Meredith College
Sexual Misconduct Policy and Grievance Procedures

Meredith College is committed to providing a safe and positive living, learning and working environment. Members of the campus community are expected to treat others with integrity and respect and to take responsibility for their actions. Meredith College will not tolerate sexual misconduct including, but not limited to, non-consensual sexual intercourse, non-consensual sexual contact, sexual exploitation, sexual harassment, sexual coercion, relationship violence, and stalking. Sexual misconduct can be committed by men or women, and it can occur between persons of the same or different gender. Acts of sexual misconduct are forms of sex discrimination prohibited by College policy and Title IX.

As a recipient of federal funds, Meredith College complies with Title IX of the Education Amendments of 1972. Title IX provides: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any educational program or activity receiving Federal financial assistance.”

Jurisdiction: This policy applies to all members of the Meredith College community, including students, employees, visitors, and independent contractors. It applies to all College programs and activities. All campus community members are responsible for their actions and behavior, whether the conduct in question occurs on campus or in another location. Members of the campus community have a responsibility to adhere to College policies and local, state and federal law.

As a result, this policy applies both to on-campus and off-campus conduct. In particular, off-campus behaviors that have an actual or potential adverse impact on any member of the campus community or the College fall under this policy.

Although there is no geographic limitation to invoking this policy, sexual misconduct that is alleged to have occurred at a significant distance from the College may be more difficult to investigate. Complaints brought by those who are not members of the College community will be handled according to this policy and the College will use all appropriate and available resources to support the complainant.

Reporting: If you believe you or someone you know has experienced sexual misconduct, you should promptly report incidents to the Meredith Title IX Coordinator, Pamela Davis, Director of Human Resources, at davispm@meredith.edu or at 919-760-8760. For incidents involving students, contact the Deputy Title IX Coordinator, Ann Gleason, Dean of Students, at gleasona@meredith.edu or at 919-760-8521. As soon as Meredith College employees (including faculty, staff and residence life staff members, with exceptions made for those designated as Confidential Resources under this policy) become aware of possible sexual misconduct involving Meredith students, they must report this information to Pamela Davis, Title IX Coordinator, or to Ann Gleason, Deputy Title IX Coordinator. No employee is authorized to investigate or resolve complaints of sexual misconduct without the involvement of the Title IX Coordinator or the Dean of Students. Incidents that involve employees but do not involve
students should also be reported. If you are unsure about what constitutes sexual misconduct at Meredith College, please contact the Title IX Coordinator or the Deputy Title IX Coordinator.

In accordance with Meredith College’s Medical Amnesty Policy, the College encourages the reporting of possible violations of this policy by those subject to the violation or witnesses. Sometimes students are reluctant to make such reports or participate in a grievance proceeding because they themselves may be accused of an honor code violation, such as underage drinking. However, it is in the best interests for those subject to sexual misconduct or witnesses of possible violations to report those with College officials under this policy. Thus, a student who reports sexual misconduct by another will not be subject to Honor Council or disciplinary proceedings for her/his own personal consumption or possession of alcohol at or near the time of the incident, provided that the reporting student’s actions did not place the health or safety of any other person at risk or violate additional College policies. Only those who are subject to the violation or a witness may receive amnesty, not the alleged respondent.

Instances of sexual misconduct may violate both the College’s sexual misconduct policy and the law. Meredith College strongly encourages complainants to pursue their complaints through both the Meredith College reporting process for sexual misconduct and through the criminal justice system. Campus Police at Meredith College may be reached at 919-760-8888 to provide information about the off-campus criminal reporting process. The off-campus criminal investigation is independent from any investigation that is reported to Meredith College officials under this policy. Regardless of whether a complainant decides to pursue a criminal investigation, Meredith College will take immediate steps to investigate the complaint, protect the complainant, and to ensure safety of the campus community. If a criminal complaint is filed in addition to a complaint reported to Meredith College, the College will continue implementing its procedures and protections without waiting on the outcome of the criminal procedures.

Some campus officials must report sexual misconduct for federal statistical reporting requirements under the Clery Act. All personally identifiable information is kept confidential but statistical information about the type of incident and general location (such as on or off campus) for publication in the annual campus crime report. The mandatory reporters are Campus Police, the Deputy Title IX Coordinator / Dean of Students and the Title IX Coordinator / Director of Human Resources. Complainants of sexual misconduct should be aware that the College must issue timely warnings when it is determined that there is a serious, imminent or continuing threat of bodily harm or danger to the members of the campus community. While the College will try to ensure complainant’s name or other identifying information is not disclosed, the College must provide sufficient information to permit members of the College community to protect themselves.

Upon request of the complainant, sexual misconduct allegedly committed by a student from another campus against a Meredith community member or on Meredith’s campus can be referred by the Dean of Students or Campus Police to that student’s campus for judicial action.
In addition to reporting to on-campus resources and off-campus law enforcement officials, a complainant also has the option of filing a complaint at any time with the United States Department of Education (Office of Civil Rights). The Office of Civil Rights for North Carolina is located at U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202-1475; telephone: 2020-453-6020; email: OCR.DC@ed.gov

Confidential Resources: While all persons receiving a report of sexual misconduct understand the desire to keep information confidential, maintaining confidentiality is not always possible in order to take appropriate remedial actions. Meredith College does provide confidential resources to whom one can speak and those individuals are not required to report this to the Title IX coordinator. These confidential resources are the licensed counselors in the Counseling Center (919-760-8427), the campus Chaplain (919-760-8346), and the medical and nursing staff in Meredith College Health Services (919-760-8535). These resources may be consulted at any time, including prior to making an official report to the College or to off-campus law enforcement officials. Otherwise, when those other than the confidential resources learn of a report, while to the extent possible, the College will respect an individual’s request for confidentiality; however, the request for confidentiality will be weighed against the College’s obligation to act on information it has received in order to provide a safe campus environment.

Assistance and support for complainants of sexual misconduct: Meredith College recognizes the importance of assisting a member of the Meredith College community who is a complainant of sexual violence. In this respect, several College departments coordinate efforts to offer services to a complainant and others upon whom the sexual misconduct might have an impact. Meredith College strongly urges anyone who has experienced sexual violence/misconduct to:

- **Seek immediate medical assistance:** If the complainant is in Wake County, she/he may contact the Solace Center as soon as possible to receive a forensic evidence exam by a trained Sexual Assault Nurse Examiner (within 120 hours or five days of the assault). This exam is free, and a Raleigh Police officer will respond to begin an investigation. Forensic evidence may assist a complainant in pursuit of a criminal investigation. If the complainant is unsure about pressing charges, she/he can receive an anonymous exam, giving the complainant up to one year to decide about next steps in the criminal justice process. If outside of Wake County, complainants are encouraged to go to the nearest emergency room.

  Immediate resources for support and response: Meredith College Campus Police, 919-760-8888; Solace Center, 919-828-3067; Interact’s 24-hour Rape Crisis Line, 919-828-3005; Meredith College Health Services, 919-760-8535.

- **Seek on-campus crisis support:** Call the Meredith College counselor on call through Campus Police at 919-760-8888. For confidential on-campus counseling, resources and information, contact the Counseling Center, Chaplain, or Health Services. These offices offer confidentiality.
- **Gather information** about filing a complaint, campus policies, rights, reporting and resources: Contact the Title IX Coordinator, Pamela Davis, or Dean of Students Ann Gleason.

**Interim actions:** If the person reporting sexual misconduct to persons other than campus confidential resources does not wish to pursue a hearing or requests that his/her complaint remain confidential, the College must investigate and take reasonable action in response to the complaint/report to prevent any recurrence of an incident or to remedy a hostile environment. Even if a person does not pursue submitting a report or complaint to the College, he/she may seek or request the following short-term, interim options. These interim options or actions operate to provide safety of individuals involved and the fairness of the investigation process; they are not decisions about responsibility.

Interim actions include these options: seek counseling; request changes in academic or living arrangements; request a no-contact or trespass order; or request that the Title IX Coordinator or Dean of Students address the complainant’s concerns with the respondent. The complainant may request informal resolution through mediation with the respondent conducted by the Title IX Coordinator or Dean of Students (when incident involves a Meredith student); however, informal resolution and mediation is never appropriate in incidents involving sexual violence.

**Non-retaliation:** All members of the College community, including students, faculty and staff, who have a good faith concern regarding possible sexual misconduct are expected to report these concerns to the Title IX Coordinator or Dean of Students. The College prohibits retaliation, in any form, directed against any individual who reports in good faith an actual, potential, or suspected violation of the sexual misconduct policy or who participates in an investigation. Anyone who engages in retaliation will be subject to discipline in accordance with this policy.

**Wrongful allegation:** It is a violation of this policy to bring a knowingly false complaint under this policy. However, failure to prove a claim of sexual misconduct does not alone constitute proof of a false and/or malicious accusation. Individuals who make frivolous or false reports shall not be deemed to be acting in good faith.

**Definitions of Consent and Acts of Sexual Misconduct:**

- **Complainant:** The individual who has experienced alleged sexual misconduct.

- **Respondent:** The individual who has been accused of committing sexual misconduct.

- **Bystanders:** Persons who observe possible sexual misconduct and have the opportunity to intervene. Bystanders may report possible sexual misconduct (see “Reporting”) and faculty and staff who observe sexual misconduct are required to report.

- **Confidential resources:** Individuals permitted to provide confidentiality and not report to the Title IX Coordinator. Included are licensed counselors in the Counseling Center...
(919-760-8427), the campus Chaplain (919-760-8346), and the medical and nursing staff in Meredith College Health Services (919-760-8535).

- **Responsible employees:** Meredith College faculty and staff, including residence life staff, who are not designated as confidential resources.

- **Consent:** Clear words or actions that demonstrate a knowing and voluntary willingness to engage in mutually-agreed-upon sexual activity. Consent is informed, freely given, and mutual. Consent cannot be gained by force, intimidation, duress, deception or by ignoring objections. Consent may not be inferred from silence or any other lack of active resistance. It may not be implied by attire or inferred from an individual by spending money on that individual (e.g., buying a meal on a date). Prior consent, even a current or previous sexual or dating relationship, does not imply consent to future sexual acts. In addition, consent to one type of sexual act does not automatically imply consent to another type of sexual act.

Once a person says "no," it does not matter if or what kind of sexual behavior has occurred at an earlier date in time. For example, if one individual says "no" and the other forces penetration, it is sexual misconduct. Consent to sexual activity may be withdrawn at any time, as long as the withdrawal of consent is communicated clearly; upon clear communication, all sexual activity must cease.

Consent may not be given by the following persons:

- Individuals who are mentally incapacitated at the time of the sexual contact in a manner that prevents him or her from understanding the nature or consequences of the sexual act involved;
- Individuals who are unconscious, passed out or otherwise physically helpless; and
- Minors.

Incapacitation is when someone cannot make informed, rational judgments because they lack the capacity to give knowing consent. Incapacitation may be caused by a permanent or temporary physical or mental impairment, sleep, involuntary physical restraint, or from taking rape drugs. Incapacitation may also result from the consumption of alcohol or the use of drugs.

The use of alcohol or drugs may, but does not automatically affect a person's ability to consent to sexual contact. The consumption of alcohol or drugs may create an incapacity if the nature and degree of the intoxication go beyond the stage of merely reduced inhibition and reach a point in which the complainant does not understand the nature and consequences of the sexual act. In such case, the person cannot consent.

A person violates the sexual misconduct policy if he or she has sexual contact with someone he or she should know is incapacitated or based on the circumstances should reasonably know to be incapacitated. A respondent student cannot rebut a sexual
misconduct charge merely by arguing that he or she was drunk or otherwise impaired and, as a result did not know that the other person was incapacitated.

A person who is passed out or unconscious as a result of the consumption of alcohol or drugs is physically helpless and is not able to consent.

- **Non-consensual sexual contact:** Any sexual contact that occurs without consent. Examples of sexual contact include, but are not limited to, the intentional touching of a person’s genitalia, groin, breast, or buttocks or the clothing covering any of those areas, or using force to cause the person to touch his/her own genitalia, groin, breast, or buttocks.

- **Non-consensual sexual intercourse:** The act of sexual intercourse that occurs without consent. Sexual intercourse is defined by penetration (anal, oral, or vaginal) by a penis, tongue, finger, or inanimate object.

- **Sexual exploitation:** Taking sexual advantage of another person without consent. This includes but is not limited to causing the incapacitation of another person for a sexual purpose; causing the prostitution of another person; electronically recording, photographing, or transmitting intimate or sexual utterances, sounds, or images of another person; allowing third parties to observe sexual acts; engaging in voyeurism; non-consensually distributing intimate or sexual information about another person; and knowingly transmitting a sexually transmitted infection, including HIV, to another person, without disclosing one’s sexual transmitted infection status.

- **Stalking:** Repeatedly contacting another person when the contact is unwanted. The conduct may cause the other person reasonable apprehension of imminent physical harm or substantial impairment of the other person’s ability to perform the activities of daily life. Contact includes but is not limited to unwanted communication (in person, by phone, or by computer), unwelcome gifts or flowers, following a person, and watching or remaining in the physical presence of the other person.

- **Sexual Harassment** includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or academic success; 2) submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; or 3) such conduct has the purpose or effect of substantially interfering with an individual’s work or academic performance or creating an intimidating, hostile or offensive work or educational environment.
Sexual harassment includes threats or insinuations, either explicitly or implicitly, that an employee’s refusal to subject to sexual advances will adversely affect the employee’s employment, evaluation, wages, advancement, assigned duties, shifts or any other conditions of employment.

Such prohibited conduct may include, but is not limited to, unwanted sexual flirtations, advances, or propositions; verbal abuse of a sexual nature; unwanted graphic verbal comments about an individual’s body; the display in the workplace or educational environment of inappropriate and sexually suggestive objects, pictures, writing, language or drawings; or unwelcome touching or physical contact. Such conduct, whether committed by a person of the same or opposite sex, is prohibited whether or not it rises to the level that might constitute unlawful harassment.

- **Sexual Coercion or Intimidation**: an unreasonable amount of pressure or threat to engage in sexual activity. Coercion begins not when one makes a sexual advance, but when one realizes that the other person does not want to be convinced and he/she continues to pressure.

- **Relationship Abuse and Violence**: Coercion, abuse or violence between partners in a personal, intimate relationship. This behavior can be physical, sexual, psychological, verbal and/or emotional. Incidents can occur between current or former intimate partners who have dated, lived together, or been married. Relationship abuse and violence can occur between persons of the same or different gender.

**Role of Title IX Coordinator**: The Title IX Coordinator will first seek to ensure that the complainant is safe and that the campus community is protected. The Coordinator or a designee of the Coordinator will meet with the complainant of the reported sexual misconduct, known as the “complainant.” The Coordinator is trained in what constitutes sexual misconduct and familiar with the College’s process and resources available both on and off campus. The following information is available in writing:

- Resources on campus and in community, including counseling support as well as in support of victims of domestic violence, stalking, and sexual assault or dating violence.
- Information about the College’s investigation process and grievance procedures for pursuing a formal complaint against a faculty, staff or student member of the campus community or third party.
- Information about Meredith College’s policy against retaliation for making a complaint under this policy.
- Information about the person’s right to pursue criminal action in addition to the College’s procedures and actions.
- Possible alterations or other interim measures to assure the complainant’s well-being, including no-contact orders, adjustments to work/living arrangements/classes.
• Description of the College’s obligation to treat both the complainant and respondent fairly and to promptly investigate the reported sexual misconduct.
• Description of the role of the Dean of Students in assisting with sexual misconduct investigations and grievance process when students are involved.

Investigation Procedures: When a report of sexual misconduct is received by the Title IX Coordinator or Deputy Title IX Coordinator, an investigation will be initiated promptly by the Coordinator or their designees:

• Complainant, respondent and witnesses will be contacted for interviews.
• Relevant information, materials and documents will be gathered. This information may include, but is not limited to, reviewing campus and community law enforcement investigation documents, if applicable; physical materials and videos; and gathering and examining other relevant documents and evidence. Such investigation may involve review of documents, statements and/or interviews of the complainant, the respondent and any witnesses whom the investigator determines may have relevant information. The respondent and the complainant will each have access to provide information to the investigator and will be provided full information about the allegation.
• Investigation will be prompt and will generally not take longer than approximately thirty (30) days, unless extenuating circumstances necessitate a longer time frame. If an investigation cannot be completed in that time, the investigator will communicate in writing to the complainant and the respondent that the investigation will take longer and will advise when the investigation is anticipated to be complete.
• At the conclusion of the investigation, a written report shall be prepared, with findings given to the complainant and respondent. The written investigative report is also given to the Hearing Board for review through the formal grievance procedures outlined in this policy.

Grievance Procedures

Informal Resolution: A complainant who wishes to file a complaint of sexual misconduct at Meredith College but who does not wish to pursue a grievance hearing may request a less formal proceeding, referred to as the informal resolution process. The informal resolution process is not available for complaints of sexual violence, such as sexual assault, even on a voluntary basis. The informal resolution process is intended to resolve complaints quickly, efficiently, and to the mutual satisfaction of both parties. The informal resolution process should be initiated as soon as possible after notifying the College of a complaint, and if this is desired by complainant and respondent. The Title IX Coordinator and/or the Dean of Students will consider ways to permit both persons to continue participation in campus activities as appropriate.
If appropriate, the Title IX Coordinator or Dean of Students may arrange a meeting between the two parties to facilitate discussion of the complaint. Mediation is designed to encourage each person to be honest and direct with the other and to accept personal responsibility where appropriate. Its goal is to facilitate the resolution of the incident to the satisfaction of both persons involved, and to reach an agreement that is binding on both parties. If the complainant and the respondent are satisfied with the outcome, the matter will be considered resolved. Both the complainant and the respondent have the right to bypass or end the informal resolution process to initiate the College Grievance Hearing Board process. Any failure to comply with the terms of an informal resolution agreement may result in additional disciplinary action or a further allegation of sexual misconduct or harassment.

**Formal Grievance Procedures:** As sexual misconduct is considered by the College to be a serious and dangerous form of sexual harassment and a violation of the College’s Harassment and Non-Discrimination Policy, all formal complaints of sexual misconduct (unless resolved through the informal resolution process), as warranted by the Title IX Coordinator or the Dean of Students (if students are involved), will be addressed through the College Grievance Hearing Board. The complainant and the respondent will be granted the same rights and access to provide an equitable and fair process that provides the same opportunities to both parties.

Both the Complainant and Respondent have the following rights:

- Equal opportunity to present relevant witnesses and other evidence.
- Equal opportunity to have an adviser at any stage of the proceedings. An adviser can include a student, faculty or staff member who is currently employed or enrolled at Meredith College. Attorneys and parents are not permitted to be present in the hearing or otherwise participate, but may be seated outside the hearing room.
- Preponderance-of-the evidence (more likely than not) standard in fact-finding and hearing procedures.
- Right to an appeal.
- Receive written notification of the outcomes of both the hearing board’s decision and the appeal.

**Representation on the College Grievance Hearing Board:** The Title IX Coordinator will assemble the College Grievance Hearing Board (the “Board”) from the College Grievance Hearing Board pool of available members ensuring that no member has a known conflict of interest. The College Grievance Hearing Board pool includes members of Faculty Council, the Staff Affairs Committee, undergraduate students who serve as student representatives on the Honor Council, and one graduate student from each school with graduate programs. The Title IX Coordinator will select five (5) members of the Grievance Hearing Board pool and one alternate to serve on the hearing board. The Board should include individuals from each segment of the campus community represented by the concerned parties. For example, if the complaint is from a student against a faculty member, the Title IX Coordinator would select two students (undergraduate students or graduate students, depending upon the complainant’s or respondent’s
enrollment in either an undergraduate or graduate program) and two faculty members to hear the case; the fifth and the alternate could be either a student, faculty or staff members. If the hearing involves only faculty and staff members as complainant and respondent, the hearing board will consist only of faculty and staff. The chair will be selected by committee vote.

The Title IX Coordinator and/or the Dean of Students will be available to provide technical assistance on procedural and policy matters. The Board will receive training on grievance procedures, sexual misconduct information/sensitivity and hearing board member responsibilities prior to the hearing date.

**Grievance Board Review Process:** The Board will review the complaint, study all pertinent facts, carefully examine any policies involved, and may take statements or call witnesses to evaluate the complaint. Evidence and a list of witnesses who will be called will be distributed to both parties in advance of the hearing. The complainant and respondent may also submit written statements to the hearing panel in advance of the hearing and both parties shall have a maximum of ten minutes to present relevant facts during oral opening statements at the hearing. Both parties may propose questions of witnesses to be asked through the Chair of the Board. The complainant and the respondent will not be permitted to ask questions directly of each other; questions submitted to the Chair will be reviewed for relevance related to the hearing. The complainant and the respondent may each elect to be present in the hearing room during the proceedings. If either party requests to not be physically present during some or all of the proceedings, arrangements will be made by the Title IX Coordinator or Dean of Students to allow for both parties to participate in the hearing while not being required to physically be in the same hearing room.

Issues regarding admission of evidence or testimony, including relevancy and reliability, will be determined by the Chair of the College Grievance Hearing Board. The legal rules of evidence do not apply. Irrelevant sexual history or other behavior may not be discussed during the hearing. Past sexual history or sexual character of a party will not be admissible by the other party in an investigation or hearing unless the information is determined highly relevant by the Chair. The Title IX Coordinator or Deputy Title IX Coordinator may provide information of previous conduct violations if the information bears a substantially similar pattern to this allegation. Witnesses are expected to provide complete, honest information and statements.

Both parties have the option of having another member of the Meredith community (current student, faculty or staff) not otherwise involved in the matter or serving as a witness to be present as an adviser or supporter. As this is not a legal proceeding, legal counsel may not participate or be present during the hearing in the hearing room. Up to three individuals who wish to provide support to persons involved in the hearing may be seated outside of the hearing room. The complainant and the respondent, along with designated advisers, may be present during the hearing with the exception of the deliberation portion of the hearing.

The Board may find that no misconduct has occurred or it may find in whole or in part for responsibility and recommend action to remedy the situation. Sanctions for a finding of responsibility depend upon the nature and gravity of the misconduct. Meredith College reserves the right to provide sanctions that may include, but are not limited to: warning, reprimand,
probation, delay of graduation (for student), suspension, expulsion, use of on-campus or off-campus resources, discipline or termination (of employee), and restitution. The Chair will prepare a written report within five (5) business days with findings and recommendations to be submitted to the Title IX Coordinator or the Dean of Students as applicable. The Title IX Coordinator or the Dean of Students will deliver a written notification of the Board’s decision and any sanctions to the respondent and the complainant.

**Standard of proof:** The basis for a decision will be the preponderance-of-the-evidence standard (more likely than not). This means that in order to find the respondent responsible, the Board must find, based on the evidence presented at the hearing, that it is more likely than not that the respondent is responsible for the violation.

**Procedures for Appeal of a Grievance Hearing Board Decision:** The complainant or the respondent may appeal the Board’s decision, subject to the scope of a review and confined to these questions: 1) whether there is evidence in the record to support the decision and/or sanctions based on the preponderance-of-the-evidence standard; 2) whether the hearing was free of substantial error prejudicial to the appellant under the prescribed procedures; and/or 3) whether the sanction imposed is appropriate to the violation. Appeals must be submitted in writing to the Title IX Coordinator within five (5) business days.

Appeals of the College Grievance Hearing Board decision shall be heard by the appropriate vice president (or President when the employee reports directly to the President.) The Vice President for College Programs will hear the appeal if the hearing included only students. If the hearing included both students and faculty or staff members, the appeal shall be heard jointly by the Vice President for College Programs and the vice president for the division in which the faculty or staff member is employed. The vice president(s), at his or her discretion, may seek the advice and counsel of the Grievance Appeal Advisory Committee, which shall consist of two members of the Grievance Hearing Board pool who were not involved in the original hearing. The Title IX Coordinator and/or Dean of Students will also serve as non-voting members of the Grievance Appeal Advisory Committee. Decisions will be made within ten (10) business days. In the event of extenuating circumstances that prevent a decision to be made within this timeframe, both parties will be notified in writing of the anticipated date of the decision.

In considering the appeal, the vice president shall consider only what is included in the hearing records; no new evidence may be permitted. The vice president will send a written notification of the decision to both the complainant and the respondent. The decision of the vice president is final.

*August 12, 2014*