



Policy for Resolving Complaints of Discrimination Harassment, Sexual Assault and Sexual Harassment

A. Purpose and Scope

Wesleyan does not discriminate on the basis of race, creed, color, ethnicity, national origin, religion, gender, sexual orientation, gender identity, gender expression, genetic information, familial status, marital status, pregnancy, age, disability status or veteran status. This policy applies to students, employees and applicants with respect to participation in any program, benefit, activity or student/employment opportunity offered by Wesleyan, except Wesleyan College does not admit men to its baccalaureate programs, in accordance with Title IX.

This policy applies to all complaints of discrimination and/or harassment, whether the parties are students, recognized student organizations, employees, campus visitors, persons participating in campus activities, or persons conducting business with the College. Every member of the Wesleyan community is expected to uphold this policy as a matter of mutual respect and fundamental fairness in human relations. Every student has a responsibility to conduct themselves in accordance with this policy as a condition of enrollment. No person shall be retaliated against for reporting violations or concerns about prohibited discrimination or bias through appropriate Wesleyan channels.

This complaint process involves an immediate initial investigation to determine if there is reasonable cause to believe the nondiscrimination policy has been violated. If so, the College will initiate a prompt, thorough and impartial investigation. This investigation is designed to provide a fair and reliable determination about whether Wesleyan's nondiscrimination policy has been violated. If so, the College will implement a prompt and effective remedy designed to end the discrimination, prevent its recurrence and address its effects.

B. Reporting Complaints of Discrimination, Harassment or Sexual Misconduct

1. Filing Complaints with the Appropriate Coordinator

Students who wish to report a concern or complaint relating to discrimination or harassment may do so by completing Wesleyan's Discrimination, Harassment and Title IX Complaint Form and filing the report on-line. Reports may be made anonymously. Additionally, verbal and written complaints may be filed with the following individuals:

Complaints based on **race, creed, color, ethnicity, national origin, religion, marital status, or veteran status** discrimination should be filed with the following coordinator:

Patricia M. Gibbs
Title IX Coordinator
The Vice President for Student Affairs
Huckabee Hall
(478) 757-5216
pgibbs@wesleyancollege.edu

Complaints based on **disability, pregnancy, and genetic information** discrimination should be filed with the following coordinator:

Christy Henry
Deputy Title IX Coordinator
OSP – Academic Center
478-757-5219
chenry@wesleyancollege.edu

Complaints based on **gender, sexual orientation, gender identity, gender expression, sexual harassment, or sexual assault/violence** should be filed with the following coordinator:

Patricia M. Gibbs
Title IX Coordinator
The Vice President for Student Affairs
Huckabee Hall
(478) 757-5216
pgibbs@wesleyancollege.edu

**For additional information on gender-based discrimination, sexual harassment, or sexual assault/violence please see Wesleyan's Title IX Policy against Sexual Assault and Harassment.*

2. Other Reporting Options.

Students with complaints of discrimination under this policy have the right to file a complaint with the United States Department of Education:

Office for Civil Rights (OCR)
Sam Nunn Atlanta Federal Center, Suite
16T7061 Forsyth Street, S.W.
Atlanta, GA 30303-8909
Phone: (800)-368-1019
Fax: (404) 562-7881
TDD (800) 537-7697
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>

Faculty Members and Employees with complaints of discrimination under this policy have the right to file a complaint with the Equal Employment Opportunity Commission:

Sam Nunn Atlanta Federal Center
100 Alabama Street, SW, Suite 4R30
Atlanta, Georgia 30303
Phone: 1-800-669-4000
Fax: 404-562-6909
TTY: 1-800-669-6820
Web: <http://www.eeoc.gov>

C. Retaliation is Prohibited

Retaliation against any person for reporting or complaining of discrimination and/or harassment, assisting or participating in the investigation of a complaint of discrimination and/or harassment, or enforcing College policies with respect to discrimination and/or harassment is strictly prohibited. Overt or covert acts of reprisal, interference, restraint, penalty, discrimination, intimidation, threats, coercion or harassment against an individual or group for exercising rights or performing duties under this policy will be subject to appropriate and prompt disciplinary or remedial action.

D. Formal and Informal Grievance Procedure for Student Complaints

1. Overview of Process

This policy is intended to apply to student-on-student grievance, and employee-student civil rights. All other types of grievances by students against students or employees against students will be addressed through the student complaint processes located elsewhere in the Student Handbook.

If a student alleges a complaint against a College faculty member or employee, the coordinator responsible for investigating the alleged discrimination or harassment will work with the Director of the Human Resources Department. In the event an employee is taking classes or should a student also be an employee (e.g., work-study, RA, etc.) procedures applicable to employee-on-employee grievances through the Department of Human Resources may also be applicable. It is Wesleyan's practice to bring employee and student grievance mechanisms together for joint resolution in such cases when possible. Sanctions may result in an individual's capacity as a student, as an employee, or both.

In the event a complaint under this policy is alleged by an employee against another employee, procedures applicable to employee-on-employee grievances through the Department of Human Resources shall be applicable.

While a person filing a grievance (Complainant) or the accused individual (Respondent) is not required to participate in the grievance process, the grievance process will continue whether or not such individual agrees to participate, and the College will determine an outcome and provide for any appropriate remedies based on the information that is available.

2. Interim Measures

Upon receipt of a complaint, the College will take interim measures to address concerns regarding safety and well-being. If necessary, the College will assist the Complainant in making reasonable efforts to avoid contact with the Respondent. Interim measures may include no-contact directives, changes in class or work schedules, changes in College-owned living arrangements, interim suspension, College-imposed leave, or any other measures that the College deems appropriate. Interim measures are available under both the Informal Dispute Resolution Efforts and the Formal Complaint and Disciplinary Process, although the ability to impose

certain protective measures against a Respondent may require that the report be resolved through the Formal Complaint and Disciplinary Process.

3. Informal Dispute Resolution Efforts: A Useful First Step before Filing a Formal Complaint

Whenever prudent and safe, reasonable efforts should be made to constructively resolve issues with faculty, staff, or administrators, or other individual involved by talking through the concerns to reach a resolution. If the complaint is against a faculty or staff member, the student should also speak with the individual's supervisor to informally resolve this matter. If conditions prevent a discussion of this nature, or satisfactory resolution is not reached after discussion with the individual, or a faculty or staff member's supervisor if appropriate, the formal complaint process should be initiated.

Wesleyan does not require a student to contact the person involved if doing so is not prudent or if the student believes that the conduct cannot be effectively addressed through informal means.

4. Formal Complaint and Disciplinary Process

Notice of a formal complaint can be made in person to the coordinator designated above, but the College encourages the submission of grievances in writing by email to the appropriate coordinator utilizing Wesleyan's Discrimination, Harassment and Title IX Complaint Form, which can be found at wesportal.wesleyancollege.edu/ICS/WesNet/

The complaint should clearly and concisely describe the alleged incident(s), when and where it occurred, and the desired remedy sought. The grievance should be signed by the grievant (Complainant) or, in the case of an email submission, signed electronically. While complaints can be submitted anonymously, students are encouraged to share as much information as they feel comfortable as more information shared will aid the College in its investigation. Any supporting documentation and evidence should be referenced within the body of the formal grievance. Additionally, the Complainant should submit any supporting materials in writing as quickly as possible. The Complainant is also asked to share all informal efforts, if any, to resolve the issue(s) with the individual involved and the individual's supervisor if the complaint is against a faculty or staff member.

Upon receipt of a complaint, the appropriate coordinator will open a formal case file and begin the investigation process. If necessary, the coordinator may designate a deputy coordinator to assist in the investigation process. The coordinator will direct the investigation and confer with appropriate individuals and offices to address any interim accommodations for the Complainant, or other necessary remedial short-term actions.

Nothing in this policy shall prohibit the College from initiating a formal complaint and investigation process.

a. Timeframe of the Formal Complaint Process.

Within 60-days of receipt of a complaint, the College will seek to complete the phases described below within the following time periods:

- Investigation – Approximately 20-30 days
- Substantiated Formal Complaints – the Hearing Process – Approximately 7-15 days
- Appeal – Approximately 10-15 day

All of these time frames are meant as guidelines rather than rigid requirements. Extenuating circumstances may arise that require the extension of time frames, including extension beyond sixty (60) days. Extenuating circumstances may include the complexity and scope of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening College break or holiday, or other unforeseen circumstances. In the event that the process exceeds these time frames, the College will notify the Complainant and Respondent of the reason(s) for the delay and the expected adjustment in time frames. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

The College reserves the right to modify or adapt the Formal Complaint and Disciplinary Process as needed to allow for the fair and prompt resolution of a complaint when it is received and at the end of a term or during a break in the College's academic schedule.

b. Investigation into a Formal Complaint

An investigation into a claim regarding a violation of this policy may include, but is not limited to, the following steps:

- Determining the identity and contact information of the Complainant (whether that be the initiator, the alleged victim, or someone from the College);
- Conducting an immediate review of the complaint to determine that the complaint involves an allegation of discrimination, harassment or sexual misconduct under this policy. For complaints that are incorrectly filed under this policy, the coordinator initially handling the complaint will notify the Complainant of the appropriate resolution process as outlined in the Wesleyanne Student Handbook;
- Meeting with the Complainant to discuss the complaint, obtain any additional information that may be needed from the Complainant and provide an outline of the investigation process;
- Meeting with the Respondent to notify them of the allegations, outline the investigation process, and provide the Respondent with the chance to respond and provide any additional documentation or information;
- Commence a thorough and impartial investigation that includes interviewing potential witnesses and reviewing any relevant documents obtained during the course of the investigation;

- Sharing information with the Complainant and witnesses regarding who to contact if they feel they have been retaliated against based on the information they shared during the course of the investigation into the complaint;
- Preparing a written report outlining the general investigation process and the findings made during the course of the investigation;
- Consulting with either the Vice President of Student Affairs, if the allegation is made against a student, or the Director of Human Resources, if the allegations is against a faculty member, to review the investigation process to ensure that it is reasonably complete and address any additional follow up matters as appropriate;
- Preparing a “Final Investigation Report” once the determination is made that the investigation process is complete.
- Making reasonable and appropriate efforts to provide the Complainant and Respondent with the Final Investigation Report.
- Working with appropriate College faculty and staff to take any remedial actions that need to be addressed by the College to address the alleged discrimination.

c. Advisor or Support Person

Both a Complainant and a Respondent are entitled to an advisor or support person of their choice, and the advisor or support person may accompany the party to any meeting or proceeding under this policy. A Complainant may have an advisor or support person present when reporting discrimination and/or harassment or at any point in these Procedures. A Respondent may also have an advisor or support person present if and when the Respondent becomes a party to an Informal Resolution Process or a Formal Resolution Process. An advisor or support person may not stand in place of either the Complainant or the Respondent, act as legal counsel for a party, or otherwise participate in the Informal Resolution Process or the Formal Resolution Process. Parties may not be represented by legal counsel during this complaint process.

d. Resolution by Agreement

Where the Complainant and Respondent agree to do so, the College reserves the right to terminate the investigation and disciplinary process in circumstances in which it is able to reach a resolution with Respondent that satisfies the College’s obligations under Title IX, Title VI, Title VII, and other relevant discrimination laws to end the alleged conduct, prevent its recurrence, and remedy its effects on Complainant and the College community. In the event an agreement is reached under this provision, the Respondent waives their right to a hearing under this policy.

e. Unsubstantiated Formal Complaints

A complaint is considered unsubstantiated, and will be closed, if the investigator determines the following has occurred:

1. In cases where there is insufficient evidence to support further investigation and no additional information can be obtained after the appropriate coordinator has made reasonable efforts to obtain additional information; or
2. Where the Respondent is found not responsible for the alleged violation(s).

A written statement will be provided to the Complainant and the Respondent detailing the efforts of the investigator and the reasons for finding that the complaint is unsubstantiated.

f. *Substantiated Formal Complaints-Referral to the Hearing Process*

In the event that the investigator determines that discrimination, sexual harassment, or other inappropriate or unprofessional conduct has occurred based on a preponderance of the evidence (more likely than not that a violation of this policy occurred), further action will be taken, including a hearing and appropriate disciplinary action. A written statement will be provided to the Complainant and the Respondent detailing the efforts of the investigator and the reasons for finding that the complaint is substantiated.

g. *The Hearing Process*

The Hearing Process for Students. Where the Respondent is a student, the appropriate coordinator, in conjunction with the Vice President of Student Affairs, will convene a hearing committee that consists of four members chosen from among members of the President's Cabinet, the Chair and Vice Chair of the Faculty Council, and the Chancellor of the Student Honor Council. Each of these individuals will have received training provided by the College regarding discrimination and other forms of harassment. These four members shall be provided with the names of the Complainant and Respondent in order to determine if there is a potential conflict of interest that would preclude the individual from serving on the hearing committee. In the event there is a conflict of interest, any alternative hearing committee members shall be selected using the same process as described above.

Prior to the hearing, the four committee members will elect amongst themselves a Chairperson. The Chairperson shall guide the proceedings and determine the evidence that will be allowed at the hearing. The Chairperson will not vote or make any recommendations regarding the outcome of the hearing committee.

The hearing committee shall convene a hearing before which the Complainant and Respondent may have a support person/advisor of their choice at the hearing as outlined above.

An overview of the hearing process for students is as follows:

- The Complainant and Respondent will receive written notification of the date of the hearing committee. The notification will also state that the Complainant and the Respondent have the right to provide a written statement in advance of the hearing committee and make a statement at the hearing committee if they choose to participate.
- Any written statements submitted by a party in advance of a hearing will be shared with the other party, and each party will have the opportunity to hear any statements made by the party at the hearing.
- At the hearing, the appropriate coordinator or the Vice President of Student Affairs shall present information on behalf of the College. The results of the investigation will be admitted, but are not binding on the decider(s) of fact. The Complainant and the Respondent may both make a statement to the hearing committee. As reasonable

and appropriate, and based on the request of the parties, the hearing Chairperson will structure the hearing to minimize or avoid undue stress or burden on either party, but must allow each party to hear each other's statements. This can be done through telecommunication devices, etc.

- The hearing committee will determine whether it is more likely than not that the accused individual violated the policies forming the basis of the charge. The goal of the hearing is to provide an equitable resolution via an equitable process, respecting the civil and legal rights of all participants.
- The hearing committee will determine the appropriate sanctions, as further set forth below.
- The Chairperson shall keep a record of the proceedings. The hearing committee shall make a determination in writing regarding whether it was more likely than not that the Respondent violated this policy and the appropriate sanction to be imposed against the Respondent.
- The Complainant and the Respondent shall be notified by the Vice President of Student Affairs regarding the outcome of the hearing.

The Hearing Process for Faculty Members. In the event that the accused is a faculty member, the procedures set forth in the Faculty Handbook shall apply. Where the complaint concerns Title IX, the Complainant shall have the opportunity to participate in any proceedings involving a faculty member, including presenting witnesses or other evidence.

The Hearing Process for Employees. In the event that the Respondent is an employee, the procedures set forth in the employee handbook shall apply. Where the complaint concerns Title IX, the Complainant shall have the opportunity to participate in any proceedings involving an employee, including presenting witnesses or other evidence.

h. Sanctions

Any one or more of the sanctions listed below may be imposed on a Respondent who is found responsible for a violation under this policy. Sanctions not listed here may be imposed in consultation with the approval of appropriate coordinator, Vice President of Student Affairs or Human Resources Director, as appropriate. Sanctions are assessed in response to the specific violation(s) and any prior discipline history of the Respondent. Possible sanctions include, but are not limited to:

- 1) *Warning:* Written notice that the Respondent's behavior was in violation of this policy and/or other College policy and that future violations will result in more severe sanctions.
- 2) *Restitution:* Reimbursement by the Respondent(s) to the College or a member of the College community to cover the cost of damage to property or other loss.
- 3) *Fine:* A monetary penalty assessed as appropriate to the violation.
- 4) *Service Hours (students only):* A set number of work hours the Respondent must complete. Generally, service hours are conducted on campus.
- 5) *Loss of Privileges (students only):* Denial of specific privilege(s) for a defined period of time. Privileges include, but are not limited to, participation in extra-

- curricular activities and events such as social events, intercollegiate athletics, intramural programs, student organizations, and student government.
- 6) *Restricted Access*: Conditions which specifically dictate and limit the Respondent's presence on campus and/or participation in College-sponsored activities. The restrictions will be clearly defined and may include, but are not limited to, presence in certain buildings or locations on campus.
 - 7) *Removal of Offending Cause*: Requirement to remove the item which was the subject of the complaint.
 - 8) *Relocation from Residence Halls (students only)*: Requirement that the Respondent relocate to another residence hall by a specified date.
 - 9) *Conduct Probation (students only)*: Formal, written notice that the Respondent's behavior is in violation of this policy or other College policy and an expectation that the Respondent exhibit good behavior for a defined period of time. Any violation during the probationary period may result in suspension or expulsion from the College.
 - 10) *Employment Probation*: Formal, written notice that the employee's conduct is in violation of the College's Civil Rights and/or other College policy and an expectation that the employee exhibit good behavior for a defined period of time. Any further violations during the probationary period may result in employment suspension without pay or termination of employment.
 - 11) *Suspension (students only)*: Separation from the College for a defined period of time. During the suspension period the Respondent is not permitted on campus and is not permitted to participate in any College-sponsored or affiliated program or activity. The terms of the suspension may include the designation of special conditions affecting eligibility for readmission or special conditions to be in effect upon readmission.

i. *The Appeal Process*

In the event that the Complainant or Respondent disputes the hearing committee's decision, each shall have the right to appeal the decision of the hearing committee and imposition of any sanction to the President. The appeal must be submitted in writing within five days of the issuance of notification of the decision, with all supporting materials attached, to the Chairperson. Decisions not appealed within such time are deemed final. The President shall review the appeal and record from the hearing committee. The President will issue a decision on the appeal to all parties involved. The President's written decision on the appeal shall constitute the College's final action.

E. Confidentiality

As part of its efforts to protect the privacy and confidentiality interests of the individuals involved, the College will use its best efforts to not disseminate information concerning the complaint beyond those who have a need to know. The College will inform all parties, including the Complainant, the Respondent, any Support Persons, and any witnesses involved of the importance of and expectation that they maintain the confidentiality of this process and any information shared with them as a result of their participation. Complainants and Respondents

are not prohibited from sharing details of the process and information shared with them with family, or their Support Person in order to prepare for their participation in the process. However, any individual involved in this process needs to understand that information collected through the Grievance and Investigation Process may be subpoenaed in a criminal and/or a civil proceeding.

F. Special Provisions

1. Allegations of discrimination are of the utmost seriousness. They should never be made casually and without cause. This policy shall not be used to bring groundless and malicious charges against students, faculty members or employees. Failure to prove a claim of harassment is not equivalent to a false allegation. At any time during the investigation process, the Respondent may provide evidence that the charges are groundless and malicious. Sanctions may be imposed for making false accusations of discrimination.
2. All participants in the Grievance Process are expected to cooperate fully and provide the truth in all matters related to this process. The College reserves the right to grant disciplinary immunity to any student participating in the complaint process under this policy.
3. Alcohol and substance use: The use of alcohol or other drugs will never function as a defense for any behavior that violates College policy. Sometimes there is fear and shame associated with reporting sexual violence or harassment because drugs or alcohol are involved. Wesleyan's highest priority is the safety of its students. The use of drugs or alcohol never makes the victim at fault for sexual harassment or sexual assault.
4. Failure to comply with Investigation and Disciplinary Process under this policy: If a party or other participant in the process (e.g., a support person) fails to comply with the procedures set forth herein, the College reserves the right to terminate the complaint process under this policy and/or to exclude a participant from further participation in the process.