



WESTMINSTER  
COLLEGE

2023

## DISCRIMINATION, HARASSMENT, AND SEXUAL MISCONDUCT: Policy, Procedures, and Resources



### MISSION:

It shall be the mission of **Westminster College** to educate and inspire all its students through a distinctive liberal arts curriculum and a dynamic developmental experience; to challenge them to be critically aware, life-long learners and leaders of character, committed to the values of integrity, fairness, respect and responsibility; and to prepare them for lives of success, significance and service.

Mandy March

10/04/2023

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# IMPORTANT RESOURCES:

## EMERGENCY CONTACTS

Ambulance/Fire/Police	911	
Campus Safety & Security	(24/7): 573-592-5555	Office: 573-592-5342
Fulton Police Department	573-592-3100	

## ON-CAMPUS RESOURCES

Wellness Center	573-592-5361	Westminster Hall Lower Level
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## CONFIDENTIAL (FOR STUDENTS)

Director of Counseling Services	573-592-5181	Westminster Hall Lower Level (Wellness Center)
Director of the Center for Faith & Service	573-592-6213	322 W 6 <sup>th</sup> Street

## NON-CONFIDENTIAL

Chief HR Officer/Title IX Coordinator	573-592-5226	Washington West, Second floor, Office 1
Dean of Student Life	573-592-5269	HAC, first floor, Craighead Office
Director of Campus Security	573-592-6231	710 Westminster Ave

(All other employees EXCEPT the confidential reports listed above)

## OFF-CAMPUS RESOURCES

### SUPPORT SERVICES

CARDV	866-642-4422	
Coalition Against Rape and Domestic Violence		

### MEDICAL SERVICES

Fulton Medical Center	573-642-3376	10 S Hospital Dr. Fulton, MO 65251
University Hospital and Clinics	573-882-4141	1 Hospital Dr. Columbia, MO 65212
Boone Hospital Center	573-815-8000	1600 E Broadway, Columbia, MO 65201
Women's and Children's Hospital	573-875-9000	404 N Keene St. Columbia, MO 65201
SSM Health St. Mary's Hospital	573-681-3000	2505 Mission Dr. Jeff City, MO 65109
Capital Region Medical Center	573-632-5000	1125 Madison St. Jeff City, MO 65109

## ANTI-DISCRIMINATION AND HARASSMENT POLICY STATEMENT

Westminster College is dedicated to maintaining an environment where all people feel respected and included and is committed to maintaining a diverse and inclusive work and learning environment free from discrimination and harassment. Harassment and/or discrimination subvert the mission of the College and threaten the careers, educational experiences and well-being of its students, staff, administrators and faculty. Thus, in accordance with federal and state law, Title IX and College policy, the College prohibits harassment or discrimination on its campus, at any College sponsored activities, and on any College sponsored trips, on the basis of an individual's/individuals' race, color, age, religion, sex, gender, sexual orientation, gender identity or expression, national or ethnic origin, citizenship, veteran status, marital status, disability or genetic information in its programs, activities and employment. It is the policy of Westminster College to promote equal employment opportunity without discrimination or harassment. The College also prohibits aiding, abetting, inciting, compelling or coercing discrimination or harassment prohibited by this policy. In addition, the College prohibits retaliation against any member of the College community for making a complain under this policy or participating in any investigation or proceeding provided in this policy.

Each member of the Westminster community has the right to work, study and/or socialize in an environment that is free from harassment and discrimination. Each member of the Westminster community, therefore, has the corresponding responsibility and obligation to conduct himself or herself so as to create an environment that is free of harassment and discrimination. This includes the acts of supervisors, managers, faculty, employee subordinates and peers, fellow students, guests, visitors, vendors, consultants, and customers. In addition to being responsible for their own conduct, supervisors and managers must ensure that their employees contribute to a work environment that is free of harassment and discrimination. Behavior prohibited by this policy is unacceptable in the workplace and in any work-related environment outside the workplace, such as during business trips, business meetings, athletic events on campus and business-related social events.

## TITLE IX SEXUAL HARASSMENT POLICY

Westminster College is committed to providing a learning environment free of all forms of violence, abuse, intimidation, fear, discrimination, and coercive conduct, including Sexual Harassment. Westminster College does not tolerate Sexual Harassment, as defined in this policy. Sexual Harassment is a serious offense and is a violation of the College's core values of fairness, integrity, respect, and responsibility.

Westminster College is committed to educating its community members on all forms of Sexual Harassment and to empowering students, faculty and staff to speak out against these acts. All reports of Sexual Harassment will be taken seriously and addressed through the processes outlined in this policy.

The purpose of this Title IX Sexual Harassment Policy is to prevent and respond to Sexual Harassment on campus and to restore equal access to the College's educational programs and activities. It is meant to encourage all members of the campus community to take responsibility for their behavior, to ensure compliance with applicable campus, state and federal regulations, to fairly discipline and sanction behavior that is inconsistent with the Westminster's values (fairness, respect, responsibility, & integrity), and to educate the Westminster community about implications and consequences of prohibited behavior. This Title IX Sexual Harassment Policy below includes definitions of terms, prevention information, procedures, and resources available in the event of Sexual Harassment.

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## STATEMENT OF POLICY

The College does not discriminate on the basis of sex in its education programs and activities. Furthermore, the College strictly prohibits Sexual Harassment, as defined in this policy. This policy applies to any member of the College community, including students, faculty, and staff, as well as contractors, vendors, visitors, guests and other third parties. Additionally, the College prohibits retaliatory actions including, but not limited to, acts of intimidation, threats, coercion or discrimination against individuals who make reports or complaint of prohibited Sexual Harassment or participate in or refuse to participate in an investigation, proceeding, or formal hearing concerning a violation of this Policy.

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## SCOPE OF THE POLICY

The Title IX Sexual Harassment Grievance Process set out in this Policy pertains to Sexual Harassment, as defined by this policy, committed by or against students and/or employees, when: (1) the conduct occurs on campus or other property owned or controlled by the College; or (2) the conduct occurs in the context of College employment or an education program or activity within the United States. The College's education program or activity includes locations, events, or circumstances over which the College exercises substantial control over both the respondent and the context in which the Sexual Harassment occurred, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution (such as fraternity or sorority house).

All members of the Westminster College community have the right to submit a complaint or raise concerns regarding Sexual Harassment under Title IX pursuant to this Policy without fear of retaliation.

A complete copy of College's Title IX Sexual Harassment Policy can be accessed via the website at [www.wcmo.edu/titleix](http://www.wcmo.edu/titleix). Hard copies are available at Title IX Coordinator's Office, Washington West, second floor.

**Complaints that do not fall under the scope of this process will be addressed by the College's Anti-Harassment and Discrimination Policy or other applicable student or employee policy. Please refer to Student Handbook or Employee Handbook for more information on reporting and the adjudication procedures involving complaints that fall outside the scope of this Policy. Any individual with questions about which policy may apply in a given set of circumstances should contact the College's Title IX Coordinator.**

## TITLE IX

Title IX of the Education Amendments of 1972 ("Title IX") is a federal law that prohibits sex discrimination in federally funded education programs and activities within the United States. Title IX also prohibits retaliation against any individual who files a complaint pursuant to Title IX, or who participates in a Title IX complaint investigation. Any inquiries regarding Title IX or this Policy should be directed to the Associate Vice President & Chief Human Resources Officer as the College's Title IX Coordinator.

## TITLE IX COORDINATOR/DEPUTY COORDINATORS

The College's Title IX Coordinator is responsible for implementing and monitoring Title IX Compliance on behalf of the College, the coordinating training, education, and communications in regards to this Policy; administering the grievance procedures for handling complaints of violations of this Policy; and

meeting with students regarding issues relating to Title IX and this Policy. A member of the public who believes that he/she is being discriminated against or harassed in violation of law should contact the Associate VP and Chief HR Officer.

*Associate VP & Chief HR Officer/Title IX Coordinator*

573-592-5226

[mandy.march@wcmo.edu](mailto:mandy.march@wcmo.edu)

Washington West, Second floor, Office 1

The Vice President/Dean of Student Life serves as the Deputy Title IX Coordinator. The Vice President/Dean of Student Life primarily provides support to the Title IX Coordinator on issues affecting students.

The Deputy Title IX Coordinator can also provide oversight in case the Title IX Coordinator is unavailable or if the Title IX Coordinator has a conflict of interest with a party in a grievance process. The contact information for this individual is as follows:

*Vice President and Dean of Student Life*

573-592-5269 or 573-592-5242

[kasi.lacey@wcmo.edu](mailto:kasi.lacey@wcmo.edu)

HAC-Craighead Office

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## CLERY ACT

*Policy: Annual Disclosure of Crime Statistics*

The Clery Act requires colleges and universities receiving federal funding to report campus crime data, support victims of violence, and publicly outline the policies and procedures put into place to improve campus safety. The Violence Against Women Act (VAWA) amendments to the Clery Act expand the rights afforded to campus survivors of sexual assault, dating/domestic violence, and stalking. The Annual Security Report (ASR) is disseminated to employees and students annually on October 1st. The ASR includes statistics of campus crime for the preceding 3 calendar years, policy statements, campus facility security and access, law enforcement authority, incidence of alcohol and drug use, and the prevention of/response to sexual assault, dating/domestic violence, and stalking. Campus Security collects statistics from the Fulton Police Department, Office of Student Life, the Wellness Center, and any other campus security authority as defined under the Jeanne Clery Disclosure of Campus Security Policies and Campus Crime Statistics Act. Crime statistics may be obtained at the Office of Student Life or by contacting the Director of Campus Security at 573-592-5555.

## DEFINITIONS

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### SEXUAL HARASSMENT

For the purposes of this policy, Sexual Harassment is defined as conduct based on sex that may be one or more of following:

- 1) Employee conditioning provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct (i.e., a quid pro quo), or



- 2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity; or
- 3) Sexual assault, stalking, dating/domestic violence, as defined herein.

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### SEXUAL ASSAULT

Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- Sexual Assault includes, but is not limited to, the following acts when they occur without consent of the victim:
  - Any penetration, however slight, of the genitals or anus of one person with the genitals of another person,
  - Any act involving the genitals of one person and the hand, mouth, tongue, or anus of another person,
  - Any sexual act involving penetration, however slight, of the genitals or anus of one person by a finger, instrument, or object,
  - Touching of another person's genitals or breasts under or over the clothing, or
  - Touching of one person with the genitals of another person under or over the clothing,

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### DATING VIOLENCE

Violence by a person who has been in a romantic or intimate relationship with the individual to whom the violence is directed. Whether there was, such a relationship will be gauged by its length, type, and frequency of interaction.

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### DOMESTIC VIOLENCE

Domestic Violence is a felony or misdemeanor crime of violence committed:

- By a current or former spouse or intimate partner of the victim
- By a person with whom the victim shares a child in common
- By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred

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### STALKING

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her/their own safety or the safety of others, or suffer substantial emotional distress.

For purposes of this policy:

- "Course of conduct" means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or



means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property

- "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling
- "Reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim

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## COMPLAINANT

A Complainant is any individual who is alleged to be the victim of conduct that could constitute sexual harassment under this Policy, in connection with his/her/their participation in or attempted participation in an educational program or activity of the College. A Complainant may be a student, an employee, or a third party.

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## RESPONDENT

A Respondent is an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

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## UNDERSTANDING CONSENT

Consent is the unambiguous and voluntary agreement to engage in a specific sexual activity during a sexual encounter with a specific individual. Consent must be informed, freely given, and mutual. Consent is clear, mutually understandable words or actions communicating an agreement to engage in specific sexual or intimate conduct.

A current or past dating or sexual relationship, by itself, does not create consent. Consent to sexual activity in the past does not create consent to future sexual activity. Consent to sexual activity with one person does not create consent to sexual activity with another person. Consent to one sexual activity does not create consent to another sexual activity. Consent can be withdrawn at any time during a sexual encounter.

Consent cannot be given as the result of force, coercion, intimidation, or threats. Consent cannot be given by one who is incapacitated, voluntarily or involuntarily, due to a physical condition, including, but not limited to, the use or influence of drugs or alcohol, or being in a state of unconsciousness, sleep, or other state in which the person is unaware that sexual activity is occurring. If there is any doubt as to another person's capacity to give consent, community members should assume the other person does not have the capacity to give consent.

A person cannot consent if he/she/they are under the age of consent or if the person has a mental disability that impairs the individual's ability to provide consent.

## OPTIONS FOR REPORTING SEXUAL HARASSMENT

Every report of Sexual Harassment received by the College will be taken seriously and action will be taken as appropriate. As detailed herein, students, faculty, and staff have a variety of options for reporting Sexual Harassment to the College.

## REPORTING TO THE COLLEGE

Any person may report Sexual Harassment whether or not the person reporting is the person alleged to be the victim of conduct that could constitute Sexual Harassment. Reports may be made in person, by mail, by telephone, or by e-mail using the contact information listed for the Title IX Coordinator. Such a report may be made at any time, including during non-business hours, by using the telephone number or e-mail address, or by mail to the office address, listed below for the Title IX Coordinator.

*Associate VP & Chief HR Officer/Title IX Coordinator*  
573-592-5226  
[mandy.march@wcmo.edu](mailto:mandy.march@wcmo.edu)  
Washington West, Second floor, Office 1

Students may also notify faculty and staff of any incident of Sexual Harassment. With the exception of individuals who constitute Confidential Support Persons (listed below), all faculty and staff are considered mandatory reporters for purposes of this policy and are required to notify the Title IX Coordinator or Deputy Title IX Coordinators upon receipt of information regarding an alleged incident of Sexual Harassment.

Reporting Sexual Harassment to the Title IX Coordinator does not automatically start the grievance process – the Title IX Coordinator will explain to the Complainant how to start the grievance process by filing a Formal Complaint. An individual can make a report of Sexual Harassment in order to obtain supportive measures and resources – an individual making a report of Sexual Harassment is not required to file a Formal Complaint.

There is no time limit on reporting Sexual Harassment, though the College encourages prompt reporting, as delayed reporting may hinder the College’s ability to complete the grievance process.

## CONFIDENTIAL REPORTING OF SEXUAL HARASSMENT (STUDENTS ONLY)

When an individual is affected by an incident involving Sexual Harassment there are some people within the Westminster College community, he/she/they can talk with who can provide completely confidential support and assistance. The College’s Confidential Support Persons include members of the Wellness Center staff (i.e. Director/Nurse Practitioner, Clinic Coordinator, Counselors, and Assistant Director) and the Chaplain.

- *Director of Counseling Services*  
573-592-5361  
[kathy.dewein@wcmo.edu](mailto:kathy.dewein@wcmo.edu)  
Lower Level of Westminster Hall/The Wellness Center
- *Director of the Center for Faith & Service*  
573-592-5866  
[logan.john@wcmo.edu](mailto:logan.john@wcmo.edu)  
322 West 6th Street, Fulton, MO

These individuals will maintain confidentiality about the details of an incident reported to them. Because reports to Confidential Support Persons remain confidential, the College will not be able to respond to offer supportive measures as outlined below in this policy.

## OTHER REPORTING OPTIONS

Individuals may make a criminal report with local law enforcement. College personnel are available to assist individuals in contacting the appropriate jurisdiction. For assistance in making a report to law enforcement, contact:

*Director of Campus Security*  
573-592-5515  
[tim.howell@wcmo.edu](mailto:tim.howell@wcmo.edu)  
710 Westminster Avenue

## RESPONDING TO REPORTS OF SEXUAL HARASSMENT

Upon receiving a report of Sexual Harassment, the Title IX Coordinator will promptly contact the complainant confidentially to:

- Discuss the availability of supportive measures with or without the filing of a formal complaint,
- Provide a copy of this policy,
- Explain to the complainant the process for filing a Formal Complaint and the grievance process,
- Discuss the options available to the complainant, including the complainant's right to file a criminal complaint that will run separately from the College's process, and
- Provide the Complainant with information about existing counseling, health services, victim advocacy, legal assistance, visa and immigration assistance, and other services available on and/or off campus.

Supportive Measures are individualized services designed to restore or preserve equal access to the College's education programs and activities, protect the safety of all parties and the educational environment, and/or to deter Sexual Harassment. Supportive measures should be non-punitive, non-disciplinary, and not unreasonably burdensome to the other party. The College will do everything possible to provide a climate that is sensitive to and respectful and supportive of individual needs. Supportive measures will be provided if they are reasonably available and requested, regardless of whether the complainant chooses to file a Formal Complaint. Any supportive measures provided will be kept confidential to the extent that doing so will not impair the ability of the College to provide the supportive measure.

Supportive measures may include, but are not limited to:

- Campus counseling and support services
- Adjustments to academic requirements, such as extension of deadlines
- Additional academic support
- Adjustments to work or class schedules
- Changes in work locations or assignments
- Mutual restrictions on contact between the parties
- Leaves of absence

## EMERGENCY REMOVAL AND ADMINISTRATIVE LEAVES

The College reserves the right to remove a student Respondent from its educational program or activity on an emergency basis. Such a removal may only occur if, after an individualized safety and risk analysis, the College determines an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment justifies removal. In the event a decision is made to remove a Respondent, he/she/they will be provided with notice by the Title IX Coordinator, and given the opportunity to challenge that decision immediately following the removal by submitting a request in writing to the Title IX Coordinator.

Likewise, a non-student employee Respondent may be placed on administrative leave during the pendency of the grievance process described in this Policy.

## FILING A FORMAL COMPLAINT

In the event that a Complainant wishes for the College to proceed with an investigation and hearing regarding the allegations of Sexual Harassment pursuant to the grievance process procedures in this Policy, he/she/they must file a Formal Complaint. A Formal Complaint is a document alleging Sexual Harassment against a Respondent and requesting that the College investigate the allegation of Sexual Harassment. The Complainant must be participating in or attempting to access a College education program or activity at the time the Formal Complaint is submitted.

A Formal Complaint must be in written form, but it may be submitted in person, by mail, or by email using the contact information available in the Policy. It must be signed by the Complainant, and the required signature may be physical or digital.

A Title IX Coordinator may also initiate a Formal Complaint by signing it. The Title IX Coordinator may consider the specific facts and circumstances and whether there is a pattern of misconduct involving a particular Respondent. A Title IX Coordinator may only sign a Formal Complaint after he/she/they have contacted the Complainant and discussed supportive measures and the Formal Complaint process with the Complainant. The Title IX Coordinator must consider the Complainant's wishes for how the College responds to the report of Sexual Harassment. The Title IX Coordinator should balance campus safety concerns with respect for the complainant's wishes.

The Title IX Coordinator may consolidate Formal Complaints where the allegations of Sexual Harassment arise out of the same facts or circumstances. Where a Formal Complaint includes more than one Complainant or more than one Respondent, any references in this policy to a single Complainant and/or Respondent will also refer to multiple Complainants and/or Respondents.

## DISMISSAL OF FORMAL COMPLAINTS

Upon receipt of a Formal Complaint, the Title IX Coordinator will review the allegations set forth therein and determine whether the Complaint may proceed. To proceed with the grievance process outlined in this policy, the Formal Complaint must fall within the scope of this Policy. Formal Complaints of Sexual Harassment brought pursuant to this policy must be dismissed if:

- The conduct alleged would not constitute Sexual Harassment as defined in this Policy;
- The conduct alleged did not occur against a person within the United States;
- The conduct alleged did not occur within a College educational program or activity, which includes locations, events, or circumstances over which the College exercises substantial control over both the respondent and the context in which the Sexual Harassment occurred, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution (such as fraternity or sorority house).

If the Formal Complaint must be dismissed under this Policy, then it will be addressed by the College's Harassment and Discrimination Policy, or under the applicable student or employee policies. Please refer to the Student Handbook and Employee Handbook for more information on reporting and the adjudication procedures for other policies. Any individual with questions about which policy may apply in a given set of circumstances should contact the College's Title IX Coordinator.

The Title IX Coordinator may also, in his/her/their discretion, dismiss a Formal Complaint in the event that the Complainant withdraws their complaint, the Respondent is no longer enrolled or employed, or if specific circumstances prevent gathering evidence sufficient to reach a determination on responsibility.

After an initial review of the Formal Complaint, the Title IX Coordinator will continue to monitor the investigation and evaluate the Formal Complaint to determine if the above criteria for dismissal apply. In the event of a dismissal (either mandatory or discretionary) both parties will be notified in writing and given the opportunity to appeal.

To the extent the behavior alleged in the Formal Complaint could constitute a violation of another College policy, it may be pursued under that policy. The Title IX Coordinator has the discretion to refer the allegations to the appropriate College official.

## TITLE IX SEXUAL HARASSMENT GRIEVANCE PROCESS

If a Complainant or Respondent is concerned that an individual involved in investigating or adjudicating a complaint of Sexual Harassment may be biased or have a conflict of interest, that person should inform the Vice President/Dean of Student Life immediately. The Vice President/Dean of Student Life will consider this concern, determine if any bias or conflict of interest exists, and appoint an appropriate replacement if necessary. Concerns about any bias or conflict of interest on the part of the Vice President/Dean of Student Life should be reported to the Title IX Coordinator.

The Respondent will be presumed not responsible for the policy violation that is alleged in the Formal Complaint unless and until the Respondent is found responsible by the Hearing Officer at the conclusion of the grievance process. Charges of Sexual Harassment remain allegations until a decision is reached by College officials.

The grievance process generally will be completed within 120 days. However, extensions to this time frame may be granted at the request of either party, or at the discretion of the Title IX Coordinator when good cause exists for the delay. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities. The College will not delay this grievance process pending the final results of a criminal investigation or proceeding, but may delay the process briefly to accommodate a law

enforcement investigation. The Title IX Coordinator will notify all parties in writing of the delay, the length of the extension granted, and the reason for the extension.

## NOTICE

Within 5 working days of receipt of a Formal Complaint, the Title IX Coordinator will issue a written notice to the parties. The written notice should include, if known, the identity of the parties, the conduct alleged to be Sexual Harassment, and the date(s) and location(s) of the incident(s). The notice will also include a statement that the Respondent is presumed to be not responsible for any policy violations. The notice must also inform the parties that they have the right to an advisor of their choice during the grievance process, that they may inspect and review evidence gathered during the investigation, and that the Student Conduct Policy and Anti-Discrimination and Harassment Policy prohibit knowingly furnishing false information to the College.

If during the course of the investigation, additional allegations are going to be investigated that were not included in the original notice, the Title IX Coordinator will issue a supplemental written notice to the parties.

Parties will also be provided with notice of all meetings, interviews, or hearings with sufficient time to prepare for any meeting, interview, or hearing. Such notice will include the date, time, location, participants, and purpose of the meeting, interview, or hearing.

## ADVISORS

Each party will be given the same opportunity to select an advisor of their choice. Advisors can be a friend, family member, faculty member, mentor, attorney, or any other person of the party's choice who is available and agrees to serve as the advisor. A party must provide notice of who will serve as their advisor during any grievance process hearing at least 5 working days prior to the hearing. If a party does not have an advisor for a grievance hearing, the College will provide an advisor chosen by the College at no cost to the party (Complainant or Respondent). This appointed advisor may be a College employee or may be an outside individual contracted to serve as an advisor.

During the investigation process, the advisor may attend meetings between the party and the Investigators. Advisors may confer with the party during any meeting, interview, or hearing, but generally may not speak on behalf of the party. Their purpose during the investigation meeting is to provide support to the party they are advising. The only time an advisor may speak on behalf of the party is to conduct cross examination during the grievance hearing.

Any advisor who fails to comply with these policies, the Rules of Procedure and Decorum for hearings, and/or who does not treat all others with respect throughout the grievance process may be warned by the Title IX Coordinator, Investigator(s), and/or Hearing Officer for his/her/their first infraction. An advisor may be asked to leave the grievance proceeding if after being warned he/she/they continue to violate these policies or the Rules of Procedure and Decorum for a hearing, and/or continues to not treat others with respect. If an advisor is asked to leave a meeting, interview, or hearing, the proceeding will end and be continued at another time when the party has an advisor. Whether an advisor who has been asked to leave a proceeding may serve as an advisor to the party at a later meeting, interview, or hearing will be a decision in the sole discretion of the Title IX Coordinator.

## INVESTIGATION

The Title IX Coordinator will appoint an Investigator or Investigators to conduct a fair and thorough investigation of the allegations in the Formal Complaint. Generally, the Title IX Coordinator along with the Director of Campus Security will serve as Investigators; however, the Title IX Coordinator may appoint another College employee(s), or an outside individual(s) as Investigator(s)

The Investigator will provide written notice of any meetings or interviews to the parties and/or witnesses, which will include the date, time, and location for the meeting, as well as who will be participating in the meeting and the purpose for the meeting. This notice will be provided at least 3 working days in advance of the meeting or interview, unless the party/witness requests to meet sooner.

The burden will be on the Investigator(s) to fully and fairly investigate the allegation in the Formal Complaint. All parties will have an equal opportunity to present witnesses and evidence to the Investigator. The parties will not be restricted in their ability to discuss the allegations under investigation or to gather and present relevant evidence. The investigation will generally include interviews and/or written statements from parties and witnesses, as well as consideration of any other evidence relevant to the incident.

At the conclusion of the investigation, the Investigator(s) will send a copy of the evidence that is directly related to the allegations in the Formal Complaint to the parties and their advisors for inspection and review. The parties will then have 10 days in order to submit a written response to the evidence, if they choose to do so. The Investigator(s) will consider any written response to the evidence before the completion of the investigative report. The Investigator(s) will make all evidence that is directly related to the allegations available at the grievance hearing.

The Investigator(s) will prepare an investigative report that fairly summarizes all the relevant evidence. The investigative report should include a description of all steps taken in the investigation, as well as summaries of all interviews with parties and/or witnesses and all relevant evidence reviewed by the Investigator.

The Investigator(s) will send a copy of the report to the parties and their advisors at least 10 days prior to any hearing for the parties' review and written response.

## HEARING

Following the completion of the investigation, the College will conduct a live hearing before a Hearing Officer, who will act as the decision maker. The Hearing Officer will be appointed by the Title IX Coordinator, and may be a College employee, or may be an outside individual contracted to serve as Hearing Officer.

The hearing will be conducted pursuant to the Rules of Procedure and Decorum, which will be made available on MyWC and emailed to the parties by the Title IX Coordinator. At the request of either party, the College will provide for the entire live hearing (including cross-examination) to occur with the parties located in separate rooms with technology enabling the parties to see and hear each other. Whether the hearing is conducted in person or virtually, it will be recorded.

The Investigator(s) will make all evidence directly related to the allegations available at the grievance hearing. All parties may refer to such evidence and may use it in cross examination. The Investigator(s)



will provide a copy of the investigative report and all evidence that is relevant to the allegations in the Formal Complaint to the Hearing Officer. However, the Hearing Officer may not defer to the investigative report, and must objectively evaluate all relevant evidence and independently reach a determination regarding responsibility.

The Investigator(s), Complainant, and Respondent all have the ability to testify and call witnesses at the hearing, and to provide evidence to the Hearing Officer, who will have the opportunity to ask questions of all parties and witnesses during the hearing.

After the Hearing Officer asks their questions, each party's advisor will have the opportunity to ask all relevant and follow up questions of the other party and all witnesses during cross examination. The cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally. If a party does not have an advisor present at a live hearing, the College will provide an advisor of the College's choice to conduct the cross-examination on behalf of that party without fee or charge to that party.

Advisors must abide by the Rules of Procedure and Decorum in questioning parties and witnesses. Any advisor who does not abide by the Rules of Procedure and Decorum will be warned or dismissed from the hearing at the discretion of the Hearing Officer. The Hearing Officer cannot draw an inference about the determination regarding responsibility based solely on a party's or witness' absence from the hearing or refusal to answer questions during the hearing, including cross examination.

Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Hearing Officer must first determine whether the question is relevant and explain any decision to exclude a question as not relevant to the party's advisor asking the cross-examination questions. Questions or evidence that are deemed irrelevant by the Hearing Officer will be excluded from the hearing. Formal rules of evidence shall not apply.

The following types of evidence must be considered irrelevant by the Hearing Officer:

1. Evidence that is not pertinent to proving whether a fact material to the allegation is more or less likely to be true;
2. Information that is protected by privilege (e.g. attorney-client privilege);
3. Any party's medical, psychiatric, psychological, or counseling records without that party's voluntary, written consent;
4. Any information about the Complainant's sexual predisposition or prior sexual behavior, unless it is offered to prove that someone other than the Respondent committed the behavior alleged in the formal complaint or if the evidence concerns specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and is offered to prove consent.

The Hearing Officer may evaluate and consider all relevant evidence, including, but not limited to, statements by parties and witnesses during the hearing, information presented by parties or witnesses at the hearing, information contained in the investigation report, and information gathered during the investigation. This could include statements in the investigation report, police reports, medical reports, text messages, social media posts or messages, or other documents.

When making the determination on responsibility, the Hearing Officer has the discretion to determine the weight to give statements and evidence, based on the reliability and/or credibility of the statements

and evidence. When determining the reliability and/or credibility of statements and evidence, the Hearing Officer should consider the totality of the evidence and context, including, but not limited to:

- The reasonableness and inherent plausibility of the statement or evidence in light of all the evidence;
- The witness or party's opportunity or ability to see or hear the things described in the statement;
- Whether there is any other statement or evidence to corroborate the statement or evidence;
- Whether there are inconsistencies in the statement or evidence;
- Whether other evidence or statements contradict or dispute the witness's statement or evidence;
- The witness or party's interest in the outcome and/or motive to provide a false statement or evidence, if any;
- The witness or party's demeanor and behavior while making the statement;
- The witness or party's memory of the information in the statement;
- The witness or party's bias or prejudice, if any.

## FINDINGS AND WRITTEN DETERMINATION

The Hearing Officer will make a determination of responsibility and whether there is a policy violation based on a preponderance of evidence – that is, whether it is more likely than not that a policy violation occurred. This standard of evidence applies to all Title IX Sexual Harassment hearings as determined within this policy, which includes any type of Respondent (student, staff, or faculty).

The Hearing Officer will issue a written Determination Notification Letter regarding responsibility that includes:

1. Identifying allegations in the Formal Complaint;
2. Description of procedural steps taken from the receipt of the complaint through determination, including any notices, interviews, investigations, and hearings;
3. Findings of fact that support the determination;
4. Conclusions regarding application of the policy to the facts,
5. A statement and rationale for the result for each allegation including the determination of responsibility, any sanctions that will be imposed on the Respondent, and whether any remedies designed to restore and preserve equal access to the College's educational program will be provided to the Complainant; and
6. The procedures and acceptable bases for appeal of this determination.

Written determination will be sent simultaneously to the parties along with information about how to file an appeal. The determination will become final and any sanctions will take effect after the resolution of any appeal, or if no appeal is filed, after the deadline to file an appeal has passed.

## SANCTIONS FOR SEXUAL HARASSMENT

The possible sanctions that can be imposed on a student Respondent found to have violated this policy include: warning, probation, suspension, dismissal/expulsion, withholding diploma, withholding degree, transcript notation, organizational sanctions, and/or restrictions from events and/or college-sponsored activities.

The possible sanctions that can be imposed on an employee Respondent include: warning, probation, suspension with or without pay, or termination.

In addition to sanctions imposed on the Respondent, remedies can be offered to the Complainant in order to restore and preserve equal access to the College's educational program and activities. Remedies may be, but are not limited to, a continuation of previously offered supportive measures. Additionally, remedies may burden the Respondent or be punitive/disciplinary in nature.

## APPEALS

Both the Complainant and the Respondent have a right to appeal the determination regarding responsibility and the College's dismissal of a formal complaint (see the 'Dismissal' section). Appeals must be written and submitted within 48 hours of receipt of the Decision Notification Letter (except in the case of new evidence). The Appeals Officer will be designated by the President of the College. In most cases, the designee will be the Vice President/Dean of Student Life (students), CFO (staff), and/or Vice President/Dean of Academic Affairs (faculty). A different designee will be chosen as appropriate or in the event of a conflict of interest. The appeal will be evaluated to determine if valid grounds exist for a review of the case. The following are the only permissible grounds for an appeal under this Policy:

- Procedural irregularity that affected the outcome,
- The existence of relevant information that was not available or known at the time of the hearing, and which, if known, might have changed the outcome of the hearing, or
- The Title IX Coordinator, Investigator(s), or Hearing Officer had a conflict of interest or bias that affected the outcome of the matter.

***No appeal may be based only upon dissatisfaction with the determination and/or sanction.***

The Appeal Officer will notify the parties that an appeal has been filed. Each party will then have 10 working days to submit a written statement in support of, or challenging the outcome of the hearing.

The Appeal Officer will issue a written determination of the outcome of the appeal, describing the result of the appeal and the rationale in support of that decision. This decision will generally be issued within 15 days of the deadline for the parties to submit their written statements. The decision of the Appeal Officer, including any changes in the sanctions, will be simultaneously issued in writing to both parties.

## RETALIATION

The College strictly prohibits retaliation of any kind against an individual for reporting Sexual Harassment pursuant to this Policy, assisting someone with a complaint of Sexual Harassment, or participating in the grievance process following a formal complaint of Sexual Harassment.

Examples of such prohibited retaliation include threats, intimidation, reprisals, or adverse educational actions. Any incidents of alleged retaliation should be immediately reported to the Title IX Coordinator or the Deputy Title IX Coordinators. The College will take appropriate corrective action, including disciplinary action, up to and including dismissal or expulsion, if retaliation occurs.

## EDUCATIONAL/PREVENTION PROGRAMS

The College has comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns that are intended to end sexual misconduct, dating/domestic violence, sexual assault, and stalking. Programs to prevent sexual misconduct, dating/domestic violence, sexual assault, and stalking include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees. The ongoing educational programs are overseen by the Title IX Coordinator/Associate VP and Chief HR Officer and Vice-President/Dean of Student Life. All prevention programs are:

- culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and empirically based and assessed for value, effectiveness, or outcome
- in consideration of environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels
- accessible to students, faculty, and staff and accommodated based upon one's ability status, language, and/or learning style

## EVERY BLUE JAY – COORDINATED COMMUNITY RESPONSE TEAM (CCRT)

Every Blue Jay's Coordinated Community Response Team consists of passionate community and campus partners working to confront gender-based violence in all of its forms at Westminster College. Taking a collaborative and trauma-informed approach, the CCRT strives to develop appropriate campus policies and procedures to prevent and respond to gender-based violence, to provide continuing education and skill-building in bystander intervention and violence prevention, and to increase access to support services for all Westminster students so that we may ensure that **Every Blue Jay** is equipped and dedicated to eliminating violence on our campus.

## GREEN DOT – BYSTANDER TRAINING

Green Dot is built on the premise that in order to reduce the perpetuation of power-based personal violence, including sexual violence, dating violence, or bullying, a cultural shift is necessary. To create this shift, a critical mass of people is needed to engage in new behavior or a set of behaviors that will make violence less sustainable within any given community. The "new behavior" is a green dot. A green dot is a single choice in one moment that makes our community safer.

## TRAINING

The College will ensure that the Title IX Coordinator, Investigator(s), Hearing Officer, and any person who facilitates an informal resolution has received training on:

- The definition of Sexual Harassment as set out in this policy;
- The definition of Consent under this policy and how to apply the definition of Consent consistently and impartially;
- The scope of the College's education program or activity;
- How to conduct the grievance process, including investigations, hearings, appeals, and informal resolutions (as applicable); and

- How to serve impartially, including avoiding prejudgment of the facts at issue, conflicts of interest, or bias.

Hearing Officer will also receive training on:

- How to operate any technology used in conducting a hearing; and
- How to determine relevance of questions and evidence, including the provisions of this policy pertaining to the exclusion of evidence of a Complainant's previous sexual behavior

Investigators will also receive training on:

- How to determine if evidence is relevant to an investigation; and
- How to create an investigative report that fairly summarizes relevant evidence.

All training materials used by the College must not rely on sex stereotypes and must promote the impartial investigation and adjudication of Formal Complaints. All training materials used to train the Title IX Coordinator, Investigator, Hearing Officer, and any individual who facilitates an informal resolution must be made publicly available. These materials will be published at: [www.wcmo.edu/titleix](http://www.wcmo.edu/titleix)

## RECORDKEEPING

The Title IX Coordinator must create and maintain for a period of at least seven years records of any actions, including any supportive measures taken in response to a report or formal complaint of Sexual Harassment. For each instance, the Title IX Coordinator must document: 1) the basis for the conclusion that the College's response was not deliberately indifferent, and 2) that the College has taken measures designed to restore or preserve equal access to the College's educational program or activity. If the Title IX Coordinator does not provide the Complainant with supportive measures, then the Title IX Coordinator must document why it was not clearly unreasonable to not provide supportive measures.

The Title IX Coordinator will also maintain the following records for a period of at least seven years:

- Records related to each Sexual Harassment investigation, including any determination regarding responsibility;
- Any audio or audiovisual recording or transcript from a grievance hearing;
- Records of any disciplinary sanctions imposed on the Respondent;
- Records of any remedies provided to the Complainant;
- Any appeal from a grievance process and the result of the appeal;
- Records related to any informal resolution and the result of the informal resolution;
- All materials used to train the Title IX Coordinators, Investigator, Hearing Officer, and any individual who facilitates an informal resolution.

## COLLEGE AND COMMUNITY RESOURCES

Westminster College encourages members of the campus community who are victims of Sexual Harassment to take the following steps:

- Get to a safe place as soon as possible.
- Contact the Fulton Police Department (573-592-3100), as well as Campus Security (573-592-5555).

- Do not blame yourself. Sexual Harassment is **never** the victim's fault.
- Seek immediate medical attention at an area hospital or medical clinic. If the complainant wishes, Westminster staff members are available to accompany the complainant to a local hospital. Complainants who wish to be accompanied to a local hospital by Westminster staff, and have not identified a staff member whom they wish to accompany them should contact the Wellness Center.

A specialized/trained sexual assault nurse examiner (SANE) is available at the University of Missouri hospital to conduct an examination or "rape kit". If possible, do not change clothes, shower, bathe, douche, or urinate. Emergency room personnel are trained to check for injuries and collect physical evidence. It is important to preserve evidence as it may be necessary should you decide to pursue criminal charges through the Fulton Police Department.

Utilize the College's resources to seek support. Confidential support individuals as outlined in this policy are available and can discuss your reporting options if you choose to report. If you chose to report, you can report to campus authorities and/or local law enforcement. Incidents of Sexual Harassment are often underreported on college campuses, often because individuals do not recognize their experience as a criminal offense and/or a college violation or due to their lack of knowledge of and/or discomfort with campus and community resources. However, it is always your personal choice whether or not you report to campus officials and/or law enforcement.

Please be aware that hospital personnel may be obligated to contact proper authorities regarding a sexual assault or other criminal behavior. Although you are not obligated to do so, individuals reporting Sexual Harassment are highly encouraged to take advantage of the resources listed above, which can help you understand your options for off-campus proceedings, as well as make you aware of services, such as counseling, that are specific to your needs. Other options may be available to complainants, such as obtaining an order of protection, no contact order, or restraining order from the court system.

