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The faculty expects all students to exhibit high standards of academic and professional responsibility. This chapter of the *Bulletin* contains policies governing the behavior of members of the Law Center community.

ADMINISTRATIVE MEASURES TO PROTECT COMMUNITY WELFARE

Georgetown University Law Center is committed to promoting an environment that supports its educational mission and preserves the health and safety of its members. Sometimes a student may engage in behavior that threatens his or her well-being or the welfare of the community or is otherwise harmful or disruptive. Such behavior could include but is not limited to threats or attempts to harm oneself or others, disruptive behavior in class, or abusive behavior directed towards students, faculty, or staff. In these cases, the Law Center reserves the right to take appropriate administrative steps for the well-being of the students and of the community, which may include requiring a student to take an involuntary leave of absence.

STUDENT DISCIPLINARY CODE

Preamble*

Students at the Georgetown University Law Center, as present and future members of a self-regulated profession, are required to conduct themselves with the highest degree of honesty, integrity and trustworthiness. Doubts about the propriety of particular conduct should be resolved in favor of avoiding even the appearance of impropriety. Each matriculating student is held to have notice of the high standard of conduct demanded by the Law Center. A student's failure to satisfy this standard of conduct in connection with academic or nonacademic activities subjects the student to sanctions under this disciplinary code. Jurisdiction is not limited to the territorial limits of the Law Center or to conduct which affects other members of the Law Center community. Allegations of minor misconduct are processed under the informal provisions of the Code governing administrative violations. Allegations of more serious misconduct, involving a degree of moral offensiveness or untrustworthiness that may call into question a student's suitability for the practice of law, are processed under the more formal provisions of the Code governing disciplinary violations. The Code is administered by a student-faculty disciplinary committee that is guided in its interpretation and implementation by the Code's overriding purpose of promoting among law students the highest degree of honesty, integrity and trustworthiness. If special circumstances so require, the Law Center may override the provisions of this Code.

* Please note and read the "Notice to Law Center Community Regarding Certain Disciplinary Proceedings Involving Law Center Students as Both Accuser and Accused (April 5, 2006, as amended, August 24, 2007 and December 22, 2011)," on page 117.

Part One: Substantive Violations

§101 STANDARD OF CONDUCT

Without regard to motive, intentional student conduct that is dishonest, evidences lack of integrity or trustworthiness, or may unfairly impinge upon the rights or privileges of members of the Law Center Community is prohibited.[1]

§102 ADMINISTRATIVE VIOLATIONS

Prohibited conduct that does not evidence a serious lack of honesty, integrity or trustworthiness on the part of the student engaged in such conduct constitutes an administrative violation, but does not constitute a disciplinary violation.

§103 DISCIPLINARY VIOLATIONS

Prohibited conduct that does evidence a serious lack of honesty, integrity or trustworthiness on the part of the student engaged in such conduct constitutes a disciplinary violation.

Part Two: Procedures

§201 GENERAL

a. The Professional Responsibility Committee shall oversee operation of the Student Disciplinary Code. It will be composed of faculty and students. The Registrar, Ethics Counsel and those faculty members who are assigned as defense counsel will be members ex officio. The Committee Chair will be responsible for creating panels from the faculty and student members of the committee to hear disciplinary charges. Each panel shall consist of two faculty members and one student; panels are authorized to act by majority vote.

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[1] The fact that conduct is negligent or motivated by a benign purpose does not preclude that conduct from being intentional, as long as the student intended the act upon which the charge is based. Unintentional acts that nevertheless result in unfairness do not come within the scope of this Code but, rather, are handled by the Dean and the Law Center administration. Nonexhaustive examples of prohibited conduct include: plagiarism (see the Plagiarism section), cheating or assisting another student to cheat in connection with an examination or assignment; unauthorized breach of anonymity in connection with a blind-graded examination; possession or use of unauthorized materials in connection with an examination or assignment; failure to follow the instructions given for an examination or assignment, such as unauthorized communication with other students, possession or use of unauthorized material, or failure to stop work at the prescribed time; receiving, providing, requesting or offering to provide unauthorized information concerning a deferred examination or assignment; unauthorized use of another student's work; unauthorized use of a student's own work for multiple purposes; unauthorized use, concealment or removal of library books or other University property; and neglect or abuse with respect to a clinic client.

Prohibited conduct also includes: misrepresentation in connection with an application for admission to the Law Center or for financial aid; misrepresentation in connection with a Law Center course, assignment, or competition; and misrepresentation on a transcript, or in connection with an application for employment or bar admission. Misrepresentation includes submitting a resume which lists journal membership without specifying a date of termination, if the student or graduate resigned or was suspended from the journal. The Code prohibits the use, transfer, possession and/or sale of illegal drugs on campus. In addition, conduct that may be independently illegal, for example, theft, destruction or mutilation of property, assault, sexual harassment, and sexual assault, is also prohibited by the Code to the extent that it interferes with the rights and privileges of the members of the Law Center community or it calls into question the student's suitability to the practice of law.

The Code also prohibits unauthorized refusal to cooperate with the disciplinary committee; failure to maintain required confidentiality in connection with administrative or disciplinary proceedings; failure to comply with an administrative or disciplinary sanction; and attempting or conspiring to commit an act prohibited by the Code. The examples are provided by way of illustration only. Whether or not particular conduct is prohibited is determined by the standard of conduct imposed under §101, not by whether it falls within the scope of the foregoing nonexhaustive examples.

b. The Ethics Counsel will be a member of the bar and an employee of the University, appointed by the Dean. The Ethics Counsel will investigate and resolve all administrative charges, and prosecute all disciplinary charges. In every case, the Ethics Counsel will act in accordance with fairness to the accused student, the need for accurate and prompt resolution of complaints, and the imperative for high standards of honesty by Law Center students. The Ethics Counsel is authorized to act on information received from any source, including a student seeking advice. The Ethics Counsel shall administer his or her duties with careful regard for the educative value of the Code and the rights of students.
c. All students formally charged with violating the Student Disciplinary Code or questioned by Ethics Counsel in the course of an investigation of a complaint, shall have a right to counsel. Upon request, after the right attaches, counsel will be appointed for the student by the Committee Chair from a list of faculty prepared to be defense counsel maintained by the Chair. The student may also be represented by any other full-time faculty member who agrees to do so on a pro bono basis. The student also retains the right to retain outside counsel of the student's own choice and at the student's own expense.

§202 COMPLAINTS

Complaints regarding student conduct may be made by any member of the Law Center community. They should be directed to the Ethics Counsel and may be in writing or oral. The Ethics Counsel will decide whether the allegations should be processed as potential administrative or disciplinary charges. In close cases, before a final charging decision is made, the Ethics Counsel is encouraged to consult with the Committee Chair. The Ethics Counsel may not add charges unrelated to the allegations in a complaint without the approval of the Chair. All complaints of student misconduct shall be investigated promptly by the Ethics Counsel.

§203 ADMINISTRATIVE CHARGES

a. If a complaint alleges administrative violations, the Ethics Counsel has the authority to dismiss the complaint or to bring and adjudicate administrative charges. If the Ethics Counsel elects to dismiss a complaint that alleges administrative violations, notice of the filing and disposition shall be given to the student named in the complaint. Administrative charges shall be in writing and filed with the Registrar who shall provide the student with a copy of the charges. Before finding an administrative violation, the Ethics Counsel must provide the student with notice of the charges and a fair opportunity informally to explain or defend his or her conduct. In the course of the investigation of the alleged administrative violation, if the Ethics Counsel wishes to speak to the student before deciding to proceed with administrative charges, the student must be advised of the right to counsel. The right to counsel otherwise attaches when the administrative charges are filed.
b. The Ethics Counsel shall provide a written report to the Associate Dean for the J.D. or Graduate Programs, as appropriate, explaining the disposition of each administrative complaint. Such reports do not become part of any official student record, nor do they fall within the scope of outside requests for disciplinary information about particular students.[2]

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[2] The Law Center does not have complete control over what information will be called for by bar admission's character committees and others outside the institution. The Law Center will, however, consistent with its obligation for candor, seek to prevent administrative violations from becoming a permanent stain on a student's record.

§204 DISCIPLINARY CHARGES

a. If a complaint alleges disciplinary violations, the Ethics Counsel may dismiss the complaint or bring disciplinary charges. If disciplinary charges are brought, the Ethics Counsel may reach an agreed disposition with the student, or prosecute the charges before a hearing panel. If, in the course of the investigation, the Ethics Counsel wishes to speak to the student before deciding whether to bring charges, the student must first be advised of the right to counsel.
b. If the Ethics Counsel brings disciplinary charges they shall be in writing and filed with the Registrar who shall provide the charged student with a copy of the charges. The right to counsel, if it has not attached pursuant to §204(a), attaches when the charges are filed.
c. If the Ethics Counsel dismisses the complaint, the Ethics Counsel shall notify the student and submit a brief written report to the Committee Chair and responsible Associate Dean, describing the complaint and the reason for the dismissal.
d. The Ethics Counsel and the charged student may agree to a disposition of the charges. Such a disposition must be in writing and submitted to the Committee Chair for approval. The Ethics Counsel shall report approved dispositions to the responsible Associate Dean. In cases in which the Committee Chair rejects the disposition, the matter shall be referred to a hearing panel.
e. If the charge or charges are referred to a hearing panel, the student may plead guilty, not guilty or no contest. Regardless of the plea entered, the panel must conduct a fair hearing and decide the charges only upon the evidence or stipulated facts that are presented. However, formal rules of evidence will not apply and procedural irregularities should be considered only when they result in actual prejudice.[3] The hearing panel may acquit the student, or find the student guilty of a disciplinary or administrative violation and impose an appropriate sanction or sanctions. If the charges are contested, the hearing panel may convict only upon clear and convincing evidence of a violation. The hearing panel should submit to the Committee Chair and responsible Associate Dean a brief written report explaining its disposition. Convictions and approved dispositions of disciplinary charges normally become part of the student's official record. Disciplinary charges resulting in acquittals should not appear in a student's official record.

Part Three: Appeals

§301 GENERAL

Only appeals from final dispositions are permitted. No appeals from agreed dispositions approved by the Committee Chair are permitted.

§302 ADMINISTRATIVE APPEALS

Within 15 calendar days of the Ethics Counsel's finding of an administrative violation, a student may appeal to the Committee Chair by submitting a written notice of appeal to the Registrar. The written notice of appeal should conform to the requirements of §304. An appeal may be taken only on the grounds that the penalty is disproportionately severe to those imposed on other students for similar conduct. No further review of administrative sanctions is authorized.

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[3] Charged students shall be accorded the basic components of procedural fairness, including a copy of the complaint, advance notice of the identities of adverse witnesses, the right to present relevant evidence, the right to cross-examine adverse witnesses, the right to forego a hearing by admitting guilt, the right to admit guilt but nevertheless appeal jurisdiction or sanction, the right to request a particular sanction, and the right to place in the record the student's own comment on committee action.

§303 DISCIPLINARY APPEALS

Within 15 calendar days after a hearing panel decides a disciplinary charge, either party may appeal to the full Professional Responsibility Committee by submitting a written notice of appeal to the Registrar. The written notice should conform to the requirements of §304. The only grounds for appeal are a serious misreading of the Student Disciplinary Code, gross insufficiency of the evidence, or a gross impropriety that tainted the proceedings.

§304 PROCEDURE FOR FILING AN APPEAL

The only written document that will be required for all appeals will be a written notice indicating the date the appeal is filed with the Registrar, the ruling being appealed, the Disciplinary Code authority for the appeal and the entity or person to whom the appeal is taken. The Registrar shall notify the parties, the Committee Chair and the reviewing entity of the pendency of the appeal. Administrative appeals shall be presented orally. Disciplinary appeals may be presented orally but written presentations should be used by counsel to the extent practicable or as directed by the Committee. Appeals shall be heard as promptly as possible consistent with protecting the rights of the charged student.

§305 ADVISORY OPINIONS

If the Ethics Counsel or the chairperson is uncertain whether charged conduct, if proven, constitutes a serious offense, he or she may ask for an advisory opinion from the full committee. The ex parte ruling shall control the charging process and the track determination.

Part Four: Sanctions

§401 GENERAL

Sanctions shall be appropriate to the nature and severity of the violations to which they attach.[4] When possible, sanctions should seek to educate the student about the nature and importance of honesty and mutual respect. Community service may constitute all or part of any sanction.

§402 ADMINISTRATIVE SANCTIONS

The Ethics Counsel may establish, in consultation with the Associate Deans, schedules of grade reductions and/or community service for administrative violations other than late submission of take-home exams. Late submissions of take-home exams are dealt with outside the provisions of the Disciplinary Code and are subject to the following penalty scale: Take-home exams that are submitted from 6 to 15 minutes late will receive a one-step grade reduction (e.g., from A to A-); exams submitted 16 to 30 minutes late will receive a two-step reduction (e.g., from A to B+); exams submitted 31 to 45 minutes late will receive a three-step reduction (e.g., from A to B); exams submitted 46 to 60 minutes late will receive a four-step reduction (e.g., from A to B-); if an exam is submitted over 60 minutes late the student will receive a D in the course if the instructor determines that the exam is entitled to a passing grade. Under this scale, there is a five minute grace period, and

[4] A nonexhaustive list of authorized sanctions, in order of increasing severity includes: warning; reprimand; probation, with or without conditions such as counseling; additional work such as writing extra papers, or accumulating extra credits in order to graduate; grade or credit reduction; imposition of a failing grade; suspension with or without automatic reinstatement; expulsion; and withdrawal of a degree. Administrative and disciplinary officials are encouraged to formulate additional sanctions appropriate to particular violations. When authorized, a transcript notation may be required to satisfy the Law Center's obligation of candor to those outside the Law Center community. Accordingly, a transcript notation can accompany both mild and severe sanctions, or it can be imposed as a sanction in and of itself.

the maximum reduction for any late exam that receives a passing grade will be a D. There will be no deviation from this scale except in the case of *bona fide*, documented medical or other emergencies to be determined by the Dean or delegated Associate Dean.

§403 DISCIPLINARY SANCTIONS

Any appropriate sanction may be imposed for a disciplinary violation, including expulsion, suspension, failing grades, and transcript notation.

Part Five: Confidentiality and Reporting

§501 CONFIDENTIALITY

Confidentiality shall be maintained with respect to all proceedings under this Code, except that students charged with disciplinary violations have a right to a public hearing if they so desire.

§502 CENTRAL REPORTING

Notwithstanding the requirement of confidentiality, convictions involving suspension or expulsion may, to the extent permitted by law, be reported to a central collection service such as the Law School Data Assembly Service for use by other schools.

§503 PUBLICATION

The disciplinary committee shall publicize, without identifying details, the results of its disciplinary proceedings. In addition, each year the disciplinary committee shall publish, in summary form and without identifying details, a report disclosing the number of cases handled during the previous year, and the nature and disposition of each case. Copies of annual reports issued by the committee shall be available for inspection by students in the Office of the Registrar.

Plagiarism

Every law student must grasp the overriding importance of scrupulous honesty in the study and practice of law. In the presentation of written work, such honesty is the soul of academic integrity and, for the lawyer, at the heart of credible and effective assistance of counsel. The damage to reputation (and to a cause) which springs from deceit in the presentation of ideas will commonly prove both devastating and enduring. One becomes known as untruthful, or at least untrustworthy, and in either case careless of the rights of others. These are contingencies devoutly to be avoided.

This notion of deceit is not easily translated into an all-inclusive description of plagiarism. The Law Center, therefore, has not attempted a definition so meticulously crafted as to be worthy of inclusion in a criminal code. But surely some central propositions are declarable, and understandable, and no student can fail to be aware of the broad thrust of the notion that the work of others must never be claimed as one's own.

Here are several of those propositions. The use of another's work typically takes the form of either a direct quotation, where the other author's exact words are used, or a paraphrasing, where the true author's ideas or language are recast in the words of the borrower. Both these forms require that he or she who thus uses the work of another person give adequate credit to that person. Perhaps as important as the fact that the credit is given is the manner in which it is given. Where exact words are used, they must be designated as a quotation (quotation marks or indentation) and footnoted in the obligatory form, identifying source and precise page of location. Similar attribution is called for in the use of charts, tables, diagrams, and like presentations of rather more visual evidence, when

originated by someone else. Paraphrasing, too, demands that the paraphraser candidly and fully account for the derivation of that which the paraphraser has reworded. As a general proposition, prolonged paraphrasing is to be discouraged, but when lengthy paraphrasing does occur the true source is not sufficiently cited when it is cited only at the end, and generally. The rule should rather be that each discrete subportion of the material thus used receive its own recognition, in quite precise form, including page citation.

Of course, matters of general knowledge, and terms so commonly employed as to have entered the public domain need not be footnoted,[5] just as this brief essay does not footnote the widely recognized truths appearing in the foregoing lines. But we strongly agree that, in any case involving the slightest doubt, you will be better served to grant rather than to withhold recognition of your dependency on the work of another. Attributions that are arguably unnecessary in these marginal instances will at the very least direct the reader to material which could be useful, and so advance the possibility for learning.

Finally, note that plagiarism can be said to have occurred without any affirmative showing that the student's use of another's work was intentional. Intent is presumed in any disciplinary case where the source of the material is both plain and unattributed. It will be for the affected student to demonstrate that the copying or restatement was, in any such case, innocent.

Forewarned is forearmed (no citation needed).

NOTICE TO LAW CENTER COMMUNITY REGARDING CERTAIN DISCIPLINARY PROCEEDINGS INVOLVING LAW CENTER STUDENTS AS BOTH ACCUSER AND ACCUSED

(April 5, 2006, as amended, August 24, 2007 and December 22, 2011)

The "Clery Act," 20 U.S.C. § 1092f, the Department of Education (DOE) regulations promulgated thereunder, 34 C.F.R. § 668.46, and Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq., as interpreted by DOE's Office of Civil Rights, require the University to implement particular procedures in certain disciplinary proceedings. In order to ensure compliance with the law and fair and responsive processes, the Law Center hereby directs the following:

1. In all disciplinary cases involving alleged conduct within the scope of the Clery Act or that implicate Title IX, in which both the accuser and accused are Law Center students, the following procedures shall be implemented:
   a. When a Law Center student presents allegations against another Law Center student to the Ethics Counsel for investigation, the Ethics Counsel may direct that both the accused and the accuser refrain from contact with the other, either directly or indirectly, during the pendency of the disciplinary investigation and any proceeding initiated based upon the allegations.
   b. Both the accuser and the accused shall be entitled to counsel appointed by the Chair of the Professional Responsibility Committee at no expense and both accuser and accused shall have the right to have their appointed faculty counsel present at the disciplinary hearing.[1]
   c. The disciplinary hearing shall be confidential unless the accuser and the accused agree that the hearing shall be open to the public.

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[5] See Comment, Plagiarism in Legal Scholarship, 15 Toledo L. Rev. 233, 235 n. 12 (1983).

[1] The requirement that counsel be a faculty member that previously was provided here and otherwise exists under the Code is no longer in force. The Chair of the Professional Responsibility Committee may request that the Dean provide reasonable compensation to attorneys who are not members of the faculty and accept appointments under this provision.

d. The Law Center acting through the Associate Dean for the J.D. Program, upon request of the accuser or accused, will change the student's academic and/or University-controlled living conditions, if the changes are deemed to be reasonable. The Ethics Counsel may request such changes be made by the Associate Dean on behalf of the student, if such a request has not been made by the student directly.
e. Both the accuser and the accused shall be informed of the outcome of the disciplinary proceeding, including any sanctions imposed, to the extent required by the Clery Act and/or Title IX.
f. Ethics Counsel must notify the accused of the existence of the complaint within 30 days of the complaint being made to Ethics Counsel. Ethics Counsel must file charges or dismiss the matter within 30 days of notice to the accused of the complaint. The hearing panel must conduct its hearing within 45 days of the filing of charges and render its report within 45 days of the conclusion of the hearing. Any appeal must be resolved within 45 days after all briefs have been filed or after oral argument is concluded, whichever occurs later. These time limits are not jurisdictional and may be extended for good cause shown by the Chair of the Professional Responsibility Committee.
g. In adjudicating allegations of sexual harassment, including allegations of any unwelcome conduct of a sexual nature, the standard of proof to be applied by the hearing panel under § 204(e) of the Code shall be a preponderance of the evidence standard.
h. The accuser shall have the same right to appeal that is provided to the accused student.
i. Under no circumstances shall the accused student be allowed to personally question or cross-examine the accuser at any disciplinary proceeding.
j. Past and future guidance directives from the Department of Education and the Office for Civil Rights, such as the April, 2011 "Dear Colleague" letter, are incorporated into these provisions by reference and shall be followed by hearing panels to the extent that they impose requirements not otherwise provided here or in the Disciplinary Code.

To the extent that any of these provisions is inconsistent with provisions of the Student Disciplinary Code, the Code is hereby overridden, as authorized by the Code "if special circumstances so require." These superseding provisions shall take effect immediately and apply to all disciplinary proceedings pending at this time or arising thereafter, regardless of when the underlying conduct occurred. This announcement shall be distributed to the Law Center Community and included in the next published *Bulletin*.

STUDENT CONDUCT IN THE JOB SEARCH PROCESS

Students are expected to exhibit high standards of professional responsibility in all of their job-seeking activities. Students are cautioned to avoid even the appearance of impropriety in the preparation of their job resumes, letters, and application forms. The inclusion of material that is misleading, inaccurate, or false may be a violation of the Student Disciplinary Code. Students are expected to attend all scheduled interviews, unless the student cancels in a timely and appropriate manner. Students should view the acceptance of an offer, whether for a paid or unpaid position, as a binding commitment. Failure to honor commitments may have implications for the student's reputation and that of the Law Center. If unusual or extenuating circumstances arise following an acceptance of an offer, students should consult with a career advisor at the Law Center before taking actions that may violate this policy.

DISCRIMINATION GRIEVANCE PROCEDURES ADMINISTERED BY THE OFFICE OF CAREER SERVICES

Policy Statement

The policy of Georgetown University Law Center is to provide equal opportunity in its programs, activities, and employment practices; to prohibit discrimination and harassment in education and employment because of race, color, religion, national origin, sex, age, handicap or disability, or sexual orientation, personal appearance, family responsibility, gender identity or expression, genetic information, marital status, political affiliation, veteran's status or any other factor prohibited by law; and to promote the realization of equality of opportunity in education and employment throughout the Law Center in accordance with the policy expressed in the University-wide Affirmative Action Plan.

This internal grievance procedure has been established to provide a mechanism for any Law Center degree candidate who believes that under the standards stated in the above policy he or she has been the subject of discrimination by a prospective employer recruiting students to fill part-time, temporary and full-time positions.

Students who have a question about whether a particular action or statement might constitute improper conduct should speak with a counselor in the Office of Career Services or the Office of Public Interest and Community Service.

Requirements for Filing Grievances

Any degree candidate, enrolled as a student at the Law Center when the alleged discriminatory act occurred, has the right to file a discrimination complaint with the Office of Career Services.

Complainants must file a grievance within 30 days of the alleged discriminatory act. Earlier filing is encouraged, including a confidential statement of probable intention to file based upon specific allegations of misconduct. Later filing may be permitted for good cause shown.

A grievance must be filed with the Assistant Dean, Office of Career Services. The grievance may be filed using the grievance form available in the Office of Career Services, but any written submission containing the information requested by that form will be satisfactory. In addition to briefly describing the event in question, the complaint should set forth as precisely as possible any allegedly offensive language that was part thereof.

Procedures for Processing Grievances

Upon receipt of the complaint the Assistant Dean shall first determine whether the complaint states a violation of the Law Center non-discrimination policy set forth above. If the Assistant Dean finds that no violation has been stated, the student shall be promptly informed and may appeal the decision to the Dean, who may confirm the decision or forward the matter for handling under the next process described. If the complaint states a violation, the Assistant Dean shall immediately apprise the individual respondent(s) and the organization's ultimate hiring authority of the charge and request a written response to the allegations.

The Assistant Dean shall seek to resolve the complaint within 21 working days from the notification of the respondent. The Assistant Dean may conduct interviews with all relevant persons and seek information in any other relevant form. The Assistant Dean may delegate the interviewing and information seeking functions to the Law Center's Ethics Counsel.

If a mutually acceptable resolution is achieved through the Assistant Dean's efforts, the case shall be closed. A written notice shall list findings and indicate the agreement reached. The agreement shall be retained in the files of the Office of Career Services and copies provided to the complainant, the respondent and his/her ultimate hiring authority.

If no mutually acceptable resolution can be achieved, the Assistant Dean shall make, and provide the parties with, a written finding on the merits of the complaints.

Upon a finding adverse to the respondent, sanctions may be imposed depending on the severity of the offense, including but not limited to requesting a written apology or other conciliatory steps, issuing a reprimand to the individual and/or the organization, placing the individual and/or the organization on probation, or denying the individual or organization recruiting access to Law Center facilities and services for a specified time. The sanctions of probation or denial of individual or organization recruiting access may only be imposed by the Law Center Dean upon the recommendation of the Legal Profession and Career Services Committee. Refusals of an individual or organizational respondent to issue an apology or take some other conciliatory step as may be called for by the Assistant Dean shall be referred to the Legal Profession and Career Services Committee for a determination of appropriate further sanctions to be recommended to the Dean.

Appeal to the Dean

The complainant or the respondent shall have the right to file a written appeal of the Assistant Dean's decision to the Dean of the Law Center within ten days of receiving the Assistant Dean's decision. The notice of appeal shall indicate the reasons for the party's appeal. The Dean may with written explanation affirm or remand the matter for further consideration by the Assistant Dean.

Record

The Assistant Dean, Office of Career Services, shall submit to the Chair of the Legal Profession and Career Services Committee a bimonthly summary of all grievances filed during that period, and of further action taken with regard to all such cases previously pending. Confidentiality with regard to these summaries shall be maintained so far as is possible.

Nothing contained herein shall be considered as limiting a complainant's right to pursue any other remedy provided by federal or local law, or as requiring the University to pursue any process other than those described by this code.

GEORGETOWN UNIVERSITY INSTITUTIONAL DIVERSITY, EQUITY, AND AFFIRMATIVE ACTION GRIEVANCE PROCEDURES TO INVESTIGATE ALLEGATIONS OF DISCRIMINATION AND HARASSMENT *(Revised June 7, 2012)*

Introduction

Georgetown University recognizes and accepts its responsibilities to act in accordance with the University's Affirmative Action Plan, federal laws and regulations and the District of Columbia Human Rights Act. Therefore, the University has established these grievance procedures for the Office of Institutional Diversity, Equity, and Affirmative Action ("IDEAA") to review, investigate, and resolve alleged violations of the University's Equal Opportunity and Non-Discrimination in Employment and Non Discrimination in Education Policies, Affirmative Action Policy and the Policy Statement on Harassment,

which includes sexual harassment. These procedures cover allegations of unlawful discrimination and harassment in employment on the basis of age, color, disability, family responsibilities, gender identity and expression, genetic information, marital status, matriculation, national origin, personal appearance, political affiliation, race, religion, sex, sexual orientation, veteran status and other factors prohibited by law. These procedures also cover allegations of unlawful discrimination and harassment in education on the basis of disability, national origin, race, religion, sex and other factors prohibited by law.

These procedures also cover the University's obligations to investigate sexual harassment and sexual violence allegations in accordance with Title IX of the Education Amendments of 1972 ("Title IX"). The following person has been designated to coordinate Georgetown University's compliance with Title IX of the Education Amendments of 1972:

Rosemary E. Kilkenny
Vice President for Institutional Diversity and Equity
Georgetown University
M-36 Darnall Hall
37th & O Streets NW
Washington, DC 20057
Phone: 202-687-4798
Fax: 202-687-7778

These internal Grievance Procedures to Investigate Allegations of Discrimination and Harassment provide a mechanism for aggrieved faculty, staff, students, third parties and applicants for employment and admission to receive a fair hearing on issues of discrimination and harassment. Students may also pursue complaints of peer harassment against a Georgetown University student through applicable student disciplinary codes. Students may also use these procedures to address off-campus behaviors which may violate the policies on harassment and discrimination as they relate to educational and employment opportunities.

The University strongly encourages any victim of unlawful discrimination and harassment to report the incident and seek redress through IDEAA's Grievance Procedures, if he or she is unable to resolve it satisfactorily and completely through informal means. The University will provide a prompt investigation and thorough and careful resolution.

Complainants are encouraged to exhaust these procedures with regard to any grievance before pursuing remedies outside the University. However the University acknowledges the rights of Complainants to seek redress from any external enforcement agency including the District of Columbia Human Rights Commission, the Equal Employment Opportunity Commission, the Office of Civil Rights of the United States Department of Education and the United States Department of Labor's Office of Federal Contract Compliance. Complainants may also file a criminal complaint with the Metropolitan Police Department. The filing of an external complaint or investigation will not preclude the University from investigating and addressing issues or concerns raised to the University.

It is a violation of this policy to file a discrimination or harassment complaint for the purpose of injuring the reputation or causing harm to another person. Without minimizing the injury that can be suffered by the victim of discrimination or harassment, the University also recognizes that the filing of a discrimination or harassment complaint can have serious consequences for the person accused. That person, too, has rights that the policies on discrimination and harassment must preserve and protect. Therefore, any person who abuses this policy by knowingly filing a false complaint will be subject to discipline if IDEAA determines that the complaint was filed in bad faith. This provision is not meant in any way to discourage legitimate complaints.

Complainants, respondents and witnesses who participate in this process are bound by rules of confidentiality. IDEAA will preserve the confidentiality of information provided in connection with a grievance to the extent possible, consistent with the goals of prompt and thorough investigation and resolution as well as compliance with the law. Students who file complaints under these procedures will be asked to consent to disclosing personal information. In the event, Student Complainants, decline consent, IDEAA will make every effort to limit the effects of harassment and prevent its recurrence; in accordance with the Principle of Non-Retaliation, articulated above. IDEAA will also ensure that the University is in compliance with the Family Education Rights & Privacy Act (FERPA) / Health Insurance Portability and Accountability Act (HIPPA) compliant at all times in the course of investigations.

The University will continue to promote Equal Opportunity and Affirmative Action in Employment and Education in all areas of the University. Successful efforts in this area will contribute to an improved environment in which to work and study. The University believes that these non-adversarial grievance procedures will benefit students, faculty, staff, administrators, third parties and applicants.

Requirements for Filing Grievances

1) Any applicant for employment or admission, current or former faculty and staff member or student, or third party (hereinafter referred to as Complainant); of Georgetown University has a right to file a discrimination or harassment complaint with IDEAA.
2) Complainants must file a grievance in writing within 180 days following the alleged discriminatory act or the date on which the Complainant knew or reasonably should have known the act.
3) A grievance must be filed in writing with IDEAA at M-36 Darnall Hall, electronically at ideaa@georgetown.edu, or by fax at (202) 687-7778. (Form available at *http://ideaa.georgetown.edu/forms/*.)

Provisions on Time Limits

All of the time limits contained within these grievance procedures may be extended solely at the discretion of IDEAA. Any party requesting an extension must do so in writing. In cases of sexual harassment complaints, IDEAA will make every effort to be reasonably prompt in investigating and resolving complaints within ninety days. In the event the time frame for sexual harassment complaints needs to be extended, the Title IX Coordinator will inform both parties.

Principle of Non-Retaliation

It is illegal and contrary to University policy and such federal regulations as Title IX for any individual to engage, whether directly or indirectly, in retaliatory conduct against a person who files a discrimination or harassment complaint, gives testimony during an investigation of such a complaint, or otherwise objects to perceived discrimination or harassment. Anyone who believes that retaliatory actions have been taken against him or her in violation of this policy may seek redress through IDEAA.

Administrative Review

IDEAA has the authority to initiate an administrative review at any time when, in the judgment of the Vice President for Institutional Diversity and Equity, such action is

warranted. A department head or other University official may also request IDEAA to conduct an administrative review, if this official becomes aware of alleged discrimination or harassment in his/her area. Administrative reviews will include interviewing witnesses and reviewing pertinent documents culminating in the preparation of a written report. The report will be shared with the official who requested the review as well as the appropriate Vice President, Executive Vice President or Senior Vice President. As with all IDEAA investigations, witnesses interviewed in this process will be expected to maintain confidentiality.

Procedures for Processing Grievances

STEP I. MEDIATION

1) IDEAA shall propose mediation to an aggrieved individual desiring to resolve a dispute between himself/herself and a potential respondent. If the aggrieved individual agrees to mediate, the potential respondent will be informed about the issue and asked to participate in mediation. If there is no agreement to mediate, the Complainant may proceed to Step II. In cases where sexual assault or violence is alleged, IDEAA will not offer mediation.
2) If both parties agree to mediate, IDEAA's staff or representative chosen by IDEAA will conduct the mediation within a prompt and reasonable time frame.
3) If a mutually acceptable resolution is achieved through mediation, a written agreement between the parties will reflect the resolution and shall be signed and dated by the parties. Copies will be provided to both parties and IDEAA will monitor compliance with the terms of the agreement by both parties. The case will then be closed.
4) If mediation fails, IDEAA will inform the Complainant about the option to proceed to Step II.
5) All Complainants have a right to end the Step I Mediation process at any time and can ask in writing for IDEAA to begin a Step II. Investigation.

STEP II. INVESTIGATION BY IDEAA

1) An individual or group of individuals may initiate a formal complaint by providing IDEAA with a written and signed statement and any supporting documentation detailing the allegations of discrimination or harassment and identifying the individuals who engaged in the alleged conduct (hereafter the "Respondent").
2) IDEAA shall provide the Respondent and his/her supervisor, if applicable, a copy of the formal complaint and its supporting documents. The Respondent shall have an opportunity to submit a written response to the allegations and any supporting documents. The Complainant will be provided a copy of this response and given the opportunity to submit a written rebuttal to Respondent's statement. Respondent will be given a final opportunity to respond in writing to Complainant's written rebuttal as well. Both Complainant and Respondent may identify witnesses who can provide information relevant to the allegations.
3) IDEAA shall within a prompt and reasonable time frame investigate the complaint and shall have access to all necessary information to do so and the opportunity to interview witnesses, as well as Complainant and Respondent.
4) Upon completion of the investigation IDEAA shall prepare a written report. IDEAA uses the standard of preponderance of the evidence to ascertain if the University's policies have been violated.
5) In the course of the investigating allegations of sexual assault or violence, filed by students, IDEAA will ensure that appropriate steps are taken to protect the student from any further deleterious behaviors on the part of the Respondent. The complainant

will also be advised on other options to seek redress and advised of campus resources that can provide academic, emotional, and other support.

STEP III. NOTIFICATION

1) When IDEAA finds that no violation of policies governing harassment or discrimination has occurred, IDEAA will notify the parties of the results.
2) When IDEAA finds that a violation of policies governing harassment or discrimination has occurred, IDEAA will:
   a) Notify the parties of the results, to the extent consistent with the confidentiality accorded to University personnel actions,[1]
   b) Forward its report to the Respondent's Executive Vice President or Senior Vice President, or his or her designee,[2]
   c) Direct that prompt remedial action be taken to correct the situation.

STEP IV. CORRECTIVE ACTION

If corrective actions are imposed, IDEAA shall monitor their implementation. The appropriate Executive Vice President or Senior Vice President shall ensure that the approved corrective actions are smoothly implemented and that no retaliatory actions are taken.

STEP V. APPEAL

An appeal may be made by Complainant or Respondent within 14 business days of IDEAA's notification of its findings to the Complainant and Respondent.

1) Grounds for Appeal

   There are certain limited circumstances under which a case may be appealed. The appellant must demonstrate that:
   a) Proper procedures were not followed during the investigation.
   b) Significant evidence was not considered.

      The other party (ies) will be given a chance to respond to the request for an appeal. The Vice President for Institutional Diversity & Equity, or her/his designee, will determine whether the request for an appeal is warranted. The parties will be informed of the decision within ten business days of receiving the request for appeal.
2) Appeal Procedures
   a) If the request for an appeal is granted, IDEAA shall notify the appropriate Vice President, Executive Vice President or Senior Vice President. This notification shall include a copy of the formal complaint naming the Complainant and Respondent and will explain the grounds on which the appeal was granted.

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[1] Where the Complainant and Respondent are both students and IDEAA finds a violation of the Policy Statement on Harassment, IDEAA may notify the Complainant of the sanction or remedial action imposed on the Respondent where the sanction or remedial action relates to the Complainant.

[2] For purposes of these procedures, if the Executive Vice President or Senior Vice President is a party to the matter, the President will be informed of the results and take the required actions.

b) IDEAA shall then initiate the selection procedures to form a three member Grievance Panel selected from the Equal Opportunity Examining Board made up of Georgetown University administrators, faculty and staff.[3] Grievances involving discriminatory denials of tenure, promotion or reappointment of faculty members shall be heard by panels composed of faculty or academic administrators only. The three member Grievance Panel to serve on an appeal shall be selected in the following manner:
   i) The Complainant shall select one member of the Equal Opportunity Examining Board, and the Respondent shall select another.
   ii) IDEAA shall convene a meeting of these two selected panelists who shall choose the third member from the Equal Opportunity Examining Board to form the Grievance Panel.

c) A member of IDEAA's staff shall present information about the complaint to the panel members who shall recuse themselves if they have prior knowledge of the complaint, the circumstances surrounding the incidents, or any other reason which might prevent them from rendering an impartial decision. Any member of the panel who is recused shall be replaced in accordance with the procedure stated above.

d) The Grievance Panel is charged with reviewing IDEAA's investigation and determining whether the procedures were properly followed and the significant evidence was properly considered and weighed.

e) The Grievance Panel shall have access to all relevant information and the opportunity to interview witnesses, including the opportunity to interview the IDEAA investigator(s), Complainant, and Respondent separately.

f) The information presented to the Grievance Panel and its deliberations are confidential.

g) Each party may choose an Advisor to accompany him/her to meet with the Grievance Panel. The Advisor may not speak on behalf of the party or otherwise represent the party, but may provide support and consult with the party outside of the presence of the Grievance Panel. If either party indicates that he/she will be accompanied by an Advisor who is an attorney, the University's attorney will be asked to be present.

h) The Grievance Panel shall by majority vote reach one of the following results:
   i) support the full results of IDEAA's investigation;
   ii) support the findings but recommend different corrective actions than those recommended by IDEAA; or
   iii) reach different findings and, if necessary, recommend different corrective actions than those recommended by IDEAA.

i) Within 45 working days from its formation, the Grievance Panel shall submit a report of its results to the Vice President for Institutional Diversity & Equity, or his/her designee, who will forward it with his or her approval and/or comments (if, for example, the Panel has not supported the full results of IDEAA's investigation) to the appropriate Executive Vice President or Senior Vice President. The appropriate Executive Officer may accept the Panel's recommendations or may modify the results based, for example, on the comments of the Vice President for Institutional Diversity & Equity, or his/her designee. This official's decision is final. IDEAA shall forward the final result to the Complainant, Respondent, and his/her supervisor, if applicable.

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[3] The members of the Equal Opportunity Examining Board are selected by IDEAA and include a diverse cross section of University employees. The Faculty Senate will also appoint at least two members to this Board.

j) If corrective actions are imposed, IDEAA shall monitor their implementation. The appropriate Executive Vice President or Senior Vice President shall ensure that the approved corrective actions are smoothly implemented and that no retaliatory actions are taken.

Student Grievances in Non-Employment Contexts

PEER HARASSMENT

It is contrary to University policy for students to subject their peers to unlawful harassment. (See *https://gushare.georgetown.edu/AffirmativeAction/Public%20Access%20Website/Harassment%20Policy.pdf?uniq=-ubsp8k*.)

IDEAA's resources and IDEAA's Grievance Procedures in particular, are available to students who believe they have been subject to harassment by a peer.

Students who believe they are subject to harassment by a fellow Georgetown student may also choose to pursue a complaint under the relevant campus conduct code. More information about conduct complaints is available at the links listed below.

OTHER RESOURCES FOR STUDENT CONCERNS

The University has established policies, procedures and resource offices to address student complaints related to address a range of other types of concerns, including discrimination in the context of strictly academic issues, student conduct, and academic integrity.

CONCERNS OF DISCRIMINATION IN ACADEMIC WORK

If students believe there has been discrimination in strictly academic areas, such as coursework, grading or class participation, the matter will be handled in accordance with the procedures set out in the applicable student academic policies and procedures. For more information go to:

http://www.georgetown.edu/undergrad/bulletin/regulations4.html
http://www1.georgetown.edu/admin/ombuds/ContactUs/OmbudsOfficers/

STUDENT CONDUCT

Undergraduate and Main Campus graduate students are bound by the Code of Student Conduct (*http://studentconduct.georgetown.edu/codeofconduct/*).

Complaints related to potential violations of the Code of Conduct should be pursued through the Office of Student Conduct (*http://studentconduct.georgetown.edu/*).

Complaints related to the conduct of Law Center students will be addressed through the process outlined in the Law Center's Student Disciplinary Code (*http://www.law.georgetown.edu/campus-services/registrar/bulletin/index.cfm*), and concerns related to the conduct of School of Medicine students will be addressed through its Student Code of Professionalism (*http://som.georgetown.edu/docs/Handbook%20Appendix%20O.pdf*).

ACADEMIC INTEGRITY

Concerns relating to academic integrity involving undergraduate students are addressed through Honor System. For more information go to *http://gervaseprograms.georgetown.edu/honor/system/*.

Concerns involving graduate students are considered by the Graduate School of Arts and Sciences. See *http://grad.georgetown.edu/academics/policies/*.

Academic integrity concerns at the School of Medicine are considered according to the standards and procedures outlined in the Student Code of Professionalism (*http://som.*

georgetown.edu/docs/Handbook%20Appendix%20O.pdf), and at the Law Center under the Student Disciplinary Code (*http://www.law.georgetown.edu/campus-services/registrar/bulletin/index.cfm*).

BIAS REPORTING SYSTEM

Any member of the University community can make a report about a possible bias incident or hate crime through the Bias Reporting System. For more information go to *http://studentaffairs.georgetown.edu/biasreporting/*.

GEORGETOWN UNIVERSITY POLICY STATEMENT ON HARASSMENT *(Revised June 7, 2012)*

It is the policy of Georgetown University to prohibit harassment on the basis of age, color, disability, family responsibilities, gender identity and expression, genetic information, marital status, national origin, personal appearance, political affiliation, pregnancy, race, religion, sex, sexual orientation, source of income, veteran's status or other factor prohibited by federal and/or District of Columbia law.

This policy on Harassment will be widely disseminated to members of the University community, and will be consistently enforced. The policy will be reexamined, updated as appropriate, and distributed regularly to all students, faculty, and staff. All employees are responsible for completing training provided by the University to prevent harassment and promote a respectful community.

Sexual Harassment

For the purposes of this policy, sexual harassment is defined as any unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment or academic advancement; or
2. Submission to or rejection of such conduct is used as a basis for making an employment or academic decision affecting an individual; or
3. Such conduct has the purpose or effect of interfering with an individual's work or educational performance, or of creating an intimidating, hostile, or offensive environment for work or learning.

Sexual harassment may occur between persons of the same or opposite gender. Sexual harassment includes sexual violence which can include rape, assault, sexual coercion, and sexual battery.

Sexual harassment subverts the University's mission, diminishes the dignity of both perpetrator and victim, and threatens permanent damage to the careers, educational experience, and well-being of our students, faculty and staff.

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 conduct of a sexual nature that creates an unacceptable working or educational environment.

The following person has been designated to coordinate Georgetown University's compliance with Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex, including sexual harassment:

Rosemary E. Kilkenny
Vice President for Institutional Diversity and Equity
Georgetown University
M-36 Darnall Hall
37th & O Streets NW
Washington, DC 20057
Phone: 202-687-4798
Fax: 202-687-7778

Harassment Other Than Sexual Harassment

Harassment, other than sexual harassment, is verbal or physical conduct that denigrates or shows hostility or aversion to an individual because of age, color, disability, family responsibilities, gender identity and expression, genetic information, marital status, national origin, personal appearance, political affiliation, pregnancy, race, religion, sex, sexual orientation, source of income, veteran's status or any basis prohibited by federal and/or District of Columbia law, when such conduct has the purpose or effect of: unreasonably interfering with an individual's academic or work performance; creating an intimidating, hostile, or offensive educational or work environment; or otherwise adversely affecting an individual's academic or employment opportunities.

Harassment may include, but is not limited to: verbal abuse or ridicule, including slurs, epithets, and stereotyping; offensive jokes and comments; threatening, intimidating, or hostile acts, and displaying or distributing offensive materials, writings, graffiti, or pictures.

National Origin and Accent Harassment

The Equal Employment Opportunity Commission (EEOC) has taken the position that harassment of employees on the basis of their national origin or their accent or manner of speaking is a violation of Title VII of the Civil Rights Act of 1964 as amended. Under EEOC guidelines, ethnic slurs and other verbal or physical conduct relating to an employee's national origin, surname, skin color or accent would constitute unlawful harassment when such conduct:

1. Has the purpose or effect of creating an intimidating, hostile or offensive working environment;
2. Has the purpose or effect of unreasonably interfering with the employee's work performance; or
3. Has the purpose or effect of adversely affecting his or her employment opportunities.

Procedure for Complaints

Any member of the University community who believes that conduct that violates this policy has occurred, or who has questions concerning this policy, is encouraged to contact the Office of Institutional Diversity, Equity and Affirmative Action immediately at 202-687-4798. This Office is staffed with trained counselors, and administers both a confidential mediation process and a confidential grievance procedure. A full description of the Grievance Procedures may be obtained from the Office of Institutional Diversity, Equity and Affirmative Action.

In addition, the University recognizes that supervisors bear a particularly important responsibility to deter harassment. Supervisors who learn of conduct that may violate this policy should immediately contact the Office of Institutional Diversity, Equity and Affirmative Action, and, as appropriate, inform their own supervisors.

In accordance with the guidelines of the EEOC, all complaints will be investigated impartially, and appropriate corrective action will be taken, including discipline for inappropriate conduct. Complaints will be handled confidentially, except as necessary for investigation and resolution.

This policy prohibits retaliation, harassment, or other adverse action against an individual for making a complaint, assisting in an investigation, opposing harassment or otherwise exercising rights protected by law. It further prohibits taking any adverse academic or employment related action against an individual based on an unsubstantiated allegation or rumor of harassment.

GEORGETOWN UNIVERSITY POLICY ON CONSENSUAL SEXUAL RELATIONSHIPS[1] BETWEEN SENIOR AND JUNIOR MEMBERS OF THE UNIVERSITY COMMUNITY

Introduction

There are various approaches an institution could take to address the issue of consensual sexual relationships between a "senior" and a "junior" person. (See definitions below.) One extreme is to ban all such relationships. The other is to pretend such relationships do not exist. The University has taken a middle ground in this policy.

The policy not only points out the potential legal and ethical pitfalls of consensual sex in the University setting, but also, and more specifically in the section called "Standards and Procedures," asserts the University's right to protect the integrity of its own operations from the conflicts of interest and disruptions in the academic and employment environments that can arise from consensual sexual activity involving members of the University community.

The Nature of the Problem

Consensual sexual relationships between "senior" and "junior" members of the Georgetown community — that is, between two persons where one party (the "senior") possesses direct academic, administrative, counseling, or extracurricular authority over the other (the "junior") — do not violate laws prohibiting sex-based discrimination.[2] Nevertheless, such relationships are a matter of significant concern to the University because of the ethical and administrative problems they can pose. Those problems are most severe when a consensual relationship takes place between a teacher (e.g., professor, teaching assistant, clinical fellow) and a student and the student is enrolled in one of the teacher's courses for which the student will receive a grade, or when the student is likely to be enrolled in such a course in the future. These problems can also be very severe in a counseling setting between counselors and counselees. Given the potential for such

[1] This policy does not apply to married couples. The policy on nepotism offers clarification on this point. This policy does not replace *The Benefit of this Establishment: A Student Code of Conduct*.

[2] "Consensual" means a sexual relationship between two people who both genuinely desire the relationship and neither of whom is coerced into having the relationship. The term consensual is used throughout this document to mean such a relationship. "Extracurricular" refers to participation in extracurricular student activities such as a student newspaper or law review. A "senior" student is sometimes in a position to influence whether a "junior" student will gain some desired position within the organization.

problems, the University strongly recommends that members of the University community avoid any senior-junior consensual sexual relationships. This recommendation has particular force with regard to undergraduate students. At Georgetown University, virtually all undergraduate students are between the ages of eighteen and twenty-two, and many are living away from home for the first time. Because of the unique susceptibility of these young men and women, teaching professionals are under a special obligation to preserve the integrity of the teacher-student relationship in situations involving undergraduate students. If members of the community choose by mutual consent to enter into such relationships, however, the University requires that they take specific steps to minimize the problems that may arise from them. Sanctions shall be commensurate with the magnitude of the harm, if any, caused.

The Problems

There are many ways problems can arise when a senior member of the Georgetown community engages in a consensual sexual relationship with a junior member. First, when one person has the ability to grade, advance, promote, recommend, or otherwise influence the employment or academic status of the other, there is the possibility that what appears to be a consensual relationship is falsely perceived to be so. Some recipients of sexual advances may fear that refusal will result in loss of an employment or academic benefit. They may go along with the requested relationship even though it is in fact unwelcome to them (and may even cause them psychological harm). The United States Supreme Court has ruled that such a person is a victim of illegal sexual harassment, and that a school can be liable for monetary damages for a teacher's coercive intercourse with a student.[3] Apart from a policy of avoiding legal liability for such conduct, the University wants to ensure that it provides an environment free from sexual coercion and intimidation in which to study and work.

The person in the position of authority who may desire a sexual relationship with a junior nevertheless has strong reasons to avoid it, since what seems initially to be consensual may turn out to be unwelcome or coercive from the perspective of the junior participant. The junior participant may file an internal grievance or a formal lawsuit, creating a risk that the person in authority will suffer negative career consequences and may have to pay damages to the victim. Because of the serious consequences to the senior participant, that person also subjects himself or herself to the possibility of coercion or blackmail.

Even when such a relationship is genuinely consensual (and therefore does not constitute sexual harassment or raise the other concerns noted above), the relationship can cause problems for both parties and harm the academic and work environment at the University. There is the appearance and often the reality of a conflict of interest on the part of both parties to the relationship. Others may believe that the senior favors the junior because of the sexual relationship, thus creating an atmosphere of suspicion and resentment among other juniors who think the junior in the relationship is obtaining undeserved benefits. The junior person's professional reputation or academic standing may be injured because of the perception that the benefits were due to the sexual relationship, rather than to the junior's own work or study.

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[3] *Meritor Savings Bank v. Vinson,* 477 U.S. 57 (1986); *Franklin v. Gwinnett County Public Schools*, 503 U.S. 60 (1992) (unlimited damages). Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991, now provides for monetary damages for victims of sexual harassment in federal employment discrimination suits as well. 42 U.S.C. Section 1981(a)(b)(3) (maximum damages of $300,000 for employers of more than 500 employees). See also *Harris v. Forklift Systems*, 510 U.S. 17 (1993).

There is also a serious risk that either party may exploit the other. The senior person may be interested in the junior solely for purposes of sexual gratification, but the junior may construe that attention as related to the junior's intellect, as revealed through his or her studies or work. If the junior participates in a sexual relationship and then discovers the true situation, there is a potential for a damaging loss of self-esteem by the junior (especially where the two are teacher and young student and there is a significant age disparity between them). There is also the risk of the junior exploiting the senior. For example, a junior might seek out a relationship solely because of a desire to obtain some academic or employment benefit from the relationship (such as a higher grade or a promotion).[4]

Standards and Procedures

For the reasons expressed in the previous section of this Policy, the University strongly urges members of the University community to refrain from engaging in consensual sexual relationships with another member of the University community when one person possesses direct authority over the other, whether that authority is used by one who is a teacher, counselor or supervisor of the other or by someone who can directly influence the academic or work status of the other (e.g., a senior professor serving as a member of the tenure committee for a junior professor, a professor serving as the thesis advisor for a graduate student, a senior student on the editorial board of a newspaper or journal voting whether a junior student should attain the same status, a supervisor filling out a performance evaluation for his or her subordinate).

If the two nevertheless commence such a relationship, the University requires that they take the following measures, in order to lessen or minimize the conflict of interest and disruption of the academic and employment environment that can arise in such situations. The University emphasizes that the following measures cannot eliminate entirely the substantial likelihood of conflict and disruption, and that the course of action strongly preferred by the University would be for the two to refrain from engaging in consensual sexual relations for as long as necessary to prevent conflict and disruption.

A. RELATIONSHIPS BETWEEN TEACHERS AND STUDENTS

The University has determined that there is an inherent conflict of interest when a faculty member and a student simultaneously maintain both a direct student-teacher relationship and a consensual sexual relationship, and therefore prohibits simultaneous participation in both roles. Thus, if one party to a consensual sexual relationship is a student of the other person in a course for which the student will receive a grade, the student should immediately withdraw from the course and should never again take a course with that teacher. In such case it is the duty of the teacher to take all steps, including if necessary consultation with the appropriate Dean, to assure that the student's enrollment in the course is promptly terminated. If the student is not currently enrolled in any of the teacher's courses when the relationship begins, the student should refrain from taking any future course with the teacher. The policy of not taking courses with the teacher should continue even after the relationship has ceased.

[4] A number of problems analogous to those described in this section affect consensual sexual relationships among members of the University community of relatively equal status, but these rules do not apply to this behavior, which may become subject to disciplinary action for other reasons.

B. COUNSELORS AND COUNSELEES

Because of the potential for emotional harm, individuals should not engage in both a consensual sexual relationship and an official counselor/counselee relationship. If a consensual sexual relationship commences during an official relationship, the official relationship should immediately be terminated and never be started again. Similarly, individuals in, or who have been in a consensual sexual relationship should thereafter never enter into an official counseling relationship.

C. ALL OTHER SENIOR-JUNIOR RELATIONSHIPS

In any other situation where a senior has direct authority over a junior, and can thus advance, promote, recommend, or in any other way directly influence the academic or work status of the junior, the senior person should recuse himself or herself from any decision involving the status of the junior.[5] If the fact of recusal causes the senior to experience difficulty with a superior, the senior should explain the reason for the recusal to the person in authority. The senior's obligation to explain also exists where an unexplained failure to participate might create an inference of a negative evaluation of the junior by the senior.

Sanctions for Violations of this Policy; Review; Other Limitations

Any teaching professional who violates the procedures outlined in this Policy, or any other individual engaged in a consensual sexual relationship who violates any of the procedures outlined in this Policy, shall be subject to sanctions commensurate with the severity of the offense. The sanction shall be determined in the case of a teaching professional, by the appropriate Dean or Executive Vice President, after consultation with the chair, if any, of the teaching professional's department; and in the case of other individuals covered by this section, by the appropriate director or other supervisory official, including the Senior Vice President for Georgetown University. But in the case of a student violating these procedures sanctions shall be determined by the appropriate Dean on that student's campus.

The imposition of any sanction imposed under this Policy may be subject to review under any applicable provision of an established University grievance procedure.

GEORGETOWN UNIVERSITY COMPUTER SYSTEMS ACCEPTABLE USE POLICY

The Law Center follows Georgetown University's Computer Systems Acceptable Use Policy (*http://policies.georgetown.edu/31641.html*) and Georgetown University's Copyright in the Information Age Policy (*http://policies.georgetown.edu/copyright/*). General information about both is provided below. However, it is a good idea to check the above sites for any changes and/or additions.

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[5] For example, a senior faculty member who has had a relationship with a junior faculty member should not participate in the deliberations of a tenure committee concerning the junior, or on an academic personnel committee deciding such issues as salary increases for the junior. Similarly, a teacher should not provide a letter of recommendation for a student with whom the teacher has had a relationship even if the relationship began after the course was completed (and thus did not violate the University policy on teacher-student relationships.) Another example is that a senior student on a student publication editorial board should not vote on whether a junior student with whom the senior has had a relationship should be promoted to the editorial board.

Guiding Principles

Our community is encouraged to make innovative and creative use of information technologies in support of education and research. Access to information representing a multitude of views on current and historical issues promotes the interest, information and enlightenment of the Georgetown University community. Consistent with other University policies, the Acceptable Use and Copyright in the Information Age policies were written to promote and respect the rights and obligations of academic freedom. The University recognizes that the purpose of copyright is to protect the rights of the creators of intellectual property and to prevent the unauthorized use or sale of works available in the private sector.

The University cannot protect individuals against the existence or receipt of material that may be offensive to them. As such, those who make use of electronic communications are warned that they may come across or be recipients of material they find offensive. Those who use e-mail and/or make information about themselves available on the Internet should be forewarned that the University cannot protect them from invasions of privacy and other possible dangers that could result from the individual's distribution of personal information.

The University's computing and network resources are to be used only for University-related research, instruction, learning, enrichment, dissemination of scholarly information, and administrative activities. The computing and network facilities of the University are limited, and should be used wisely and carefully with consideration for the needs of others. Computers and network systems are powerful communication tools. When used appropriately, these tools can enhance dialog and communications. However, when used unlawfully or inappropriately, they can infringe on the beliefs or rights of others.

Responsibilities

The following examples, though not covering every situation, specify some of the responsibilities that accompany computer and network use at Georgetown University.

1. Users may not attempt to modify or destroy the University's network facilities or computing systems. Users may not tamper with any software protections or restrictions placed on computer applications or files.
2. Users may only use their own computer accounts. They may not supply false or misleading data, or improperly obtain another person's account information to gain access to computers, network systems, data or information. The negligence or naiveté of another user in revealing an account name or password is not considered authorized use. Convenience of file or printer sharing is not sufficient reason for sharing a computer account. Users should not attempt to subvert the restrictions associated with their computer accounts.
3. Users are responsible for all use of their computer account(s). They should make appropriate use of the system and take precautions against others obtaining access to their computer resources. Individual password security is the responsibility of each user.
4. Users may not encroach on others' use of computer resources. Such activities would include, but are not limited to, game playing; sending harassing messages; sending frivolous or excessive messages, including chain letters, junk mail, and other types of broadcast messages; using excessive amounts of storage; intentionally introducing computer viruses, worms, Trojan Horses, or other rogue programs to Georgetown University hardware or software; physically damaging systems; or running grossly inefficient programs when efficient ones are available.

5. Users are responsible for following all copyright and licensing restrictions as listed in the various University policies. Georgetown University equipment and software may not be used to violate copyrights or the terms of any license agreement. No one may inspect, modify, distribute, or copy proprietary data, directories, programs, files, disks or other software without proper authorization.
6. Users must remember that information distributed through the University's computing and networking facilities is a form of publishing, and that some of the same standards apply. For example, anything generated at Georgetown University that is available on the Internet represents Georgetown University, not just an individual. Even with disclaimers, the University is represented by its students, faculty and staff; thus appropriate language, behavior and style is warranted.

Administration and Implementation

The University encourages all members of its community to use electronic communications in a manner that is respectful to others. While respecting users' confidentiality and privacy, the University reserves the right to examine all computer files. The University takes this step to enforce its policies regarding harassment and the safety of individuals; to prevent the posting of proprietary software or electronic copies of electronic texts or images in disregard of copyright restrictions or contractual obligations; to safeguard the integrity of computers, networks, and data either at the University or elsewhere; and to protect the University against seriously damaging consequences. The University may restrict the use of its computers and network systems when faced with evidence of a violation of University policies, federal or local laws. The University reserves the right to limit access to its network through University-owned or other computers, and to remove or limit access to material posted on University-owned computers.

All users are expected to conduct themselves in a manner that is consistent with these responsibilities and policies. Abuse of computing privileges will subject the user to disciplinary action, as established by the applicable operating policies and procedures of the University. Abuse of networks or computers at other sites through the use of Georgetown University resources will be treated as an abuse of computing privileges at the University. If necessary, restrictive actions can and will be taken by system or network administrators pending further disciplinary action; the loss of computing privileges may result.

The University recognizes that all members of the University community are bound by federal and local laws relating to civil rights, harassment, copyright, security and other statutes relating to electronic media. It should be understood that this policy does not preclude enforcement under the laws and regulations of the United States of America or the District of Columbia.