

Non-Discrimination, Harassment, and Related Misconduct

Policy Name: Non-Discrimination, Harassment, and Related Misconduct

Approval Authority: President

Interpreting and Implementing Authority: Director of Human Resources

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I. Introduction

Wesleyan College is committed to encouraging and sustaining a learning and work community free from discrimination, harassment, and related misconduct. As per our Statement on Discrimination, Wesleyan College is committed to maintaining a diverse, academically talented, and well-rounded community of learners in an atmosphere of mutual respect and appreciation of differences. Wesleyan College admits qualified students regardless of race, color, national and ethnic origin, shared ancestry and ethnic characteristics, sexual orientation, age, religion, creed, disability, marital status, pregnancy, status with regard to public assistance, veteran status, citizenship status, sex, or other status protected by applicable federal and state laws to all rights, privileges, programs, and activities generally accorded to or made available to students at the College. Consistent with our values of respect for diversity among people, religions, and cultures, Wesleyan will consider for admission all applicants who consistently self-identify and live as women.

Wesleyan College does not discriminate on the basis of race, color, national and ethnic origin, shared ancestry and ethnic characteristics, sexual orientation, age, religion, creed, disability, marital status, pregnancy, status with regard to public assistance, veteran status, citizenship status, sex, genetic information, gender identity, gender expression, or any other category protected by applicable federal or state laws in its educational policies, programs, activities, and employment.

II. Policy

This Policy prohibits all forms of discrimination and harassment based on an individual's protected status or protected characteristic, as defined in section IV. Discrimination also includes failing to provide reasonable accommodations related to disability or religion, consistent with state and federal law.

This Policy shall be applied in a way that is consistent with the College's principles of academic freedom, as Wesleyan is committed to the free and vigorous discussion of ideas and issues. Academic and related freedom of expression include, but are not limited to, the expression of ideas, however controversial, in the classroom, residence halls, and other teaching and student living environments. The Wesleyan College *Freedom of Expression Policy* is located under policies on WesPortal for more information.

The Policy also prohibits retaliation against an individual. According to the Wesleyan College *Non-Retaliation Policy*, "Retaliation is any materially adverse action taken or threatened against an employee or student because the employee or student has, in good faith, filed a complaint or grievance; sought the aid of Human Resources; sought the aid of the testified or participated in investigations, compliance reviews, proceedings or hearings; or opposed actual or perceived violations of policy or unlawful acts."

This Policy should be read in consistence with all applicable federal and state laws addressing discrimination, harassment, and related misconduct, including Title VI and Title VII of the Civil Rights Act of 1964.

III. Jurisdiction/Scope

This Policy and associated procedures protect all members of the Wesleyan College community from discrimination, harassment, and related misconduct while such members are on Wesleyan property or participating in College-related activities. It may also apply to conduct that occurs off College property and not in the context of a College-related activity that has continuing adverse effects on the reputation of the College.

Members of the College community protected by this Policy include, but are not limited to, its community members including students, faculty, staff, administrators, volunteers, vendors, contractors, visitors, and any individuals regularly or temporarily employed, conducting business, studying, living, or having any official capacity with the College or on its property.

The Human Resources Office and Conduct Office are responsible for resolving, under the procedures set out in this Policy, all allegations of prohibited discrimination, harassment, and related misconduct, with the exception of allegations of sexual misconduct against a student or employee that are handled under the Wesleyan College [Sexual Misconduct Policy](#), also referred to as the Title IX Policy. When applicable, the Chief Diversity Officer will work with the Chief Compliance Officer and Chief Conduct Officer for reported incidents pertaining to this policy.

IV. Definitions

Allegation: a statement by a Complainant alleging an act of discrimination, harassment, or related misconduct.

Business Days: refers to the days ordinarily recognized by the College administrative calendar as work days.

Complainant: the person filing a Complaint alleging that they have been subject to discrimination, harassment, or related misconduct.

Complaint: formal notification, in writing, alleging that discrimination, harassment, or related misconduct has occurred.

Discrimination: Discrimination occurs when an individual or group is treated unfavorably or unequally based upon a protected status or characteristics. Discrimination can occur under this Policy in either an employment or an educational context. Discrimination also includes failing to provide reasonable accommodations to a qualified person with a disability or to reasonably accommodate an employee's religious beliefs or practices, as required by state and federal law.

Harassment: a type of discrimination that occurs when unwelcome verbal, visual, physical, electronic, or other conduct based on an individual's or group's protected status or characteristic is sufficiently serious to significantly interfere with that individual's or group's ability to participate in or benefit from Wesleyan College's program or activities or their terms and conditions of employment. This can include conduct that significantly interferes with the individual's or group's:

- educational environment (e.g., admission, academic standing, grades, assignment);
- work environment (e.g., hiring, advancement, assignment);
- participation in a College program or activity (e.g., campus housing); or
- receipt of legitimately requested services (e.g., disability or religious accommodations).

Types of Harassment:

- **Hostile Environment Harassment:** unwelcome conduct based on protected status that is so severe, persistent, and/or pervasive that it alters the conditions of education, employment, or participation in a program or activity, thereby creating an environment that a reasonable person in similar circumstances and

with similar identities would find hostile, intimidating, or abusive. An isolated incident, unless sufficiently severe, would not create a hostile environment. Harassment is distinguished from behavior that, even though unpleasant or disconcerting, is appropriate to the carrying out of certain instructional, advisory, or supervisory responsibilities.

- **Quid Pro Quo Harassment:** conditioning an individual's education, employment, or participation in a program or activity on submission to unwelcome conduct on the basis of protected status or characteristic.
- **Sexual and Gender-Based Harassment:** prohibited types of harassment that are covered under the Title IX policy.

Preponderance of evidence: one type of evidentiary standard used in a burden of proof analysis in which the burden of proof is met when the Party with the burden convinces the fact finder that there is a greater than 50% chance that the claim is true.

Protected Status/Characteristics:

- **Age:** the number of years from the date of a person's birth. With respect to employment, individuals who are forty (40) years of age or older are protected from discrimination and harassment based on age. There is no age threshold for protection from discrimination for students or other participants in educational programs or activities.
- **Color:** an individual's skin pigmentation, complexion, shade, or tone.
- **Creed:** a set of beliefs or aims which guide a person's actions.
- **Disability:** a physical or mental impairment that substantially limits one or more major life activities. Individuals are protected from discrimination if they have such an impairment; have a record of such impairment; or are regarded as having such impairment. A qualified person with a disability must be able to perform the essential functions of the employment or volunteer position or the academic, athletic, or extra-curricular program, with or without a reasonable accommodation.
- **Ethnic Origin:** refers to a person's 'roots' and should not be confused with his or her citizenship, nationality, language or place of birth.
- **Gender:** a socially-constructed set of expectations, roles, behaviors, and activities a given society or culture considers appropriate for individuals generally based on an individual's sex assigned at birth.
- **Gender Expression:** an external expression and presentation of one's gender through clothing, roles, mannerisms, etc. Gender expression does not necessarily align with gender identity.
- **Gender Identity:** one's internal sense of self and identification in relationship to gender which may or may not conform to one's sex assigned at birth.
- **Genetic Information:** information about (i) an individual's genetic tests, (ii) the genetic tests of family members of such individual, and (iii) the manifestation of a disease or disorder in family members of such individual. Genetic Information includes, with respect to any individual, any request for, or receipt of, genetic services, or participation in clinical research that includes genetic services by such individual or any family member of such individual.
- **National Origin:** an individual's actual or perceived country or ethnicity of origin.
- **Race:** an individual's actual or perceived racial or ethnic ancestry or physical characteristics associated with a person's race, such as a person's color, hair, facial features, height, and weight.
- **Religion:** all aspects of religious observance and practice, as well as belief according to federal law.
- **Sex:** either of the two main categories (male and female) into which humans and most other living things are divided on the basis of their reproductive functions.
- **Shared Ancestry and Ethnic Characteristics:** actual or perceived: (a) shared ancestry or ethnic characteristics; (b) citizenship or residency in a country with a dominant religion or distinct religious identity; (c) shared religious affiliation with an ethnic or national group that is also linked to a religious practice; or (d)

physical, cultural, or linguistic characteristics associated with a particular ethnic or national group. Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, and national origin, including discrimination based on shared ancestry and ethnic characteristics.*

- **Sexual Orientation:** one's sexual, romantic, physical, and/or emotional attraction (or lack of attraction) to others.
- **Veteran Status:** covered veterans include disabled veterans, special disabled veterans, veterans of the Vietnam era, and other protected veterans as defined by federal and state law.

**In evaluating whether an incident constitutes discrimination based on shared ancestry and ethnic characteristics, the College considers all relevant laws and regulations, including federal guidance directing executive agencies to consider the working definition of antisemitism adopted by the International Holocaust Remembrance Alliance (IHRA) in enforcing Title VI.*

Respondent: the person or office, program, department, or group against whom the allegation or Complaint is made; i.e., the individual(s), organizational unit(s), or group(s) accused of discrimination, harassment, or related misconduct.

Retaliation: any materially adverse action taken or threatened against an employee or student because the employee or student has, in good faith, filed a Complaint or grievance; sought the aid of Human Resources; sought the aid of the testified or participated in investigations, compliance reviews, proceedings, or hearings; or opposed actual or perceived violations of policy or unlawful acts (per Wesleyan's *Non-Retaliation Policy*). "Good faith" reporting is a reasonable and sincere belief that the information provided is true.

Individuals are also protected from retaliation for making good faith requests for accommodations on the basis of religion or disability. To be a Policy violation, the challenged actions or treatment must be sufficiently serious to discourage a reasonable person from further reporting, participation, or opposition.

This Policy prohibits Retaliation:

- **Against the Complainant:** It is a violation of this Policy to retaliate against a complainant or other individual or group for making a good faith report of discrimination, harassment, or related misconduct or for opposing what they reasonably believe to be prohibited discrimination, harassment, or related misconduct in some other way. If warranted, the appropriate senior administrator may monitor performance review, promotion, reappointment, grading, or other evaluation—or, to the extent possible, may reassign the supervisory relationship or other role of authority—to ensure that retaliation does not occur.
- **Against the Respondent:** A claim of discrimination, harassment, or related misconduct is not proof of prohibited conduct. A claim shall not be taken into account during an individual respondent's performance review, promotion, reappointment, or other evaluation unless a final determination has been made that the Respondent has violated Wesleyan College *Non-Discrimination, Harassment, and Related Conduct Policy*. If necessary and appropriate, such decisions shall be deferred until the claim is resolved.
- **Against a Witness or Participant in the Investigation:** It is also a violation of this Policy to retaliate against an individual or group providing information related to a Complaint.

A claim of retaliation by a Complainant, Respondent, or Witness will be resolved under the College's *Non-Retaliation Policy*.

Stalking: a course of conduct (including cyberstalking) based on a protected characteristic and directed at a specific person that would cause a reasonable person to fear for their safety or the safety of another, or to suffer substantial emotional distress. Cyberstalking is addressed under the College's Title IX Policy.

Support Person: Complainants and Respondents may choose a person of their choice to support them throughout the process and this person may attend meetings with them. It is the decision of the Complainant and Respondent to

communicate with their Support Person regarding allegations, times and dates of meetings, and any other information regarding the case. The Wesleyan College staff will not discuss the case with the Support Person, who:

- can be a friend, colleague, or other Wesleyan campus community member, as well as a non-campus community member;
- may not be a witness or potential witness;
- is limited to quietly conferring with the Complainant or Respondent through verbal or through written correspondence during meeting;
- shall not engage in conduct that is disruptive to the investigative process; and
- may not act in any way on behalf of or in lieu of a party.

V. Reporting of Discrimination, Harassment, or Related Misconduct

Individuals are not required to follow any “chain of administration” or “chain of command” in order to file a Complaint. Faculty, staff, students, and third parties (such as contractors or visitors) can report discrimination, harassment, or related misconduct committed by faculty, staff, or third parties to the Chief Compliance Officer.

Centralized Reporting: All reports of possible discrimination, harassment, or related misconduct, including potential Title VI violations, must be reported to the Chief Compliance Officer as the centralized reporting location. The Chief Compliance Officer is responsible for tracking all complaints and ensuring that each complaint is properly investigated and resolved.

Employee Reporting Responsibility: All employees, including those designated as Mandated Reporters or Campus Security Authorities, have a responsibility to report potential Title VI violations, including discrimination based on race, color, national origin, shared ancestry, and ethnic characteristics. Employees who become aware of potential discrimination or harassment on any of these bases must promptly report such concerns to the Chief Compliance Officer. Training on these reporting obligations is provided through the College’s Mandated Reporter and Campus Security Authority training programs.

Upon receipt of the report of possible discrimination, harassment, or related misconduct, the Chief Compliance Officer will clarify the details of the Complaint with the Complainant, inform the Respondent of the Complaint in a timely manner, and establish any needed interim protective measures to provide for the safety of the Parties and the campus community.

Some forms of discrimination, harassment, or related misconduct may implicate federal and/or state laws. Complainants or Respondents may choose to invoke external processes to resolve their concerns instead of or in addition to pursuing the College’s process. Some forms of harassment may also be criminal in nature and therefore may be pursued with the Campus Police or a local law enforcement agency. A Complainant may choose to utilize the procedures set forth herein, report the alleged conduct to law enforcement, or both.

*Complaints involving only students should be reported to the Chief Conduct Officer in Student Affairs.

VI. Timeliness

In order to maintain and support a community that is respectful and free from discrimination, harassment, and related misconduct and to maximize the College’s ability to respond promptly and effectively, we urge individuals to come forward with reports of concerns or with Complaints as soon as possible. The sooner a Complaint is filed, the more effectively it can be investigated, e.g., while witnesses are still available, memories are fresh, and documentation may still be available. The longer the delay in filing the Complaint the more difficult it is for the College to investigate.

In some cases, for example, in which the individual is found responsible of misconduct but is no longer affiliated with the College, we may not be able to take disciplinary action. However, in the case that misconduct is concluded, Wesleyan College will strive to provide other fair and reasonable measures to support the reporting Party and minimize any future harm.

VII. Confidentiality

Wesleyan College recognizes the importance of confidentiality. Breaches of confidentiality compromise the College's ability to investigate and resolve claims of discrimination, harassment, and related misconduct. Wesleyan College will attempt to protect the confidentiality of the Complaint process to the extent reasonably possible. Investigators, Support Persons, mediators, members of hearing panels, and any others participating in the process on behalf of Wesleyan College shall keep the information obtained through the process confidential. All other participants in the process (including the Complainant, Respondent, non-College Support Persons, and Witnesses) are required to respect the confidentiality of the proceedings and circumstances giving rise to the dispute and to discuss the matter only with those persons who have a genuine need to know. Wesleyan College and its representatives will not comment publicly on such proceedings or respond to social media questioning in relation to accusations/ Complaints or proceedings.

While Wesleyan College is committed to respecting the confidentiality of all Parties involved in the process, it cannot guarantee complete confidentiality. Examples of situations in which confidentiality cannot be maintained include:

- when the College is required by law to disclose information (such as in response to a subpoena or court order);
- when disclosure of information is determined by the Chief Compliance Officer to be necessary for conducting an effective investigation of the claim; and
- when confidentiality concerns are outweighed by the College's interest in protecting the safety or rights of others.

College resources are available to provide counseling, information, and support in a confidential setting. These confidential resources will not share information about a report of discrimination, harassment, or related misconduct without the individual's express written permission unless there is a continuing threat of serious harm to the Complainant or to others, or there is a legal obligation to reveal such information including suspected abuse or neglect of a minor. The confidential resources available to individuals on campus are: College Counselor, Director of Health Services, and Director of Campus Ministry.

VIII. Informal Resolution

Subject to the College's obligations set out in section V, when appropriate (such as when a Complainant does not wish to pursue a harassment or discrimination concern through the submission of a formal Complaint), the Chief Compliance Officer may decide to pursue more informal mechanisms to address a situation.

None of the possible informal resolution mechanisms noted below are required prior to filing a Complaint of discrimination, harassment, or related misconduct and, in some cases, informal resolution mechanisms may not be appropriate. The Chief Compliance Officer reserves the right to determine whether informal resolution is appropriate for a specific case, and both Parties must agree to enter into the informal resolution process before proceeding.

*In reports involve students only, The Chief Conduct Officer reserves the right to determine whether informal resolution is appropriate for a specific case, and both Parties must agree to enter into the informal resolution process before proceeding.

A. Possible Mechanisms for Informal Resolution

The following is a non-exhaustive list of possible mechanisms to informally address a concern or Complaint. None of the actions set forth below is required before an individual may file a Complaint. Actions taken utilizing any of these mechanisms do not constitute a formal finding of a violation of the Policy.

Should any of the following mechanisms fail to resolve the matter satisfactorily, an individual may file a Complaint as set forth in the Formal Complaint section of these procedures. At any time prior to reaching a resolution, a Complainant may withdraw from the Informal Resolution process. Respondents may also withdraw at any time prior to reaching a resolution from those mechanisms involving one-on-one meetings or facilitated conversations. The Chief Compliance Officer shall also have the authority to determine that an informal resolution is not an appropriate mechanism and should move to a formal investigation or another resolution process instead.

1. **One-on-One Meeting.** The Complainant, either alone or with an appropriate third party, may meet with the individual whose behavior is causing concern, discuss the situation, clearly communicate that the behavior is unwanted, and that the Complainant wishes it to cease.
2. **Intervention by Supervisor or Other Individual with Authority.** The Complainant may request assistance in addressing the behavior from an individual with supervisory authority over the person whose conduct is an issue. While the College's ability to impose discipline may be limited in the absence of a formal finding of a violation, an individual with supervisory authority may be able to meet with the individual whose behavior is causing concern and clearly communicate that the behavior is unwanted and that the complaining Party wishes it to cease.
3. **Facilitated Conversation, Mediation, or Restorative Process.** If all Parties are willing, the Chief Compliance Officer or Chief Conduct Officer if students only will arrange for a facilitator or mediator to help resolve the issue.
4. **Training, Education, or Coaching.** Training, education, or coaching may be arranged to assist in addressing the specific behaviors or issue.

B. Achievement of Informal Resolution

When possible, resolution of a Complaint should be achieved in a timely manner. All reasonable efforts should be made to complete any agreed-upon informal process for resolution within 20 business days from receipt of the concern. In cases of extenuating circumstances, this timeline may be extended.

A resolution utilizing the Informal Resolution process does not necessarily establish a violation of this Policy. However, except for mediation and restorative process, the admission of any conduct by the Respondent in the course of an Informal Resolution may be considered in any future proceedings under this Policy, if such admission is either relevant to the subsequent proceedings or such prior admission demonstrates a pattern or practice of prohibited conduct.

Once an Informal Resolution is agreed to by all Parties, the resolution is binding and a formal Complaint may not be filed later about the same matter unless the agreement is not upheld. Any breach of the terms of an Informal Resolution agreement may result in a further claim of discrimination, harassment, or related misconduct and disciplinary action.

IX. Formal Complaints

All formal Complaints follow the processes outlined below and are administered by the Chief Compliance Officer or Chief Conduct Officer for student incidents. The process lays out the timeline that is to be ordinarily followed. In extenuating circumstances, the Chief Compliance Officer has authority to extend such timelines. In the case of such an extension, the

Chief Compliance Officer will notify the relevant Parties in writing accordingly, including the reason(s) for the extension. Examples of extenuating circumstances include the complexity of the case, delays due to holiday or College breaks, the unavailability of Parties or witnesses, and inclement weather or other unforeseen circumstances.

To initiate a formal Complaint, individuals must complete the [Discrimination and Harassment Complaint Form](#) located at the bottom of the Compliance page on the Wesleyan College website and submit it to the Chief Compliance Officer.

*Formal complaints involving students will follow the conduct process for students detailed in the Student Handbook including investigation, interim measures, conduct meeting, determination and appeal rights.

Concerns may also arise because a manager, supervisor, or other individual with oversight responsibility becomes aware of conduct potentially covered by the Policy, either through an allegation or by direct observation. In this situation, the manager, supervisor, or other individual should report the situation to the Chief Compliance Officer, and, in some cases, the Chief Compliance Officer may need to appropriately respond. In certain circumstances the Chief Compliance Officer, upon learning of conduct potentially covered by the Policy, may be required to take action, which may include conducting an investigation. If the complaint is against the Director of Human Resources the Provost will fill the role of the Chief Compliance Officer.

Once a Complaint is submitted, the Chief Compliance Officer shall review the Complaint to determine the extent of an investigation, if warranted. The College will provide timely notice to the respondent of a complaint. At any time prior to the conclusion of the investigation, the Complainant may withdraw a Complaint. However, if the allegations or information obtained through the investigation raises issues of potential serious concern to the College community or for other compelling reasons, the Chief Compliance Officer may nonetheless proceed with an investigation. Whether the circumstances warrant an investigation in the absence of a Complaint is at the discretion of the Chief Compliance Officer.

A. Investigation

Once a Complaint is accepted for investigation, the Chief Compliance Officer shall assign the Complaint to two trained Investigators. Complaints filed against faculty will have at least one trained faculty Investigator assigned to the matter. Complaints filed against staff will have at least one trained staff Investigator assigned to the matter. Upon completion of the investigation, the Investigators will make findings of fact using preponderance of evidence standard to determine whether such findings establish a violation of the Policy.

All Parties involved shall have the opportunity to provide information during the investigation. The Parties have the right to have a Support Person present during meetings with the Investigators.

The Investigators will provide a summary report of the information obtained during the course of the investigation for the Complainant and Respondent, giving them the opportunity to respond.

Individuals with disabilities may request reasonable accommodations during the investigation process.

The investigation process will generally take no longer than 30 business days from the date the Complaint is filed. If it will take longer, the Parties will be notified.

B. Chief Compliance Officer Initiated Investigation

If the Chief Compliance Officer has reason to believe an individual has engaged in conduct that might violate the Policy, the Chief Compliance Officer has authority to undertake an investigation, notwithstanding the absence of a filed or submitted Complaint. The Chief Conduct Officer will do so for all incidents involving only students.

C. Interim Measures

When appropriate, the department(s) or office(s) involved in the matter, in consultation with the Human Resource Department (for cases involving staff), the Provost (for cases involving faculty), or the Dean of Students (for cases involving students), may take interim measures to foster a more stable and secure environment during the resolution of a Complaint, including to ensure the safety of the individual(s) involved (including the Parties and/or witnesses). These measures may be taken prior to any determination regarding whether there has been a violation.

Possible interim measures include, but are not limited to, “No Contact Orders” between individuals; rescheduling of work shifts, classes, exams, or assignments; reassignments; leaves of absence; or changes in housing assignment. Violations of interim measures will be addressed under the Policy.

D. Determination

Upon completion of the investigation, the Investigators will submit the investigative report or other written documentation to the Chief Compliance Officer. The Chief Compliance Officer will make a determination as to whether there is sufficient information to establish a violation, using the preponderance of the evidence standard. According to the preponderance of the evidence standard, based on the information acquired during the investigation, more likely than not, a violation of this Policy occurred.

The Chief Compliance Officer will submit the investigative report or other written documentation to the Parties. This document will generally be the same for both Parties, containing a summary of the investigation, any factual findings, and the determination as to whether there is a violation of the Policy. This written report is confidential and is for no one but the Complainant and Respondent. There should be no distribution of the report other than to the appropriate College officials. Violations of confidentiality may result in disciplinary actions.

In cases in which a violation has been concluded, the report submitted to the Complainant will also include any remedial actions to address any harm to the Complainant caused by the violation. Sanctions or disciplinary actions against the Respondent are discussed below. Remedial actions should be reasonably calculated to minimize the potential for recurrence of the prohibited conduct, as well as to reasonably remedy any negative consequences from that.

E. Disciplinary Actions

In cases where there is a finding of a violation of this Policy, the Chief Compliance Officer will confer with the Provost (for cases involving faculty), or the Dean of Students (for cases involving students) to determine appropriate disciplinary action(s) or sanction(s).

This determination will take into consideration all of the circumstances of the current incident(s), as well as any prior admissions and/or findings of a violation. Examples include: progressive disciplinary action; prohibition from various academic or managerial responsibilities involving the Complainant or others; letter of reprimand placed in a Respondent’s personnel file; restrictions on a Respondent’s access to Wesleyan College’s programs or facilities; limitations on merit pay or other salary increases for a specific period; or demotion, suspension, or dismissal/termination from the College.

The Chief Compliance Officer shall communicate to the Respondent any sanctions or disciplinary actions resulting from the determination. The Chief Compliance Officer, or Provost will verify that the actions have been implemented.

Sanctions and or disciplinary actions should be reasonably calculated to minimize the potential for recurrence of the prohibited conduct, as well as to reasonably remedy any negative consequences from the prohibited conduct.

X. Appeals

Either Party has the right to appeal the determination of the Investigators as to whether there is a Policy violation on the grounds stated below. If no appeal is submitted within ten (10) business days after submission of the written determination document to the Parties, the findings and determinations shall become final and not subject to further appeal.

Remedial/non-disciplinary actions may be implemented during the course of the appeals process unless inappropriate to do so.

Interim measures that have been implemented in the course of the investigation will be extended throughout the appeal process.

A. Grounds for Appeal and Submission

Grounds for an appeal are limited to the following cases:

- a. The determination and/or material findings are clearly erroneous when evaluated in light of the information obtained during the investigation;
- b. A Party presents new information not reasonably available at the time of the investigation and material to the findings or determination;
- c. Procedural error(s) that materially impacted the investigators' decision;
- d. The sanction or discipline is extreme in relation to the violation;
- e. There is evidence of bias on the part of the investigation or decision making process impacting the outcome.

The appeal process is not a re-investigation of the underlying Complaint.

Appeals must be in writing, identify the ground(s) for the appeal, and be submitted to the Chief Compliance Officer in a timely manner. Submissions to the Chief Compliance Officer may be made electronically via e-mail or hand delivered to ensure the receipt of the written appeal within the ten (10) day appeal deadline.

B. Appeals Board

Appeals for cases under this Policy will be heard by an Appeals Board selected from a list of trained Investigators. The Chief Compliance Officer will appoint an Appeals Board of three College employees, one of which will serve as the Chair. The Chief Compliance Officer will work to ensure there is no conflict of interest for any of the selected members of the Appeals Board. For employees, the Appeals Board shall be comprised of at least one member with the same community status (faculty or staff) as the Parties'. To the extent possible, two members of the same status will serve on the Appeals Board.

XI. Appeal Procedures

Within five (5) business days after the appeal is submitted, the Chief Compliance Officer shall forward the appeal to the Appeals Board along with the Investigators' summary, determination, and sanctions.

The Appeals Board may deny an appeal if it is not properly based on one of the designated grounds for an appeal.

Once the Appeals Board receives an appeal, which must be in writing, the Appeals Board will determine if the appeal falls within the five (5) specified grounds for appeal (see section **X. A.**); appeals that do not will be denied.

Appeals that are accepted for consideration, the Appeals Board shall, within the next five (5) business days, inform the Parties that the appeal has been accepted and inform those who will serve on the Appeals Board. The Appeals Board will also provide the non-appealing Party with a copy of the appeal. The non-appealing Party shall be allowed five (5) business days to respond to the appeal in writing.

The Appeals Board will review the submitted documents and, if needed, schedule an individual meeting with each, to take place within twenty (20) business days after the Appeals Board receives the appeal from the Chief Compliance Officer.

Each Party may bring a Support Person to their appeal meeting with the Appeals Board. The Support Person may not address the Appeals Board.

The Appeals Board shall make a determination as to whether to grant or not grant the appeal reviewing all documentation and meeting with the Parties, if the decision was made to do so. The determination will be submitted in writing to the Chief Compliance Officer within five (5) business days of the appeal.

In its determination, the Appeals Board, consistent with the grounds established for appeal, shall have authority to either uphold or overturn the findings and determinations, or remand the case to the Chief Compliance Officer for additional investigation or follow-up. In either case, the determination must include a summary of the rationale.

The Chief Compliance Officer shall, within three (3) business days from the Appeals Board determination, forward the appeal determination to each Party at the same time. The Chief Compliance Officer will notify the Director of Human Resources, Provost, or Dean of Students of any sanctions and/or disciplinary or remedial actions.

The decision by the Appeals Board to uphold or overturn the findings and determinations is final. Neither these procedures nor the Policy provides for further review of the findings, determination of the Chief Compliance Officer, or the determination of the Appeals Board.