



Wesleyan College's Title IX Policy Against Sexual Assault, Harassment and Misconduct

A. Introduction

Title IX is a federal law that mandates that colleges and universities create an environment free from sexual discrimination and harassment for all community members. Title IX of the Education Amendments of 1972 ("Title IX"), 20 U.S.C. §1681 et seq., is a Federal civil rights law that prohibits discrimination on the basis of sex in education programs and activities. All public and private elementary and secondary schools, school districts, colleges, and universities receiving any Federal funds must comply with Title IX. Under Title IX, discrimination on the basis of sex can include sexual harassment, gender-based harassment, sexual violence, sexual assault, other forms of sexual misconduct, stalking, and intimate partner violence.

Title IX provides that "no person in the United States shall, on the basis of sex*, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

This policy applies to all forms of sexual and gender-based harassment, sexual misconduct, sexual violence, stalking, and intimate-partner violence.

*Wesleyan College does not admit men to its baccalaureate programs, in accordance with Title IX.

B. Statement of Intent

Wesleyan College is committed to providing its students, staff, and faculty the opportunity to pursue excellence in their curricular, co-curricular, and professional endeavors. This can only exist when each member of the College community is assured an atmosphere of mutual respect, one in which they are judged solely on criteria related to academic or job performance. The College is committed to providing such an environment, free from all forms of harassment and discrimination and recognizes that all who work and learn at the College are responsible for ensuring that the community is free from discrimination based on sex or gender, including sexual harassment, sexual assault, sexual violence and other forms of sexual misconduct, stalking, and intimate-partner violence. These behaviors threaten our learning, living, and work environments and will not be tolerated.

This policy prohibits all forms of sexual assault and harassment committed against any Wesleyan community member of any gender, gender identity, gender expression, or sexual orientation. This policy also prohibits gender-based harassment that does not involve conduct of a sexual nature. This policy further prohibits a broad continuum of behaviors, including sexual harassment, sexual assault, sexual exploitation, sexual violence, physical assault, bullying, intimidation and retaliation, stalking, and indecent exposure.

The College's response will be overseen by the Title IX Coordinator Patricia Gibbs, who is available by telephone at 478-757-5216, email at pgibbs@wesleyancollege.edu, or in person at Huckabee Hall.

The College will respond according to the severity or pervasiveness of the offense and the threat it poses to the community. The College will investigate any complaint involving a potential violation of this policy, regardless of where the event occurred, in accordance with the procedures set forth in the Policy for Resolving Complaints of Discrimination and Harassment. Individuals who are found responsible for violating this policy may face disciplinary sanctions up to and including expulsion and/or termination of employment. Because behavior that violates this policy may also be a violation of law, any individual who has been subjected to sexual assault or harassment is also encouraged to consider criminal or civil legal options. An individual may also file a complaint with the U.S. Department of Education's Office for Civil Rights.

The College encourages all community members to take reasonable and prudent actions to prevent or stop acts of sexual assault or harassment. Taking action may include direct intervention when safe to do so, enlisting the assistance of friends, contacting law enforcement, or seeking assistance from a person in authority. Community members who choose to take these actions will be supported by the College and protected from retaliation.

The College is committed to fostering a climate free from sexual assault and harassment through clear and effective policies, a coordinated education and prevention program, easily accessible mechanisms for reporting, and prompt and equitable procedures for resolution of complaints.

Wesleyan College is an institution that strives to achieve its mission as a liberal arts college by the free, open, and civil exchange of ideas. The application of this policy will strive to consider how best to preserve that free, open, and civil exchange of ideas. Ideas, creativity, and free expression thrive and can only exist for the entire community in an atmosphere free of sexual discrimination and harassment.

The College reviews the Title IX Policy against Sexual Assault and Harassment on an annual basis in order to capture evolving legal requirements and improve the delivery of services based on a review of each year's experience by the Title IX coordinator and assessment team.

Specific policies regarding discrimination, harassment, bullying, hate crimes and sexual violence are found in the *Wesleyanne*: Student Handbook.

C. Definitions

1. **Sexual Harassment**

Sexual Harassment is any unwelcome sexual advance, request for sexual favors, or other unwanted verbal or physical conduct of a sexual nature when one or more of the following conditions are present:

- Submission to or rejection of such conduct is an explicit or implicit condition of an individual's employment, evaluation of academic work, or any aspect of a College program or activity;
- Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, i.e. it is sufficiently serious, pervasive, or persistent as to create an intimidating, hostile, humiliating, demeaning, or sexually offensive working, academic, residential, or social environment under both an objective and subjective standard.

Sexual harassment also includes harassment based on gender, sexual orientation, gender identity, or gender expression, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex/gender or sex/gender-stereotyping, even if the acts do not involve conduct of a sexual nature.

A single, isolated incident of sexual harassment alone may create a hostile environment if the incident is sufficiently severe. The more severe the conduct the less need there is to show a repetitive series of incidents to create a hostile environment, particularly if the harassment is physical.

Sexual harassment can take many forms. It may include:

- may be blatant and intentional and involve an overt action, a threat of reprisal, or may be subtle and indirect, with a coercive aspect that is unstated.
- does NOT have to include intent to harm, be directed at a specific target, or involve repeated incidents.
- may be committed by anyone, regardless of gender, age, position, or authority. While there is often a power differential between two persons, perhaps due to differences in age, social, educational, or employment relationships, harassment can occur in any context.
- may be committed by a stranger, an acquaintance, or someone with whom the individual alleging a violation of this policy (Complainant) has an intimate or sexual relationship.
- may be committed by or against an individual or may be a result of the actions of an organization or group.
- may occur by or against an individual of any sex, gender identity, gender expression, or sexual orientation.
- may occur in the classroom, in the workplace, in residential settings, over electronic media (including the internet, telephone, and text), or in any other setting.
- may be a one-time event or part of a pattern of behavior.
- may be committed in the presence of others or when the parties are alone.
- may affect the Complainant and/or third parties who witness or observe harassment type and severity. Key determining factors are that the behavior is unwelcome, is gender-based, and is reasonably perceived as offensive and objectionable under both a subjective and objective assessment of the conduct.

2. Sexual Assault

Sexual assault, including molestation, is defined as having sexual intercourse or sexual contact with another individual without consent, including:

- by the use or threat of force or coercion;
- without effective consent; or
- where that individual is incapacitated.

Sexual intercourse includes vaginal or anal penetration, however slight, with a body part (e.g., penis, tongue, finger, hand, etc.) or object, or oral penetration involving mouth to genital contact.

Sexual contact includes intentional contact with the intimate parts of another, causing another to touch one's intimate parts, or disrobing or exposure of another without permission. Intimate parts may include the breasts, genitals, buttocks, groin, mouth, or any other part of the body that is touched in a sexual manner. Sexual contact also includes attempted sexual intercourse.

3. Sexual Exploitation

Sexual exploitation is an act or acts committed through non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose. The act or acts of sexual exploitation are prohibited even though the behavior does not constitute one of the other sexual misconduct offenses.

Examples of sexual exploitation include:

- observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;
- non-consensual streaming of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved;
- prostituting another individual;
- exposing one's genitals in non-consensual circumstances;
- knowingly exposing another individual to a sexually transmitted disease or virus without that individual's knowledge; and
- inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

4. Physical Assault

Physical assault is a purposeful action meant to hurt another person. Examples include, but are not limited to, kicking, punching, hitting with or throwing an object, or biting. When these acts occur in the context of intimate-partner violence, or when the behavior is perpetrated on the basis of sex or gender, the conduct will be resolved under the Policy for Resolving Complaints of Discrimination and Harassment.

5. Bullying and Intimidation

Bullying includes any intentional electronic, written, verbal, or physical act or a series of acts directed at another student or students that is severe, persistent, or pervasive and that has the intended effect of doing any of the following:

- (i) substantially interfering with a student's education;

- (ii) creating a threatening environment; or
- (iii) substantially disrupting the orderly operation of the College.

Bullying is prohibited, and participating in such acts will result in disciplinary action.

Intimidation is any verbal, written, or electronic threats of violence or other threatening behavior directed toward another person or group that reasonably leads the person(s) in the group to fear for her/his physical well-being. Intimidation is prohibited and will result in disciplinary action. Anyone who attempts to use bullying or intimidation to retaliate against someone who reports an incident, brings a complaint, or participates in an investigation in an attempt to influence the judicial process will be in violation of retaliation as described within this handbook and will be subject to disciplinary action.

When bullying or intimidation occurs in the context of intimate-partner relationship, or when the behavior is perpetrated on the basis of sex or gender, the matter will be resolved under the Policy for Resolving Complaints of Discrimination and Harassment.

6. Stalking

Stalking occurs when a person engages in a course of conduct or repeatedly commits acts toward another person, including following the person without proper authority, under circumstances that demonstrate either of the following:

- place the person in reasonable fear of bodily injury; or
- reasonably cause substantial emotional distress to the person.

Examples of stalking include:

- unwelcome and repeated visual or physical proximity to a person;
- repeated oral or written threats;
- extortion of money or valuables;
- unwelcome/unsolicited written communication, including letters, cards, emails, instant messages, and messages on online bulletin boards;
- unwelcome/unsolicited communications about a person, their family, friends, or co-workers; or
- sending/posting unwelcome/unsolicited messages with an assumed identity; or
- implicitly threatening physical contact;
- or any combination of these behaviors directed toward an individual person.

Stalking includes the concept of cyber-stalking, a particular form of stalking in which electronic media such as the Internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion.

When stalking occurs in the context of an intimate-partner relationship, or when the behavior is perpetrated on the basis of sex or gender, the matter will be resolved under the Policy for Resolving Complaints of Discrimination and Harassment.

7. Indecent Exposure

A person commits *indecent exposure* if that person exposes her/his genitals in any public place or in any place where there are present other persons under circumstances in which one knows or should know that this conduct is likely to offend, affront, or alarm.

8. Consent

Consent is the agreement to engage in specific sexual contact, which may be given by verbal agreement or active and willing participation in the sexual activity. Consent to sexual contact or any specific sexual act cannot be given if an individual is incapacitated or impaired because of a physical or mental condition or the ingestion of drugs or alcohol, or under the age of 16. Silence, previous sexual relationships, current relationships, or the use of alcohol and/or drugs is not an indication of consent. The use of force, threat of force, threat of immediate or future harm, or use of physical intimidation to secure compliance with sexual activity is evidence of lack of consent. Consent may be initially given, but it may be revoked at any point, either verbally, through physical resistance, or by losing consciousness. Failure to cease sexual contact promptly in response to a withdrawal of consent constitutes prohibited nonconsensual sexual contact. “No” or any other negative statement or acts/physical gestures supporting the desire to cease contact in response to sexual contact or an invitation to sexual contact will be regarded as a denial of consent to such sexual contact.

9. Dating Violence

Dating violence is any act of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the victim’s statement and with consideration of the type and length of the relationship and the frequency of interaction between the persons involved in the relationship. Two people may be in a romantic or intimate relationship, regardless of whether the relationship is sexual in nature; however, neither a casual acquaintance nor ordinary fraternization between two individuals in a business or social context shall constitute a romantic or intimate relationship. This definition does not include acts covered under domestic violence.

10. Domestic Violence

Domestic violence is any violent felony or misdemeanor crime committed by a current or former spouse or intimate partner of the victim, a person sharing a child with the victim, or a person cohabitating with the victim as a spouse or intimate partner.

11. Relationships between Students and Wesleyan Employees.

Wesleyan prohibits intimate relationships between employees and students. Wesleyan will not tolerate the corruption of professional standards, authority and duties by such relationships. This may be grounds for the employee’s dismissal from Wesleyan.

D. Reporting

The College encourages all community members to report sexual assault and harassment in order to achieve a campus environment that maximizes its community members’ academic pursuits

and positive feelings of community. The College will respond to any information it receives, whether from a Complainant or third party or anonymously against a named respondent.

The College is committed to providing a variety of welcoming and accessible means of reporting sexual misconduct so that all instances of sexual assault or harassment will be reported. All Wesleyan community members, even those who are not obligated by the College's Title IX Policy against Sexual Assault and Harassment, are strongly encouraged to report information regarding any incident of sexual assault or harassment to the Title IX coordinator. The Title IX coordinator is specifically charged with coordinating the initial assessment, initiating the investigation, and responding to allegations of sexual assault or harassment to stop the harassing conduct, address its effects, and prevent its recurrence.

The Title IX coordinator, working with the Title IX team, will ensure that the College responds to all reports in a timely, effective, and consistent manner and treats each individual with dignity and respect. The Title IX team consists of the Title IX coordinator, director of human resources, chief of police, and judicial affairs officer and others, as applicable. The Title IX Coordinator, along with the Title IX team, is charged with coordinating the review, investigation, and resolution of all reports to ensure consistent responsiveness, and the integrated provision of interim measures to support the individuals involved and to protect the College community. The College is committed to using a consistent and informed response to create a culture of accountability. The Title IX team is positioned to provide seamless support, assess individual and campus safety, and effectively respond to allegations of sexual assault and harassment.

Additionally, when the College becomes aware of allegations of sexual assault or harassment, it will take prompt and effective action to address immediate concerns. This action may include an initial assessment of safety and well-being, interim provisions for immediate protection and support for a Complainant. Such measures may include issuing a "cease all contact" directive the respondent, changes to the Complainant's living, learning or work environments, limit the access the respondent has to such environments, or providing academic support as appropriate.

1. Campus Reporting Options

The College recognizes that a student or employee may choose to report sexual assault or harassment to any employee of the College. For example, a student may choose to confide in the Dean of Students, a resident advisor, a faculty member, or a coach. An employee may choose to confide in a supervisor or colleague. **Under this policy, any employee, other than those deemed confidential by law, who receives a report of sexual assault or harassment is required to share the report with the Title IX coordinator.**

To enable the College to respond to all reports in a prompt and equitable manner, the College encourages all individuals to directly report any alleged incident that is a violation of this policy to the Title IX Coordinator or the Director of Human Resources, as set forth below.

Title IX Coordinator
Patty Gibbs
Huckabee Hall
478-757-5216
pgibbs@wesleyancollege.edu

Complaints under this policy involving a faculty member or employee may also be reported to the Director of Human Resources as set forth below. The Title IX Coordinator and Director of Human Resources will work together to respond in a prompt and equitable manner to complaints involving a faculty member or employee.

Director of Human Resources

Meagon Davis
Tate Hall
478-757-3803
mdavis@wesleyancollege.edu

The Title IX Coordinator has designated the following individuals to serve as Deputy Title IX Coordinators. These individuals assist the Title IX coordinator in investigating complaints of sexual harassment and assault and any other matters relating to Title IX at the College. Students may report a violation of this policy to either of the Deputy Title IX Coordinators.

Deputy Title IX Coordinator

Christy Henry
OSP – Academic Center
478-757-5219
chenry@wesleyancollege.edu

Deputy Title IX Coordinator

Stefanie Swanger
Huckabee Hall
478-757-5215
sswanger@wesleyancollege.edu

2. Confidential Reporting Options

Any reports of a potential violation of this policy made to the individuals listed below shall remain confidential unless the victim specifically indicates they would like the matter referred to the Title IX coordinator for further investigation.

**Director of Student
Counseling Services**

Jamie Thames
Huckabee Hall
478 757 4024
jthames@wesleyancollege.edu

Director of Health Services

Mary Berndt
Huckabee Hall
478-757-4025
mberndt@wesleyancollege.edu

**Director of Campus Ministry
Debra Williams**

Huckabee Hall
478-757-2820
dwilliams@wesleyancollege.edu

3. Reports to Law Enforcement

The College encourages Complainants to pursue criminal action for incidents of sexual assault or harassment that may also be crimes under Georgia criminal statutes. Reports to law enforcement may be made to local law enforcement agencies or the Campus Police Department at 478 757-5145 or 478 960-7969.

The College will assist a Complainant, at the Complainant's request, in contacting local law enforcement and will cooperate with law enforcement agencies if a Complainant decides to pursue the criminal process to the extent permitted by law.

Except where the Complainant is less than 18 years old, the College will generally respect a Complainant's choice whether or not to report an incident to local law enforcement, unless the College determines that there is an overriding issue with respect to the safety or welfare of the College community. Where a report involves suspected abuse of a minor less than 18, the College is required by state law to notify law enforcement and/or the Georgia Department of Public Welfare division of Child Welfare Services.

The College's policy, definitions, and burden of proof in substantiating a violation of this policy may differ from Georgia criminal law. A Complainant may seek resolution through the College's complaint process as outlined in the Policy for Resolving Complaints of Discrimination and Harassment may pursue criminal action, may choose one but not the other, or may choose both. Neither law enforcement's determination whether or not to prosecute a respondent, nor the outcome of any criminal prosecution, are determinative of whether sexual assault or harassment has occurred under this policy. Proceedings under the College's Title IX Policy against Sexual Assault and Harassment may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.

4. Anonymous Reporting

Any individual may make an anonymous report concerning an act of sexual assault or harassment. An individual may report the incident without disclosing one's name, identifying the respondent, or requesting any action. Depending on the level of information available about the incident or the individuals involved, anonymous reporting may affect the College's ability to respond or take further action.

Individuals are encouraged to complete the Discrimination, Harassment and Title IX Complaint Form, which can be found at wesportal.wesleyancollege.edu/ICS/WesNet/ A copy may also be obtained in Huckabee Hall.

E. Investigations

1. The Investigation Process

Any reported allegations of sexual harassment, violence or misconduct will be investigated promptly in accordance with the Policy for Resolving Complaints of Discrimination and Harassment. In all instances, the College, not the Complainant, will bear the responsibility for investigating and taking appropriate action, including the decision to seek disciplinary action against a respondent.

The investigation may include interviews with the parties involved, and where necessary, with individuals who may have observed the alleged conduct or may have relevant knowledge of the complaint. Because of the College's legal and ethical obligations to address harassment and related retaliation when it occurs, the College, in certain situations may exercise its right to initiate an investigation into harassment or retaliation even if the alleged subject is unwilling to pursue the claim or believes that the claim has been satisfactorily resolved. The investigation shall proceed in a timely manner and every effort will be made to conclude the investigation within 60 days of receipt of the complaint by the Title IX Coordinator.

2. Confidentiality of the Investigation Process

The College will use its best efforts to keep the complaint and investigation process confidential and not disseminate information concerning the complaint beyond those who have a need to know. Reports generated as a result of the investigation of a complaint shall be maintained as confidential except as to any College faculty or staff member who need knowledge of the contents of the report in order to evaluate and/or carry out its recommendations. 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.

3. Record Keeping of the Investigation Process

Any person conducting an investigation shall maintain a written record of all witness interviews, evidence gathered, and the outcome of the investigation. Records of such investigation will not be maintained in student files unless part of formal corrective action. Investigatory records will be maintained by the Title IX Coordinator in accordance with records retention schedules. Upon filing of a complaint outside the College, information gathered in the course of the internal investigation may be disclosed to the investigating agency.

F. Response to Substantiated Title IX Complaints

1. Process for Implementing Disciplinary Actions

A Title IX assessment or investigation that is found to be substantiated will result in an appropriate resolution and/or disciplinary action against a respondent as outlined in the Policy for Resolving Complaints of Discrimination and Harassment.

2. Corrective Measures

When it has been determined harassment has occurred, steps will be taken to ensure the harassment is stopped immediately. Corrective measures consistent with the severity of the offense will be imposed by the College, and may include sanctions. Sanctions imposed on the harasser may range from a reprimand up to and including dismissal from the College, as outlined in the Policy for Resolving Complaints of Discrimination and Harassment. The President is not bound by any recommendation of the hearing committee with respect to any corrective measures which the President deems appropriate. With prior notice, a record of such sanctions will become part of the student's academic records. In the case of an employee the information will be kept in their personnel record. The Complainant will be informed of the corrective measures taken. Sanctions may also be imposed on an administrative official or supervisor who fails to respond to a complaint of harassment in a manner consistent with the provisions of this policy and associated procedures.

G. Retaliation

Retaliation against an individual who makes a report of alleged sexual assault or harassment or assists in providing information relevant to a claim of sexual assault or harassment, is a serious violation of this policy. The College will not tolerate retaliation. Retaliation can take many forms, including continued abuse or violence, threats, and intimidation. Any individual or group

of individuals, not just a Complainant or respondent, can engage in retaliation. Retaliation should be reported promptly to the Title IX coordinator for investigation, which may result in disciplinary action independent of any sanction or interim measures imposed in response to the underlying allegation of misconduct.