



WESLEYAN UNIVERSITY

Statement of Non-Discrimination:

Wesleyan University does not discriminate in admission, employment or administration of programs and activities on the basis of race, color, religious creed, age, gender, gender identity or expression, national origin, marital status, ancestry, present or past history of mental disorder, learning disability or physical disability, political belief, veteran status, sexual orientation, genetic information or criminal record.

POLICY PROHIBITING DISCRIMINATORY HARASSMENT AND SEXUAL MISCONDUCT

Effective August 2016 (revised 2018, 2020, 2021, 2022, 2024)

Current revision approved: April 2026

Wesleyan University (“Wesleyan”) does not tolerate discrimination and/or harassment of any kind by or against Wesleyan students, faculty, staff, trustees, and volunteers; nor the employees of any Wesleyan contractors/agents.

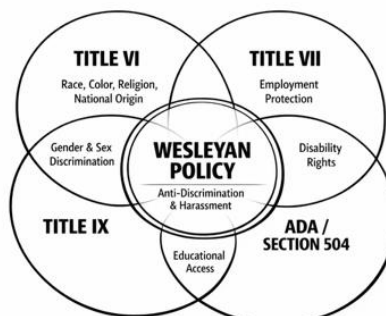
Wesleyan will respond promptly and appropriately to all reports and complaints of discrimination and/or harassment.

While this Discriminatory Harassment and/or Sexual Misconduct Policy (the “Policy”) specifically applies to Discriminatory Harassment as defined; additionally, Wesleyan prohibits Non-Discriminatory Harassment as defined.

INTRODUCTION

This Policy is in accordance with federal and state **Title VI, Title VII, Title IX and ADA laws:**

- **Title VI** of the Civil Rights Act of 1964 prohibits discrimination based on race, color, religion and national origin (which encompasses shared ancestry and ethnic characteristics) in educational programs or activities receiving federal financial assistance.
- **Title VII** of the Civil Rights Act of 1964 prohibits employment discrimination (job seeker or employee) on the basis of race, color, religion, sex or national origin.
- **Title IX** is a federal civil rights law enacted in 1972 and prohibits discrimination based on gender and sex, including sexual misconduct, in any education program or activity receiving federal financial assistance.
- **ADA** (The Americans with Disabilities Act) / **Section 504** (Rehabilitation Act of 1973) prohibits discrimination against individuals with disabilities in various areas, including employment and education.



The purpose of this Policy and the related process(es) set forth within are to prevent the occurrence of and addressing the effects of various forms of Discriminatory Harassment and/or Sexual Misconduct as defined in the Definitions section below.

This Policy and the related process(es) set forth within apply to all Wesleyan students, faculty, staff, trustees, and volunteers (the “Wesleyan Community”) as well as certain employees of Wesleyan contractors/agent (“Wesleyan Vendors”) (collectively the “Members”), and all Members are responsible for being familiar with and abiding by the Policy. Members are expected to cooperate in good faith in any activities associated with this Policy.

Individuals to whom this Policy applies includes:

1. Any student enrolled at Wesleyan and/or participating in its education programs and activities; and/or
2. Any employee, full or part-time at Wesleyan including contracted, seasonal, etc. and/or
3. Applicants for admission or employment at Wesleyan and/or
4. Any individual (including students, alumni, faculty, staff, families and/or authorized volunteers) participating in Wesleyan’s educational programs and activities; and/or
5. Individuals and organizations contracted as vendors doing work within a Wesleyan program or activity.

This Policy shall apply to all individuals affiliated with Wesleyan University. It is intended to protect the rights and privacy of the Reporting Party, Responding Party, Witnesses and other involved individuals, as well as to prevent retaliation or reprisal. Individuals who violate this Policy may be subject to disciplinary or other corrective action.

This Policy is reviewed and updated as needed. The most current version of the Policy is housed on the Wesleyan’s [Office for Equity & Inclusion](#) webpage. Wesleyan retains the right to deviate from specific provisions of this Policy in cases of unusual circumstances.

The Department of Education’s Office for Civil Rights (“OCR”) has published clear guidance that instructs and directs higher education institutions to ensure campus-wide protocol related to this Policy is implemented and appoint a Coordinator to serve as the individual(s) to whom all complaints or notices related to discriminatory harassment, sex/gender bias, sexual misconduct and/or discrimination based on ability/disability be directed.

Wesleyan employs a Title IX Coordinator that also serves as the Title VI and Title VII Coordinator; and worked with ADA/Section 504 staff as appropriate*.

- These roles, including the Designee(s), are hereto after referred to as “Coordinator” in this document.
- The Coordinator, under the supervision of the Vice President for Equity & Inclusion, has the overall responsibility for implementing this Policy and the related process(es) set forth within and may delegate specific tasks to other appropriately trained Wesleyan employees (“Designees”) as necessary.

**The “coordinator” and/or “designee referred to does not approve or provide specific accommodations, rather becomes involved in claims of discrimination.*

JURISDICTION OF POLICY

This Policy applies to Discriminatory Harassment and/or Sexual Misconduct that occurs:

1. During Wesleyan’s on and off campus education programs and activities (including Wesleyan-approved student organizations) that occur within, and in limited circumstances, outside of the United States; and/or
2. When Wesleyan has substantial control over the individual who allegedly engaged in conduct that violates this Policy.

In limited circumstances, this Policy may extend to off-campus violations as outlined by the Clery Act.

PROHIBITED CONDUCT

Prohibited Conduct covered by this Policy, within the above jurisdiction, and defined below, can be committed in-person and/or using technology.

Prohibited Conduct includes, but is not limited to:

- Discriminatory Harassment, defined as:
 - The unfair or prejudicial treatment of an individual or individuals based on identity or perceived identity of race, color, religion and/or national origin (which encompasses shared ancestry and ethnic characteristics), and/or sexual orientation such as; but not limited to:
 - Pregnancy-related comments (“baby brain,” “you can’t handle this anymore”).
 - Ageist insults (e.g., “dinosaur,” “too old for tech”) used to push you out.
 - Racial slurs, stereotypes, or segregating tasks by race or ethnicity.
 - National origin mockery, accent ridicule.
 - Religious disparagement; denial of reasonable schedule swaps for worship.
 - Anti-LGBTQ+ slurs, misgendering, or refusal to respect names/pronouns.
 - Ability / disability-based taunts or refusal to consider reasonable accommodations.
- Sexual Misconduct, defined as:
 - Unwelcome behavior on the basis of sex by and/or against individuals regardless of their gender, gender identity, gender expression or sexual orientation, including, but not limited to:
 - Sexual harassment
 - Quid pro quo (given in exchange)
 - Hostile environment
 - Sexual assault
 - Dating violence
 - Stalking
 - Domestic violence
 - Exploitation
- Retaliation connected to reporting or participating in any part of this process.
 - Acts or attempts to retaliate or seek retribution against the Reporting Party, Responding Party, or any individual or group of individuals involved in the investigation and/or resolution of an allegation; including subjecting an individual to an adverse employment or educational action because they made a complaint under any portion of this Policy or responded to, assisted or participated in any manner in an investigation under this Policy.

Individuals who have any questions concerning possible prohibited conduct of any kind or wish to make a report so that the matter can be addressed under the appropriate Policy are encouraged to contact the Coordinator or other identified individuals.

Although not covered under this Policy, Wesleyan also prohibits Non-Discriminatory Harassment defined as harassment not specifically based on an individual or individual’s membership in a protected category. See definition of Non-Discriminatory Harassment for further information regarding resources and filing a complaint.

DEFINITIONS

Actual Knowledge or Notice (related only to student sexual misconduct)

“Actual Knowledge or Notice” is Wesleyan’s official awareness of an allegation / incident of Prohibited Conduct. Wesleyan does not have Actual Knowledge or Notice until a report concerning the conduct is made verbally or in writing to the Coordinator, their designee, or any administrator with authority to take corrective measures.

Advisor

An “Advisor” is an individual of each party’s choosing who will provide support and guidance throughout the investigation process. This individual may be a member of the Wesleyan community, a union representative (for employees in a bargaining unit), an attorney, or another individual of their choosing to provide support and guidance. Parties may; but are not required to choose an attorney as their advisor.

In accordance with both Wesleyan Policy and federal regulations, each Party:

- may be accompanied by an Advisor of their choice for support and guidance throughout any meeting or stage of any process; and
- must have an Advisor present for any cross-examination (cross examination is a federally required component; and takes place only in the determination phase of a sexual misconduct allegation).

If an individual does not have an Advisor, the University will provide names of individuals who have been trained to serve in this role.

Americans With Disabilities Act (ADA) / Section 504

The ADA and Section 504 require educational institutions to provide equal access and accommodations for students with disabilities, ensuring they are not discriminated against and can reasonably participate in educational programs. ADA also ensures that all members of the community individuals with disabilities are able to fully participate in employment and education.

Amnesty for Conduct Violations Related to Sexual Misconduct Reports/ Complaints

Wesleyan strongly encourages individuals to report possible sexual misconduct. For this reason, the University will generally not subject an individual making a Report, or a Reporting Party, to disciplinary action for possible violations of Wesleyan’s prohibitions involving personal consumption of alcohol and/or drugs connected with a reported incident, provided that the personal consumption did not result in harm to other individuals.

- The extent of any amnesty will be considered in light of the facts of the particular case.
- Wesleyan has the sole discretion to address co-occurring conduct violations.
- Wesleyan also has the discretion to require individuals who are granted amnesty from disciplinary sanctions for alcohol/drug violations to engage in substance use counseling or other appropriate resources.

Appellate Officer

An “Appellate Officer” is the individual appointed to review and make decisions on appeals; assessing whether there are sufficient grounds for the appeal and determining the outcome based upon Policy and procedure.

Complaint

A “Complaint” is the written account of the Discriminatory Harassment and/or Sexual Misconduct experienced by a Reporting Party and submitted to the Coordinator. A Complaint may trigger an investigation and resolution through the Determination Process.

Consent

“Consent”, in accordance with federal and state laws, is the permission granted or agreement to a sexual act or behavior and incorporates the following related concepts:

1. Consent:

- Consent requires that all individuals agree to engage in a sexual activity or behavior. Consent should always be mutual, voluntary, and given without pressure, intimidation, or fear.
- Consent must be freely and affirmatively communicated between all individuals in order to participate in a sexual activity or behavior. It can be expressed either by words or by clear, unambiguous actions. It is the responsibility of the individual who wants to engage in sexual activity or behavior to ensure the Consent of their partner(s).
- Consent must be obtained at each step and be present throughout the sexual activity or behavior. At any time, an individual can communicate that they no longer Consent to continuing the sexual activity or behavior. If there is confusion as to whether an individual has given Consent or continues to Consent to a sexual activity, it is essential that the individuals stop the activity until the confusion is clearly resolved.
- Silence, lack of protest, or no resistance does not indicate Consent.
- Consent is not present if agreement results from the use of physical force, threat of physical force, intimidation, Coercion, as defined below, Incapacitation, as defined below, or any other factor that would eliminate an individual’s ability to exercise free will to choose whether or not to have sexual contact.
- A current or previous dating or sexual relationship, by itself, is not sufficient to constitute Consent. Even in the context of a relationship, a willingness to engage in a sexual activity or behavior must be freely and affirmatively communicated between the individuals each time.

2. Coercion:

- Coercion is the use or attempted use of pressure and/or oppressive behavior, including express or implied threats, intimidation, or physical force, which places an individual in fear of immediate harm or physical injury or causes an individual to engage in unwelcome sexual activity or behavior. An individual’s words or conduct cannot amount to Coercion unless they wrongfully impair the other’s freedom of will and ability to choose whether or not to engage in sexual activity or behavior.
- Coercion also includes administering or pressuring another to consume a drug, intoxicant, or similar substance with the intent to impair that individual’s ability to consent prior to engaging in sexual activity or behavior.

3. Incapacitation:

- Incapacitation is defined as the inability, temporarily or permanently, to give Consent, because an individual is mentally and/or physically helpless, unconscious, or unaware that sexual activity or behavior is occurring. This may or may not be due to alcohol or other drugs (see below).
- An individual who is incapacitated cannot Consent to sexual activity or behavior.

4. Alcohol or Other Drugs:

- Wesleyan considers any sexual contact while under the influence of alcohol or other drugs to be risky behavior. Alcohol and drugs impair an individual’s decision-making capacity, awareness of the consequences, and ability to make informed judgments.
- Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual harassment, misconduct, or violence and does not diminish one’s responsibility to obtain consent.

If there is any doubt as to the level or extent of the other individual’s intoxication or impairment, the prudent course of action is to forgo or cease any sexual contact or activity.

- From the perspective of the Reporting Party, the use of alcohol or drugs can limit an individual’s ability to freely and clearly give consent.
- From the perspective of a Responding Party, the use of alcohol or drugs can create an atmosphere of confusion over whether or not consent has been freely and clearly sought or given.
- It is especially important, therefore, that anyone engaging in sexual activity be aware of the other individual’s level of intoxication. If there is any doubt as to the level or extent of the other individual’s intoxication or impairment, the prudent course of action is to forgo or cease any sexual contact or activity.
 - Warning signs of incapacitation may include one or more of the following: slurred speech, vomiting, unsteady gait, combativeness, emotional volatility, and/or sleeping.
 - The perspective of a reasonable person will be the basis for determining whether a Responding Party should have been aware of the amount of the ingestion of alcohol or drugs by the Reporting Party, or of the extent to which the use of alcohol or drugs impacted a Reporting Party’s ability to give consent.
 - For example, an individual who is in a blackout may appear to act normally and be giving consent but may not actually have conscious awareness or the ability to consent to or later recall the events in question.
 - The extent to which an individual is in this state affirmatively gives words or actions indicating a willingness to engage in sexual activity (and the individual reasonably could not have known of the person’s level of alcohol consumption and/or level of impairment) must be evaluated in determining whether consent has been given.

Contractors/Agents/Vendors

“Contractors/Agents/Vendors” are outside agencies and their employees working at or with Wesleyan under written agreement including, but not limited to those providing custodial, landscaping/grounds and/or dining services.

CORE Team

The Civil Rights Core Team* (formerly Title IX Core Team) brings together Wesleyan leadership to continually to review and revise processes related to climate, culture, and compliance; and to meet the needs of the Wesleyan community.

Core Team Members:

- Assistant Vice President for Equity and Inclusion / Title IX Coordinator (chair)
- Vice President for Equity and Inclusion
- Associate Director for Equity Compliance / Deputy Title IX Coordinator
- General Counsel and Secretary of the University
- Vice President for Student Affairs
- Associate Vice President/Dean of Students
- Director of Counseling and Psychological Services
- Assistant Director of Public Safety
- Associate Vice President for Human Resources
- Director of Labor and Employee Relations

Determination Process

The “Determination Process” is the process by which outcomes and actions related to Complaints filed in violation of this Policy are adjudicated/resolved.

The details vary in terms of Discriminatory Harassment (TVI, TVII, ADA) and/or Sexual Misconduct (TIX). The following processes and roles vary between students and employees and include:

- Determination Officer (including Dean of Students, Human Resources staff, and/or any Vice President)
- Determination Hearing or Panel as appropriate

Disability

Under the ADA, a person is considered to have a disability if they:

- Have a physical or mental impairment that substantially limits one or more major life activities.
- Have a record of such an impairment.
- Are regarded as having such an impairment.

Employers are required to make reasonable accommodations for a qualified employee's disability as long as it does not inflict undue hardship on the business operation.

Discriminatory Harassment

It is illegal to discriminate against someone based on race, color, religion, national origin, or sex. The University recruits, hires, trains, promotes and educates individuals without regard to race, color, religion, national or ethnic origin, age, disability, veteran status, sex, marital status, sexual orientation, gender identity or gender expression. Behavior that is offensive and connected to one's identity and/or membership in a protected class. Discriminatory harassment creates an environment that a reasonable person would consider intimidating, hostile, or abusive; and limits one's ability to participate fully in their education and employment.

Employee

As used in this Policy, an Employee is a faculty or staff member who is employed, contracted, has applied for employment, or is a volunteer in Wesleyan's education programs and activities, who has the right to file a complaint under the Title VI, Title VII, ADA and Title IX regulations and this Policy. A student (graduate or undergraduate) employed by Wesleyan may be considered an Employee under this Policy, depending on the particular circumstances.

Faculty Committee on Rights and Responsibilities (FCRR)

The Faculty Committee on Rights and Responsibilities adjudicates complaints brought against a member of the faculty, by any member of the University community, except in cases of potential violations of Title VI, Title VII and Title IX legislation. The procedures that apply to bringing complaints to the are laid out in the faculty handbook.

Intimate Partner Violence

Intimate Partner Violence, also referred to as Dating Violence, Domestic Violence and Relationship Violence; is any act of violence or threatened act of violence against an individual who is, or has been involved in, a sexual or dating relationship with that individual. It may involve one act or an ongoing pattern of behavior. Intimate Partner Violence can encompass a broad range of behavior, including, but not limited to threats, assault, property damage, violence or threat of violence to oneself, one's sexual or romantic partner or to the family members or friends of the sexual or romantic partner. Intimate Partner Violence affects individuals of all genders, gender identities, gender expressions, and sexual orientation and can occur between individuals of any racial, social, or economic background.

The University recognizes that sexual harassment, sexual assault, sexual exploitation, stalking, harm to others, emotional and psychological abuse, harassing conduct, and retaliation may all be forms of intimate partner violence when committed by an individual who is or has been involved in a sexual, dating or other social relationship of a romantic or intimate nature with the Reporting Party.

Investigator

An "Investigator" is a trained internal, or in limited situations, external, individual(s) selected by Wesleyan to investigate a Complaint in accordance with this Policy. Investigator(s) are responsible for conducting prompt,

reliable, and impartial investigations; preparing and submitting interview reports and findings; and providing any investigation-related recommendations in accordance with Wesleyan-specific procedures.

Investigative Report

The Investigative Report is written when the Investigator(s) have completed initial fact finding, both parties will be permitted to review the initial Report and submit relevant questions and/or information. Once any relevant additional information is gathered, the entire Investigative Report is submitted to the relevant determination process or individual thus providing a written document that fairly summarizes relevant information, to be used in the process of determination and resolution.

Non-Discriminatory Harassment

“Non-Discriminatory Harassment” is unwelcome, offensive conduct (like slurs, jokes, intimidation, or inappropriate physical contact) that creates a hostile, intimidating, or abusive environment, even if not tied to a protected trait like race or sex, impacting someone's work or education, and violating policies.

Notice

Notice is when any member of the community refers/connects someone who has experienced harm with the TVI, TVI, TIX Coordinator. This triggers outreach by the Coordinator to connect with, discuss, and provide the individual with appropriate options and resources for support and reporting, including to explain the Complaint and Resolution Process under this Policy.

Party(ies)

The Parties are the Reporting Party and Responding Party in a Complaint.

Process

The “Process” is the broad term for a start-to-finish examination of the allegation initiated when the Reporting Party files their Complaint and the subsequent steps, thereafter, including but not limited to the investigation, resolution, and possible appeal.

Reporting Party

Any individual who has experienced harm in the form of Discriminatory Harassment and/or Sexual Misconduct as defined in this Policy.

Responding Party

An individual or group of individuals who has been alleged to have caused harm and potentially violating this Policy. When notified of the allegation(s), The Responding Party will receive enough information to respond to the allegations, including the name of the Reporting Party.

Responsible Employee

Faculty, staff and student employees who do not hold confidential status regarding experiences of sexual misconduct are considered Responsible Employees and must refer/connect the individual who has shared an experience of sexually based harm with the Title IX Coordinator.

Retaliation

“Retaliation” are Acts or attempts to retaliate or seek retribution against the Reporting Party, Responding Party, or any individual or group of individuals involved in the investigation and/or resolution of an allegation; including subjecting an individual to an adverse employment or educational action because they made a Complaint under any portion of this Policy or responded to, assisted or participated in any manner in an investigation under this Policy. Any individual or group of individuals, not just a Responding Party or Reporting Party, can be guilty of Retaliation. Retaliation may include continued abuse or violence and other forms of Discriminatory and/or Non-Discriminatory Harassment.

Sanction:

Wesleyan University uses “sanction” to indicate a penalty or disciplinary action against a member of the community resulting from misconduct, Policy violation, and/or or failure to meet obligations. Sanctions include, but are not limited to, points (student), warnings, probation, separation from the University and termination to ensure accountability and upholding standards.

Sexual Assault

Sexual Assault is having or attempting to have sexual intercourse or sexual contact with another individual without consent. This includes sexual intercourse or sexual contact achieved by the use or threat of force or coercion, where an individual does not consent to the sexual act, or where an individual is incapacitated. Sexual assault includes the following acts:

- **Related to Non-consensual Sexual Penetration:** Penetrating or attempting to penetrate another individual without their consent. This includes vaginal or anal penetration, however slight, with a body part or object, or oral copulation by mouth-to-genital contact.
- **Related to Non-consensual Sexual Contact:** Having or attempting to have sexual contact with another individual without consent. Sexual contact includes kissing, touching the intimate parts of another, causing the other to touch one’s intimate parts, or disrobing of another without permission. Intimate parts may include the breasts, genitals, buttocks, mouth, or any other part of the body that is touched in a sexual manner.

Sexual Exploitation

Sexual Exploitation occurs when an individual takes sexual advantage of another individual for the benefit of anyone other than that individual without that person’s consent. Examples of behavior that could rise to the level of sexual exploitation include:

- Prostituting another person;
- Recording images (e.g., video, photograph), audio, or otherwise of another individual’s sexual activity, intimate body parts, or the individual in a state of undress;
- Distributing images directly or indirectly, in person and/or on-line (e.g., video, photograph), or audio of an individual’s sexual activity, intimate body parts, or the individual in a state of undress; and
- Viewing an individual’s sexual activity, intimate body parts, or the individual in a state of undress in a place where that individual would have a reasonable expectation of privacy.
- Knowingly exposing another individual to a sexually transmitted disease or virus without his or her knowledge
- Inducing incapacitation for the purpose of making another individual vulnerable to non-consensual sexual activity.

Even if an individual consented to sexual activity, consent must also be given to any photographing or recording of sexual activity. In addition, even if an individual consented to photographing or recording of sexual activity, consent must also be given for any distribution of that material.

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

Sexual Harassment

Sexual Harassment is a form of discriminatory harassment occurring within an employment or educational context that federal and state law addresses with very specific provisions. In cases where sexual harassment is alleged, the University has a duty to act promptly, so as to assure that if such harassment is, in fact, occurring or has occurred, corrective action is taken, and further harm is prevented.

According to the state of Connecticut unwelcome sexual advances, requests of sexual favors, and/or other verbal or physical contact of a sexual nature constitute sexual harassment when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's academic or employment success,
- submission to or rejection of such conduct by an individual is used as the basis for academic or employment evaluation and decisions affecting such an individual, or
- such conduct has the purpose or effect of substantially interfering with an individual's work performance, or creating an intimidating, hostile, or offensive living, learning, or work environment.

The effect of Sexual Harassment will be evaluated based on the perspective of a reasonable person in the position of a Reporting Party. A single or isolated incident of sexual harassment 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 provide a hostile environment, particularly if the harassment is physical.

Sexual Misconduct

“Sexual Misconduct” is a broad spectrum of behavior encompassing sexual harassment and all forms of non-consensual sexual activity. For the purposes of this Policy, the Sexual Misconduct includes, but is not limited to: sexual assault, sexual exploitation, intimate partner violence, stalking, sexual harassment and retaliation. Sexual Misconduct affects individuals of all genders, gender identities, gender expressions, and sexual orientation, and does not discriminate against by racial, social, or economic background.

Stalking

“Stalking” is conduct directed at a specific individual that would cause a reasonable person to fear for their safety or the safety of others; or suffer substantial emotional distress including but not limited to surveillance, following, tracking, monitoring or unnecessarily frequent and unwelcome encounters. This includes cyber-stalking, a particular form of stalking in which electronic media is used to pursue, harass, or make unwelcome contact with another individual. Stalking may involve individuals who are known to one another or have an intimate or sexual relationship or may involve individuals not known to one another.

Student

A Student is an individual who is enrolled/participating in Wesleyan's undergraduate or graduate education programs and activities, and who has the right to file a complaint under the Title VI, Title VII and Title IX regulations of this Policy. A Student employed by Wesleyan may be considered an Employee under this Policy, depending on the particular circumstances.

Supportive Measures

“Supportive Measures” are non-disciplinary, non-punitive, individualized services and/or resources offered as appropriate and reasonably available, without charge to the Reporting Party after a Report has been made or Complaint has been filed, and to the Responding Party after a Complaint has been filed.

Title VI, VII, IX Coordinator

The Coordinator, as directed by OCR, has responsibilities to

- Ensure prompt response to stop the harassment/discrimination/misconduct
 - Provide supportive consultation upon learning of the behavior.
 - Implement immediate support (including what are known as “supportive measures” under Title IX) for the individual reporting an experience of discrimination and/or sexual misconduct.
- Initiate the preliminary action and investigation; and conduct a prompt and thorough investigation(s) as appropriate.
 - Ensure due process for both Reporting Party and Responding Party.

- Oversee action to reasonably prevent the recurrence
- Conduct ongoing educational campaigns and climate monitoring.
- Implement remedies (e.g., Policy changes, disciplinary actions, training programs) to ensure a hostile environment is not ongoing.

Witness

A “Witness” is an individual who has relevant information regarding allegations or issues provided in a complaint statement. Witnesses may include expert witnesses; and may not include character witnesses.

PROCESS: INITIAL CONSULTATION AND SUPPORT

The role of the Climate, Culture and Compliance staff in the Office for Equity & Inclusion is working with students, staff and faculty around Title IX (Gender Bias and Sexual Misconduct) and/or Title VII/VI/ADA (Discriminatory Harassment and Identity-based Bias) at Wesleyan.

After receiving information and/or a referral related to conduct that could fall under this Policy, the Coordinator will reach out to the individual who has experienced harm to ask if they would like to meet regarding the situation; and be provided with options /resources for support and reporting.

These initial steps may include, but are not limited to, the following:

Contact. The Coordinator will contact the individual (the “Reporting Party”) regarding the initial allegation and encourage them to meet virtually or in person to discuss the nature and circumstances and review relevant information that is available and describe the various options and resources available.

Supportive Measures. Regardless of whether a Reporting Party decides to file a Complaint or not, they may be entitled to supportive measures; these options differ for students and employees and will be determined through need-based discussions with the Title VI, Title VII, Title IX, Coordinator(s). Supportive Measures are intended to restore or preserve equitable access to Wesleyan’s community, education programs and activities, and workplace; and shall not unreasonably burden the other Party.

Supportive measures *may* include but are not limited to:

- Student:
 - *confidential counseling and/or conversation via Counseling and Psychological Services (CAPS), The Office of Religious and Spiritual Life (ORSL) and WesWell (sexual violence prevention)*
 - *academic accommodations (such as extensions of deadlines or other course-related adjustments);*
 - *course changes or drops regardless of timing;*
 - *modifications of work or class schedules;*
 - *campus escort services;*
 - *mutual no contact agreements;*
 - *residential accommodations (such as a change in housing, particular type of housing, or temporary housing options);*
- Employee:
 - *changes in work locations;*
 - *leaves of absence;*
 - *increased security or monitoring of certain areas on campus;*
 - *confidential counseling and/or mediation via the University Ombuds and/or Employee Assistance Program (EAP);*
 - *modifications of work schedules;*
 - *campus escort services;*
- Factors to be considered in determining reasonable **Supportive Measures** include, but are not necessarily limited to:

- *The specific need articulated by a Party;*
- *The severity and/or pervasiveness of the alleged conduct;*
- *Any continuing effects on a Party;*
- *Whether the Parties share a residence hall, dining hall, class, extracurricular activity, office space and/or other logistical considerations; and*
- *Whether any law enforcement and/or judicial measures have been taken to protect a Party or Parties.*

Discussion of Process. The Coordinator will describe this Policy and related processes. The Coordinator will also explain the right to report, as well as the right to delay or decline to report the matter to Wesleyan.

This preliminary conversation is supportive and consultative such that the individual need not share any information or make any decisions; these initial steps are not an investigation and the following areas of information are discussed:

1. No reporting – no names, no details: Academics and/or Housing adjustments
2. No reporting – names, no details: Implementation of a Mutual No Contact Agreement
3. Reporting – statement of names and details; to open an Investigation (*not discussed in detail; schedule subsequent conversations if/when the individual chooses to report*)
 - a. Resolution:
 - i. Informal Resolution
 - ii. Formal Resolution through the Determination Process
4. Additional information
 - a. Wesleyan resources
 - b. Community resources for support and reporting through the Middletown Police

PROCESS: INVESTIGATION and RESOLUTION

Wesleyan is committed to responding appropriately and providing pathways to resolving situations of discriminatory harassment, identity-based bias and all forms of sexual misconduct.

While specific processes are outlined below, individuals are encouraged to discuss experiences and possible resolution with their supervisor and/or available resources including: Human Resources, the Ombudsperson, the Dean of Students Office, Dean of Graduate Student Affairs, the Office of the Provost and/or the staff in the Office for Equity & Inclusion.

In determining whether reported behavior constitutes Discriminatory Harassment and/or Sexual Misconduct and is therefore covered under this Policy, Wesleyan looks at the totality of circumstances including the nature of the conduct and the context in which the alleged incident(s) occurred.

If the alleged behavior would be defined as Discriminatory Harassment and/or Sexual Misconduct, the Process would follow that portion of investigation and resolution under this Policy.

The determination that the conduct violates this Policy will be made on a case-by-case basis using the “preponderance of the evidence” standard. Violations of this Policy may lead to disciplinary action up to and including academic dismissal or termination of employment. Wesleyan will take appropriate corrective action based on the findings in each case.

- In cases involving individuals, such action includes, but are not limited to, points (student), warnings, probation, separation from the University and termination to ensure accountability and upholding standards.
- In cases involving groups:

- where a student organization or team may have been involved in possible discriminatory harassment or sexual misconduct, it will be addressed through the appropriate process through the Office for Equity & Inclusion in partnership with Student Affairs and/or Athletics.
- a faculty or staff department may have been involved in possible discriminatory harassment or sexual misconduct; it will be addressed through the appropriate process through the Office for Equity & Inclusion in partnership with Human Resources and/or Academic Affairs.

Timeframe

The goal in resolving Complaints under this procedure is 60 business days from the receipt of statements from both parties. As used in all procedures, unless specifically stated otherwise, a day means a “business day,” Monday through Friday, and does not include days when the University is officially closed.

Process for Addressing Discriminatory Harassment - Title VI/Title VII or ADA

Wesleyan is committed to responding appropriately and providing pathways to resolution for all forms of Discriminatory Harassment in accordance with University standards as well as state and federal guidance.

This includes an investigation and formal resolution; as well as an informal resolution process.

Complaint. If the Reporting Party wishes to move forward with filing and resolving a Complaint under this Policy, the Reporting Party must provide a written statement to the Coordinator via e-mail or [on-line](#).

- Resolution includes
 - an informal resolution process, in which parties can seek to resolve their concerns outside of the formal determination process.
 - a formal resolution process, in which a Policy violation is determined and decisions made through the appropriate (faculty/staff or student) determination/hearing/adjudication process; this process leads to an action-related outcome.
- Wesleyan reserves the right to move forward with a formal investigative process on the basis of one party’s complaint or statement of allegations against another individual.

NOTE: If the Reporting Party requests that the process not move forward or move forward under a different Policy, Wesleyan will weigh that request against the obligation to address any risk of harm to the Reporting Party, the Responding Party, or other individuals in the community given the nature of the allegation(s). *A decision to move forward in a way that does not align with the wishes of the Reporting Party will be utilized in limited situations in which Wesleyan has a concern related to the safety of the broader Wesleyan community.*

Investigation

The investigation begins when a written statement is received and reviewed by the Coordinator.

1. **Notice of Investigation.** Once it is determined that an investigation will begin, the Coordinator will meet with and verbally notify the Responding Party of the allegation, explain the overall process, and the next step of writing a statement of response.
 - a. The Coordinator will follow-up the verbal notice in writing:
 - The written notice will include a description of the allegations as they are understood at the time, the name(s) of the parties, the date(s) and location(s) of the conduct in question, the portions of the Policy that are alleged to have been violated, any interim measures in place of which either Party must be made aware, and a statement that the Responding Party is presumed not responsible for the alleged conduct.

- This written notice does not constitute a finding or a determination of responsibility; further, the written notice will be updated or amended if new allegations are raised by either Party and accepted for investigation throughout this process.
- b. At this point, other options for resolution are introduced (verbally and in writing) to both parties:**
- **Responding Party Voluntary Agreement to Policy Violation.**
 - At any time before or after the review of the investigative report and up to 48 hours prior to the appropriate (faculty/staff or student) determination/hearing/adjudication process, a Responding Party may agree in writing to the alleged violation(s) of this Policy and may also accept a sanction as proposed, and in conjunction with the Coordinator, by the Dean of Students Office for Students and the appropriate Vice President for Employees.
 - **Informal Resolution.**
 - At any time before or after the review of the investigative report and up to 48 hours prior to convening a final determination either party may request an informal resolution of a complaint rather than an investigation and/or hearing by submitting the proposed resolution in writing to the Coordinator.
 - The Coordinator will assess the request for informal resolution against the severity of the alleged violation and the potential risks to campus community members.
 - All Parties and the Coordinator must agree in writing to informal resolution for this option to be used. If necessary, the Coordinator will designate a Wesleyan employee or outside service provider to facilitate a dialogue with the Parties in an attempt to reach a resolution.
 - The Coordinator can end such a process if it becomes unproductive or abusive.
 - The allegation will only be deemed resolved when the Parties expressly agree to an outcome that is acceptable to them, and which is approved by the Coordinator in consultation with other appropriate Wesleyan administrators.
 - Either Party may withdraw from the informal resolution process at any time, and, unless resolution is reached, the matter will continue through the process.
 - The informal resolution process will be conducted in accordance with procedures specified by the Coordinator, as determined at their sole discretion. If initiated, the informal resolution must be concluded within ten (10) business days of the initial presentation of the proposed resolution.
2. **Designation of Investigator.** The Coordinator himself will investigate or designate at least one Investigator to conduct a prompt, fair, and impartial investigation of the reported conduct. Investigators will be selected from a group of qualified and trained individuals employed by or engaged by Wesleyan for the purpose of conducting investigations under the Policy Prohibiting Discriminatory Harassment. The Coordinator will provide the parties, in writing via e-mail, with the name of the individual(s) assigned to investigate the reported conduct.
3. **Nature of Investigation.** The investigation provides an opportunity for fact-finding and will include separate interviews with the Reporting Party, the Responding Party, and any relevant Witnesses. The Investigator(s) will provide the parties, in writing via e-mail, with advance notice of meetings at which their presence is required; at least three days advance notice will be provided to allow the individual sufficient time to prepare for the meeting.

4. **Parties' Identification of Potential Witness(es) and Documentation.** The Parties have the opportunity to provide the Investigator(s) with the identification of potential Witnesses who have specific information about the reported conduct and with whom they would like the Investigator(s) to speak to; however, such witnesses have the right to decline to participate. The Parties also have the opportunity to provide the Investigator(s) with any documentation or other items or questions they would like to be considered.

The Investigator(s) will exercise discretion in their determination of what information to consider, and which potential Witnesses can provide relevant information to the investigation.

Further, the Investigator(s) have the right to interview any member of the Wesleyan community that may have specific information about the incident that has been reported.

Determination and Sanction Process

Procedures for resolution of Complaints under this Policy are specific for Students and Employees.

- Each process provides an equitable and timely process for both Reporting and Responding parties; and aligns with their role within the community.
- The specific procedure utilized follows the Responding Party.

Once all information has been gathered, the Investigator(s) create an initial report that includes the statements from each party; and fairly summarizes relevant all relevant information gathered during the process.

All information gathered [the evidence file, investigation file and all (party) responses to the initial report] becomes the Final Investigation Report; submitted to the Coordinator.

The Coordinator will review the Report to ensure:

- Questions and evidence are relevant and well-presented as to be well-understood by the decision-maker.
- Information protected under a legally recognized privilege is not admissible unless the individual holding the privilege has waived the privilege in writing.

At this point the process splits, providing different resolution processes for students and employees.

- If the **Responding Party is a Student**, the process follows the student procedures.
 - In student cases, the Final Investigation Report will not include any determination as to whether the Responding Party is responsible for violating this Policy
 - The report will be sent to:
 - (undergraduate) the Dean of Students Office for review by the Community Standards Board (CSB); determinations and sanctions will be made within the context of CSB judicial processes as outlined in the Student Handbook.
 - (graduate) the Dean of Graduate Studies Office for review by the Graduate Judicial Board (GJB); determinations and sanctions will be made within the context of GJB processes as outlined in the Student Handbook.
- If the **Responding Party is an Employee**, the process follows employee procedures.
 - In cases involving faculty, staff, or administrators, the Final Investigation Report will include a determination as to whether the Responding Party is responsible for violating this Policy.
 - The Vice President for the Responding Party's division will receive the report; and ultimately makes decisions regarding action.

- Such action / determination will be made by the Vice President for the Responding Party.
- The Vice President for the Responding Party will brief the Office of the President.
- In determining action, the Vice President for the Responding Party may consult with others as appropriate, including, but not limited to: Office for Equity & Inclusion, Human Resources, individual's manager. Additionally, the President/Provost shall consult with the Faculty Committee on Rights and Responsibilities (FCRR) in case(s) of termination or suspension without pay of a tenured, tenure track and/or Professor of the Practice faculty member.

NOTE: Situations regarding *non-discriminatory harassment* are not resolved through the Office for Equity & Inclusion nor are they specifically covered within this Policy. Complaints of non-discriminatory harassment by faculty, students, administrators, staff, vendors, or visitors should be directed accordingly:

- Allegations against faculty to the individual's supervisor, Department Chair, the Faculty Committee on Rights and Responsibilities (FCRR) or the Office of Human Resources.
- Allegations against staff or administrators to individual's supervisor, Department Chair, or the Office of Human Resources.
- Allegations against students to the Dean of Students/Student Judicial Board or the Graduate Office/Judicial Board as appropriate.

Process for Addressing Sexual Misconduct - Title IX

Wesleyan is committed to responding appropriately and providing pathways to resolution for all forms of Sexual Harassment and Misconduct in accordance with University standards; and in compliance with state and federal guidance.

This includes a formal investigation and decision-making/hearing process, as well as an informal resolution process.

While these processes are discussed throughout the Policy; you may discuss your experience with Human Resources, the Ombudsperson, the Dean of Students Office, Dean of Graduate Student Affairs, the Office of the Provost and/or the Title IX Coordinators in the Office for Equity & Inclusion. *The Faculty Committee on Rights and Responsibilities (FCRR) does not process allegations of sexual misconduct and will direct the Reporting Party to the Title IX staff.*

It is important to understand that if you are a student and share personal experiences related to sexual misconduct with certain individuals on campus, they, in turn, may be required to share information with and/or connect you with the Office for Equity & Inclusion/Title IX Coordinators (hereafter referred to as Title IX Office). This is to be sure you know your options; this connection does not begin a process or open an investigation.

Individuals may also discuss experiences of gender discrimination and sexual misconduct with a confidential resource, and that individual would not need to share anything with the Title IX Office.

- Student confidential resource(s):
 - Any clinician or therapist with Counseling and Psychological Services (CAPS)
 - Any health care provider at Davidson Health Center.
 - Any clergy with the Office of Religious and Spiritual Life.
 - Assistant Director, Wes Well for Sexual Violence Prevention Education
- Employee confidential resource(s):
 - University Ombudsperson
 - Employee Assistance Program (EAP)

In certain situations, members of the Title IX Office may be obligated to act if they have actual knowledge of sexual misconduct.

The following process describes how the University will investigate a report that an individual has engaged in prohibited conduct that could violate this Sexual Misconduct Policy; and, in accordance with federal law, the same process is used for student and employee cases.

Complaint If the Reporting Party wishes to move forward with filing and resolving a Complaint under this Policy, the Reporting Party must provide a written statement to the Coordinator via e-mail or [on-line](#).

Complaint Review

Once a written statement by the Reporting Party is received, it is reviewed by the Coordinator prior to opening the investigation.

Upon reviewing the Complaint, if the Coordinator determines that the conduct would, if proven, be prohibited by this Policy, they will move to the investigation phase of this process.

However, if proven the conduct would not be prohibited by Title IX, the Coordinator may:

- a. dismiss the matter without limiting the individual's ability to provide additional information; or
- b. refer the matter directly to the staff that is charged with executing any other relevant Policy that may be implicated.
 - For example, a claim may not meet the Title IX definitions; but is prohibited by Wesleyan Policy; or a claim of harassment that is based on race or disability status, even if proven, would not violate the Sexual Misconduct Policy.
 - The University would, in these circumstances, refer the matter directly to the process prohibiting these forms of misconduct.

The Coordinator has an obligation to address reported behavior that may fall outside of the range of behavior prohibited in this particular Policy.

- If lesser conduct is included in a Title IX matter defined under this Policy and the Title IX-related conduct is dismissed for any reason; the report may be referred directly to the appropriate University official.
- However, any behavior that is included within the complaint process and has significant factual overlap and will be entitled to the process set forth below even if the behavior would be subject to a lower review process through another Policy.

Investigation

The investigation begins when a written statement is reviewed by the Coordinator.

1. **Notice of Investigation.** Once it is determined that an investigation will begin, the Coordinator will meet with the Responding Party and discuss the allegations as well as access to and implementation of Supportive Measures as previously defined.
 - b. The Coordinator will follow-up the verbal notice in writing:
 - The written notice will include a description of the allegations as they are understood at the time, the name(s) of the parties, the date(s) and location(s) of the conduct in question, the portions of the Policy that are alleged to have been violated, any interim measures in place of which either party must be made aware, and a statement that the Responding Party is presumed not responsible for the alleged conduct.

- This written notice does not constitute a finding or a determination of responsibility; further, the written notice will be updated or amended if new allegations are raised by either party and accepted for investigation throughout this process.
- c. At this point, other options for resolution are introduced to both parties:**
- **Responding Party Voluntary Agreement to Policy Violation.**
 - At any time before or after the review of the draft or final Investigative Report and up to 48 hours prior to convening a Determination Hearing, as described below, a Responding Party may agree in writing to the alleged violation(s) of this Policy and may also accept a sanction as proposed, and in conjunction with the Coordinator, by the Dean of Students Office for Students and the appropriate Vice President for Employees.
 - **Informal Resolution*.**
 - At any time before or after the review of the draft or final Investigative Report and up to 48 hours prior to a determination or the convening a Determination Hearing, as described below, either party may request an informal resolution of a complaint rather than an investigation and/or hearing by submitting the proposed resolution in writing to the Coordinator.
 - The Coordinator will assess the request for informal resolution against the severity of the alleged violation and the potential risks to campus community members.
 - All Parties and the Coordinator must agree in writing to informal resolution for this option to be used. If necessary, the Coordinator will designate a Wesleyan employee or outside service provider to facilitate a dialogue with the Parties in an attempt to reach a resolution.
 - The Coordinator can end such a process if it becomes unproductive or abusive.
 - The allegation will only be deemed resolved when the Parties expressly agree to an outcome that is acceptable to them, and which is approved by the Coordinator in consultation with other appropriate Wesleyan administrators.
 - Either Party may withdraw from the informal resolution process at any time, and, unless resolution is reached, the matter will continue through the process.
 - The informal resolution process will be conducted in accordance with procedures specified by the Coordinator, as determined at their sole discretion. If initiated, the informal resolution must be concluded within ten (10) business days of the initial presentation of the proposed resolution.

** Informal Resolution is not an option in situations of sexual misconduct when there is a power dynamic (ie. superior/subordinate) between the parties.*

2. **Designation of Investigator.** The Coordinator will designate at least one Investigator from a group of qualified and trained individuals employed by or engaged by Wesleyan for the purpose of conducting investigations under this Policy.

The Coordinator will provide the Parties with the name of the individual(s) assigned to investigate the reported conduct. As soon as possible, but no later than three (3) business days after delivery of the identity of the Investigator(s), the parties shall inform the Coordinator (in writing) of any conflicts of interest with regard to the selected Investigator(s).

The Coordinator will consider the nature of the conflict and determine if different individuals should be assigned as Investigator(s). The Coordinator's decision regarding any conflicts is final. The Coordinator may consult with other Wesleyan personnel to discuss any conflicts of interest.

3. **Information about Advisors in Connection with this Policy.** In connection with an allegation of prohibited conduct under this Policy, and as defined, each party may have a single Advisor of their choice present during any disciplinary proceeding, including any related meeting, interview, or hearing, held pursuant to the Policy. Except to the extent expressly permitted in the hearing process outlined below, the Advisor may advise their respective party privately but cannot speak without permission or act as a character advocate.

Wesleyan and/or Investigators may delay or terminate meetings or hearings, remove or dismiss Advisors, and/or proceed with the investigation if an Advisor is disruptive or otherwise refuses to comply with the requirements of this Policy. An Advisor is subject to the same confidentiality expectations applicable to others in attendance as outlined in the Student or Employee Handbook respectively. Accommodations, including unreasonable scheduling changes, generally will not be made for any Advisor if they unduly delay the process.

The Advisor is not permitted to attend a meeting or proceeding without the Party they are advising present and without the prior approval of the Coordinator. Wesleyan reserves the right to take appropriate action regarding any Advisor who disrupts the process, or who does not abide by the restrictions of their participation.

4. **Nature of Investigation.** The investigation provides an opportunity for fact-finding and will include separate interviews with the Reporting Party, the Responding Party, and any relevant Witnesses. The Investigator(s) will provide the parties with advance notice of meetings at which their presence is required; three days advance notice will be provided to allow the individual sufficient time to prepare for the meeting.
5. **Parties' Identification of Potential Witness(es) and Documentation.** The Parties have the opportunity to provide the Investigator(s) with the identification of potential Witnesses who have specific information about the reported conduct and with whom they would like the Investigator(s) to speak to; however, such witnesses have the right to decline to participate. The Parties also have the opportunity to provide the Investigator(s) with any documentation or other items or questions they would like to be considered.

The Investigator(s) will exercise discretion in their determination of what information to consider, and which potential Witnesses can provide relevant information to the investigation.

Further, the Investigator(s) have the right to interview any member of the Wesleyan community that may have specific information about the incident that has been reported.

6. **Investigation Prohibitions.** At no point will the investigation require both Parties to be in the same room.
7. **Investigative Report(s).**
 - a. At the conclusion of the Investigation Phase, the Investigator(s) will prepare an initial (draft) report, which includes:
 - a summary of the factual information presented during the Investigation Phase
 - a separate section where the Investigator(s) point out relevant consistencies or inconsistencies (if any) between all sources of information

- optional section describing the Investigator'(s) assessment of the credibility of Parties and Witnesses with regard to the Investigator(s) interactions with them.
- b. The Investigator(s) will provide any relevant evidence gathered, whether inculpatory (*i.e.*, proving the responsibility of a party) or exculpatory (*i.e.*, proving that a party did not commit the conduct alleged).
- c. This report is reviewed by the Parties and revised by the Investigator(s) as needed before creating a Final Investigative Report.
 - This will not include a determination as to whether a Party has violated this Policy or what sanctions may be appropriate.
 - These determinations will be made by the individual who will conduct the hearing process, hereafter referred to as the Determination Officer, as described.

8. **Notification of Charges and Review by the Parties**

- a. Wesleyan will inform both parties of their opportunity to review the evidence in the drafted Investigative Report and that they may submit written comments and/or questions about the content to the Coordinator within ten (10) business days of the date they are notified that the Investigative Report is available for review.
 - This review will take place at a secure location and/or in a secure manner determined by Wesleyan.
 - The time to submit written comments can be extended for a brief period if the Coordinator concludes, in their sole discretion, that additional time is warranted. In circumstances where an extension is provided to one Party, it will be provided to the other Party, as well.
- b. Each Party may have their Advisor present as they review the Investigative Report, but Wesleyan reserves the right to create appropriate procedures to protect the privacy and sensitivity of the materials in question.
 - Photographs or any other copies of the report are not allowed by either Party or Advisor.
 - Comments submitted by the Parties may not exceed ten (10) double-spaced pages unless a higher page limit is otherwise determined to be necessary and appropriate in the sole discretion of the Coordinator.
- c. After reviewing any submissions from the Parties, the Investigator(s) determines if additional investigation is required or no further investigation is needed.
- d. If, at any point in this review process or the prior investigation it becomes apparent that a Witness will not take part and subject themselves to examination in the Determination Process as described, the Investigator may revise the Investigative Report to remove that information so as not to impact the hearing.
 - If this decision is made prior to the Parties' review, it will be noted in a cover memo.
 - If the decision is made following the Parties' review, it will be communicated to the Parties, and they will be informed in writing of any information that will be removed prior to the hearing.
- e. If the Investigator is not the Coordinator, the Final Report will be submitted to the Coordinator for review:
 - the Coordinator will add the specific charges as appropriate and compile all information for the Determination Process.
 - Any submissions made by either Party pursuant to this section, as well as any other documentation deemed relevant by the Investigator(s), will be attached to the Investigative Report.

- f. If the Investigator(s) has completed any additional fact finding, both Parties will be permitted to review the entire final report as it will be submitted to the Determination Officer, although no further information will be added at this point.
 - Wesleyan will inform both Parties of their opportunity to review the final report that fairly summarizes relevant information, at least ten (10) days prior to a hearing.

Determination Process**

4. Determination Officer.

- a. The Coordinator will designate a Determination Officer to conduct the hearing.
 - This non-Wesleyan individual is selected from a group of qualified and trained individuals engaged by Wesleyan for the purpose of conducting investigations under this Policy.
- b. The Coordinator will inform the Parties of the identity of the Determination Officer.
 - As soon as possible, but no later than three (3) business days after delivery of the identity of the assigned Determination Officer, the Parties should inform the Coordinator (in writing) of any conflicts of interest regarding the selected Determination Officer.
 - If a conflict of interest is raised, the Coordinator will consider the nature of the conflict and determine if different individual(s) should be assigned to hear the matter.
 - The decision regarding any conflicts is final.
- c. The Coordinator will then provide the Determination Officer with the Investigative Report and set a subsequent date for the Determination Officer to hold a hearing to determine responsibility.

2. Hearing. *Wesleyan adjudicates all cases through a hearing process; all hearings will be conducted virtually with all parties present.*

- a. **Prior to the hearing**, no later than three (3) business days prior to the scheduled hearing, the Determination Officer will meet with each Party and their Advisor to explain the hearing itself and answer process questions.
 - The Determination Officer will then preside over the hearings and make all decisions by a preponderance of the evidence as to whether or not the Responding Party violated the Policy provisions at issue.
 - The Determination Officer has broad authority to determine the process, timing, and conduct of a hearing. For example, the Determination Officer will determine the order of presentation and timing of the different hearing components. The Determination Officer will also determine relevance, including information and questions that are permissible.
- b. **Role of Advisors at the Hearing.** Each party must have an Advisor of their choice present at a hearing for the limited purpose of conducting witness examinations on behalf of that party.
 - Advisors may be, but are not required to be, attorneys.
 - If a Party does not have an Advisor of their choice present at a hearing, Wesleyan will, without fee or charge to the party, provide an Advisor of Wesleyan's choice for the limited purpose of conducting Witness examinations on behalf of that Party.
 - No later than ten (10) business days before the hearing, Parties should inform the Coordinator of the identity of any Advisor of choice who will accompany them to the hearing, so that Wesleyan will know whether it needs to arrange for the presence of a Wesleyan-provided Advisor.

- c. **Hearing Process: Advisor Examinations.** At a time and manner deemed appropriate by the Determination Officer, the Advisor for each party will be permitted to ask the other Party and any Witnesses all relevant examination questions and follow-up questions, including those challenging credibility.
- Except for that limited role, Advisors may not participate actively in the hearing and may not speak or otherwise communicate on the part of the Party that the Advisor is advising.
 - However, the Advisor may consult privately in a non-disruptive manner with their advisee during and/or at a recess in the hearing. Scheduling accommodations generally will not be made for Advisors if they unduly delay the process.
 - Wesleyan reserves the right to take appropriate action regarding any Advisor who disrupts the process or who does not abide by the restrictions on their participation as determined in the sole discretion of the Determination Officer. In limited situations, this may include exclusion of the Advisor from the hearing and the appointment of an alternate Wesleyan-provided Advisor.
- d. **Hearing Process: General Restrictions.** Questions and evidence about sexual predisposition or prior sexual behavior are generally not relevant, unless such questions and evidence about the prior sexual behavior are offered to prove that someone other than the Responding Party committed the conduct alleged, or if the questions and evidence concern specific incidents of the Reporting Party's prior sexual behavior that are offered solely to prove consent.
- e. **Hearing Process: Privileged Information.** Information protected under a legally recognized privilege (such as, for example, privileged communications between a party and their physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in a treatment capacity, or privileged communications between a Party and their attorney), are not admissible unless the individual holding the privilege has waived the privilege in writing.
- f. **Hearing Process: Examination Requirement.** If a Party or witness does not submit to examination at the hearing, the Determination Officer will not rely on any statement of that party or witness in reaching a determination regarding responsibility. The Determination Officer will not draw an adverse inference regarding responsibility based *solely* on a Party's or Witness's absence from the hearing or refusal to answer examination or other questions. This requirement is pursuant to current federal regulations, and Wesleyan reserves the right to alter it in accord with any further guidance from the federal courts and/or the U.S. Department of Education.
- g. **Record of Hearings.** Wesleyan will create an audio or audiovisual recording, or transcript, of any hearing and make it available to the Parties for inspection and review upon request. It will be kept for seven (7) years, not be provided for distribution, and Wesleyan will provide the same protective measures regarding the Parties' review of investigative reports.

NOTE: *At no point will either Party be permitted to question or cross-examine the other Party directly during the investigation, resolution, determination and/or appeal process. The Parties may ask questions of the other Party and/or Witnesses at the Determination Hearing, described below, but all such questions must be asked through the Party's advisor. Additionally, the Investigator(s) generally will not gather or consider information related to either party's sexual history unless deemed relevant to the incident in question.*

3. Sanctioning (for findings of Policy violation).

- a. **Sanctioning Consistency.** In the instance that the Determination Officer determines that a Party is responsible for violating this Policy, they may request from Wesleyan information on prior sanctioning decisions in factually similar matters.
 - The Determination Officer will apply a consistent sanction in the matter at hand; a rubric is used to ensure consistency in the application of sanctions.
- b. **Notification of Decision.** Upon reaching a determination of responsibility, and within seven (7) business days after the hearing, the Determination Officer will provide a written notification of the decision and rationale to the Coordinator.
 - This notification will consist of a summary of the allegations and determination(s) made by the Determination Officer with respect to responsibility and any sanctions that are imposed.
 - Upon review, and within seven (7) business days of receipt, the Coordinator will finalize the outcome and work with the appropriate office (*Dean of Students, Dean of Graduate Student Affairs, Academic Affairs, Human Resources, etc.*) to communicate that outcome to each Party.
 - The notification will also include the procedures for either Party to appeal, as set forth below.
 - Wesleyan reserves the right to inform other Wesleyan officials with a legitimate interest in the outcome of the finding. This could include, but is not limited to, notice to administrators charged with executing the sanction.

4. Appeals

- a. **The Appellate Officer.** In the instance of an appeal, the information is forwarded to the Vice President for Student Affairs or their designee for Students and the Vice President for Equity & Inclusion or their designee for Employees.
 - Both Parties will be provided with the name of the Appellate Officer prior to the materials being provided to them.
 - As soon as possible, but no later than three (3) business days after delivery of the identity of the Appellate Officer, the Parties should inform the Coordinator in writing of any conflicts of interest regarding the assigned individual. The Coordinator will consider the nature of the conflict and determine if different individual(s) should be assigned to review the appeal.
- b. **Grounds and Timing.** The following process applies to all Employee and Student cases. Within five (5) business days of the delivery of the decision, either party may appeal the decision by submitting to the Coordinator a letter stating why they believe the decision was inappropriate based on one or more of the following limited grounds:
 - Procedural error that materially prejudiced the outcome; and/or
 - Newly discovered material information that was not known/available to the Investigator(s) or the Determination Officer and which likely could have changed the finding of responsibility, or the sanction imposed had it been available.
 - Bias or a conflict of interest regarding the Coordinator, Investigator(s), or Determination Officer that materially impacted the outcome or the sanction.

- c. **Form of Submission.** The Party submitting the appeal must do so in writing. The submission must include in detail the grounds for review and all materials that they wish to have considered in the appeal process. Following the submission of an appeal by either party, the appeal will be provided to the other party, and they may give a limited response to the appeal that must be submitted within five (5) business days.
- d. **Extensions of Time.** Extensions of time to respond must be requested in writing to the Coordinator and will be provided at the sole discretion of that individual. The request should state explicitly the reasons for the requested extension. Any extension of time granted to one Party will be automatically extended to the other Party. Both Parties will be informed of the extension in writing simultaneously.
- e. **Sanctions Pending Appeal.** Sanctions of all types (including, but not limited to, suspension, dismissal, or separation) may be imposed while an appeal is pending at the sole discretion of Wesleyan.

*** In accordance with both law and policy, the University has a duty to act promptly, so as to assure that if such sexual harassment is, in fact, occurring or has occurred, corrective action is taken, and further harm is prevented. Therefore, in certain situations involving an employee(s) and student(s), where a hearing process is not appropriate, allegations of Sexual Harassment may be deemed a form of discriminatory harassment.*

Investigators meet with the Responding Party to discuss the situation/allegations, get their perspective, request the submission of a statement, and provide resources for support. Once all information has been gathered by the investigator(s) they compose a (draft) to fairly summarize relevant all information gathered during the process and include their thoughts on a violation of policy; this is submitted to the Coordinator.

Upon review, document is finalized by the Coordinator to include a determination as to whether the Responding Party is responsible for a violation of Wesleyan Policy. While the Investigator(s) and Coordinator include recommendations for action, they do not make those decisions. With that, the Vice President for the Responding Party's division determines the outcome after receiving and reviewing the Concluding Document. In doing so they may consult with others as appropriate before notifying the parties of the outcome/action.

WESLEYAN EXPECTATIONS & STANDARDS
for all cases under the
POLICY PROHIBITING DISCRIMINATORY HARASSMENT AND
SEXUAL MISCONDUCT

Disability Accommodations: Wesleyan is committed to ensuring that all community members, and applicants, have an equal opportunity to participate in all of its programs and activities. If any individual requires accommodation, because of disability, to access any part of this process, they may make that request to the Dean of Students. Any accommodation will be provided in consultation with the Coordinator to ensure it does not impact the rights or protections of any party or witness.

Duty of Honesty: All Parties and Witnesses are obligated to be completely honest during the course of the entire process set forth under this Policy. Any individual who knowingly makes a False Statement – either explicitly or by omission – in connection with any part of the process may be subject to separate disciplinary action. A Complaint made in good faith, however, is not considered false merely because the evidence does not ultimately support the allegation of a violation of the Policy.

False Statements

Making statements in bad faith in connection with this Policy to any Wesleyan official is prohibited and will be addressed through the appropriate conduct process based on the nature of the report.

Duty of Cooperation: All Parties and Witnesses are obligated to cooperate with the Coordinator and any individual charged with implementing the Policy. Any individual who knowingly interferes with the actions taken to implement the reporting, investigation, or resolution of matters under the Policy may be subject to separate and/or additional disciplinary action. Please note that the Duty of Cooperation will not be utilized to undermine an individual's decision not to take part in this process if it would force them to forfeit any constitutional rights in a criminal investigation involving the same or similar facts and circumstances.

Special Situations: Wesleyan retains the right to determine, in its sole discretion, if it will address a report of conduct under this Policy administratively and outside of the process described herein when the safety of the Wesleyan community is at risk, if there are extenuating circumstances involving either of the Parties, or if the Coordinator, in consultation with appropriate administrators, determines it is in the best interest of Wesleyan and/or the Wesleyan community to do so. If Wesleyan utilizes this provision to alter the process set forth in this Policy, it will clearly communicate change to the Parties in a reasonable and timely manner.

Delegation: Where the Coordinator or any other Wesleyan official or employee is listed as the designated point of contact for any role in the Policy, the Coordinator may designate another qualified member of the Wesleyan community to assume the role at issue, as necessary and appropriate. Any delegation must be approved by the Coordinator and the appointed individual will be identified to the Parties.

Reports made to outside agencies: Outside reports will not change Wesleyan's obligation to potentially investigate the matter, but it may briefly delay the timing of the investigation if a law enforcement agency requests that Wesleyan delay its process for a reasonable amount of time to allow it to gather evidence of criminal conduct.

- Wesleyan will typically not consider a criminal proceeding on the same facts in its process because Wesleyan does not use the same process or standard of proof as a criminal process. Typically, Wesleyan will only inquire about criminal processes to the extent they may impact an individual's ability to access or utilize Wesleyan's process.
- In no instance will an adverse inference follow the fact that either Party is involved in the criminal justice system, but certain information may be relevant for Wesleyan to consider in limited situations, e.g., if a court enters a separate restraining order, that may be considered while Wesleyan determines the restrictions of the Parties on campus to maintain the status quo pending investigation.

IMPLEMENTATION DATES:

Approved by CORE Team

Approved by Wesleyan President, Michael S. Roth

Communicated and implemented by the Office for Equity & Inclusion

January 28, 2026

April 7, 2026

April 10, 2026