

FACULTY-STAFF PROCEDURES

IV. Faculty and Staff Process for Resolving Complaints of Sexual Misconduct, Including Sexual Harassment

This section explains the procedures the College follows in investigating and adjudicating reports of Sexual Misconduct (including sexual harassment) involving faculty or staff as complainants or respondents.

A. Reporting Incidents of Sexual Misconduct. The College strongly encourages community members to promptly report all incidents of Sexual Misconduct. Faculty and staff mandatory reporting obligations are described in the [Sexual Misconduct Policy](#). A complaint may be brought at any time, although potential complainants are reminded that the College's ability to investigate and respond to complaints may be affected by the passage of time.

Community members should report a concern about any incident of Sexual Misconduct by faculty or staff to the Title IX Deputy for Faculty and Staff, the Title IX Coordinator, the Director of Human Resources, or the Dean of the College. The report will be kept private to the fullest extent possible, and information will only be shared with those individuals the College determines have a need to know. The reporting party is not obligated to file a formal request for resolution based on this report. Depending on the information reported, the College may need to further investigate the allegations and take appropriate remedial action.

In cases of sexual assault, intimate partner violence, or stalking, the alleged victim will be advised of the right to notify the police, and the College will assist in making a police report if requested. An appropriate College official will also provide the alleged victim information about resources on and off campus for counseling and medical care. The alleged victim will also be advised of their right to seek an order for protection from a court.

B. Initial Response and Preliminary Investigation

All reported incidents of Sexual Misconduct involving faculty or staff will be referred to the Title IX Deputy for Faculty and Staff for prompt investigation. The investigation will be conducted by the college investigator or outside investigator.

The investigator will first conduct a preliminary investigation to determine whether there is cause to move forward to a resolution process. The investigator may talk with the reporting party, interview witnesses (including the alleged victim if the alleged victim is not the reporting party), collect documentary or other evidence and/or take other steps in conducting this preliminary investigation. The investigator may also talk with the potential respondent.

C. Resolution Process

If the preliminary investigation does not support a credible case of Sexual Misconduct, the matter will not move forward. If the preliminary investigation supports a credible case of Sexual Misconduct, in most cases, the potential complainant may choose among three options: to decline to pursue the matter further; to initiate a Non-Adjudicated Resolution process; or to initiate an Adjudicated Resolution process. However, the investigator may conclude that additional investigation and action is required as provided in Section C 1 or C 2 even if the

potential complainant chooses not to initiate a Non-Adjudicated or Adjudicated Resolution process.

Adjudicators. When a complaint of Sexual Misconduct is made by or against a faculty member, the Dean of the College, or the Dean's designee, will be the adjudicator. When a complaint of Sexual Misconduct is made by or against a staff member, the Vice President and Treasurer, or the Vice President and Treasurer's designee, will be the adjudicator. When a complaint of sexual misconduct is made by a faculty member against a staff member or vice versa, the Dean of the College and the Vice President and Treasurer will mutually determine who should be the adjudicator. If a complaint is made by or against a party who would otherwise adjudicate, a neutral third party designated by the President acts as adjudicator.

Advisers. A complainant and a respondent may each have an adviser of their choice to support them through the complaint resolution process. The adviser may be present during their advisee's interviews and any adjudication meetings.

If they wish, students have the option to select an adviser from the list of trained Sexual Misconduct Support Advisers. If they wish, faculty and staff have the option to select an adviser from the list of trained Sexual Misconduct Support Advisers, or from the roster of faculty and staff who currently serve on the Community Board on Sexual Misconduct. For more detailed information about Sexual Misconduct Support Advisers and the role of advisers in the process, see the [Adviser Guidelines](#) document.

Interim Measures. At any time, a potential complainant may request that the College provide interim measures to assist that person with navigating the campus environment. Interim measures may include, but are not limited to, access to support services or changes to the work or educational environment. The College may provide interim measures even if no formal Adjudicated Resolution process proceeds. An appropriate College official will determine what, if any, interim measures are available.

1. Non-Adjudicated Resolution

In some cases of reported Sexual Misconduct, a potential complainant may wish to discuss a response that would not involve entering a formal Adjudicated Resolution process. For example, a potential complainant may wish to pursue a Non-Adjudicated Resolution process if the potential respondent accepts responsibility for the conduct or if the potential complainant does not want to be identified.

Two examples of Non-Adjudicated Resolution are:

Indirect Action. Under this option, the Title IX Deputy for Faculty and Staff or another party may provide information about the College's Sexual Misconduct Policy at selected general meetings, or the Title IX Deputy for Faculty and Staff or another party may disseminate information about the College's Sexual Misconduct Policy through channels designed to reach the potential respondent.

Facilitated Communication. Under this option, the Title IX Deputy for Faculty and Staff or another party may work individually with the potential complainant and potential respondent to

address the issue. This may involve bringing the parties together or working with them separately to design a resolution that will address the conduct. This may also mean that an appropriate College official has a conversation with the potential respondent to hear the respondent's perspective and communicate the concerns about that person's conduct.

Some types of Non-Adjudicated Resolutions, like facilitated communication, may not be appropriate in instances of repeated behavior or in cases involving sexual violence, such as sexual assault. When a potential complainant is interested in Non-Adjudicated Resolution, an appropriate College official determines whether that process is available.

2. Adjudicated Resolution

Initiating an Adjudicated Resolution

A complainant may decide at any time to initiate a formal Adjudicated Resolution process. To initiate an Adjudicated Resolution process, the complainant will meet with the Title IX Deputy for Faculty and Staff, the investigator or the Title IX Coordinator and complete an intake form that provides basic information about the complaint.

The Title IX Deputy for Faculty and Staff may also decide to initiate a formal Adjudicated Resolution process based on the preliminary investigation.

Once an Adjudicated Resolution process is initiated, an appropriate College official will promptly inform the respondent of the allegations and of the identity of the complainant if that information was not divulged earlier.

Investigation

Once an Adjudicated Resolution process is initiated, the investigator will begin a formal investigation. The investigator may interview the complainant, the respondent, and any other individuals who may have pertinent information, including individuals identified by either the complainant or the respondent. The investigator may also gather and review other relevant information, including any documentary evidence such as photographs, text messages, emails, or other correspondence.

The investigator will prepare and submit to the adjudicator a written fact-finding investigative report documenting the results of the investigation. The complainant and the respondent will be provided a copy of the written investigative report before it is submitted for final adjudication. The complainant and respondent will then have 24 hours to review the investigative report and submit written comments to the investigator in response. The investigator will decide whether to take the comments into account before finalizing the report. The final written investigative report will then be submitted to the adjudicator for final adjudication.

Adjudication

The adjudicator will meet with the investigator to review the investigative report. The adjudicator may also meet with the complainant, respondent, or other relevant parties to ask additional questions or to clarify information in the final written investigative report, and may conduct additional investigation or ask the investigator to do so. At no point during the

adjudication process will the complainant and respondent be required to meet together in the same room.

The adjudicator will determine whether a Sexual Misconduct Policy violation has occurred. The adjudicator will apply the preponderance of the evidence standard. If the adjudicator determines that Sexual Misconduct occurred, the adjudicator will also determine an appropriate disciplinary sanction.

The adjudicator will notify the complainant and the respondent of the adjudication results concurrently in writing. Both parties will also be notified if any change to the result occurs for any reason before the results become final. If a disciplinary sanction is imposed, the complainant will be provided with information about sanctions that pertains directly to the complainant.

Sanctions

Sanctions will be tailored to the severity of the policy violation. Sanctions may include verbal or written reprimands, training, and counseling or other behavioral intervention, and may range up to suspension or termination of employment.