

# Title IX Policy and Procedures

## Title IX Coordinator

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## Policy

[Statement on Non-Discrimination \(See 1.19 in Academic Catalog\)](#)

Wesley Biblical Seminary maintains a policy of non-discrimination on the basis of sex, race, age, or physical handicap in administration of educational policies, applications for admission, scholarships, loans, and extracurricular programs. The seminary urges students, faculty, staff, and administration to use language that does not exclude persons on the basis of sex, race, age, or physical handicap.

It is the policy of Wesley Biblical Seminary to promote a positive working and educational environment in all its education programs and activities. In keeping with the seminary ethos, members of the seminary community are expected to evidence commitment to Jesus Christ as Savior and Lord by walking in the Spirit so that they can grow in the fruit of the Spirit (Gal 5:16, 22-24) as evidenced by a life of honesty, purity, respect, and concern for the welfare of others. A crucial part of this is abstaining from pornography, commercialized sexual entertainment, and all sexual practices outside of the marriage relationship between a man and a woman. Sexual harassment is directly opposed to the seminary's ethos and is expressly prohibited.

Members of the seminary community who believe that this policy has been violated are strongly encouraged to report the allegations of sexual harassment as promptly as possible. Delay in making a complaint of sexual harassment may make it more difficult for the seminary to investigate the allegations.

## Definitions

**Sexual Harassment** is defined as conduct on the basis of sex if:

1. An employee conditions aid, benefit, or service of the institution on an individual's participation in unwelcome sexual conduct (*quid pro quo*)
2. Unwelcome conduct determined by a reasonable person is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the institution's education program or activity (hostile environment)
3. Sexual assault, dating violence, domestic violence, or stalking (as defined in the Clery Acts, 20 U.S.C., 1092(f), and the Violence Against Women Act, 34 U.S.C, 12291(a)).

**Sexual assault** is defined as any type of sexual conduct or behavior that occurs without the explicit consent of the recipient. Falling under the definition of sexual assault are sexual activities as forced sexual intercourse, forcible sodomy, child molestation, incest, fondling, and attempted rape.

**Dating Violence** is defined as violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such a relationship will be gauged by its length, type, and frequency of interaction.

**Domestic Violence** is defined as asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

**Stalking** is defined as a course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or another's safety, or to suffer substantial emotional distress.

**Complainant** is defined as an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

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

## Procedures

Any individual within the seminary community who has experienced or witnessed sexual harassment is encouraged to make a complaint to the Title IX Coordinator as soon as possible. Complaints must include key details of the alleged misconduct, including the name and telephone number, if available, of the complainant and respondent; specific acts alleged, including dates, times, and locations; names of any potential witnesses, including addresses and telephone numbers, if available; and actions taken by any party to address the misconduct, if any. Complaints may be formal (made in writing) or informal (over the phone or in person). The seminary will respond to all complaints by offering supportive measures designed to restore or preserve equal access to education programs and activities (such as counseling recommendations and extensions on assignments or other course adjustments). These supportive measures are non-disciplinary and non-punitive and do not assume responsibility on the part of the respondent. A formal complaint will initiate an investigation, unless the complaint is dismissed.

## Dismissed Complaints

Certain circumstances (outlined below) may require or allow for the dismissal of a complaint. If a complaint is dismissed, written notice will be sent to both parties with the reason for dismissal. Dismissals may be appealed by either party.

Complaints will be dismissed if the alleged conduct:

1. Does not constitute sexual harassment

2. Did not occur in a seminary education program or activity
3. Did not occur in the United States

Additionally, complaints may be dismissed if:

1. The complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the complaint or any allegations therein
2. The respondent is no longer enrolled or employed at the seminary
3. Specific circumstances prevent the seminary from gathering sufficient evidence to reach a determination as to the formal complaint or allegations therein

### Investigation

Upon receipt of a formal complaint, written notice of the grievance will be given to both the complainant and the respondent, with the opportunity for informal resolution. Informal resolution is optional and is only allowed if both parties agree to it. Either party is free to withdraw consent to informal resolution and re-instigate the formal grievance process at any time until a decision has been made. The grievance process will take place and be concluded within sixty (60) calendar days of receiving the formal complaint. If for any reason this timeframe must be extended, written notice will be given to both parties, explaining the reason for the extension.

Throughout the grievance process, both parties will be treated equitably. The seminary is committed to an objective evaluation of evidence and will presume innocence on the part of the respondent until a decision has been reached based on evidence.

The burden of gathering evidence is on the seminary, not the parties. The parties will be provided equal opportunity for the parties to present fact and expert witnesses and other inculpatory and exculpatory evidence. Each party may choose an advisor; advisors may be attorneys, but they are not required to be.

The investigator (which may be the Title IX Coordinator but may not be the decision maker) shall create an investigative report, including a fair summary of the evidence, and make this available to both parties. Parties shall have at least ten (10) days to inspect and review evidence and respond in writing before a hearing.

All Title IX personnel, including the Title IX Coordinator, investigator(s), and decision maker(s), shall be free from conflicts of interest or bias for or against complainants or respondents.

### Hearing

The seminary will conduct a live hearing, over which a decision maker shall preside. At the request of either party, the hearing may be virtual, but it must be in real time with video. All hearings will be recorded.

Each party's advisor shall be allowed to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination shall be conducted by the party's advisor and never by the party. All cross-examinations must be recognized as relevant by the decision-maker before the party answers. If a question is determined to be irrelevant, the decision-maker must give the reason for this

determination. The complainant's sexual behavior or predisposition are irrelevant *unless* such questions and evidence are offered to prove someone other than the respondent committed the alleged conduct, or the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

If a party does not have an advisor for the hearing, the seminary must provide an advisor for the party, free of charge.

The decision-maker must have no conflict of interest and must be trained on making unbiased decisions. Decisions will be based on the clear and convincing standard of evidence. The decision-maker will prepare a written determination, including:

1. The portion of school policies violated
2. Procedural steps taken since the complaint was filed (including all notices, interviews, investigative methods, and hearings held)
3. Findings of fact
4. Conclusions regarding application of code of conduct to the facts
5. Ultimate determination of responsibility
6. Disciplinary sanctions
7. Remedies to complainant (to be carried out by Title IX Coordinator, in cooperation with relevant administrative personnel)
8. Procedures/right to appeal

### Disciplinary Sanctions

Potential disciplinary sanctions include:

- Warning
- Restitution
- Fines
- Loss of privileges
- Probation
- Suspension
- Expulsion
- Removal from employment

### Supportive Measures

Remedies to the complainant shall be made in the form of supportive measures that restore or preserve equal access to education programs and activities. These may be punitive toward the respondent, if the respondent is found to be responsible. Supportive measures include, but are not limited to:

- Counseling recommendations
- Extensions on assignments or other course adjustments
- Mutual restriction on contact between individuals
- A leave of absence

### Appeal Process (Taken directly from Academic Catalog, Appendix C)

Both complaint dismissals and final decisions may be appealed by either party within ten (10) days of the dismissal or decision. Potential grounds for appeal include:

1. Procedural irregularity that affected the outcome of the matter
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter
3. The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter

If a determination is appealed, both parties will be notified in writing. Both parties may submit a written statement in support of, or challenging, the outcome. A new decision maker will be appointed that is different from the Title IX Coordinator, investigator, and decision maker in the original process, with no conflict of interest or bias. A written decision will be reached within ten (10) days of receiving the appeal and will be simultaneously delivered to both parties, which will be considered final.

### Confidentiality

The review of sexual harassment complaints, including formal investigation, will be conducted confidentially to the extent permitted by law, except insofar as information needs to be disclosed so that the seminary may effectively investigate the matter or take corrective action. No information protected by a legal privilege, such as the attorney-client privilege or the doctor-patient privilege, shall be used during an investigation unless the person holding that privilege has waived it.

### Retaliation

Retaliation against anyone exercising Title IX rights is prohibited. Neither the seminary nor any person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in a Title IX investigation, proceeding, or hearing. Charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment but arise out of the same facts or circumstances as a report or complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a false statement in bad faith. The exercise of rights protected under the First Amendment does not constitute retaliation.

### Record-Keeping

The seminary will maintain, for 7 years, all records and documents related to investigations, appeals, informal resolutions, training materials, and supportive measures relating to Title IX.

## External Resources

### **National Sexual Assault Hotline**

1-800-656-HOPE (4673)

[www.rainn.org](http://www.rainn.org)

### **National Sexual Violence Resource Center**

1-877-739-3895

### **Ridgeland Police Department**

115 W. School Street

Ridgeland, MS 39157

(601) 856-2121

### **Madison County Sheriff's Department**

2941 US-51

Canton, MS 39046

(601) 355-0379

## Training

DoEd Video: <https://www.youtube.com/watch?v=TdfT5R8ibm4>

Part I: <https://www.trainedsolutions.com/portfolio-item/cccu-title-ix-trngpart1/>

Part II: <https://www.trainedsolutions.com/portfolio-item/cccu-titleix-trngpt-2/>