which the Respondent was acting at the time of the alleged incident.

The Grievance Procedures for Non-Title IX Sexual Misconduct may not be used to consider an allegation of potential Title IX Sexual Harassment. All Complaints alleging Title IX Sexual Harassment must be addressed under the Grievance Procedures for Title IX Sexual Harassment.

If it is unclear whether a Complaint alleges Title IX Sexual Harassment or Non-Title IX Sexual Misconduct, then the Grievance Procedures for Title IX Sexual Harassment will apply.

The Grievance Procedures for Title IX Sexual Harassment may be used to consider Non-Title IX Sexual Misconduct, provided there is also an allegation of potential Title IX Sexual Harassment. Decision-maker(s) for Title IX Sexual Harassment may also make determinations related to Non-Title IX Sexual Misconduct.

The Title IX Coordinator has the discretion to determine which Grievance Procedures will apply and whether the allegations warrant consolidated, parallel, or sequential processing under different Grievance Procedures (including in cases that allege both Sexual Misconduct and harassment based on other protected status, which are covered under other University policies). If at any time it becomes apparent to the Title IX Coordinator that the Complaint or Title IX Complaint should be conducted under a different Grievance Procedure, the Complaint will be transferred to the appropriate procedures.

The definitions in Appendix A of the Policy are incorporated in these procedures.

**Grievance Procedures for Non-Title IX Sexual Misconduct**

Complaints of Sexual Misconduct, with the express exception of those alleging potential claims [ -ÁvÁ^ÁÚ^c~ aP aœ•{ ^} ÊÁ ã/Á^Áa!^••^áÁ} á^!Á@Á ||| , ã \* ÁGrievance Procedures:

For Complaints against Students in the College of Arts and Sciences, the Graduate School of Arts and Sciences, the Business School, the School of Health, the School of Nursing, Biomedical Graduate Education, the



The parties have the opportunity to be accompanied to any meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The University will not limit the choice or presence of an advisor for either party in any meeting or grievance proceeding, except that the advisor may not be a party or witness or an individual who would otherwise create a conflict of interest. The University may require all advisors in a proceeding to adhere to rules of decorum.

6. Notice of Complaint

Upon receipt of a Title IX Complaint, the University will provide the following written notice to the parties identified in the Title IX Complaint:

a.

will promptly send written notice of the dismissal and the reason(s) simultaneously to the parties as well as procedures related to appeal.

#### 8. Consolidation of Cases

The University may, at the discretion of the Title IX Coordinator, consolidate Title IX Complaints as to allegations of Title IX Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Title IX Sexual Harassment arise out of the same facts or circumstances. Where a grievance process involves more than one Complainant or more than

#### 9. Notice of Meetings and Timeframes

The University will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

The University will establish reasonably prompt timeframes for conclusion of the grievance process, including reasonably prompt timeframes for filing and resolving appeals and Informal Resolution processes. At the discretion of the University, the grievance process may be temporarily delayed and limited extensions of timeframes may be granted for good cause shown with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action. Good cause may include, but is not limited to, considerations such as the absence of a party, advisor, or a witness; concurrent law enforcement activity; the need for language assistance or accommodation of disabilities; exam periods; or breaks in the

#### 10. Informal Resolution

With the exception of allegations that an Employee engaged in Title IX Sexual Harassment against a Student, the University may, at any time prior to reaching a determination regarding responsibility after the filing of a Title IX Complaint, facilitate a voluntary Informal Resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the following conditions are met:

- a. Notice. The University will provide to the parties a written notice disclosing: the allegations; the requirements of the Informal Resolution process including the circumstances under which it precludes the parties from resuming a Title IX Complaint arising from the same allegations; the right of any party to withdraw from the Informal Resolution process and resume the grievance process with respect to the Title IX Complaint prior to agreeing to a resolution; and any



to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or (2) sexual behavior with respect to the Respondent and are offered to prove consent.

- d. Privilege: The University will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
- e. Investigative Report: At the conclusion of the investigation, the investigator will create an investigative report that fairly summarizes relevant evidence. At least 10 days prior to a hearing, as applicable, the University will send to each party a hard copy, for their review and written response.

## 12. Decision-Making Process

After an Investigation of a Title IX Complaint, the decision-making process will occur pursuant to the relevant campus Grievance Procedures for Title IX Sexual Harassment or, for faculty and staff, pursuant to IDEA

credibility of each party or witness. Such cross-examination at the live  
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advisor of choice and never by a party perso







Knowingly making a materially false statement or submitting false information in bad faith during the grievance process is prohibited. However, a determination regarding responsibility, alone, is not sufficient to charge any party with making a materially false statement in bad faith.

### 17. Training

The Title IX Coordinator(s), investigator(s), Decision-maker(s), and any person who facilitates an Informal Resolution process, will receive training on the definitions of terms used in this investigation and grievance process including hearings, appeals, and Informal Resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. The University also will ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. Decision-maker(s) will receive training on any technology to be used at a live hearing, as applicable, and on issues of relevance of questions and evidence, including when questions and evidence behavior are not relevant. Any materials used to train Title IX Coordinator(s), investigator(s), Decision-maker(s), and any person who facilitates an Informal Resolution process, will not rely on sex or gender stereotypes and will promote impartial investigations and adjudications of Complaints of Title IX Sexual Harassment.

### 18. Recordkeeping

Under the University's Records Management and Destruction Policy, the University will maintain records of:

- Each Sexual Misconduct investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript, any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant designed to restore or preserve equal access to the Education Program or Activity;
  - Any appeal and the result therefrom;
  - Any Informal Resolution and the result therefrom; and
  - All materials used to train Title IX Coordinator(s), investigator(s), Decision-maker(s), and any person who facilitates an Informal Resolution process. The University must make these training materials publicly available on its website.
- Any actions, including any Supportive Measures, taken in response to a Report or Complaint of sexual harassment. In each instance, the University will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the Education Program or Activity. If the University does not provide a Complainant with Supportive Measures, then the University will document the reasons and why they are reasonable in light of the known circumstances.

## Appendix C

### **Changes and Updates to the Policy on Sexual Misconduct as required by the Revocation by Operation of Law Provision**

1. Effective October 7, 2021, the following statement was removed from Appendix B, Section 12(d)(i) of this Policy:

If a party or witness does not submit to cross-examination at the live hearing, the Decision-maker(s) must not rely on any statement of that party or witness in reaching a