

HOWARD UNIVERSITY

HOWARD UNIVERSITY POLICY AGAINST SEXUAL HARASSMENT AND GENDER-BASED DISCRIMINATION IN EDUCATION PROGRAMS AND ACTIVITIES

COVERAGE

This Policy Statement is applicable to the following:

For Employees:

- Sexual Harassment in Employment (Title VII, Civil Rights Act of 1964)

For Students:

- All gender-based discrimination in Education Programs and Activities (Title IX, Education Amendments 1972)

APPROVED BY THE BOARD OF TRUSTEES
JUNE 5, 1999

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**HOWARD UNIVERSITY POLICY AGAINST SEXUAL HARASSMENT
AND GENDER-BASED DISCRIMINATION
IN EDUCATION PROGRAMS AND ACTIVITIES**

POLICY STATEMENT

Howard University (the "University") reaffirms its commitment to provide opportunities in education and employment free from illegal discrimination based upon gender, sexual orientation, or marital status. In furtherance of this commitment, the University strives to maintain an environment in which all members of the University Community¹ are: (a) judged and rewarded solely on the basis of relevant factors such as ability, experience, effort, and performance; and (b) provided conditions for employment and educational pursuits that are free from gender-based coercion, intimidation, or exploitation.

It is the policy of the University not to discriminate against any employee or applicant for employment on the basis of gender in violation of any applicable law including, but not limited to, Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e), and the District of Columbia Human Rights Act (D.C. Code § 1-2512).

It is also the policy of the University not to discriminate on the basis of gender in the education programs and activities that it operates. Such discrimination is a violation of Title IX of the Education Amendments of 1972, as amended ("Title IX"), and its implementing regulations (34 CFR Part 106). This prohibition against gender-based discrimination also extends to employment in education programs and activities and to admission to such programs and activities.

In addition to violating Federal and local law, sexual harassment can result in both physical and psychological harm to victims, while corrupting the positive work and academic environment the University strives to maintain. Therefore, sexual harassment on the part of any member of the Howard University Community shall not be tolerated under any circumstance or condition.

Engaging in sexual harassment, or failing to carry out the responsibilities established by this Policy, will give rise to disciplinary action, up to and including separation from the University.

While it is the responsibility of the University to disseminate this Policy, it is the responsibility of each member of the University Community to read the Policy and to become familiar with its provisions. Moreover, failure to follow the procedures set forth in this Policy may inhibit or prevent the University from properly investigating an instance of alleged sexual harassment, or from

¹ Members of the "University Community" include the Board of Trustees, students, Faculty, and administrative personnel.

taking appropriate remedial action. Therefore, if an alleged victim fails to follow such procedure he or she may be left without a remedy under this Policy.

The University considers all allegations of sexual harassment to be extremely serious matters. Every complaint of sexual harassment submitted to the University in accordance with this Policy will be reviewed and investigated. The submission of false, spurious, or frivolous claims, however, will result in the immediate consideration of disciplinary action, up to and including termination or, in the case of a student, suspension or expulsion. In addition, in any legal action precipitated by a violation of this Policy in which the University and a member of the University Community are named as "co-defendants," the University may refuse to defend and/or indemnify any co-defendant who is responsible for that violation.²

THIS POLICY IS APPLICABLE TO SEXUAL HARASSMENT IN EMPLOYMENT AND TO BOTH SEXUAL HARASSMENT AND OTHER GENDER-BASED DISCRIMINATION IN EDUCATION PROGRAMS AND ACTIVITIES. GENDER-BASED DISCRIMINATION IN EMPLOYMENT IS COVERED BY THE HOWARD UNIVERSITY POLICY AND PROCEDURE ON EQUAL OPPORTUNITY IN EMPLOYMENT AND EDUCATION PROGRAMS AND ACTIVITIES.

This Policy applies to all members of the University Community. The actions proscribed by this Policy are also applicable to all individuals who are on University premises or on any other property where the University conducts its business. If such an individual commits an act in violation of this Policy, the University will take appropriate remedial measures under the circumstances to sanction the offender, to mitigate against the potential for recurrence, and to discipline any member of the University Community who may have participated in such conduct, or may have failed to stop such conduct when he or she had the authority to do so.

The University's Office of Human Resource Management is primarily responsible for implementing this Policy with respect to employment matters and for ensuring that all employees are adequately trained or otherwise made aware of their responsibilities under this Policy.

The Title IX Coordinator is primarily responsible for implementing this Policy with respect to students.

The Executive Vice President and Chief Operating Officer, shall ensure that appropriate notice of this Policy and its content are distributed to all University vendors and those seeking to do business with the University.

² The decision regarding defense and indemnification will be based on the General Counsel's determination as to whether the co-defendant acted in good faith and not in a manner adverse to the best interests of the University. In addition to its refusal to defend and indemnify, in appropriate cases the University may also file a legal action against a member of the University Community to reimburse the University for any loss it may incur as a result of that person's violation of this Policy or any applicable provision of law.

DEFINITIONS AND EXAMPLES

Employment

With respect to employees of the University, who are performing services as employees, the term "sexual harassment" shall mean unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct is so pervasive or severe that it has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

In determining whether alleged conduct constitutes sexual harassment, the University will look at the record as a whole and at 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 the appropriateness of a particular action will be made from the facts, on a case by case basis.

Education Programs and Activities

With respect to academic programs and activities, the term "sexual harassment" shall mean unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- (1) submission to such conduct is made either explicitly or implicitly a basis for any decision affecting the terms or conditions of participation in any such program or activity or status in an academic course; or
- (2) such conduct has the purpose or effect of unreasonably interfering with a student's educational right, privilege, advantage, or opportunity; or
- (3) such conduct is so pervasive or severe that it creates an intimidating, hostile, or offensive environment for learning and has no reasonable relationship to the subject matter of the relevant course of instruction.

It is also the policy of the University to prohibit discrimination based on gender. Therefore, except as otherwise permitted by law, no person shall, on the basis of gender, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular research, occupational training, or other education program or activity operated by the University. Specifically, in providing any aid, benefit, or service to a student, the University shall not, on the basis of gender:

- a. treat one person differently from another in determining whether such person satisfies any requirement or condition for the provision of such aid, benefit, or service;
- b. provide different aid, benefits, or services or provide aid, benefits, or services in a different manner;
- c. deny any person any such aid, benefit, or service;
- d. subject any person to separate or different rules of behavior, sanctions, or other treatment;
- e. apply any rule concerning the domicile or residence of a student or applicant, including eligibility for fees and tuition;
- f. aid or perpetuate discrimination against any person by providing significant assistance to any agency, organization, or person which discriminates on the basis of gender in providing any aid, benefit or service to students or employees; or
- g. otherwise limit any person in the enjoyment of any right, privilege, advantage, or opportunity.

Examples of Sexual Harassment

The following examples are illustrative of conduct that, if proven, would be considered by the University to establish sexual harassment in either an employment or an academic setting:

- a. unsolicited, unwelcome flirtations, advances, and/or propositions of a sexual nature;
- b. insults, jokes, or anecdotes that belittle or demean an individual or a group's sexuality or gender;
- c. unwelcome sexually-oriented gestures, verbal expressions, or comments of a sexual nature about an individual's body, clothing, or sexual experience;
- d. inappropriate displays of sexually suggestive objects or pictures;
- e. unnecessary and inappropriate touching, such as patting, pinching, hugging, or brushing against an individual's body;
- f. sexual assault (includes all incidents of "criminal sexual conduct" as defined by the District of Columbia Code or the applicable law where the sexual assault takes place); or

- g. suggestions that submission to or rejection of sexual advances will affect decisions regarding such matters as an individual's employment, work assignments, or status, salary, academic standing, grades, receipt of financial aid, or letters of recommendation.

Consensual Relationships

Sexual relationships (including dating) between students and faculty are prohibited under this Policy whether or not such a relationship may violate the law. Therefore, violations of this prohibition by a faculty member and a student will lead to disciplinary action against that faculty member.

Sexual relationships (including dating) between supervisors and their employees are strongly discouraged. In internal proceedings, the University generally will be unsympathetic to a defense based on consent when the facts establish that the accused supervisor had the power to affect the terms and conditions of the complainant's employment. If a complaint is filed in court and a legal action is thereby commenced against the University and/or such supervisor, the University may decline to represent the supervisor and may also decline to provide that supervisor any indemnification for damages awarded against him or her.³

RIGHTS OF THE PARTIES

Rights of the Complaining Party

Any member of the University Community who believes that he or she has been subjected to sexual harassment in violation of this Policy is urged to promptly pursue the matter and to file a complaint in accordance with the procedures described in this Policy. The complaining party will not be reprimanded, retaliated against, or discriminated against in any way for initiating an inquiry or complaint in good faith.

Declination to Defend or Indemnify

The University will not defend or indemnify any member of the University Community in any legal proceeding or other similar action alleging sexual harassment if the Office of General Counsel determines that such member violated this Policy and may have acted

³ The decision regarding defense and indemnification will be based on the General Counsel's determination as to whether the co-defendant acted in good faith and not in a manner adverse to the best interests of the University. In addition to its refusal to defend and indemnify, in appropriate cases the University may also file a legal action against a member of the University Community to reimburse the University for any loss it may incur as a result of that person's violation of this Policy.

either (1) in bad faith; or (2) in a manner adverse to the best interest of the University.

Rights of the Alleged Subject

A person against whom a complaint is lodged shall be presumed innocent of that charge unless and until there is a final administrative finding of culpability or a stipulated admission to the charge by that person.

ACADEMIC FREEDOM

It is the policy of the University to afford Faculty with a fair opportunity to teach and conduct research and to provide services to the community in a setting that provides the academic freedom necessary to cultivate a wide expanse of ideas and teaching methods. It is not the intent of this Policy to inhibit the expression of such ideas or the use of such methods, provided that they are expressed or used in a manner that is consistent with the legitimate rights of students.

PROCEDURES FOR RESOLVING SEXUAL HARASSMENT COMPLAINTS IN EMPLOYMENT

(a) Persons to Contact - Complaints of sexual harassment arising out of employment must be brought to the attention of the University EEO Officer, or the appropriate EEO Designee, for resolution in accordance with these procedures. Complaints about sexual harassment committed by agents or employees of vendors, independent contractors, or others who do business with the University, and by any other non-employee must be brought to the attention of the Vice President for Human Resources and the University EEO Officer.

The University EEO Officer is Martha Baron and her address is C.B. Powell Building, 525 Bryant Street, N.W., Suite 108, Washington, D.C. 20059. The telephone number of the EEO Officer is (202)806-5770. The Vice President for Human Resources is Artis Hampshire-Cowan and her address is 2400 6th Street, N.W., Suite 440, Washington, D.C. 20059. The telephone number of the Vice President is (202)806-2250.

If either of the individuals occupying the positions described in the preceding paragraph is the subject of a complaint, the complaint shall be filed with the General Counsel. With respect to such complaints, the General Counsel shall determine the most appropriate manner to investigate and resolve the complaint consistent with the remaining provisions of this Policy.

The EEO Designees and the respective units within their assigned areas of responsibility are as follows:

EEO Designee	Office/Address	Telephone	Unit
Sharon P. Banks	President 2400 6 th Street, N.W. Suite 321	806-2650	-Office of the President -General Counsel -Internal Auditor -Secretary of Univ. -Dean of Chapel
Martha C. Baron	Vice President for Human Res. Human Resource Management 525 Bryant Street, N.W. First Floor	806-5770	-Human Resources Mgt. -Prof. Development Leadership Academy
Dr. Carmen Cannon	Provost Administration Bldg. 2400 Sixth St., N.W. Suite 405	806-2550	-All Schools and Colleges -All Operating Units that report to Provost.
Alfred Fisher	Provost Howard University Hospital 2041 Georgia Avenue, N.W. Tower II Bldg. - Suite 6000	865-7470	Colleges of: -Medicine -Dentistry -Pharmacy, Nursing, and Allied Health Sciences.
Diane Wyatt-Hammond	Executive Vice President/COO 2400 6 th Street, N.W. Suite 317 (1 of 2)	806-2570	-Treasury Management -Student Financial Services -Financial Management -All other operating Units that report to Exe. Vice Pres.
Terry Anderson	Executive Vice President/COO 2400 6 th Street, N.W. Suite 317 (2 of 2)	806-2050	-Cramton Auditorium -Physical Facilities Mgmt. -Parking -Security
Alfred Fisher	Vice President for Health Affairs Howard University Hospital 2041 Georgia Avenue, N.W. Tower II Bldg. - Suite 6000	865-7470	-Student Health Services -Beltsville Animal Research -Health Sciences Lab -Radiation Safety
Renee Turner-Inman	Vice President for Health Affairs Howard University Hospital Human Resources - Rm. 2039 2041 Georgia Avenue, N.W.	865-6650	-Howard University Hospital -HUMED, Medical Arts, -Sickle Cell Center -Cancer Center
Dr. Nicole Scott-Connerly	Vice President for Student Affairs C. B. Powell Building Student Resource Center - Rm. G7 6 th and Bryant Streets, N.W.	806-6870	-Special Student Services -Counseling & Career Svs. -Residence Life -Student Life Activities -Intercollegiate Athletics
Diane Spaulding	Vice Pres. for Univ. Advancement Howard University Center 2225 Georgia Avenue, N.W.	238-2347	-Annual Giving -Alumni Relations -Communications -All other Units that report to Vice Pres. for Advancement.
Lana Love	Vice Pres. for Government Affairs 2400 6 th Street, N.W. Suite 302	806-2530	-WHUT-TV, WHUR-FM -Information Systems & Svs. -Government Affairs -HU Research & Planning -All other Units that report to the V. Pres. for Gov't Affairs.

EEO Designees shall be appointed for varying terms by the Vice President for Human Resources after consultation with the appropriate Vice President responsible for the supervision of the unit that employs the Designee. No Designee, however, shall be permitted to investigate any matter or consult with any potential complainant without first receiving training of a type and duration specified by the Vice President for Human Resources. Such training shall be completed within 60 days after the selection of the Designee by the Vice President for Human Resources.

The Vice President for Human Resources shall be responsible for disseminating changes in the designation of EEO Designees among members of the University Community.

All complaints filed with EEO Designees shall be submitted to the EEO Officer for review and assignment.

Employees are encouraged to consult with the EEO Officer or their assigned EEO Designee if they have any questions regarding this Policy including, but not limited to, the appropriateness of filing a complaint. If an employee so elects, the EEO Officer or Designee, as appropriate, may attempt to effect a resolution of issues of concern prior to the filing of a complaint by the employee.

(b) Required Information -- A complaint must be in writing and include the name(s), date(s), time(s), description of specific incident(s), and any other information on which the complaint is based. The complainant must sign the complaint and be willing to be identified to witnesses and to the person against whom the complaint is directed, if that is determined necessary by the University to resolve the complaint.

(c) Time of Filing -- A complaint of sexual harassment in employment must be filed within 45 calendar days following the date of the alleged harassment. If, however, an individual reasonably believes that he or she may be the subject of an adverse personnel action in violation of this Policy's prohibition against sexual harassment, a timely complaint must be filed within 30 calendar days after the employee had actual knowledge that the action would be taken, or within 30 days after the effective date of such adverse action, whichever is earlier. For the purposes of this paragraph the term "adverse action" shall include the failure to hire, firing, the failure to promote, demotion, and all forms of disciplinary action.

(d) Interim Remedial Action -- Promptly upon notification of a complaint, the EEO Officer or the assigned EEO Designee will discuss with the complainant the nature of the complaint and will determine whether interim remedial measures should be taken to alleviate problems or conflicts pending an investigation and resolution. Such measures may involve either the complainant or the accused (the "subject") and may include a transfer, reassignment of duties or reporting requirements, mandatory administrative leave with pay, or other appropriate measures. Such measures, however, shall not be considered disciplinary action against any person and may only be taken with the concurrence of the Vice President for Human Resource Management, after consultation with the Office of General Counsel.

(e) Investigation -- The EEO Officer will conduct, or manage, the investigations of all sexual harassment complaints regarding employment related issues. At the election of the EEO Officer, the conduct of an investigation may be delegated

to the appropriate EEO Designee or, with the concurrence of the General Counsel, to an outside law firm or consultant. If a consultant or law firm is used to conduct an investigation, it will be selected and retained by the General Counsel and its Report of Investigation may be disclosed only to the extent authorized by the General Counsel.

(f) Methods of Investigation -- The conduct of investigations must include an interview of the complainant and may include one or more of the following fact-finding methods:

- (i) review of all relevant documents including, but not limited to, employment applications, performance reviews, and records of any past discipline;
- (ii) personal interviews with co-workers, supervisors, and any other person who may have knowledge or information relevant to the allegations in the complaint; or
- (iii) letters of inquiry by the investigator to those persons described in (ii) above.

(g) Notice to Subject - The subject of the investigation shall have the right to be informed, in writing, of the charges contained in the complaint and to submit a written response to those charges.

(h) Confidentiality - To the fullest extent practicable and consistent with the University's need to investigate and take corrective action, complaints of sexual harassment will be processed confidentially. However, the name of the complainant may be revealed, as well as all material circumstances of the alleged sexual harassment, if the University determines that such action is necessary to resolve the complaint.

(i) Resolution - Upon the conclusion of a sexual harassment investigation involving employment matters, a Report of Investigation shall be prepared and forwarded by the EEO Officer to the Vice President or other appropriate authority⁴ ("Decisional Authority") who has supervisory responsibility over the organizational unit employing the subject. The Report shall contain a brief description of the complaint, a statement of the methodology used to investigate the complaint, findings of material fact, and an opinion of the investigator as to whether the allegations of the complaint are sustained by the facts.⁵ A recommendation for specific

⁴ Such other "authority" may be the President, the Provost, or the General Counsel, for those individuals who report directly to each of them.

⁵ Such a determination should be based on the investigator's good faith belief as to whether credible and relevant facts make it more likely than not that the alleged harassment did take place.

remedial action shall not be provided unless such a recommendation is subsequently requested by the Decisional Authority. The Decisional Authority shall take such remedial measures as may be appropriate under the circumstances, after consultation with the Office of General Counsel. The Decisional Authority's action, or declination of action, constitutes the final administrative action of the University and shall not be subject to appeal.

(j) Notification - In the event that allegations of sexual harassment are sustained, the Decisional Authority responsible for reviewing the Report on Investigation shall: (a) notify the subject of investigation of the findings and of the remedial action taken or to be taken; and (b) notify the complaining party that the allegations have been sustained and that appropriate remedial action has been or will be taken. The complainant shall be informed of the nature of such action only in the event that the remedial action may affect the terms and conditions of the complainant's employment.

In the event that the allegations of sexual harassment are not sustained, the Decisional Authority responsible for reviewing the Report on Investigation shall notify the complainant and the subject of that fact.

(k) Alternative Procedures - If a Vice President (or person of similar rank) is the subject of a complaint, the President shall be the official to whom the Report of Investigation shall be furnished and who shall take such remedial action as may be appropriate. If the President, in his individual capacity, should be the subject of a complaint, the Vice President of Human Resources shall notify the General Counsel who, in turn, shall recommend a special investigative protocol to the Chairman of the Audit and Legal Committee of the Board of Trustees. Thereafter, such complaint shall be investigated as directed by such Committee.

PROCEDURES FOR RESOLVING SEXUAL HARASSMENT AND GENDER-BASED COMPLAINTS IN EDUCATIONAL PROGRAMS OR ACTIVITIES⁶

(a) Persons to Contact - Student complaints of sexual harassment or gender-based discrimination (hereinafter "discrimination") by Faculty members or other students in the conduct of education programs or activities should be brought to the attention of the Dean or Title IX Designee of that College or School, or other organizational unit of the

⁶ If a student is charged with a violation of this Policy, the procedures recited in the *Student Code of Conduct and Judiciaries* shall be used in lieu of those specified in this Policy for the imposition of discipline, if appropriate.

University, that employs such Faculty member or enrolls such students. If the complainant is enrolled in a different College or School, the complaint should be filed with the College or School that employs the Faculty member or where such students are enrolled and a confidential copy of the complaint should also be provided to the Dean of the College or School in which the complainant is enrolled. In all circumstances, however, the Dean of the College or School where the complaint is filed shall be considered the University official empowered under this Policy to take all remedial action as may be necessary to resolve such complaints. Therefore, the failure to timely file such a complaint with the appropriate Dean or Title IX Designee may adversely affect the ability of the University to take any remedial measures under this Policy.

All other complaints of sexual harassment or discrimination in the conduct of education programs or activities (other than employment discrimination complaints) shall be initially filed with the University's Title IX Coordinator who shall thereafter: (1) assign a Title IX Designee to investigate the matter; and (2) identify the appropriate University official to take remedial action under the circumstances ("Title IX Decisional Authority"). The Title IX Coordinator is Sharon P. Banks, Esq., Senior Associate General Counsel, Office of the General Counsel, Administration Building, 2400 6th Street, N.W., Suite 321, Washington, D.C. 20059, (202)806-2650.

In addition to or instead of the persons described in the preceding two paragraphs, a student may file a complaint of sexual harassment or gender-based discrimination, or discrimination based on race, color, or national origin, with the United States Department of Education, Office for Civil Rights ("OCR"). The address and telephone number of the appropriate OCR District are as follows:

U. S. Department of Education
Office for Civil Rights
District of Columbia Office
1100 Pennsylvania Avenue, N.W., Rm. 316
Post Office Box 14620
Washington, D.C. 20044-4620
Telephone: (202)208-2545
FAX: (202)208-7797; TDD (202)208-7741

If a student has been the victim of a sexual assault, medical attention is available at Howard University Hospital, 2041 Georgia Avenue, N.W., Washington, D.C. 20060, (202)865-1131. Medical attention is also available at the Student Health Center, 6th and College Streets, N.W., (202)806-7540, Monday, Wednesday, and Thursday from 10 a.m. to 3 p.m. Counseling services are available at the University Counseling Center which is located in the C.B. Powell Building, 6th and Bryant Streets, N.W., (202)806-6870. Inquiries should be directed to the Director of the Center. The Center is open from 8 a.m. to 6 p.m., Monday through Friday. When the Center

is closed, the student may contact Howard University Campus Police or the resident assistant of any University Dorm. Sexual assaults should also be reported to law enforcement authorities at the Metropolitan Police Department, Third District, (202)673-6815, or the Detectives Office (202)673-6915. Sexual assaults may also be reported to the Metropolitan Police Department through the Howard University Campus Police Department, located at 2244 Tenth Street, N.W., (202)806-1100.

Title IX Designees shall be appointed by the Title IX Coordinator after consultation with the appropriate Vice President or Dean responsible for the supervision of the college or school that employs the Designee. No Designee, however, shall be permitted to investigate any matter or consult with any potential complainant without first receiving training of a type and duration specified by the Title IX Coordinator. Such training shall be completed within 60 days after the selection of the Designee by the Title IX Coordinator.

All complaints filed with Title IX Designees shall be submitted to the Title IX Coordinator for review and assignment.

Students are encouraged to consult with the Title IX Coordinator or their assigned Title IX Designee if they have any questions regarding this Policy including, but not limited to, the appropriateness of filing a complaint. If a student so elects, the Title IX Coordinator or Designee, as appropriate, may attempt to effect a resolution of issues of concern prior to the filing of a complaint by the student.

The Deans and their Title IX Designees are as follows:

College/School	Dean	Title IX Designee	Address	Telephone
Arts & Sciences	Dr. Clarence M. Lee	Dr. Charles Jarmon Dr. Robert Catchings Dr. Paul Logan Dr. Tritobia Benjamin Andrena Wright	2441 6 th St., NW Suite 101	806-6700
Communications	Dr. Jannette Dates	Dr. David Woods Harriet Ragin	525 Bryant St., NW Room C-204	806-7694
Divinity	Dr. Clarence Newsome	Dean Bertram Melborne Cassandra Newsome	1400 Shepherd St. NE Room 149	806-0500
Education	Dr. Veronica Thomas	Dr. Delores Dickerson	2441 4 th St., NW Room 104	806-7340
Business	Dr. Barron Harvey	Carol Henley Harold Degray	2600 6 th St., NW Room 571	806-1500
Dentistry	Dr. Charles Sanders	Dr. Leo Rouse Dr. Theola Douglass	600 W St. NW Room 5D6	806-0440
Eng., Archi., & Computer Sci.	Dr. James Johnson	Marilyn Nolley	2300 6 th St., NW Room 1016	806-6565
Pharmacy, Nursing & Allied Health Sciences	Dr. Pedro Lecca	Dr. Vincent Telang Dr. Peggy Valentine Dr. Dorothy Powell Debby Penaman	2300 4 St.- Pharmacy 501 Bryant St.- Nursing 6 th & Bryant - AH	806-5431
Graduate School Arts & Sci.	Dr. Orlando Taylor	*	4 th & College St., NW, Annex III	806-6800
College of Med.	Dr. Floyd Malveaux	Sterling M. Lloyd Pauline Titus-Dillon	520 W St., N.W. Room 512	806-6270
Law	Dr. Alice Gresham Bullock	Denise Purdy Sam McClendon	2900 Van Ness St., NW, Room 112	806-8000
Social Work	Dr. Richard A. English	Dr. Annie Brown	601 Howard Pl., NW Room 209	806-7311

* To be named.

(b) Required Information - A complaint must be in writing and include the name(s), date(s), time(s), description of specific incident(s), and any other information on which the complaint is based. The complainant must sign the complaint and be willing to be identified to witnesses and to the person against whom the complaint is directed, if that is determined necessary by the University to resolve the complaint.

(c) Time of Filing - A complaint of sexual harassment or discrimination in the conduct of education programs and activities must be filed within 60 calendar days following the date of the alleged harassment.

(d) Interim Remedial Action - Promptly upon the filing of a complaint by a student, the Dean, or that person within the Office of the Dean who has been designated to be the Title IX Designee for the College or School, shall notify the Title IX Coordinator. After consultation with the Title IX Coordinator, the Dean, or Title IX Designee, shall discuss the complaint with the complainant and determine whether interim remedial measures should be taken to alleviate problems or conflicts pending an investigation and resolution. Such measures may involve either the complainant or the subject and may include class reassignments, a transfer from teaching to administrative, research, or other non-teaching duties; administrative leave (with pay); or excusable absences from class and/or class assignments. Such measures, however, shall not be considered disciplinary action against any person and may only be taken with the concurrence of the Provost, after consultation with the Office of General Counsel.

(e) Investigation - The Deans or the assigned Title IX Designees, will conduct investigations of all sexual harassment or discrimination complaints regarding education programs or activities. The Title IX Coordinator shall be responsible for the management of all such investigations. With the concurrence of the General Counsel, the conduct of an investigation may be delegated to outside law firms or consultants. If a law firm or consultant is used, however, it shall be selected and retained by the General Counsel and its Report of Investigation may be disclosed only to the extent authorized by the General Counsel.

(f) Methods of Investigation - The conduct of investigations must include an interview of the complainant and may include one or more of the following fact-finding methods:

- (i) review of all relevant documents including, but not limited to, academic records;

(ii) personal interviews of Faculty, students, administrators, staff and other persons who may have knowledge or information relevant to the allegations in the complaint; or

(iii) letters of inquiry by the investigator to those persons described in (ii) above.

(g) Notice to Subject - The subject of the investigation shall have the right to be informed, in writing, of the complaint and to submit a written response to the charges.

(h) Confidentiality - To the fullest extent practicable and consistent with the University's need to investigate and take corrective action, complaints of sexual harassment or discrimination will be processed confidentially. However, the name of the complainant may be revealed, as well as all material circumstances of the alleged sexual harassment, if the University determines that such action is necessary to resolve the complaint.

(i) Resolution - Upon the conclusion of a sexual harassment or discrimination investigation in education programs or activities, a Report of Investigation shall be prepared by the Dean, or the Title IX Designee and shall be forwarded by the Title IX Coordinator to the Provost or other Title IX Decisional Authority.⁷ The Report shall contain a brief description of the complaint, a statement of the methodology used to investigate the complaint, findings of material fact, and an opinion of the Dean, or the Title IX Designee, as to whether the allegations of the complaint are sustained by the facts.⁸ If the complaint involves allegations of sexual harassment or discrimination by Faculty members, the Report shall be accompanied by a recommendation from the relevant Dean of what remedial measures, if any, the Dean believes may be appropriate under the circumstances. Such measures shall be adopted by the University unless the Provost, after consultation with the Office of General Counsel, finds such measures unreasonable under the circumstances. In all other situations, the investigator shall not make a recommendation for specific remedial action unless subsequently requested by the Provost or other Title IX Decisional Authority. In such latter cases, the Provost or other Title IX Decisional Authority shall take or direct such remedial measures as may be appropriate under the circumstances, after consultation with the Office of General Counsel. The action, or declination

⁷ Such other "Decisional Authority" may be the President, the Provost, or the General Counsel, for those individuals who report directly to each of them.

⁸ Such a determination should be based on the investigator's good faith belief as to whether credible and relevant facts make it more likely than not that the alleged harassment or discrimination did take place.

of action, by the Provost or other Title IX Decisional Authority may not be appealed to any other authority.

(j) Notification - In the event that the allegations of sexual harassment or discrimination in education programs or activities are sustained, the Provost or other Title IX Decisional Authority shall: (i) notify the subject of the investigation of the findings and of the remedial action taken or to be taken; and (ii) notify the complaining party that the allegations have been sustained and that appropriate remedial action has been or will be taken. The complainant shall be informed of the nature of such action only to the extent necessary to demonstrate that the allegations have been appropriately redressed.

In the event that the allegations of sexual harassment or discrimination in the conduct of education programs or activities are not sustained, the Provost or other Title IX Decisional Authority shall advise the complainant and the subject of that fact.

(k) Alternative Procedures - If the Provost or a Vice President (or person of similar rank) is the subject of a complaint of sexual harassment in the conduct of education programs or activities, the Report of Investigation shall be furnished by the Title IX Coordinator to the President who shall take such remedial action as may be appropriate. If the President, in his individual capacity, should be the subject of such a complaint, the Title IX Coordinator shall notify the General Counsel who, in turn, shall recommend a special investigative protocol to the Chairman of the Audit and Legal Committee of the Board of Trustees. Thereafter, such complaint shall be investigated as directed by such Committee.

CONFLICTS OF INTERESTS

If the performance of any duty or responsibility hereunder by University employees presents, in the opinion of the General Counsel, any actual or apparent conflict of interest or violation of the University's Code of Ethics and Conduct, the General Counsel may reassign duties and/or responsibilities of such employees on a case-by-case basis to avoid such conflict or violation.

EFFECT ON FORMER POLICIES AND PROCEDURES

This Policy Against Sexual Harassment and Gender-based Discrimination in Education Programs and Activities supersedes and replaces, in their entirety, all previous University policies and procedures dealing with this subject matter.