Sexual Misconduct Grievance Procedures
For Westminster College
(“College”)

The College has adopted a Sexual Misconduct Policy (“Policy”), all of the provisions of which are incorporated herein by reference. A copy of the policy can be viewed at: http://www.westminster.edu/campus/services/sexual-assault-information/getting-help.cfm

In accordance with Section 8 of that policy, the College adopts and publishes the following grievance procedures for the prompt, fair, impartial and equitable investigation and resolution of sexual misconduct complaints, including discrimination and sexual harassment complaints, filed against College employees, other students, and third parties. Generally, these procedures provide (a) a method by which individuals can file complaints under Title IX, (b) a description of how those complaints will be investigated, (c) an informal resolution process, (d) procedures for the hearing to adjudicate factual disputes, (e) the method for appealing the outcome of the hearing, and (f) the method by which remedies and sanctions will be imposed.

Pursuant to Title IX and the requirements established by the United States Department of Education, please be aware that:

• Persons who file complaints (“Complainants”) have the right to end the informal process described in Section 3 at any time and to begin the formal stage of the complaint process as outlined in Section 4.
• The College will take steps to prevent the recurrence of any sexual violence and remedy discriminatory effects on the Complainant and others, if appropriate.
• The employee responsible for evaluating requests for confidentiality is the Title IX Coordinator as identified in the Policy.
• Reporting policies and protocols are set forth in Section 6 of the Policy, and members of the campus community are encouraged to review those policies and protocols, including the provisions for confidential reporting.
• Title IX prohibits retaliation against the Complainant or any witness involved in the investigation or hearing.
• Complainants have the right to file simultaneously a criminal complaint with appropriate law enforcement agencies and a Title IX complaint with the College.
• Various interim measures may be taken to protect Complainants in the educational setting, including those set forth in Section 3 of the Policy.
• The evidentiary standard that must be used in resolving the complaint is a preponderance of the evidence.
• The potential remedies for Complainants are set forth in Section 3 of the Policy.
• It is the intent of this procedure to provide the Complainant with all rights given to the respondent.
• The potential sanctions or protective measures which may be imposed against the respondents include the possible reprimand, suspension or expulsion of a student respondent, the possible reprimand, suspension or termination of an employee respondent, and complainant's options to avoid contact with the respondent and allow the

Exhibit A
complainant to change academic and extracurricular activities or complainant's living, transportation, dining, and working situation as appropriate.

- The process may result in additional remedies for the College community, including greater emphasis on student awareness, educational and professional development courses for students, faculty and staff, and other steps designed to address the specific issues raised by the complaint.
- Sources of counseling, advocacy and support are listed in Sections 3 and 6 of the Policy.
- Information about how the College will protect the confidentiality of victims is listed in Section 6 of the Policy.
- As used in this procedure, “sexual harassment” and “hostile environment” shall have the meanings set forth in Section 5 of the Policy.
- The College will not require a party to abide by a nondisclosure agreement, in writing or otherwise, that would prevent the redisclosure of information relating to the outcome of the proceeding.
- The College shall offer the Complainant all services needed to remedy the hostile environment on an interim basis, all as outlined in Section 3 of the Policy.
- The College shall offer the Complainant all services needed as a final remedy to the hostile environment, even if the Complainant declined the service as a part of an interim measure.
- The mere fact of a current or previous consensual dating or sexual relationship between the two parties does not itself imply consent or preclude a finding of sexual violence.
- In the event the College is unable to conduct a full investigation, such as when the respondent is a visitor to the College’s campus, the College shall still consider remedies for both the Complainant and the broader student population.

1. **Initiation of Complaint** – Any person who believes that he or she has been the victim of sexual misconduct as defined in the College’s Policy shall file a written complaint with the College’s Title IX Coordinator as identified in the Policy. The complaint shall specify the alleged sexual misconduct, the name of the individual who engaged in the alleged misconduct and such other information as may assist the College in promptly investigating the alleged sexual misconduct.

2. **Investigation** – The Title IX Coordinator or the Coordinator’s designee shall promptly investigate the alleged sexual misconduct in accordance with the provisions of Section 7 of the Policy. Any designee shall have received training in conducting investigations of Title IX complaints. It is the goal of the College to provide for an adequate, reliable, and impartial investigation of each complaint, including the opportunity for both the Complainant and the respondent to present witnesses and evidence. Upon the conclusion of the investigation, the College shall determine whether probable cause exists to believe that the alleged sexual misconduct occurred. If the College determines that there is no probable cause to believe the alleged sexual misconduct occurred, the complaint shall be dismissed, and both the Complainant and the respondent shall be notified in writing such determination by the College. If the College determines that there is probable cause to believe that the alleged sexual misconduct occurred, both the Complainant and the respondent shall be notified in writing of such determination by the College, and an adjudicative hearing shall be scheduled within fourteen (14) days to resolve all
disputed facts, if any. The College shall provide both the Complainant and the respondent of the
time and place of the hearing and the name of the hearing officer. The hearing shall be conducted
in accordance with Section 4. In the event there are no disputed facts, no hearing will be held,
and the College shall proceed to implement remedies and sanctions pursuant to Section 6.

3. **Informal Resolution Process** - Mediation is never appropriate in sexual
    misconduct cases and shall not be utilized by the College. However, after a finding of probable
    cause and prior to the hearing to resolve factual disputes, the College shall informally discuss
    possible remedies and sanctions with the Complainant and the respondent to ascertain if a
    satisfactory resolution of the matter can be reached without the necessity of an adjudicative
    hearing. If so, the remedies and sanctions to which the parties agree shall be imposed. If not, the
    hearing pursuant to Section 4 will proceed as scheduled.

4. **Adjudicative Hearing** – The purpose of the adjudicative hearing is to resolve any
   facts disputed by the parties.

   a. **The Hearing Officer** - The hearing shall be conducted by a hearing officer
      designated by the College who has received annual training on the issues related
      to domestic violence, dating violence, sexual assault, and stalking and on how to
      conduct a hearing that protects the safety of victims and promotes accountability.
      If either party wishes to object to the hearing officer on the basis of a potential
      conflict of interest by the hearing officer, the party must notify the Title IX
      Coordinator of the objection within seven (7) days after receipt of the notice
      specifying the name of the hearing officer. The Title IX Coordinator shall
      evaluate the objection and determine if a different hearing officer should conduct
      the hearing.

   b. **The Hearing Process** - The hearing officer shall endeavor to conduct the hearing
      in a manner that does not inflict additional emotional trauma on the parties. The
      hearing shall permit both the Complainant and the respondent an equal
      opportunity to present relevant witnesses and evidence, including expert
      testimony. The hearing officer shall determine the merit of the evidence
      presented and the rules of evidence shall not be strictly enforced. Seven (7)
      days prior to the hearing, both the Complainant and the respondent shall notify
      the hearing officer of the witnesses and documentary evidence that the party intends
      to present. Both the Complainant and the respondent may be represented by legal
      counsel, but if either of the parties chooses not to be represented by counsel, the
      other party may still be represented by counsel. The hearing officer shall impose
      equal restrictions on the ability of legal counsel to speak or otherwise participate
      in the hearing. Only the Title IX Coordinator, the Complainant and the
      respondent, the parties’ legal counsel and the parties’ parents (if invited by the
      parties) may attend the hearing, but parents may not participate in the hearing unless
      they are called as witnesses to address factual disputes. The hearing may proceed
      if either of the parties fails to attend. The Title IX Coordinator shall present the
      results of the investigation. The Complainant may then present evidence, and the
      respondent may present evidence following the Complainant.
Each witness may be cross-examined by opposing counsel or the parties if they are not represented by counsel, but the parties may not cross-examine each other. In the event a party is not represented by counsel and wishes to question the opposing party, the party may submit written questions for the opposing party to the hearing officer who may ask the questions to the opposing party, if the hearing officer deems such questions relevant to the issues being adjudicated. If the hearing officer refuses to ask any question submitted by a party, the hearing officer shall confer with the party in an effort to rephrase or modify the question so as to maximize the likelihood that all questions will be posed to the witness without creating emotional trauma for the witness. Questions pertaining to the Complainant’s sexual history with anyone other than the respondent shall be prohibited. An audio recording of the hearing shall be made and retained by the College.

c. **The Proposed Findings of Fact and Conclusions of Responsibility and Recommended Remedies and Sanctions** – Within five (5) days following the completion of the hearing, the hearing officer shall prepare proposed findings of fact and conclusions of responsibility and recommended remedies and sanctions (“Findings”). The hearing officer shall make a finding of fact as to whether a hostile environment exists at the College in light of the Findings, and if so, the hearing officer shall make recommendations as to how the hostile environment can be eliminated. The Findings shall be submitted in writing to a panel (“Panel”) comprised of the Vice President for Enrollment and Marketing (“VPERM”), the Vice President for Academic Affairs (“VPAA”), and the Vice President for Finance and Management Services (“VPFMS”) for consideration and a determination on behalf of the College (“Ruling”). The Panel may adopt the Findings in whole or in part and shall make a determination as to what, if any, remedies and sanctions should be imposed. The Panel may also remand the matter to the hearing officer for further findings and conclusions, if necessary. The Panel shall make the Ruling within five (5) days following the receipt of the Findings. The members of the Panel shall receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and on how to conduct a hearing that protects the safety of victims and promotes accountability. In determining sanctions against the respondent, both the hearing officer and the Panel shall assess whether imposing sanctions against the respondent, without additional remedies, will be sufficient to eliminate the hostile environment, prevent recurrence, and remedy effects as required by Title IX.

d. **Notice to the Parties** – Within five (5) days following the receipt of the Findings, the Panel shall simultaneously send written notice via email to the parties of the College’s Ruling and of their right of appeal under Paragraph 5 below. Specifically, the Panel shall notify both parties as to whether or not the College found that the alleged conduct occurred, any sanction imposed on the respondent that directly relate to the Complainant, and other steps the College has taken to eliminate the hostile environment, if the College finds one to exist, and prevent recurrence of the misconduct. The Panel shall also notify the Complainant of any
individual remedies offered or provided to the Complainant, but, the Panel shall not notify the respondent of the individual remedies offered or provided to the Complainant.

5. Appeals

a. Appeals of the Ruling - Either party may appeal the Ruling by submitting a written statement of appeal to the College’s President. The appeal must be received by the President within seven (7) days following the date on which the parties received notice of the Ruling. The President shall have seven (7) days to grant or deny the appeal. Regardless of which party files the appeal, the President may reverse the Ruling only if the President finds that the Ruling was arbitrary or capricious or if the Ruling was not supported by substantial evidence. If the appeal is granted, the President shall make such instructions to the Panel as may be appropriate. The President’s decision on the appeal shall constitute the final action by the College, and the College shall simultaneously send written notice of the President’s decision via email to the parties.

b. Appeals of the Probable Cause Determination – If the Title IX Coordinator determines that there is no probable cause to believe that the alleged sexual misconduct occurred, the complainant may appeal the probable cause determination by submitting a written statement of appeal to the Title IX Coordinator. The appeal must be received by the Title IX Coordinator within seven (7) days following the date on which the parties received notice of the probable cause determination. The Title IX Coordinator shall advise the President of the appeal, and the President shall designate an Appeals Board of three vice presidents to consider the appeal. The Appeals Board shall be designated within fourteen (14) days of the receipt of the statement of appeal by the Title IX Coordinator, and the Appeals Board shall have seven (7) days to grant or deny the appeal. The Appeals Board may reverse the probable cause determination only if the Appeals Board finds that the probable cause determination was arbitrary or capricious or if the probable cause determination was not supported by substantial evidence. If the appeal is granted, the Appeals Board shall make such instructions to the Title IX Coordinator as may be appropriate. The Appeals Board’s decision on the appeal shall constitute the final action by the College, and the College shall simultaneously send written notice of the Appeals Board’s decision via email to the parties.

Notices in the Absence of an Appeal - If neither party appeals the probable cause determination or the Ruling within the times specified above, the College shall simultaneously send written notice of the expiration of the time for an appeal via email to the parties.

Final Decision - Upon (i) the expiration of the time for an appeal of the probable cause determination the Ruling, (ii) the President’s decision on a timely appeal of the Ruling, or (iii) the Appeals Board’s decision on a timely appeal of a probable cause determination, the College’s decision shall be deemed final, unless the President or the Appeals Board remands a matter to the Panel or the Title IX Coordinator for further proceedings.
6. **Imposition of Remedies and Sanctions** – After the College’s decision is final, the Panel shall take the steps necessary to implement the remedies and sanctions. In the event interim measures should be taken to protect the Complainant at any point prior to the College’s final determination, the Title IX Coordinator may implement such measures in accordance with Section 3 of the Policy.