

## **NORTH CAROLINA WESLEYAN COLLEGE POLICY ON GENDER DISCRIMINATION AND SEXUAL HARASSMENT**

It is the policy of North Carolina Wesleyan college that unlawful gender discrimination in any form, including sexual harassment of faculty and staff, or other forms of gender discrimination as referenced by Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 (Title IX), is prohibited in the workplace and in the recruitment, appointment, and advancement of employees. Gender discrimination of students, including sexual harassment, as referenced by Title IX, is prohibited in and out of the classroom and in the evaluation of students' academic or work performance. This policy is in keeping with the spirit and intent of various federal guidelines which address the issue of fair employment practices, ethical standards and enforcement procedures.

North Carolina Wesleyan College will endeavor to provide equality of opportunity in education and employment for all students and employees. Accordingly, the college does not practice or condone unlawful discrimination in any form against students, employees or applicants on the grounds of race, color, religion, creed, gender, national origin, age, disability, sexual orientation, or veteran status.

North Carolina Wesleyan College will respond promptly to all complaints of discrimination and retaliation. Violation of this policy can result in serious disciplinary action up to and including expulsion for students or discharge for employees.

Delegated by the President to serve as the Title IX Coordinator for the College, the Dean of Students maintains primary responsibility for the implementation of this policy. Disciplinary action for violations of this policy will be the responsibility of key administrators based upon the status of the individual(s) committing the violation as may be appropriate based upon applicable procedures.

North Carolina Wesleyan College hereby reaffirms its desire to maintain a work environment for all employees and an academic environment for all faculty and students that is free from all forms of unlawful discrimination and free from discrimination which is otherwise prohibited by College policy or regulation. Unlawful discrimination is completely incompatible with the values and goals of North Carolina Wesleyan College and will not be tolerated. North Carolina Wesleyan College strives to maintain an environment that supports and rewards individuals on the basis of such relevant factors as ability, merit and performance.

**Definition of Gender Discrimination** – Gender discrimination, including sexual harassment, is defined as conduct directed at a specific individual or group of identifiable individuals that subjects the individual or group to treatment that adversely affects their education or employment based upon gender.

**Definition of Sexual Harassment** - The determination of what constitutes sexual harassment will vary with the particular circumstances, but may be described generally as: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical

conduct of a sexual nature when:

- Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of education, employment, or participation in other College activities;
- Submission to or rejection of such conduct by an individual is used as a basis for evaluation in making academic or personnel decisions affecting that individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile, or offensive College environment.

**Definition of Involved Parties** – The following titles and descriptions will be used throughout this policy in reference to the various parties involved with reports of gender discrimination and sexual harassment:

- Complainant – the student, faculty or staff member, or any other individual associated with the College, who informally or formally reports an incident of gender discrimination and sexual harassment.
- Respondent – the student, faculty or staff member, or any other individual associated with the College, against whom the informal or formal report of gender discrimination or sexual harassment is directed.
- Contact Persons – those individuals designated to respond to reports of gender discrimination and sexual harassment as outlined below.

**Reporting Guidelines** - In conjunction with training and other preventive means, the prompt reporting of gender discrimination and sexual harassment is key to the College's ability to eliminate gender discrimination and sexual harassment on campus. Under the terms of this policy, persons who believe that they are victims of gender discrimination and sexual harassment may proceed informally or formally. These options are described below. Regardless of the status of the alleged Respondent or nature of the conduct, individuals who think they may be victims of gender discrimination and sexual harassment should note the following:

- Report the incidents of gender discrimination and sexual harassment as soon as possible to one of the appropriate Contact Persons or Ombudspersons. Contact Persons include the Dean of Students, Dean of the College, and Director of Human Resources.
- Gender Discrimination and Sexual Harassment Ombudspersons are faculty and staff members appointed by the President who are trained to provide information and advice to members of the campus community who think that they may be victims of gender discrimination and sexual harassment. The Ombudspersons will be available to advise and guide Complainants to and throughout the reporting process.
- In an emergency situation, such as after normal business hours or in the event that you are concerned for your safety, contact Campus Security. As soon as possible

- thereafter, you should report any conduct that may be gender discrimination or sexual harassment to one of the appropriate Contact Persons or Ombudspersons.
- The informal resolution and formal report processes are not mutual exclusive, and neither is required as a precondition for choosing the other; however, they cannot be used at the same time.

### **Informal Resolution**

Informal resolution may be an appropriate choice when the conduct involved is not of a serious or repetitive nature and disciplinary action is not required to remedy the situation. No formal investigation is involved in the informal resolution process.

A request for informal resolution must be made within ninety days of the date of the alleged incident to the appropriate Contact Person. Methods of informal resolution may include, but are not limited to, coaching the Complainant(s) on how to directly address the situation that is causing the problem; mediating a dispute with the parties involved; aiding in the modification of a situation in which the offensive conduct occurred; assisting a group of individuals with the resolution of a real or perceived concern; or arranging a documented meeting with the alleged Respondent(s) involving a discussion of the Policy on Gender Discrimination and Sexual Harassment.

The Contact Person will document any informal resolution. Such documentation will be retained by the Office of the Dean of Students and Title IX Coordinator as appropriate and will be kept confidential to the extent permitted by law. An informal resolution meeting will not be considered a precondition for the filing of a formal report.

### **Formal Reporting Process**

If the Complainant initially chooses to proceed with a formal report, or if informal resolution is unsuccessful, to whom the discrimination or harassment is reported and the nature of the resulting investigation and resolution process depends upon the status of the Respondent, as described in this section. The Complainant will be asked to submit a written report including the following information:

- Name(s) of the Complainant(s)
- Contact information including address, telephone number(s), and email address
- Name(s) of individual (s) responsible for the alleged violation(s)
- Date(s) and location(s) of alleged violation(s)
- Nature of alleged violation(s) as defined in this policy
- Detailed description of the specific conduct that is the basis of the alleged violation(s)
- Copies of documents pertaining to the alleged violation(s)
- Names of any witnesses to the alleged violation(s)

- Action requested to resolve the situation
- Signature of Complainant(s) and the reporting date

Formal reports should be filed within ninety calendar days of the occurrence of the alleged violation. In the case of a currently enrolled student, if the last day for filing a complaint falls prior to the end of the academic semester in which the alleged violation occurred, then the report may be filed within thirty calendar days after the end of the semester.

## **I. Discrimination and Harassment by Students**

**A. Reporting** - Any alleged incident of gender discrimination or sexual harassment by a student (including a student with teaching or classroom responsibilities if the allegations are unrelated to such responsibilities) toward any faculty member, staff member, student, or other individual associated with the College, that the reporting party cannot or does not desire to resolve informally should be reported promptly to one of the contact persons in the Office of the Dean of Students.

**B. Investigation** – Within two working days after receipt of a complaint, the Office of the Dean of Students will begin the investigation of any allegation that has not been resolved informally to determine whether there is sufficient evidence to conclude that a violation of the policy has occurred. The investigation may involve interviews and/or written statements from the Complainant, the Respondent and any witnesses who may be able to provide pertinent information about the facts, as well as a review of any pertinent documents. In the course of the investigation, the Respondent will be informed of the allegation, the identity of the reporting party, and the facts surrounding the allegation. The Respondent will be afforded a full opportunity to respond to the allegation. The conclusion of the investigator as to whether the Gender Discrimination and Sexual Harassment Policy was violated will be communicated in writing to both the Complainant and the Respondent.

**C. Appeal Procedure** - Should either the Complainant or the Respondent disagree with the decision and wish to appeal, an appeal must be submitted to the President of the College within five days of receipt of the written communication as set out on Section B. The letter must be signed and dated, and state the reasons for the appeal. The President will establish an Appeal Committee to advise him and to make a recommendation as to whether or not a violation of the Policy occurred.

The Appeal Committee will consist of a Vice President, who shall chair the Appeal committee as a voting member, the Director of Counseling and Disability Services, one person appointed by each of the Complainant and Respondent, and one other person. All persons appointed to the Committee shall be members of the College community, i.e. faculty, staff or full-time students. Should any member of the Committee have had any prior involvement in the case as an advisor, or as a witness to the alleged violation, that person will be replaced by the person who appointed such person. In case of a disagreement as to whether a person had a prior

involvement in the case, the other members of the Appeal Committee will determine whether a replacement should be appointed.

The Appeal committee will conduct a hearing, at which both the Complainant and Respondent will be allowed to bring witnesses, and forward its recommendation to the President, with the reasons for that recommendation. The decision of the President is final. A letter will be sent by the President to both the Complainant and Respondent that will provide the reasons for the final decision.

**D. Resolution** – If it is determined that a violation of the Policy occurred, the Office of the Dean of Students will proceed in accordance with the procedures outlined in the Student Handbook. A student found responsible for violating the policy will be sanctioned in accordance with College disciplinary procedures. These sanctions include, but are not limited to, a verbal or written warning, mandatory counseling, restrictions from specific areas of campus, loss of specific student privileges, community service, transfer or loss of on-campus housing privileges, disciplinary probation, disciplinary suspension or expulsion. If the student has teaching or classroom responsibilities, the Office of the Dean of the College may also terminate such responsibilities as a sanction if appropriate. The resolution of a gender discrimination or sexual harassment allegation will be shared with the Complainant to the extent allowed by law.

**E. Records** - The individual who conducts the review and/or hearing for the Office of the Dean of Students shall prepare a written summary of the matter. The purpose of this summary is twofold: (1) to ensure that the College is aware of repeat incidents by the same Respondent and (2) for record-keeping purposes so that the College can gauge the effectiveness of its anti-harassment policy and programs. This summary will be kept in a separate file and will be consulted for the two purposes set forth in this paragraph. However, discipline or other documentation issued to the Respondent (if any) as part of the resolution may be kept in that person's student disciplinary file.

## **II. Discrimination and Harassment by Faculty**

**A. Reporting** - Any alleged incident of gender discrimination or sexual harassment by a faculty member (or a student with teaching or classroom responsibilities if the allegations are related to such responsibilities) toward any student, staff member, other faculty member or individual associated with the College that the Complainant cannot or does not desire to resolve informally should be reported promptly to the contact person in the Office of the Dean of the College.

**B. Investigation** – Within two working days after receipt of a complaint, the Office of the Dean of the College will begin the investigation any allegation that has not been resolved informally to determine whether there is sufficient evidence to conclude that a violation of the policy has occurred. The investigation may involve interviews and/or written statements from the Complainant, the Respondent and any witnesses who may be able to provide pertinent information about the facts, as well as

a review of any pertinent documents. In the course of the investigation, the Respondent will be informed of the allegation, the identity of the reporting party, and the facts surrounding the allegation. The Respondent will be afforded a full opportunity to respond to the allegation. The conclusion of the investigator as to whether the Gender Discrimination and Sexual Harassment Policy was violated will be communicated in writing to both the Complainant and the Respondent.

**C. Appeal Procedure** - Should either the Complainant or the Respondent disagree with the decision and wish to appeal, an appeal must be submitted to the President of the College within five days of receipt of the written communication as set out on Section B. The letter must be signed and dated, and state the reasons for the appeal. The President will establish an Appeal Committee to advise him and to make a recommendation as to whether or not a violation of the Policy occurred.

The Appeal Committee will consist of a Vice President, who shall chair the Appeal committee as a voting member, the Director of Counseling and Disability Services, one person appointed by each of the Complainant and Respondent, and one other person. All persons appointed to the Committee shall be members of the College community, i.e. faculty, staff or full-time students. Should any member of the Committee have had any prior involvement in the case as an advisor, or as a witness to the alleged violation, that person will be replaced by the person who appointed such person. In case of a disagreement as to whether a person had a prior involvement in the case, the other members of the Appeal Committee will determine whether a replacement should be appointed.

The Appeal committee will conduct a hearing, at which both the Complainant and Respondent will be allowed to bring witnesses, and forward its recommendation to the President, with the reasons for that recommendation. The decision of the President is final. A letter will be sent by the President to both the Complainant and Respondent that will provide the reasons for the final decision.

**D. Resolution** - If it is determined that a violation of the Policy occurred, the Vice President for Academic Affairs will take appropriate action, including but not limited to counseling or educating the individual about gender discrimination and sexual harassment, and/or disciplinary action, including but not limited to a verbal or written reprimand, or other disciplinary sanctions up to and including termination. In the case of students with teaching or classroom responsibilities, this discipline may also include termination of such teaching and classroom responsibilities, as well as discipline from the Office of the Dean of Students if appropriate. Appeals by faculty and by students with teaching or classroom responsibilities from such disciplinary actions will be handled pursuant to the procedures for faculty grievances.

**E. Records** - The individual who conducts the investigation for the Office of the Dean of the College shall prepare a written summary of the matter. The purpose of

this summary is twofold: (1) to ensure that the College is aware of repeat incidents by the same Respondent and (2) for record-keeping purposes so that the College can gauge the effectiveness of its anti-harassment policy and programs. This summary will be kept in a separate file and will be consulted for the two purposes set forth in this paragraph. However, discipline or other documentation issued to the Respondent (if any) as part of the resolution may be kept in that person's personnel file.

### **III. Discrimination and Harassment by Staff**

**A. Reporting** – Any alleged incident of gender discrimination or sexual harassment by a staff member toward any student, faculty member, staff member, or other individual associated with the College that the reporting party cannot or does not desire to resolve informally should be promptly reported to the Office of Human Resources.

**B. Investigation** – Within two working days after receipt of a complaint, the Office of Human Resources will begin the investigation of any allegation that has not been resolved informally to determine whether there is sufficient evidence to conclude that a violation of the policy has occurred. The investigation may include interviews and/or written statements from the Complainant, the Respondent and any witnesses who may be able to provide pertinent information about the facts, as well as a review of any pertinent documents. In the course of the investigation, the Respondent will be informed of the allegation, the identity of the Complainant, and the facts surrounding the allegation. The Respondent will be afforded a full opportunity to respond to the allegation. The conclusion of the investigator as to whether the Gender Discrimination and Sexual Harassment Policy was violated will be communicated in writing to both the Complainant and the Respondent.

**C. Appeal Procedure** - Should either the Complainant or the Respondent disagree with the decision and wish to appeal, an appeal must be submitted to the President of the College within five days of receipt of the written communication as set out on Section B. The letter must be signed and dated, and state the reasons for the appeal. The President will establish an Appeal Committee to advise him and to make a recommendation as to whether or not a violation of the Policy occurred.

The Appeal Committee will consist of a Vice President, who shall chair the Appeal committee as a voting member, the Director of Counseling and Disability Services, one person appointed by each of the Complainant and Respondent, and one other person. All persons appointed to the Committee shall be members of the College community, i.e. faculty, staff or full-time students. Should any member of the Committee have had any prior involvement in the case as an advisor, or as a witness to the alleged violation, that person will be replaced by the person who appointed such person. In case of a disagreement as to whether a person had a prior involvement in the case, the other members of the Appeal Committee will determine whether a replacement should be appointed.

The Appeal committee will conduct a hearing, at which both the Complainant and Respondent will be allowed to bring witnesses, and forward its recommendation to the President, with the reasons for that recommendation. The decision of the President is final. A letter will be sent by the President to both the Complainant and Respondent that will provide the reasons for the final decision.

**D. Resolution** - If it is determined that a violation of the Policy occurred, the appropriate administrator, in conjunction with the Office of Human Resources, will take appropriate action, including but not limited to counseling or educating the individual about sexual harassment, and/or corrective action, including but not limited to mandatory referral to the Employee Assistance Program, verbal or written reprimands, suspension or termination. Staff may appeal such decisions using the Staff Complaint Procedure. Administrators may appeal such decisions in writing to the individual who has responsibility for their department.

**E. Records** - The individual who conducts the investigation for the Office of Human Resources shall prepare a written summary of the matter. The purpose of this summary is twofold: (1) to ensure that the College is aware of repeat incidents by the same Respondent and (2) for record-keeping purposes so that the College can gauge the effectiveness of its anti-harassment policy and programs. This summary will be kept in a separate file and will be consulted for the two purposes set forth in this paragraph. However, discipline or other documentation issued to the Respondent (if any) as part of the resolution may be kept in that person's personnel file.

#### **IV. Discrimination and Harassment by an Outside Individual**

**A. Reporting** – Any alleged incident of gender discrimination or sexual harassment on College property by an individual not associated with the College toward any faculty, staff member, student, or other individual associated with the College, should be reported promptly to the Dean of Students.

**B. Investigation** – Within two working days after receipt of a complaint, the Office of the Dean of Students will begin the investigation of any allegation that has not been resolved informally to determine whether there is sufficient evidence to conclude that a violation of the policy has occurred. The investigation may involve interviews and/or written statements from the Complainant, the Respondent and any witnesses who may be able to provide pertinent information about the facts, as well as a review of any pertinent documents. In the course of the investigation, the Respondent will be informed of the allegation, the identity of the reporting party, and the facts surrounding the allegation. The Respondent will be afforded a full opportunity to respond to the allegation. The conclusion of the investigator as to whether the Gender Discrimination and Sexual Harassment Policy was violated will be communicated in writing to both the Complainant and the Respondent.

**C. Appeal Procedure** - Should either the Complainant or the Respondent disagree

with the decision and wish to appeal, an appeal must be submitted to the President of the College within five days of receipt of the written communication as set out on Section B. The letter must be signed and dated, and state the reasons for the appeal. The President will establish an Appeal Committee to advise him and to make a recommendation as to whether or not a violation of the Policy occurred.

The Appeal Committee will consist of a Vice President, who shall chair the Appeal committee as a voting member, the Director of Counseling and Disability Services, one person appointed by each of the Complainant and Respondent, and one other person. All persons appointed to the Committee shall be members of the College community, i.e. faculty, staff or full-time students. Should any member of the Committee have had any prior involvement in the case as an advisor, or as a witness to the alleged violation, that person will be replaced by the person who appointed such person. In case of a disagreement as to whether a person had a prior involvement in the case, the other members of the Appeal Committee will determine whether a replacement should be appointed.

The Appeal committee will conduct a hearing, at which both the Complainant and Respondent will be allowed to bring witnesses, and forward its recommendation to the President, with the reasons for that recommendation. The decision of the President is final. A letter will be sent by the President to both the Complainant and Respondent that will provide the reasons for the final decision.

**D. Resolution** – If it is determined that a violation of the Policy occurred, the Office of the Dean of Students will take appropriate action in consultation with the President and, if necessary, College counsel. The resolution of a gender discrimination or sexual harassment allegation will be shared with the Complainant to the extent allowed by law.

**E. Records** - The individual who conducts the review and/or hearing for the Office of the Dean of Students shall prepare a written summary of the matter. The purpose of this summary is twofold: (1) to ensure that the College is aware of repeat incidents by the same Respondent and (2) for record-keeping purposes so that the College can gauge the effectiveness of its anti-harassment policy and programs.

### **Confidentiality**

Gender Discrimination and sexual harassment are particularly sensitive issues that may affect any member of the College community. All persons involved in any aspect of gender discrimination or sexual harassment allegation shall treat the matter as strictly confidential. The College will disclose information regarding a gender discrimination or sexual harassment report only as required by law and as necessary to meet its legal obligation to investigate allegations of gender discrimination or sexual harassment and to take action to end the discrimination or harassment.

### **Retaliation**

Any attempt by a faculty member, staff member, or a student to penalize, intimidate, or retaliate in any way against a person who makes a report of or who is otherwise involved in an informal or formal gender discrimination or sexual harassment report is completely prohibited. The College will treat retaliation as a separate incident subject to appropriate discipline/corrective action, from warning to termination or dismissal.

### **False Reports**

A Complainant who was intentionally dishonest in making the allegations or who acted maliciously is subject to appropriate discipline/corrective action, from warning to suspension, termination or dismissal.

### **Involvement of an Outside Authority**

In the event a Complainant makes a report to a civil or government authority the College reserves the right to withhold its investigation of the matter until such time as a decision is reached by this outside authority. The College also maintains the option of conducting its own investigation regardless of the decision of this outside authority. Whether the College immediately pursues or temporarily postpones its investigation, steps will be taken to protect the individual(s) involved and to ensure the continued participation of the Complainant(s) in the program.

### **Duty of Faculty and Employees to Report Harassment**

To assist the College in preventing gender discrimination and sexual harassment, all members of the campus community are encouraged to report the discrimination or harassment of others that they witness or otherwise know about to the Contact Person in either the Office of the Dean of Students, Office of the Dean of the College, or the Office of Human Resources.

### **Informational Sessions and Workshops**

Informational sessions and workshops on gender discrimination, sexual harassment and related issues will be conducted each academic year for students, faculty, and staff by the Office of the Dean of Students and Title IX Coordinator.

### **Permanent Records of Reported Incidents**

A file of all reports of incidents of gender discrimination and sexual harassment, including the names of Complainants and Respondents, will be maintained in the Office of the Dean of Students and Title IX Coordinator.

