

Draft Anti-Bullying Policy for George Washington University

February, 2023

Contents

I. Statement of Principles	2
II. Definition of Bullying	3
III. Jurisdiction.....	5
IV. Academic Freedom and Free Speech.....	5
V. Procedures.....	6
A. Reporting Allegations of Bullying.....	6
B. Sanctions and Corrective Action	8
C. Retaliation.....	8
D. Contacts.....	9

I. Statement of Principles¹

George Washington University is committed to cultivating a community that is open, welcoming, and inclusive, and that supports an educational and work environment where academic freedom and freedom of expression are equally upheld for all members of the campus community.² Bullying, hostile and abusive behavior, and power-based harassment, as explicitly defined in this Anti-Bullying Policy (“the Policy”), directly threaten the ability of community members to engage in the free exchange of ideas and pursue their educational and professional goals.

The University has a policy that prohibits bullying and harassment directed at individuals based on real or perceived membership in a protected identity category or protected characteristic,³ there currently are no equivalent policies that prohibit equally-abusive bullying and harassing behavior that is not deemed to be based on membership in a protected category or protected characteristic. This has left many members of the University community unprotected and vulnerable to harassing conduct that threatens their safety, denies them full and equal freedom of speech and academic freedom, and impedes their willingness and ability to fully participate in campus life.

This Policy seeks to address the disparity between administrative responses to harassing behavior that is explicitly addressed under campus harassment policies, and equally harassing behavior that is not adequately addressed by current GW policies, in order to ensure that *all* members of the campus community are protected from bullying, hostile and abusive behavior, and power-based harassment.

The Policy is intended to educate community members about bullying and to provide informal and formal mechanisms for addressing and rectifying behaviors that impinge on any member’s ability to fully participate in campus life. **No one at George Washington University should face bullying**, and all community members should feel confident in reporting any incidents without fear of retaliation. The University strongly encourages anyone who has been bullied, or anyone who observes such behavior, to make a report through the channels outlined in the Policy. The University will respond promptly to reports of bullying and will take appropriate action to prevent and respond to behavior

¹ The first two sections of this Policy – Statement of Principles and Definition of Bullying – draw heavily upon Harvard University’s Draft Anti-Bullying Policy, which was proposed in September 2021 by a steering committee consisting of faculty, staff and students tasked by Harvard’s Provost with recommending “University-wide policies and procedures to deal with other [non-sexual or gender-based] forms of harassment...including but not limited to race and ethnicity discrimination, and abusive and intimidating conduct.” The steering committee’s final report can be found here: https://communitymisconductpolicies.harvard.edu/files/policyworkinggroups/files/final_steering_committee_report.pdf?m=1649266842

Harvard’s Draft Anti-Bullying Policy can be found here: https://communitymisconductpolicies.harvard.edu/files/policyworkinggroups/files/draft_nondiscrimination_and_antibullying_policies_april_2022_0.pdf?m=1649267002

² <https://studentconduct.gwu.edu/code-student-conduct-0#Basic%20Assumptions>

³ <https://compliance.gwu.edu/equal-opportunity-nondiscrimination-anti-harassment-and-non-retaliation>

that violates the Policy.

This Policy applies to all members of the GW community, including students, faculty, researchers, and staff. The Policy is limited to behavior not already covered by other University policies, including those against sexual and gender-based harassment and other sexual misconduct, discrimination, or research misconduct.

Retaliation is prohibited against an individual for raising a good-faith allegation, for cooperating in an investigation of such a complaint, for opposing prohibited conduct, for denying or defending oneself against an allegation, or for offering or providing support to an individual who makes or may make a good-faith report of misconduct. Submitting a complaint in bad faith or providing materially false or misleading information in an investigation is also prohibited.

II. Definition of Bullying

Bullying, used as a shorthand for hostile and abusive behavior or power-based harassment, is defined here as harmful interpersonal aggression by words or actions that humiliate, degrade, demean, intimidate, and/or threaten⁴ an individual or individuals. For a violation of the Policy to occur, such aggression must be **so severe, pervasive, and objectively offensive, and that so undermines and detracts from the victims' educational experience, that the victims are effectively denied equal access to the University's resources and opportunities.**⁵ Unless sufficiently pervasive, persistent and objectively offensive, a single act typically would not constitute bullying.

The Policy is intended to ensure that all community members, regardless of rank or status, may pursue their learning and/or work. Power-based harassment is of particular concern because of the ways in which it can create a broader culture of abusive behavior. While bullying may in many cases involve an imbalance of power, this Policy recognizes that bullying may also occur between community members in the same role, or of the same rank or status.

Conduct that violates this Policy by meeting the above behavioral threshold for bullying may include, but is not limited to, the following:

- Abusive expression directed at an individual or individuals, such as derogatory remarks, epithets, or ad hominem attacks that are outside the range of commonly accepted expressions of disagreement, disapproval, or critique in an academic community and professional setting that respects free expression. The Policy encompasses abusive expression or ad hominem

⁴ Informing individuals of possible negative consequences will not on its own be considered a threat that violates this policy, unless a reasonable person would find the manner in which the individual is informed of the possible consequence or the consequence itself to be inappropriate or solely intended to intimidate.

⁵ This definition of bullying closely tracks the Supreme Court's behavioral threshold for harassment, as stated in *Davis v. Monroe County Board of Education* (526 U.S. 629, 651 (1999)). An identical definition will be applied by the University in adjudicating complaints of discriminatory harassment.

attacks that are verbal or nonverbal, spoken or written, recorded, visual, or digital, including content posted to online platforms, academic tools, or social media sites. Examples include:

- Deliberate and repeated humiliation. This could include actions such as deliberate and repeated shaming of peers on online platforms (e.g., Slack) in response to ideas, beliefs, or opinions shared in the classroom.
- Malicious comments about a person's appearance, lifestyle, family, or culture.
- Unwarranted physical contact or intimidating gestures directed at an individual or individuals. Examples include:
 - A physical, verbal, and/or written act toward another person, which causes them reasonably to fear for their safety and/or the safety of others.
 - Invading personal space after being asked to move or step away.
- Conspicuous and unwarranted exclusion or isolation of an individual or individuals, with the effect of harming their reputation in the learning and/or workplace environment and hindering their learning or work.
- Sabotage or threatened sabotage of the studies, work, or career advancement of an individual or individuals. Examples include:
 - Interfering or threatening to interfere with a person's visa status.
 - Spreading false or misleading information or malicious rumors.
 - Sharing confidential information about another person without a legitimate pedagogical or employment-related purpose.
 - Interfering with a person's personal property or work equipment.
 - Damaging or destroying a person's work.
- Abuse of authority, such as using inappropriate threats or retaliation in the exercise of authority, supervision, or guidance, or impeding or attempting to impede another person from exercising rights under any of George Washington University's policies or procedures.

The Policy is not intended to discourage or interfere with ordinary educational, mentoring or managerial relationships, including the solicitation or delivery of constructive or critical feedback. Bullying must therefore be distinguished from behavior which may be unpleasant or unsettling but is nevertheless appropriate for carrying out certain pedagogical or employment-related responsibilities.

Examples of conduct that would not ordinarily violate this Policy include the following:

- Interpersonal communications involving differences of opinion, interpersonal conflicts, and occasional disagreements, which are often part of campus life and do not necessarily constitute bullying.
- Critical feedback on the academic work of students, including advising a student of unsatisfactory academic work and the potential for course failure or dismissal from the program.
- Critical feedback on the inappropriate behavior of individuals, including advising of the consequences of inappropriate conduct, poor performance, or

- failure to follow policy.
- Classroom discussion of academic research or reasoned opinion on controversial issues.
- Pedagogical decisions concerning topics to be considered and methods to be used to draw students into discussion (e.g., the cold-calling Socratic Method, which has a clear pedagogical use but which some students may consider unpleasant or unsettling).
- Administrative actions such as performance reviews (including negative performance reviews), assigning work to employees, or other managerial decisions.

III. Jurisdiction

This Policy and its accompanying procedures apply to alleged acts of bullying, including online bullying, that are committed by any member of the George Washington community, including students, faculty, researchers, postdoctoral fellows, and staff, but does not apply to alleged misconduct that may fall within the scope of other University policies. Alleged misconduct that is dealt with under other University policies (e.g. those regarding sexual and gender-based harassment and other sexual misconduct, discrimination, or research misconduct) will not be covered by this Policy unless a determination is made by those responsible for those other policies that the behavior fits more appropriately in this Policy.

This Policy and its accompanying procedures apply when the alleged conduct occurs:

1. On George Washington property, including George Washington e-mail or computer systems, or
2. Off George Washington property, including conduct using social media or other non-George Washington online platforms, if
 - The conduct was in connection with a University program, a University-recognized program or activity, or another work-related activity such as attending a conference, conducting research in the field, providing expertise to policymakers, presenting a talk at another institution or venue, etc., and
 - The conduct may have the effect of creating a hostile or abusive environment for a member of the University community.

IV. Academic Freedom and Free Speech

This Policy should also be construed within the context of George Washington University's enduring commitment to academic freedom and free inquiry, and the conception of the University as a place that must encourage reasoned dissent and the free exchange of ideas, beliefs, and opinions, however unpopular. This Policy is not intended to constrain the freedom of University community members to engage in academic disagreements or to speak out about troubling matters, criticize the administration or University policies, or take part in political protest.

However, our academic community also recognizes that **when bullying is committed against students or faculty, it threatens their academic freedom and freedom of speech**. Therefore, addressing allegations of bullying involving elements of speech will be considered in keeping with the University’s commitment to protecting academic freedom and free speech.

Since bullying itself impedes the academic freedom and freedom of expression of its victims, abusive verbal behavior that violates this Anti-Bullying Policy – i.e. that is “so severe, pervasive, and objectively offensive, and that so undermines and detracts from the victims’ educational experience, that the victims are effectively denied equal access to the University’s resources and opportunities” – **is not protected by academic freedom or freedom of speech**, and will be sanctioned in accordance with this Policy.

V. Procedures

The following procedures for reporting bullying or retaliation, responding to reports, and remedies for corrective action are wholly consistent with and equivalent to GW’s procedures for addressing discriminatory harassment, which are included in the University’s Equal Opportunity, Nondiscrimination, Anti-Harassment and Non-Retaliation Policy⁶.

A. Reporting Allegations of Bullying

Individuals who believe they have been subject to bullying in violation of this Policy may make reports as follows:

- Concerns about the conduct of a student or student organization under this policy can be brought to the Office of Student Rights and Responsibilities.

[Office of Student Rights and Responsibilities \(SRR\)](#)

University Student Center
Phone: 202-994-6757
Email: rights@gwu.edu

Allegations of violations of this Policy by a student or student organization will follow the processes outlined in the Code of Student Conduct.

⁶ <https://compliance.gwu.edu/equal-opportunity-nondiscrimination-anti-harassment-and-non-retaliation>

- Concerns about the conduct of a non-faculty staff member under this policy can be brought to the Equal Employment Opportunity and Access office.

[Equal Employment Opportunity and Access \(EEOA\)](#)

2013 H Street, NW, Suite 204
Washington, D.C. 20052
Phone: (202) 994-9656

Email: eeo@gwu.edu

Allegations of violations of this policy will be reviewed and/or investigated by EEOA or designee.

- Concerns about the conduct of a faculty member under this policy can be brought to the Office of the Provost, Office for Faculty Affairs.

Office of the Vice Provost for Faculty Affairs
1918 F Street, NW
Washington, DC 20052
Phone: (202) 994-5884
Email: facultyaffairs@gwu.edu

Allegations of violations of this policy will be reviewed and/or investigated by the Office for Faculty Affairs or designee. Concerns reported by students will follow the processes outlined in the Student Discrimination Report Procedures.⁷ Nothing in this policy shall be construed to revoke any right of a faculty member to file a grievance under the Faculty Code.

- Concerns of bullying under this policy may also be reported through the university's ethics and compliance hotline, EthicsPoint. Reports may be made on an anonymous basis. The Office of Ethics and Compliance will review hotline reports concerning bullying under this Policy and refer the report to the appropriate office(s) for further consideration as appropriate.

Reports may be made online or by phone:

[EthicsPoint](#)

Phone: 888-508-5275

⁷ <https://studentconduct.gwu.edu/student-discrimination-report-procedures>

B. Sanctions and Corrective Action

Findings of violations of this Policy made by the offices identified above may result in the imposition of sanctions and/or corrective action, in accordance with applicable policies, e.g., the Code of Student Conduct, the Faculty Code, and the Employee Handbook. Sanctions and corrective actions for students and student organizations may include, but are not limited to, censure, disciplinary probation, restitution, removal from university residence, suspension, expulsion, restriction from employment at the university, educational program attendance, educational project, professional assessment, removal from specific courses, activities or organizations, No Contact Order, transcript notation and/or notification to other institutions, withholding or delaying the conferral of a degree, prohibitions against participation in academic honor ceremonies (such as graduation), training, and guidance.

Sanctions and corrective actions for faculty and staff include, but are not limited to, oral or written warning/reprimand, suspension, termination of employment, training, guidance, and adjustment of supervisory or evaluative responsibilities. Dismissal of a tenured faculty member will be subject to Article V.C.1. of the Faculty Code and Section F of the Procedures for Implementation of the Faculty Code.

The University may take appropriate measures at any time to protect the health and safety of members of the university community.

C. Retaliation

Retaliation against a person who reports an allegation of bullying or who provides information or participates in an investigation or proceeding related to this policy is prohibited by law. Allegations of Retaliation, will be investigated and may result in disciplinary action, up to and including expulsion or termination. Retaliation is materially adverse action, such as disciplinary action, violence, threats or intimidation, intended to punish or discourage an individual or group of individuals from engaging in protected activity. Protected activity includes making a good faith report under this policy; filing an external complaint for issues arising under this policy; participating in proceedings related to this policy; or opposing in a reasonable manner and consistent with university policy an action reasonably believed to constitute a violation of this policy. More information can be found in the university's [Non-Retaliation Policy](#).

D. Contacts

Contact	Phone Number	Email Address
Office of Student Rights and Responsibilities (SRR)	202-994-6757	rights@gwu.edu
Equal Employment Opportunity and Access	202-994-9656	eeo@gwu.edu
Office of the Vice Provost for Faculty Affairs	202-994-5884	facultyaffairs@gwu.edu
Vice Provost for Diversity, Equity and Community Engagement (ODECE)	202-994-7297	diverse@gwu.edu
Office of Ethics, Compliance, and Risk	202-994-3386	comply@gwu.edu