

## Sexual Misconduct Policy

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, domestic violence, dating 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.”

***Scope and Jurisdiction:*** This policy applies to all members of the Meredith College community, including anyone involved in a Meredith program or activity, such as students, employees, visitors, vendors, campus visitors, and independent contractors. 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.

This policy applies to conduct occurring on Meredith’s campus or off campus in the context of Meredith College employment or educational activities or programs including study abroad and internship programs. Other off-campus actions including on-line or electronic activities that have an adverse effect on campus or off-campus Meredith activities or programs may be subject to this policy. In determining whether the College has jurisdiction over off-campus conduct that is not a part of a College educational activity or program, the College will look at how serious the conduct is, the risk of harm, whether both parties involved are members of the College community, and whether the alleged action is part of a series of actions that occurred on and off campus. In situations in which both the complainant and the respondent are members of the Meredith College community, this policy will apply regardless of the location of the incident. In particular, off-campus conduct that is likely to have an actual or potential adverse impact on, or poses a threat or danger to, any member of the campus community or the College is within the scope of this policy.

Although there is no strict geographic limitation to the scope of 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 procedures in this policy. Even when an action complained of is not within the scope of this policy, the College will offer available resources to College community members to assist them. Individuals are encouraged to report misconduct regardless of where the incident occurred, or who committed it. Even if the College does not have jurisdiction over the respondent, the College will take prompt action to provide for the safety and well-being of the complainant and the broader campus community, to the extent possible.

**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 Galloway, Director of Human Resources and Title IX Coordinator, at [davisjam@meredith.edu](mailto:davisjam@meredith.edu) or at 919-760-8760. For incidents involving students, contact Ann Gleason, Dean of Students and Deputy Title IX Coordinator, at [gleasona@meredith.edu](mailto:gleasona@meredith.edu) or at 919-760-8521. As soon as Meredith College employees (including faculty, staff and residence life staff members) become aware of an incident of sexual misconduct that occurred on or off campus that may affect the safety or well-being of a member of the campus community, they must report this information to Pamela Davis Galloway, 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 Deputy Title IX Coordinator or their designee. If you are unsure about what constitutes sexual misconduct at Meredith College, please contact the Title IX Coordinator or the Deputy Title IX Coordinator.

All persons are encouraged to make a report of any incident regardless of the location or time it occurred and to seek assistance from campus or community resources. The Title IX Coordinator or Deputy Title IX Coordinator will assess the incident at issue, any risk of harm to the parties or others including the broader campus community, any preferred course of action of the complainant, and any necessary and appropriate interim protective measures.

At the time of reporting, the complainant does not have to decide about which particular process or option to pursue. The decision on how to proceed can occur over time and, throughout that process, the College will provide resources and support regardless of what decision is made or if one has been made.

In accordance with Meredith College's medical amnesty policy, a student who reports sexual misconduct 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 actions did not place the health or safety of any other person at risk or violate additional College policies.

Instances of sexual misconduct may violate both the College's sexual misconduct policy and the law. Complainants may pursue their complaints through either or both of the Meredith College reporting process for sexual misconduct and through the criminal justice system, and Meredith College encourages complainants to pursue these avenues if they so choose. 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 regardless of the timeline or outcome of the criminal procedures.

Upon request of the complainant, sexual misconduct committed by a student from another campus can be referred by the Dean of Students or, in extreme situations, Campus Police, to that student's campus for judicial action.

Anonymous reports of sexual misconduct may also be submitted online on the form located on the College's Title IX web page at [www.meredith.edu/title-ix](http://www.meredith.edu/title-ix)

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](mailto: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. Confidential resources are those individuals at Meredith College permitted to maintain confidentiality except with the individual's express permission and include only 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) (unless there is a continuing threat of serious harm to the patient or client or there is a legal obligation to reveal the information). 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.

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.

***Privacy:*** In addressing any report under the Policy, the College will make every effort to respect privacy interests of all persons involved while assessing the allegation and taking any steps to prevent the conduct, prevent its recurrence, and address its effects. Confidential resources are able to share information only with the individual's express permission. All other employees will share information on a "need-to-know" basis to investigate and resolve matters. Parents will usually not be contacted unless the party is a minor (what if age 17 student? Treated as minor? and disclosure is permitted by FERPA, a FERPA waiver is obtained, disclosure is necessary to protect the health or safety of the minor or other individuals, or there is express permission from the minor. The Title IX Coordinator maintains reports of incidents to track systemic issues in order to address them.

***Clery Act and Timely Warning:*** At any time that a serious or continuing threat to students or employees exists, the College will issue timely notification and warning to the campus community. This notification required by the Clery Act will not include identifying information about the reporting party. Pursuant to the Clery Act and the Violence Against Women Act, anonymous statistics regarding reported criminal incidents must be shared with the Campus Police department for inclusion in the daily crime log and in the College's Annual Security Report. This information will include anonymous aggregate data.

***Assistance and support:*** Meredith College recognizes the importance of assisting a member of the Meredith College community who is impacted by sexual violence. In this respect, several College departments coordinate efforts to offer services and Meredith College strongly urges anyone who has been impacted by sexual violence to:

- **Seek immediate medical assistance:** If you are in Wake County, 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 or in obtaining a protective order. 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. If you have injuries that require immediate medical attention, beyond the injuries sustained through sexual assault, 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 guarantee confidentiality.
- **Gather information** about filing a complaint, campus policies, rights, reporting and resources: Contact the Title IX Coordinator, Pamela Davis Galloway, or the Deputy Title IX Coordinator, Ann Gleason.

### ***Interim protective actions***

When the College receives a report under this policy, the Title IX coordinator and other appropriate College personnel will take reasonable and appropriate interim protective measures necessary to protect the safety of the parties or witnesses involved, regardless of whether the complainant chooses to make a report to campus police or local law enforcement. These interim or temporary options or actions ensure the safety of all individuals involved and the fairness of the investigation process; they are not decisions about responsibility and may be changed as additional information is gathered.

Interim actions include but are not limited to: access to counseling and assistance in setting up an initial appointment; request a rearrangement of class schedule or living space; arrange for the complainant to have additional time to complete a course or re-take/withdraw from a class without academic or financial penalty; impose a no-contact order; provide an escort between classes and educational activities; changes in a class schedule; provide academic support services such as tutoring.

## ***Definitions***

**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 guarantee confidentiality. 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) (unless there is a continuing threat of serious harm to the patient or client or there is a legal obligation to reveal the information).

**Responsible employees:** Meredith College faculty and staff (including resident assistants) who are not specifically designated as confidential resources.

**Consent:** Words or actions that affirmatively demonstrate a knowing or voluntary willingness to engage in mutually-agreed-upon sexual activity. Consent requires an outward demonstration, through understandable words or actions, that conveys a clear willingness to engage in sexual contact.

Consent cannot be gained by force, by intimidation, by ignoring objections, or by taking advantage of another's incapacitation. 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 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 regardless of whether there has been a past consensual sexual relationship.

Consent to sexual activity may be withdrawn at any time through understandable words or actions that clearly convey that a party is no longer willing to engage in sexual contact; 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 or otherwise physically helpless; and

- Minors.

Incapacitation is defined as the physical and/or mental inability to make informed, rational judgments that voids an individual's ability to give consent. Incapacitation may be caused by a permanent or temporary physical or mental impairment. 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 knows or should reasonably know based on the circumstances is incapacitated. A respondent 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.

#### **Prohibited Conduct:**

**Complicity:** Complicity is any act that knowingly aids, abets, facilitates, promotes or encourages the commission of prohibited conduct by another person.

**Sexual Violence:** Sexual violence is a severe form of sexual harassment and refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual exploitation, sexual abuse, domestic violence, dating violence, stalking and sexual coercion.

**Sexual assault/non-consensual sexual contact:** Sexual assault is a severe form of sexual harassment and refers to 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 other object.

**Sexual exploitation:** Taking sexual advantage of another person without effective 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; distributing intimate or sexual information about another person; and knowingly transmitting a sexually transmitted infection, including HIV, to another person.

**Stalking:** Repeated contact or any other course of conduct directed at a person that is sufficiently serious enough to cause physical, emotional, or psychological fear or to create a hostile, intimidating or abusive environment for a reasonable person under similar circumstances and with similar identities. 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. Stalking may involve persons who know each other or strangers.

**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.

Sexual harassing conduct is also prohibited. Such 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 work place 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.

**Gender-based Harassment:** Gender-based harassment is another form of sex-based harassment and refers to unwelcome conduct based on an individual's actual or perceived sex, including harassment based on gender identity or nonconformity with sex stereotypes, and not necessarily involving conduct of a sexual nature. All of these types of sex-based harassment are forms of sex discrimination prohibited by Title IX.

**Sexual coercion or intimidation** is 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 push.

**Dating Violence:** Violence, sexual abuse, physical abuse, or threats of such abuse between partners who are or have been in a personal, romantic, or intimate relationship.

**Domestic Violence:** Attempting to cause bodily injury; intentionally causing bodily injury; or inflicting substantial emotional distress by causing fear of imminent serious bodily injury or

harassment by someone with whom the aggrieved party has or has had a personal relationship. A personal relationship means one between current or former spouses, persons who live or have lived together, persons who have a child in common, or persons who are or have been in a dating relationship.

***Retaliation:*** Retaliation is getting back at someone in words or actions for that person's participation in protected activity. Protected activity under this policy includes (i) an individual's good faith reporting of a complaint under the policy, participation in an investigation or hearing under the policy and (ii) an individual's opposition to practices that an individual reasonably believes are in violation of this policy. Retaliation is also a violation of this policy and subjects violators to prompt and appropriate discipline. Report any acts of retaliation to the Title IX Coordinator. The College will not tolerate retaliation against anyone under this policy, including the Title IX coordinators.

***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.

### ***Education and Training Programs***

The College is committed to promoting awareness and increasing the prevention of conduct prohibited under this policy through education and training prevention programs. The Title IX Coordinator maintains information about educational and training programs for students, faculty and staff. Programs include an overview of this policy as well as key terms such as prohibited conduct under this policy, consent, positive and safe ways for bystanders to intervene, available resources on campus and off, and the influence of alcohol and illegal drug use. The College provides educational materials through a variety of outlets including online training, emails, new student orientation, annual updates/training for employees, and new employee orientation.

### ***Role of Title IX Coordinator/Deputy Title IX Coordinator***

The Coordinator will first ensure that the complainant is safe and that the campus community is protected. The Coordinator may meet with the complainant of the reported sexual misconduct, known as the "complainant." The Coordinator is trained in college sexual misconduct and will provide information (in writing) and advice to the complainant. The following information is provided:

- A copy of the College's Sexual Misconduct policy including information about confidential resources, investigation process and grievance procedures, and the College's non-retaliation policy
- Resources on campus and in community, including counseling support.
- Information about the person's right to pursue criminal action in addition to the College's procedures and actions.
- Information about possible interim protective 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 as deemed necessary

### ***Investigation Procedures***

As sexual misconduct is considered by the College to be a serious form of sexual harassment and a violation of the College's Harassment and Non-Discrimination Policy, all formal complaints of sexual misconduct will be investigated by a Title IX coordinator, the Deputy Title IX Coordinator, or their designee (the investigator). The investigator may also choose to initiate an investigation based on other reported information or to assign the investigation to another impartial, qualified investigator. If a decision is made to initiate an investigation, the following actions will be taken:

- May interview complainant, respondent and witnesses
- Relevant information and documents will be gathered. This information may include, but is not limited to, reviewing campus and community law enforcement investigation documents, if applicable; reviewing student and employee files; 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 usually take no longer than 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, findings will be shared with the complainant and respondent. The Title IX Coordinator will determine whether or not the College will bring a formal complaint under the College's Title IX/sexual misconduct policy.
- If a formal complaint is warranted, the matter will be handled in accordance with the grievance procedures outlined in this policy. The grievance procedure may be initiated by the complainant or, in some instances, the College may initiate the grievance procedure or other administrative procedure when there is evidence of a possible threat to the health and/or safety of the campus community. While the College may determine it necessary to initiate such action to protect the campus community or remedy alleged misconduct, the College recognizes that the complainant may elect to participate or not.
- At any time a serious, imminent and continuing threat exists, Campus Police will be notified and an MC Alert message will be issued on campus to provide timely notification and warning to the campus community. Any such alert required by the Clery Act will not include identifiable information about the Complainant.

### ***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 intended to resolve complaints quickly, efficiently, and to the mutual satisfaction of both parties. If the respondent accepts responsibility and the sanction proposed by the Title IX Coordinator or designee, the matter will be resolved. If the respondent accepts responsibility but not the proposed sanction, a truncated sanctions hearing may be held.

One form of informal resolution is mediation. Allegations of sexual assault may not be mediated. In mediation, the Title IX Coordinator or Deputy Title IX Coordinator 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. 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**

The complainant has the option of initiating the formal grievance process for all Title IX complaints, which utilizes the College Grievance Hearing Panel. Following an investigation, the College may also choose to initiate the formal grievance process when there is evidence of a possible threat to the health and/or safety of the campus community. 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 advisor at any stage of the disciplinary proceedings. A student may select an advisor from the current College community including a student, faculty or staff member who is currently employed or enrolled at Meredith College and who is not a witness in the matter. In matters alleging sexual misconduct, students may have an advisor of their choosing and are not restricted to an advisor from within the College community (current students, faculty or staff). The role of advisors is to assist and support the students they advise and advisors may not actively participate in the hearings. The advisor's role is limited to quietly conferring with the advisor's advisee in writing or whispering, and advisors may not address any other participant or the hearing panel.
- Other than the parties, their advisors, hearing panel members, Title IX Coordinator or Deputy Title IX Coordinator or their designees, and witnesses when testifying, others are not permitted to be present in the hearing room, but may be seated outside the hearing room.

- Preponderance-of-the evidence (more likely than not) standard will be used in fact-finding and hearing procedures.
- Right to an appeal.
- Receive written notification of the outcomes of both the hearing panel's decision and the appeal.

### **College Grievance Hearing Panel**

The Title IX Coordinator will assemble the College Grievance Hearing Panel (the "Panel") from the College Grievance Hearing Board pool of available members. 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 three (3) members of the Grievance Hearing Board pool and one alternate to serve on the Panel. The Panel shall include individuals from the segments of the campus community represented by the concerned parties (student, faculty, and/or staff) whenever possible. For example, if the complaint is from a student against a faculty member, the Panel shall include students and faculty or staff if possible. If the hearing involves only faculty and staff members as complainant and respondent, the Panel will consist only of faculty and staff if possible. The complainant and respondent will be given the list of panel members 5 business days in advance of the hearing. If either party objects to a panelist because of conflict of interest, the Title IX Coordinator will consider the grounds for the conflict of interest and may select another panel member. The chair will be designated by the Title IX Coordinator. The complainant and respondent may not contact panel members or discuss the case with them prior to the hearing. The Title IX Coordinator and/or the Deputy Title IX Coordinator (or a Title IX designee) will be available to provide technical assistance on procedural and policy matters. The Grievance Hearing Panel will receive training on grievance procedures, sexual misconduct information/sensitivity and Panel member responsibilities prior to the hearing date and are not eligible to serve unless they attend the training.

### **Grievance Panel Review Process**

The Panel will review the complaint and all information provided, carefully examine any policies involved, and may receive statements from both the complainant and the respondent 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. Both parties should submit lists of potential witnesses to the Title IX Coordinator five business days prior to the hearing. The complainant and respondent may also submit written statements to the 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 considered to be asked through the Panel. The complainant and the respondent will not be permitted to ask questions directly of each other; questions submitted to the Title IX representative will be reviewed for relevance related to the hearing and those relevant to the hearing will be communicated to the Chair by the Title IX representative. The rules of evidence do not apply. The complainant and the respondent may each elect to be present in the hearing room during the proceedings. If either party requests not to be physically present during some or all of the proceedings, arrangements will be

made by the Title IX Coordinator or Deputy Title IX Coordinator to allow for both parties to participate in the hearing while not being required to physically be in the same hearing room.

Individuals who require disability-related reasonable accommodation in order to equitably participate in the process are encouraged to make their request at least 5 business days in advance of the hearing in order to allow enough time to make the necessary arrangements. Individuals who need assistance with language translation should make their request 5 business days in advance of the hearing.

Issues regarding admission of evidence or testimony, including relevancy and reliability, will be determined by the Chair in consultation with the Title IX Coordinator. The complainant's sexual history with anyone other than the respondent may not be discussed during the hearing. The parties and all witnesses are expected to provide honest information and statements. The Chair shall determine in its discretion the management of the hearing, the relevance of information. Behavior that disrupts the hearing process will not be permitted and the Chair and the Title IX Coordinator will address parties, witnesses or advisors as necessary.

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 advisor or supporter. 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 basis for a decision by the Panel will be based on a preponderance-of-the-evidence standard (more likely than not) and by the majority decision of the Panel.

The Panel may find that prohibited misconduct has occurred or that it has not. When the Panel finds that misconduct has occurred, it will determine a remedy, including sanctions. Sanctions for a finding of responsibility depend upon the nature and gravity of the misconduct. Meredith College may impose any of the following sanctions upon students: warning, reprimand, probation, delay of graduation, withholding of degree, revocation of degree, suspension, expulsion, termination or limitation of use of on-campus or off-campus resources, termination of on-campus employment, loss of leadership position, loss of student housing or other privileges, and other restitution. Sanctions for employees could include one or more of the following: warning, mandated training, corrective action, suspension with pay, suspension without pay, termination, or other corrective actions related to employment. Sanctions for contractors and visitors may include a warning, notification to the contracted company, trespass order from campus, termination of employment/contract. The Chair will prepare a written report within five (5) business days of the final decision with findings to be submitted to the Title IX Coordinator or the Deputy Title IX Coordinator. If the respondent is an employee, the Title IX Coordinator will consult with the appropriate supervisor(s) to impose appropriate disciplinary and corrective sanctions.

The Title IX Coordinator will inform the complainant and respondent of the findings and sanctions within 5 business days of the receipt of the Chair's report. Notification will be made in writing and may be delivered by one or more of the following methods: in-person; mailed to the local or

permanent address as indicated in official College records; or emailed to the parties' College-issued email account.

### **Standard of proof**

The basis for a decision will be based on a preponderance-of-the-evidence standard (more likely than not). This means that in order to find the respondent responsible, the Panel 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 Panel Decision**

The complainant or the respondent may appeal the Panel'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 of receipt of Panel's decision.

Appeals of the College Grievance Hearing Panel decision shall be heard by the appropriate vice president (or President when the appellant is an employee who reports directly to the President). The Vice President for College Programs will hear the appeal if the respondent and complainant 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. Decisions will be made within ten (10) business days of receipt of the appeal. 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 reviewing 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 within 10 business days of the receipt of the appeal. The decision of the vice president is final.

*Updated January 2017*