

**What You Should  
Know About**

*Sexual Harassment  
Policy and  
Grievance Procedures*

---

**George Mason  
University**

*George Mason University is committed to creating and maintaining a campus free from sexual harassment, sexual assault, and other forms of sexual misconduct that fundamentally compromise the learning and working environment of the university. Every member of the university community, including visitors and guests, have the unquestioned right to work, live, and study at George Mason without the fear, distrust, and anxiety caused by sexual harassment, sexual assault, and other forms of sexual misconduct.*

*This pamphlet is addressed to all members of the George Mason University community. It was prepared by the George Mason University Equity Office.*

*September 1998*

# SEXUAL HARASSMENT POLICY AND GRIEVANCE PROCEDURES (1998)\*

George Mason University is a publicly funded institution of higher education in Northern Virginia committed to providing the finest education possible for our students and the most productive environment possible for the faculty and staff. Mason is committed to creating an environment where students, faculty, and staff can live, work, and explore new and old ideas and knowledge freely without fear. Integral to this effort is the relationship between our faculty and students. Anything that erodes the respect and confidence that Mason students and staff have in our university is a serious problem for the university. Sexual harassment is one such problem, and it can destroy a university's efforts to create and maintain the sort of environment necessary for learning and scholarship to occur.

Sexual harassment is a form of misconduct that fundamentally compromises the integrity of human relationships, affects morale and performance, and threatens an individual's sense of security and well-being. George Mason University is committed to creating and maintaining a harassment-free environment. This policy and the following procedures attempt to assist in the creation of such an environment at George Mason University, as well as to assist individuals who believe that they have been subjected to sexual harassment in contradiction to the university's policy.

The Office of the Vice President and University Equity Officer (a.k.a. Equity Office) is specifically charged to assist in the investigation and resolution of allegations of discrimination and harassment, including sexual harassment. Further, the office exists, in part, to ensure that members of the campus community understand their responsibility to create and maintain an environment free from discriminatory actions and behaviors.

## *Sexual Harassment Policy for Faculty, Staff, and Students (as adopted by the Executive Council on February 8, 1994)\*\**

Sexual harassment is unacceptable conduct and will not be condoned in any form at George Mason University. This policy is part of the university's effort to maintain a learning and work environment free from sexual harassment. While this problem can seriously affect all members of an educational community, sexual harassment can be particularly devastating for our student population. A sexual harassment experience can affect a student's emotional well-being, impair

academic progress, and even inhibit the attainment of career goals. This problem can likewise affect employees and applicants for both employment and admission to the university. Therefore, George Mason University must move to eliminate this problem from our community.

### *Sexual Harassment Defined*

It is generally agreed that what constitutes and defines sexual harassment can vary under particular circumstances and events. Nevertheless, using the definitions of the U.S. Equal Employment Opportunity Commission (EEOC) and the U.S. Department of Education's Office for Civil Rights (OCR), the university defines sexual harassment as follows:

*"Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute harassment when (1) submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of an individual's academic performance or employment; (2) submission to or rejection of such conduct by an individual is used as the basis for decisions about academic evaluation, employment, promotion, transfer, selection for training, performance evaluation, or selection for academic awards or benefits, etc.; (3) such conduct has the purpose or effect of creating an intimidating, hostile, or offensive educational or work environment or substantially interferes with a student's academic or an employee's work performance."*

While the definition quoted above reflects the historical fact that the majority of sexual harassment complaints involve a male harasser and a female complainant (or victim), the definition applies equally to female harassers and male victims, as well as same-sex harassment. As described by the U.S. Office for Civil Rights, "Sexual harassment consists of verbal or physical conduct of a sexual nature, imposed on the basis of sex by an employee or an agent of a recipient [of federal funding] that denies, limits, provides different, or conditions the provision of aid, benefits, services, or treatment protected under Title IX. . . . Generally, harassment at its extreme occurs when a person, in a position to control, influence, or affect another individual's education, grades, job, or career, uses his or her authority and power to coerce an individual into sexual relations, or to punish that individual for refusing sexual relations." <sup>1</sup> For example, sexual harassment may include demands for sexual favors, accompanied by implied or overt threats concerning one's job, grade, or letter of recommendation; subtle pressure for sexual activity; unwelcome physical contact; sexual com-

ments and innuendos; visual displays of degrading sexual images; up to and including physical assault and rape. As these examples indicate, sexual harassment can be very damaging to an individual and to an organization. As this policy and the following procedures demonstrate, George Mason University is committed to eliminating sexual harassment from the campus while ensuring basic protection for all parties. The procedures described below exist to implement this basic commitment and replace all previous policies and procedures.

## *Procedures for Complaints of Sexual Harassment*

The Equity Office will be responsible for administering this policy and its procedures on behalf of the university. It is the responsibility of the university's executive vice presidents (EVPs) to ensure that all supervisors on the campus receive information and training concerning sexual harassment and, particularly, the role and responsibilities of supervisors when complaints are received. In determining whether an alleged incident constitutes sexual harassment, those entrusted with administering this policy will consider the totality of the circumstances, such as the nature of the sexual advances and the context in which the alleged incidents occurred. The determination of a suitable penalty will be made solely from the facts of the case and from any record of previous sexual harassment by the respondent.

### *I. Purpose and Scope*

This grievance procedure is intended to provide a fair, prompt, and reliable determination about whether the university's sexual harassment policy has been violated. It is available to anyone who, at the time of the alleged harassment, was either employed by or enrolled at Mason, or was seeking employment or enrollment at the university. No university employee or student is exempt from the jurisdiction of this policy.

This process is not meant to copy or mimic a judicial court proceeding; rather, it is an administrative process to ensure the integrity of the university as a viable academic community. This process attempts to protect both the accused and the accuser. However, truth and fairness are paramount in this process and must take precedence over procedural mechanisms.

In every allegation of sexual harassment, there are at least three parties: the complainant, the respondent, and the university. The university encourages informal resolution of allegations of sexual harassment through informal means wherever possible. Before such

claims may be considered resolved through an informal process such as mediation, however, the university, as represented by the Equity Office, must agree to any "informal resolution" before the parties can consider a matter concluded or resolved.

In most instances, the complainant will be the victim of the alleged harassment. However, the university reserves the right to act as the complainant and initiate formal proceedings against an employee or student. The cochairs of the Sexual Harassment Board and the vice president and university equity officer will determine when the university should pursue the charges against a respondent and, in such instances, the cochairs, with the approval of the president, will jointly designate who will present the university's case.

As in any grievance procedure, justice requires that all legal rights, as well as the right to academic freedom of the complainant and the respondent, be fully assured. The university will make every effort to protect these rights.

This procedure is not intended to impair or limit the right of anyone to seek a remedy available under state or federal law. A complainant may file a complaint with an external agency to meet state and federal agency deadlines without jeopardizing his or her right to a university hearing. Classified employees of the university may also choose to use one of the other administrative procedures available to them under the Virginia Personnel Act. Contact the university's Office of Human Resources for more information on these procedures.

In any case, if a complainant seeks relief outside the university (i.e., particularly through the courts), the university will not be obligated to continue processing a grievance unless the complainant continues to cooperate with the procedures set forth herein.

## ***II. Retaliation***

No individual will be penalized by the university or by any person associated with the university for participating in the procedures described herein. Any act of retaliation by any party directed against either a complainant, a respondent, witnesses, or participants in the process will be treated as a separate and distinct charge and will be subject to this grievance procedure. Complaints of retaliation should be addressed to the university equity officer, who will advise the grieving party of his or her rights in this matter. The Equity Office will assist individuals claiming retaliation in the preparation of their complaints.

### *III. Timelines*

Complainants are encouraged to file a charge as soon as possible after an alleged incident of sexual harassment has occurred; however, the university is aware that this is not always possible. Therefore, George Mason University strongly encourages individuals who believe that they have experienced sexual harassment to file a complaint with the university administration within 4 months or 120 calendar days following an incident. If the complainant can show good cause to do so, the timeline may be waived by the vice president and university equity officer in consultation with the cochairs of the board. This waiver should normally not exceed 6 months or 180 calendar days from the date of the last incident of sexual harassment.

Complainants must also be aware that they have the right to file with an outside agency, such as the Equal Employment Opportunity Commission (EEOC) (for applicants or employees of the university and/or visitors to the campus), the Office for Civil Rights of the U.S. Department of Education (OCR) (for students), or with the Commonwealth of Virginia. Please note that the timelines for filing with any of these agencies is 6 months or 180 days (depending on the agency) from the latest alleged incident. Interested parties should contact the specific agency to determine its timeline requirements. (For a list of outside agencies, contact the Equity Office.)

All time limits outlined in this procedure are designed for the expeditious resolution of complaints. Failure to strictly adhere to time limitations shall not be grounds for objection or appeal of findings by any parties involved in this process unless the parties can demonstrate prejudice to their abilities to present their case. Timelines cited in this document are intended to serve as outside limits for actions to occur. Timelines may be waived by the mutual agreement and consent of all parties to this matter. However, in the interest of all the parties concerned, all matters should be handled as expeditiously as possible. If a respondent fails to answer a charge or to participate in a hearing concerning sexual harassment, his or her executive vice president (EVP) will be notified of that fact by the cochairs of the Sexual Harassment Board. A respondent will not prevent this process from proceeding by his or her silence or absence. Failure to respond may result in the hearing proceeding solely on the basis of the complainant's testimony. A complainant may withdraw a charge after it has been filed, provided the respondent agrees to the withdrawal.

However, a complainant's failure to cooperate with the process in a timely manner may negate the university's obligation to continue with

these procedures. The Equity Office will make every effort to work closely and cooperatively with the complainant and respondent to ensure due process. However, the Equity Office may administratively close a complaint if the complainant fails to fully cooperate or participate in the process.

#### *IV. Filing a Complaint*

Persons with sexual harassment complaints are encouraged to consult with the vice president and university equity officer or their immediate supervisors, department chairs, the vice president for University Life, an academic dean, the director of Human Resources, or the members of the Sexual Harassment Resource and Referral Network to learn about the options and resources available to them. All department heads and supervisors, and particularly members of the Resource and Referral Network, are required to contact the Equity Office when they become aware of allegations of sexual harassment within the university community. Names of complainants do not necessarily become part of the record at this time.

Resolutions of complaints of discrimination based upon sexual harassment within the university may be achieved by using an informal or formal procedure. Both procedures begin with the notification of the Equity Office. The procedures used by both processes are different, but the intent for both is to stop the offending behavior, protect individuals' rights and reputations, and resolve the complaint in a manner that is timely and equitable to all parties.

Any individual who chooses to file a formal sexual harassment complaint should do so with the Equity Office in accordance with the timelines outlined in Section III (Timelines) above. The Equity Office will advise complainants about the informal and formal complaint procedures, as well as about possible sanctions and forms of remedy available to complainants. When appropriate, the Equity Office may also recommend counseling or other support services that provide victim assistance. One of the goals of the Equity Office is to work fairly with all parties and advise all parties of their rights and responsibilities under these and similar procedures.

Once an actual formal or informal complaint is filed with the Equity Office, the office will conduct a preliminary investigation to establish the factors necessary to substantiate an allegation and to ensure that the allegations warrant a board hearing. A preliminary investigative report will become part of the record and may be used in either the informal or formal proceedings as defined below.



The Equity Office may determine through the preliminary investigation that a complaint alleges facts that could not be substantiated or result in a finding of sexual harassment by the panel and, therefore, may not pursue the formal hearing process. However, the informal resolution process may still be an option. If a complainant wishes to appeal the Equity Office's decision not to use the formal hearing process, then he or she may appeal the decision to the chair or co-chairs of the Sexual Harassment Board, who will discuss the decision with the Equity Office at its monthly meeting. Any resulting decision after that meeting is the final decision regarding the appropriateness of the formal process for that specific complaint. As in all situations, the complainant always retains the right to seek redress from outside agencies or courts.

Additionally, the Equity Office will maintain a record of all complaints received, including complainants' and respondents' names, and the outcome of proceedings, including sanctions imposed. At the end of every academic year, the Equity Office will prepare an annual report of statistics and relevant commentary for the president. As far as possible, the report will contain no information that could lead to identification of the parties. The annual statistical report will be available to faculty, staff, and students upon request to the President's Office.

## ***V. Informal Process***

In some circumstances, informal resolution of a complaint may be more satisfactory than directly proceeding to a formal hearing. There are essentially two types of informal resolution: (1) an intervention by a department head or an administrative supervisor responsible for either party, and/or (2) a formal mediation between the parties arranged by the Equity Office.

In a direct intervention, the department head or supervisor, vice president for University Life, academic dean or director, or other university official takes some action to eliminate the causative factors precipitating the original complaint. This direct intervention may take many forms. In each case, however, the university official taking this action is required to contact the Equity Office regarding the existence of the allegation, as well as regarding any steps taken to eliminate or resolve the matter.

If the complainant and respondent agree to pursue formal mediation, the Equity Office will arrange for a mediator who is mutually acceptable to the parties. The mediator will consult and advise both the

complainant and the respondent about the mediation process. If the mediation results in a mutually acceptable agreement, copies of the agreement will be forwarded to the vice president and university equity officer for review and monitoring. If the mediation does not result in an agreement, the case will be returned to the Equity Office for a formal hearing at the earliest opportunity. In no instance will this mediation take more than thirty (30) calendar days from the day of first referral.

## ***VI. Formal Procedure***

A complainant may file a formal complaint immediately after an incident or may do so after efforts to reach an informal settlement regarding the allegations prove unsuccessful.

The complaint will be written on a standard form available in the Equity Office and will be filled out by the complainant. The form will state clearly and concisely the complainant's description of the incident, and it will also indicate any remedy sought. The complaint must be signed by the complainant. The Equity Office will send the respondent a copy of the complaint within five (5) working days after it is received. A copy of the complaint will also be sent to the respondent's executive vice president (EVP).

The respondent will have ten (10) working days to respond in writing. This statement, written on a standard form, will contain full and specific responses to each claim or complaint, admitting, denying, or explaining the complainant's allegations. The respondent must sign his or her statement, which will then be appended to the original complaint. Within three (3) working days, the Equity Office will forward both statements to the complainant, the respondent, the respondent's EVP, and the cochairs of the Sexual Harassment Board.

As described in Section IV, paragraph 4 (above), the Equity Office will conduct a preliminary investigation into the allegations. The Equity Office, in consultation with the board cochairs, will review the preliminary investigative report to determine whether a formal hearing is warranted. This preliminary investigative report attempts to substantiate the necessary factors that would allow a Hearing Panel to reach a substantive conclusion about whether sexual harassment has or has not occurred. If the Equity Office cannot establish that these factors are present, then a formal hearing is not an option. A written response will be forwarded to the parties within five (5) working days of the decision.

If a formal hearing is warranted, the cochairs of the board will name five (5) members from the board to constitute a Hearing Panel within ten (10) working days after receiving the request.

## ***VII. The Sexual Harassment Board***

The Sexual Harassment Board comprises various members of the university community. The board is trained in the process of, and charged with the responsibility of, listening to the allegations and any responses, making a decision as to the validity of the charge, and making a recommended finding and penalty.

The president will appoint a Sexual Harassment Board of forty (40) members, which will represent the diversity of the university and will serve as a pool from which to draw to create a five-person Hearing Panel. Board members will be appointed for renewable staggered terms of three years. The members will include at least ten (10) instructional faculty members; eight (8) administrative faculty members; five (5) classified employees; three (3) wage employees; seven (7) undergraduate students; and seven (7) graduate students. Two (2) cochairs of the board will be elected by the members of the board. The board cochairs will meet monthly with the Equity Office compliance officer to be advised about progress on current formal and informal complaints. Board members will be provided training to educate them about the issues encompassing sexual harassment, as well as the procedures for conducting sexual harassment hearings, which are described below.

## ***VIII. The Sexual Harassment Hearing Panel***

Normally, within ten (10) working days of receiving the preliminary investigative report and the request for a formal hearing, the cochairs of the board will name five (5) members from the board to constitute the Hearing Panel (hereinafter referred to as panel). Two (2) members of each panel will be drawn from the complainant's and respondent's respective constituencies (that is, graduate or undergraduate student; teaching or administrative faculty member; or wage or classified employee). The cochairs will designate the one member from the unrepresented constituencies to serve as the presiding hearing officer. The members of the panel will act at all times to preserve confidentiality.

The cochairs and the Equity Office will endeavour to schedule the hearing within ten (10) working days from the preliminary meeting between the parties and the presiding hearing officer. A mutually convenient time for the hearing will be established at the preliminary meeting. However, should the complainant be unavailable after three (3) documented attempts at scheduling a hearing, the Equity Office will be notified and the complaint may be dismissed due to noncooperation. If the respondent fails to participate in a hearing, the hearing may be

held without his or her participation. The respondent's executive vice president will be notified of the noncooperation of the respondent.

### *IX. The Hearing Panel*

The Hearing Panel will hear testimony and consider evidence related to the complaint. The panel will determine whether the university policy on sexual harassment has been violated, and, if so, will recommend appropriate penalty and remedy to the cochairs of the board, the university equity officer, and the respondent's executive vice president.

Before a panel is convened, each party to the proceeding will have the right to object to the appointment of any panel member on the grounds that the member's participation would preclude a fair hearing. The cochairs of the board will determine whether objections have merit and will judge whether a panel member will be seated.

Before any case is heard by the panel, the complainant and the respondent, along with their advocates (if desired, in accordance with Section X, A3), will meet with the presiding officer of the Hearing Panel to attempt to clarify the issues and to define the areas of disagreement. To encourage a fair and focused hearing, the presiding officer will notify the Hearing Panel at the start of the proceedings about the points of agreement and disagreement.

Duties and Powers of the presiding officer and the Hearing Panel:

A. The presiding officer will

1. ensure an orderly presentation of all evidence;
2. ensure that the proceedings are accurately recorded; and
3. ensure that a fair and impartial decision, based on the issues and evidence presented at the hearing, is issued by the Hearing Panel no later than ten (10) working days after the conclusion of the hearing or, when written arguments are submitted, ten (10) working days after their submission.

B. The Hearing Panel will

1. conduct a fair and impartial hearing, which ensures all the rights of all parties involved and maintains confidentiality of the matters discussed in the hearing;
2. define issues of contention;
3. receive and consider all relevant evidence that reasonable people customarily rely upon in the conduct of serious business;

4. ask pertinent questions of the complainant, respondent, and any witness that elicit information that may assist the Hearing Panel in making a decision;
5. ensure that the complainant and respondent have full opportunity to present their claims orally or in writing, and to present witnesses and evidence that may establish their claims;
6. continue the hearing to a subsequent date, if necessary, to permit either party to produce additional evidence, witnesses, or other relevant materials;
7. change the date, time, or place of the hearing on its own motion or for good reason shown by either party, and with due notice (at least two (2) working days) to all parties;
8. permit both parties to submit written arguments within ten (10) working days from the conclusion of the hearing;
9. rule by majority vote on all questions of fact; interpretations of rules, regulations, and policies; recommendations for penalties and remedy; and any requests that are made during the hearing.

All Hearing Panel deliberations will be conducted in closed executive sessions. The panel may also consult with the liaison for University Legal Affairs for assistance at the hearing.

## *X. The Hearing Procedures*

The hearing is intended to provide an opportunity to determine whether university policy has been violated. All parties will be given a full and fair hearing. The proceeding, although formal, is not a court proceeding, and the Hearing Panel will not be bound by the procedures and rules of evidence of a court of law. In most instances, complainants and respondents will be expected to speak for themselves. The Hearing Panel will hear and admit evidence that it believes is pertinent to the case.

A. The Hearing Panel will conduct its hearings by the following procedures:

1. A closed hearing will be held within ten (10) working days after the Hearing Panel has been appointed.
2. The complainant and respondent will have the opportunity to hear all testimony, to examine all evidence, to respond to any testimony, and to present evidence and witnesses who advance arguments relevant to the issues in contention.
3. Each party will have the right to be accompanied and advised by two (2) people at any stage of the proceedings; one or both may be an attorney. However, advisors will not address the Hearing Panel or any of the witnesses. (See Section XVI for more detail.)

4. The actual Hearing Panel proceedings will be recorded on tape by the Hearing Panel, and the tapes will become the property of the university. Subsequently, either party may have supervised access to the tapes by application to the Equity Office. Copies of these tapes may also be obtained by either party at the expense of the requesting party.

B. The proceedings before the Hearing Panel will be as follows:

1. The presiding officer will read the charge(s) and ask the respondent to either admit or challenge the allegation(s).
2. The complainant may present a brief opening statement, followed by the same for the respondent.
3. The Hearing Panel will give each party the opportunity to present all relevant evidence.
4. Each party may make a concluding statement to the Hearing Panel.
5. If either party wishes to submit any written argument after the hearing, he or she will notify the presiding officer within two (2) working days after the hearing. The written argument will be submitted within ten (10) working days after the hearing's conclusion.
6. A Hearing Panel, by a majority vote of its members, may make other rules concerning the procedure of a hearing that it deems appropriate and consistent with this sexual harassment policy.

## ***XI. Standard of Proof***

A violation of this sexual harassment policy will be found only where there is a preponderance of evidence that a violation has occurred. The panel is charged with receiving and considering all relevant evidence that reasonable people customarily rely upon in the conduct of serious business.

The Hearing Panel, the EVPs, and the president will be bound to make their determinations based on this standard of proof.

## ***XII. Decision of the Hearing Panel***

After all the evidence and testimony is presented, the Hearing Panel will convene for private deliberations to determine whether the university's sexual harassment policy has been violated. All communications to the cochairs, Equity Office, and, ultimately, the respondent's executive vice president are in the form of detailed recommendations and/or discussions of its deliberations.

If the panel finds that the policy has not been violated, the fact will be registered in all university records pertaining to the case in the

President's Office, the Equity Office, and the office of the respondent's executive vice president.

If the policy has been violated, the Hearing Panel will prepare recommended findings and penalty for the respondent and remedy for the complainant. The findings of fact, as well as the recommended penalty and remedy, will be based solely on the testimony and evidence presented at the hearing.

Any sanction and/or penalty should reflect the severity of the harassment. The penalties may include, but will not be limited to, any one or combination of the following: verbal admonition, written warning placed in the respondent's personnel or student file, probation, suspension with or without pay, demotion, removal from administrative duties within a department, expulsion, and dismissal or termination. The Hearing Panel may also make appropriate recommendations, such as professional counseling, and may recommend a remedy for the complainant, which reinstates and restores, as much as possible, the aggrieved party.

### ***XIII. Review and Implementation of Findings***

The Hearing Panel will forward its findings, recommended penalty, and any remedy to the vice president and university equity officer. A meeting will be held between the vice president and university equity officer and the cochairs of the Sexual Harassment Board to review the recommended penalty and any university records of the respondent's past sexual harassment violations. At this meeting, the Hearing Panel's recommended penalty may be adjusted to take into account any record of previous sexual harassment by the respondent. Any revision of the penalty, along with written reasons for the revision, will be affixed to the Hearing Panel's decision. The Hearing Panel will be notified of any modifications of its decision and recommendations.

Within three (3) working days after receiving the panel's findings and recommendation, the vice president and university equity officer will forward a record of the hearing, and any recommended adjustment of the penalty, to the respondent's executive vice president (EVP). The EVP may accept the decision, or may remand the decision to the Equity Office after reviewing the decision and the record of the proceedings. The EVP may **not** reject the decision or reduce the intended relief proposed by the Equity Office and the cochairs.

If the executive vice president remands the case to the Equity Office, the EVP may only do so on the following grounds: (1) new or

material evidence unavailable to the panel; (2) a procedural irregularity not previously discovered in the process; or (3) the EVP's decision to modify the penalty. In cases where the EVP remands the case to the Equity Office on the above grounds, a meeting will be held between the vice president and university equity officer, the EVP, the board cochairs, and the presiding officer of the panel. The result of that meeting will be the final disposition of this matter before going to the president. Either party may appeal the decision reached at this stage to the president.

If the EVP rejects the decision, he or she must notify the complainant. (Please note, the EVP may never reject or modify the recommended penalty without remanding the case to the Equity Office and thus having a meeting to discuss the reason for changing the recommended penalties.)

If the EVP accepts the decision, he or she must notify the complainant, the respondent, the board cochairs, and the Equity Office of its actions and proposed timelines for implementation of the recommendations no later than fifteen (15) working days after receiving the complete record of the hearing. The EVP will be responsible for implementing both the penalty and remedy in a timely manner.

If the Hearing Panel finds that no discrimination based upon sexual harassment has occurred, the EVP will provide the parties with a written explanation as to the reasons for the Hearing Panel's findings and the university's acceptance of that recommendation.

#### *XIV. Appeal by Written Petition to the President*

Within ten (10) working days after the complainant and the respondent receive a written copy of the EVP's decision, the respondent or the complainant may request a review by submitting a written petition to the president or designee. (When the respondent is an employee in any of the executive vice president's immediate staff, the president will automatically review the decision.) The petition will set forth, in detail, the specific grounds upon which review is sought. The president will forward a copy of the petition to the cochairs of the board, the Hearing Panel, and both parties. The president or his or her designee may review the record of the case—including the taped record of the hearing, any documents considered by the panel, the panel's findings and recommendations, and any record of previous offenses—and may modify or vacate the decision in the matter. The president may, for example, decide that the panel's findings are unsupported by a preponderance of evidence, or that some aspect of the



process violated an individual's legal rights, academic freedom, or these procedures.

The president may (1) affirm or revise the decision of the EVP; (2) request specific findings from the panel; or (3) remand the case to the board cochaurs for a new hearing. In the course of review, the president may consult with either the Commonwealth's Attorney General's Office or the liaison for Legal Affairs, who will have access to the complete record of the case.

The president will render a written decision within fifteen (15) working days after receipt of the petition for review, the decision of the EVP, and the complete record of the Hearing Panel. The president's decision will be sent to the EVP, the complainant, the respondent, the Hearing Panel, the board cochaurs, and the Equity Office. The president's decision will constitute final university disposition of the matter.

## *XV. Records*

Records of all formal mediations, hearings, and reviews will be kept by the Equity Office. The records will be available to board cochaurs, the respondent's EVP, the president, the Commonwealth's Attorney General's Office, and the liaison for Legal Affairs, only in the following circumstances: (1) when determining an appropriate procedure or penalty for a subsequent sexual harassment complaint; (2) when a complaint of retaliation is made; (3) when a decision is reviewed; or (4) when a respondent is a candidate for a supervisory position.

The records will also be available to university counsel if needed for any proceeding related to these policies or procedures, whether internal to the university or in any judicial or administrative proceeding in which the university, its trustees, officers, employees, or agents are a party. Any records concerning students will be maintained in accordance with all pertinent federal and state laws and regulations.

The complainant or the respondent may obtain copies of the Hearing Panel portion of the process by paying for any copying or processing costs associated with this effort.

## *George Mason University Sexual Harassment Resources*

University Equity Office	993-8730
	993-8899 (Fax)
	993-8787 (TTY)
Counseling and Student Development Center	993-2380
Women's Studies Research and Resource Center	993-2896
Sexual Assault Services	993-4364

### *Advisors Group*

These procedures make room for the creation of an Advisors Group to assist those individuals who find themselves in the midst of these sexual harassment procedures. This group is separate and distinct from the Sexual Harassment Board and may be convened by the cochair of the board to (1) assist both complainants and respondents in preparing their cases; (2) be knowledgeable about these policies and procedures; and (3) understand the difficulties presented by such a process. This group will participate in the same annual training as the Sexual Harassment Board.

This is a voluntary group; however, it is nonpartisan in its intent. Only those individuals willing to assist both a complainant and a respondent will be allowed to participate in the Advisors Group. At the request of either party, the board cochair will assign an advisor to the requesting party or parties. The advisors may decline the assignment, but in no case will they be allowed to decline more than two (2) assignments in a calendar year without risk of removal from the advisors list. In any case, when this occurs, the board cochair will talk to the individual involved to ascertain the reasons for declining and to impress upon the individual his or her obligations in this matter.

Advisors are expected to thoroughly understand the process outlined above and any other policies and procedures used on the campus that may have an impact on the parties in such a proceeding. There is no expectation that the advisor must accept or believe the version of the events of the party with whom he or she is working. The advisor only offers information to the parties regarding the process. Advisors are assigned by the Equity Office when a case goes to a hearing panel.

### *Sexual Harassment Resource/Referral Network*

The Sexual Harassment Resource/Referral Network (Network) is a group of faculty and staff members at George Mason University who

are available throughout the campus. Members of the Network are trained to

- serve as initial contact persons for allegations of sexual harassment.
- listen and provide support.
- provide rudimentary information about the definition of sexual harassment.
- connect the complainant with the appropriate campus/ community resources (e.g., the Equity Office, Counseling Center, Sexual Assault Services, the Women's Studies Research and Resource Center, Public Safety/University Police, or local police) in order to attend to his or her emotional, social, and/or safety needs.

Members of the Network are identified by the following decal, which is prominently displayed around campus.



You may talk to **any** member of the Network. The most important thing is that you get the help you need in order to deal with this issue. **YOU ARE NOT ALONE. TALK TO SOMEONE.**

---

\* The procedures were revised by suggestion of the Faculty Senate, May 4, 1994, and again June 30, 1995.

\*\* Original procedures approved by Executive Council, February 8, 1994.

(Please note that a revision of these procedures was accomplished in conjunction with the Faculty Matters Committee of the Faculty Senate, September 9, 1994, and then published on the campus in October 1994.)

Procedures revised August 28, 1995.

Procedures revised again with the assistance of OCR, September 1998.

<sup>1</sup> as quoted from the OCR policy memorandum dated August 31, 1981, from Antonio J. Califano, then-director of litigation for OCR, to the regional directors of OCR and cited in an educational brochure published by that agency titled "Sexual Harassment: It's Not Academic," distributed by the U.S. Department of Education, Office for Civil Rights, dated September 1988.

This brochure prepared and printed by

---

**George Mason University**

University Equity Office  
Human Resources Department  
George Mason University Faculty Senate