



**TITLE IX SEXUAL HARASSMENT
COMPLAINT PROCEDURES**

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**WESLEY THEOLOGICAL SEMINARY
TITLE IX SEXUAL HARASSMENT
COMPLAINT PROCEDURES**

I. OVERVIEW

Wesley Theological Seminary (“**Wesley**” or “**the Seminary**”) is committed to complying fully with all applicable federal and District of Columbia nondiscrimination laws. As addressed in the Seminary’s Policy on Prohibited Discrimination, Harassment, and Retaliation (“**Policy**”), Wesley prohibits all forms of illegal discrimination, harassment, and retaliation in connection with Seminary education program and activities. These Title IX Sexual Harassment Complaint Procedures (“**Title IX Complaint Procedures**”) should be read in conjunction with the Policy, which includes definitions for certain terms used in these procedures.

These procedures apply only to Formal Complaints alleging Sexual Harassment covered by Title IX of the Education Amendments of 1972 (“**Title IX Sexual Harassment**”). Formal Complaints alleging Prohibited Conduct other than Title IX Sexual Harassment will be addressed under the Seminary’s general Prohibited Conduct Complaint Procedures.

As defined in detail in the Policy, “**Sexual Harassment**” is a form of discriminatory harassment against a person based on that person’s sex. “**Title IX Sexual Harassment**” is Sexual Harassment (other than sexual exploitation) (a) committed by a Seminary employee, student, or other member of the Seminary community, (b) against a person in the United States who is participating or attempting to participate (such as by seeking employment or admission) in the Seminary’s education program and activities, (c) in connection with a Seminary education program or activity.

The Seminary’s Title IX Coordinator is tasked with coordinating the Seminary’s response under these procedures to Formal Complaints alleging Title IX Sexual Harassment. Contact information for the Title IX Coordinator:

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Members of the Seminary community are encouraged to contact the Title IX Coordinator for assistance in understanding and initiating action under the Policy and these Title IX Complaint Procedures.

II. DEFINITIONS

Definitions for the following terms used in these procedures are set forth in the Policy:

- Complainant
- Respondent
- Party
- Prohibited Conduct
- Report
- Formal Complaint
- Sexual Harassment
- Title IX Sexual Harassment
- Supportive Measures

Where an investigation, hearing, or other proceeding under these procedures involves more than one Complainant or more than one Respondent, references in these procedures to the singular “Complainant,” “Respondent,” or “Party” include the plural, as applicable.

III. IMPARTIALITY AND FAIRNESS OF THE PROCESS

Formal Complaints alleging Title IX Sexual Harassment will be handled and resolved in an impartial, fair, and respectful manner. To ensure the impartiality and fairness of the process:

- (1) The Seminary’s Title IX Coordinator, as well as any investigator, decision-maker, appeal officer, or person designated to facilitate an informal resolution process, will not have a conflict of interest or bias for or against Complainants or Respondents generally or against any individual Complainant or Respondent.
- (2) The Title IX Coordinator, investigators, decision-makers, appeal officers, and any person who facilitates an informal resolution process will receive training, as applicable to that person’s role or roles, on the following topics:
 - (a) How to serve impartially, including by avoiding conflicts of interest, prejudgment of the facts at issue, reliance on sex stereotypes, and bias.
 - (b) The definitions of Sexual Harassment and Title IX Sexual Harassment.
 - (c) The scope of the Seminary’s education programs and activities.
 - (d) How to conduct an informal resolution process, an investigation, a formal resolution process, a hearing, and an appeal.
 - (e) How to create an investigative report that fairly summarizes relevant evidence.
 - (f) Any technology to be used in interviews or at a live hearing.
 - (g) The relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

- (3) Consideration of any Formal Complaint will include a presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the complaint process.

These Title IX Complaint Procedures include anticipated time frames for each stage of the Formal Complaint resolution process. To ensure fairness, the Seminary may allow for a temporary delay of the complaint process or for a limited extension of time frames for good cause, with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action. Good cause may include, but is not limited to, the absence of a Party, a Party's advisor, a witness, an investigator, a decision-maker, or an appeal officer; additional time needed by an investigator or a Party to collect evidence; concurrent law enforcement activity; delays caused by holidays or Seminary breaks; or the need for language assistance or accommodation of disabilities.

IV. INITIAL STEPS UPON SUBMISSION OF A FORMAL COMPLAINT

A. Assessment Whether the Formal Complaint Alleges Title IX Sexual Harassment

Upon receipt of a Formal Complaint that appears to allege Sexual Harassment the Title IX Coordinator will first make an assessment whether the factual allegations in the complaint, if true, would constitute Title IX Sexual Harassment. If the complaint is not sufficiently clear or complete for this assessment to be made, the Title IX Coordinator will so advise the Complainant and provide an opportunity for the Formal Complaint to be revised with sufficient additional information for the Title IX Coordinator to undertake this initial assessment.

The Title IX Coordinator may also prepare and sign a Formal Complaint alleging Title IX Discrimination, with or without the Complainant's consent, where the Title IX Coordinator concludes that an investigation is necessary to protect the safety or rights of persons other than the Complainant or the interests of the Seminary, or is required by law. In these circumstances, however, the Complainant is not required to participate in the investigation or adjudication process with respect to the Formal Complaint. A decision by a Responsible Official to institute a Formal Complaint does not make the Responsible Official or the Seminary the Complainant and is not a determination that the allegations of Prohibited Conduct are true.

If the Title IX Coordinator determines that the factual allegations in the Formal Complaint, if true, would constitute Title IX Sexual Harassment, the Title IX Coordinator will issue an initial notice to both the Complainant and Respondent in accordance with Section IV(B), below.

If the Title IX Coordinator determines that the factual allegations in the Formal Complaint, if true, would not constitute Title IX Sexual Harassment, the Title IX Coordinator will dismiss the complaint under these Title IX Procedures. Such a dismissal is only a determination that the allegations in the Complaint do not fall within the scope of these Title IX Procedures, not a determination that the allegations are false or meritless. The Title IX Coordinator will then determine either (a) that the complaint should be referred to the Director of Human Resources (in the case of an employee respondent) or to the Associate Dean for Community Life (in the case of a student respondent) for further action under the Prohibited Conduct Complaint Procedures or other applicable policies or procedures; or (b) that no further action should be taken. In either

event, the Title IX Coordinator will notify the Complainant and Respondent of the referral or other decision reached.

The Title IX Coordinator is expected to complete their initial assessment and provide the appropriate notice to the Parties within 14 days of receipt of a Formal Complaint, unless unusual or complex circumstances exist.

B. Notices to Complainant and Respondent

Upon a determination that a Formal Complaint alleges a claim of Title IX Sexual Harassment, the Title IX Coordinator will send to both the Complainant and Respondent a written notice that includes the following:

- (1) Copies of the Policy and these Title IX Complaint Procedures.
- (2) Notice of the allegations potentially constituting Title IX Sexual Harassment, including sufficient detail known at the time for the Respondent to prepare a response before any initial interview. Sufficient detail includes (a) the identities of the parties involved in the incident, if known; (b) the conduct allegedly constituting Title IX Sexual Harassment; and (c) the date(s) and location(s) of the alleged incident(s), if known.
- (3) A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the process.
- (4) Notice (a) that the Parties may have an advisor of their choice, who may be but is not required to be an attorney; and (b) that a Party may be accompanied by their advisor at any meeting or proceeding the Party attends in connection with the Formal Complaint.
- (5) Notice that the Parties and their advisors may review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including (a) evidence upon which the Seminary does not intend to rely in reaching a determination regarding responsibility, and (b) inculpatory or exculpatory evidence whether obtained from a Party or other source, so that each Party can meaningfully respond to the evidence prior to the conclusion of the investigation. This evidence will be provided in accordance with timelines and process set forth in these Title IX Complaint Procedures.
- (6) Notice that the Policy prohibits knowingly making false statements or knowingly submitting false information in connection with a Report covered by the Policy, including in connection with a Formal Complaint, and the consequences for the same.

If during an investigation the Seminary decides to investigate allegations about the Complainant or Respondent that are not included in the notice, the Seminary will provide notice of the additional allegations to the Parties.

C. Potential Consolidation of Related Formal Complaints

Where deemed appropriate by the Title IX Coordinator, the Seminary may consolidate Formal Complaints alleging Title IX Sexual Harassment (a) against more than one Respondent; (b) by more than one Complainant against one or more Respondents; or (c) by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. In addition, where deemed appropriate by the Title IX Coordinator and the other relevant Responsible Official(s), the Seminary likewise may consolidate Formal Complaints alleging both Title IX Sexual Harassment and other types of Prohibited Conduct (a) against more than one Respondent; (b) by more than one Complainant against one or more Respondents; or (c) by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances, subject to following the potentially differing procedures applicable to each type of claim.

D. Dismissal of a Formal Complaint

As stated above, if the Title IX Coordinator determines that the factual allegations in a Formal Complaint, if true, would not constitute Title IX Sexual Harassment, the Title IX Coordinator shall dismiss the Complaint under these Title IX Procedures. Where otherwise permitted by applicable law, a Formal Complaint may also be dismissed at the discretion of the Title IX Coordinator at any time after it is submitted in the following additional circumstances:

- (1) The Complainant notifies the Title IX Coordinator in writing that they wish to withdraw the Formal Complaint or any allegations therein.
- (2) The Complainant is not, or ceases to be, participating or attempting to participate (such as by seeking employment or admission) in the Seminary's education program and activities.
- (3) The Respondent is not, or ceases to be, employed or enrolled at the Seminary.
- (4) Specific circumstances prevent the Seminary from gathering evidence sufficient to reach a determination as to the Formal Complaint or the allegations therein.

In the event of such a dismissal the Title IX Coordinator will promptly send written notice of the dismissal and the reason(s) therefore simultaneously to the Parties. The Title IX Coordinator will also advise the Parties whether the allegations in the Formal Complaint may still be pursued under the Seminary's general Prohibited Conduct Complaint Procedures or other policies.

V. RIGHT TO AND ROLE OF ADVISORS

The Complainant and Respondent may each have an advisor of their choice to accompany them to interviews, other meetings, and the hearing. The advisor may be, but is not required to be, an attorney. A Party is expected to advise the Title IX Coordinator of the identity and contact information for an advisor at least two business days before the advisor is to appear with the Party

at any interview, other meeting, or a hearing. A Party is not required to use the same advisor throughout the process of resolving a Formal Complaint and may change their advisor at any time upon notice to the Title IX Coordinator. Where a Party has identified and provided email contact information for an advisor, that advisor will be copied on communications to the Party if the Party so requests and a FERPA waiver has been executed.

A Party's advisor may be present during any interview, other meeting, or hearing attended by that Party, including as part of an alternative resolution process. Except at a hearing, an advisor does not have a speaking role but may confer with a Party quietly at appropriate times and in such a way as not to interrupt or interfere with the interview or other meeting. An advisor may not present evidence, present argument, or otherwise advocate for the Party during an interview or other meeting.

At a hearing, an advisor has the limited responsibility of conducting cross-examination of witnesses on behalf of a Party. If a Party does not have an Advisor present at a hearing the Seminary will provide the Party with an advisor, without fee or charge to that Party, to conduct cross-examination on behalf of that Party during the hearing. An advisor does not otherwise have a speaking role at a hearing but may confer with a Party quietly at appropriate times and in such a way as not to interrupt or interfere with the hearing. An advisor may not present evidence, present argument, or otherwise advocate for the Party during the hearing, apart from conducting cross-examination.

Advisors must act in an appropriate and respectful manner and must abide by the limitations on their role. An advisor who does not do so will be cautioned, and if the advisor repeatedly fails to conduct themselves in accordance with their limited role they will be required to leave the interview, other meeting, or hearing. Depending upon the nature of the advisor's conduct, the Seminary may also limit or bar the advisor's participation in future interviews, other meetings, or the hearing.

VI. ALTERNATIVE RESOLUTION PROCESS

In certain situations, it may benefit both Parties to seek resolution of a Formal Complaint through mediation, facilitated dialogue, or another alternative resolution process that does not include a full investigation and hearing. Except with respect to an allegation that a Seminary employee sexually harassed a student, in which case the Formal Complaint process must be followed, the Seminary will facilitate a mediation or other alternative resolution process if both Parties agree voluntarily in writing to participate in such a process and the Seminary determines that undertaking such a process is appropriate in the circumstances. There is no requirement that a Party agree to participate in any alternative resolution process and no pressure will be placed on a Party to do so. A Party who chooses to participate in an alternate resolution process may withdraw from that process, and commence or resume formal proceedings, at any time before an agreed written resolution has been reached in that alternative process.

Where the Parties and the Seminary agree to pursue an alternative resolution after a Formal Complaint has been filed, the Title IX Coordinator will appoint a facilitator for the process. After

initial discussions with the Parties regarding potential alternative resolution approaches, the facilitator will provide the Parties with a written notice that includes:

- (1) A summary of the allegations in the Formal Complaint.
- (2) The steps and requirements of a proposed alternative resolution process the facilitator considers appropriate and potentially beneficial to both Parties.
- (3) Disclosure of the fact that should the Parties reach an agreed written resolution, signed by both Parties, in this alternative process, this resolution shall be final and binding.
- (4) Disclosure of any consequences that may result from participating in the alternative resolution process, including the records that will be maintained or could be shared.

The facilitator is expected to bring any informal resolution process to a close within 21 days after commencement of the process unless the Parties wish to continue the process and the facilitator concludes that doing so may be useful. If the Parties reach an agreed resolution through an informal resolution process, this fact shall be memorialized in a written agreement signed by both Parties, which shall include any agreed Supportive Measures, remedies, or sanctions. Once the Parties have both signed an agreed resolution of the Formal Complaint and the Seminary has notified the Parties that it considers the agreed resolution sufficient to resolve the matter, this resolution is final and binding. In the event the Seminary concludes that the agreed resolution is not sufficient to resolve the matter it shall provide the Parties in writing with the reasons for this conclusion and the Parties shall be given an opportunity to seek an alternative agreed resolution should they wish to do so,

VII. FORMAL RESOLUTION PROCESS

The formal resolution process set forth below will be followed by the Seminary in addressing a Formal Complaint alleging Title IX Sexual Harassment unless all Parties agree to undertake an alternative resolution process and a resolution is reached through that process as described above.

A. Investigation

At the commencement of the formal resolution process the Title IX Coordinator will designate either themselves or another individual to investigate the allegations made in a Formal Complaint. The investigator is responsible for gathering and evaluating relevant evidence and for preparing an investigative report at the conclusion of the investigation. The investigator may utilize other Seminary personnel or outside resources to assist with the investigation but shall retain ultimate responsibility for the fairness and outcome of the investigation.

The investigator has discretion to determine the best means of conducting the investigation depending upon the circumstances so long as both Parties are treated equally during the investigation. Typically, the investigator will interview the Complainant, the Respondent, and other known witnesses. Where deemed necessary, the same individual may be interviewed more than once. The investigator will also seek to gather other relevant evidence including emails, texts, other documents, photographs, or videos.

During the investigation both Parties will be given an equal opportunity to identify witnesses for interviews, including fact and expert witnesses, and to present other inculpatory and exculpatory evidence. Parties are expected to share relevant information with the investigator, including providing any relevant information requested by the investigator.

During the investigation, as set forth below in the evidentiary review process, both Parties (including their advisors, if any) will also be given an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. This includes inculpatory or exculpatory evidence whether obtained from a party or other source and includes evidence upon which the Seminary does not intend to rely in reaching a determination regarding responsibility.

Prior to completion of the investigative report the investigator will send to each Party the evidence subject to inspection and review in electronic format or hard copy. The investigator also may (but is not required to) send a draft investigative report to the Parties. The Parties will be given at least 10 calendar days after communication of the evidence subject to review and inspection (and draft investigative report, if supplied) within which to submit a written response to the information supplied by the investigator, and any such response will promptly be forwarded by the investigator to the other Party. The investigator will consider any written responses received in preparing the final investigative report.

B. Investigative Report

After completing the investigation, the investigator will prepare a written investigative report which shall fairly summarize the evidence relevant to the allegations in the Formal Complaint. The investigator is expected to issue the investigative report within 20 calendar days after receipt of the Parties' written responses provided for above (or within 20 days after they were due, if none were submitted). The investigative report will be provided to the Parties and their advisors at least 10 calendar days before the date set for a hearing. The Parties may but are not required to submit a written response to the investigative report in advance of the hearing date. Any such response shall be submitted to the Title IX Coordinator, who will promptly forward copies to the other Party and to the decision-maker(s).

C. Hearing Procedures

Complainants and Respondents are entitled to a live hearing before any determination is reached regarding an allegation of Title IX Sexual Harassment. The Seminary will appoint a trained decision-maker who will conduct the hearing and reach a Determination regarding the Formal Complaint, or in the Seminary's discretion appoint a panel of three trained decision-makers to fulfill this function (in which case references in these procedures to "decision-maker" shall apply to the panel). Neither the Title IX Coordinator nor any person designated as the investigator may serve as a decision-maker.

The decision-maker has discretion to determine the best means of conducting the hearing, so long as both Parties are treated equally during the hearing and the hearing comports with applicable legal requirements under Title IX. Without limiting the foregoing, the decision-maker may, in their discretion, determine whether the Parties shall be permitted to make opening and/or closing statements and whether further written submissions will be accepted from the Parties as part of the hearing process.

In most circumstances hearings will be scheduled to take place between 10 and 30 calendar days after delivery of the final investigative report. Notice of the date, time, and location of the hearing, and of the identity and contact information for the decision-maker, will be provided to the Parties and their advisors at least 10 calendars before the date set for the hearing.

The following procedures shall apply in any hearing:

- (1) At the request of either party, the Seminary will provide for the hearing to occur with the Parties located in separate rooms with technology enabling the decision-maker and Parties to simultaneously see and hear the Party or the witness answering questions. A Party who wishes for the hearing to occur with the Parties located in separate rooms must make this request at least five calendar days before the scheduled hearing date.
- (2) Subject to the foregoing, hearings may be conducted with all Parties physically present in the same geographic location or, at the decision-maker's discretion, any or all Parties, witnesses, and other participants may appear at the hearing virtually, with technology enabling participants simultaneously to see and hear each other.
- (3) The decision-maker may ask relevant questions of any Party or other witness who testifies at the hearing.
- (4) The decision-maker will permit each Party's advisor to ask the other Party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination must be conducted directly, orally, and in real time by the Party's advisor. A Party may not cross-examination witnesses. The decision-maker may ask questions of any Party or witness.
- (5) Only relevant questions may be asked of a Party or witness, including on cross-examination. Before a Party or witness answers a question, the decision-maker will first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if 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.
- (6) The decision-maker may, in their discretion, exclude witnesses or testimony the decision-maker determines to be irrelevant or duplicative. The decision-maker may, in their

discretion, exclude witnesses or testimony where the decision-maker concludes that the Party offering such evidence was aware of the evidence at the time of the investigation but failed to disclose the evidence to the investigator, or subsequently became aware of such information and did not promptly disclose it to the Title IX Coordinator, investigator, or decision-maker. In the event a Party offers evidence not disclosed in the investigation, the decision-maker may also postpone the hearing or take other steps to avoid undue prejudice to the other Party.

- (7) The Seminary will create an audio or audiovisual recording, or transcript, of the hearing and make it available to the Parties for inspection and review. No other audio or visual recording may be made at the hearing. The decision-maker may preclude participants in the hearing from possessing or utilizing electronic devices (laptops, tablets, cell phones, etc.) capable of capturing an audio or video recording of the hearing.

If a Party or witness chooses not to participate in a hearing, chooses not to testify at a hearing, or chooses not to answer one or more questions that the decision-maker has determined are relevant and appropriate, the decision-maker will not draw an inference solely because of that fact. The decision-maker may, however, take this fact into account in determining what weight, if any, to give to statements by that individual, including testimony at the hearing and/or prior statements that are part of the hearing record.

D. Determination Regarding Responsibility, Remedies, and Sanctions

Following the hearing, the decision-maker will consider all relevant evidence and reach a determination, using a preponderance of the evidence standard, whether the Respondent has violated the Policy. A preponderance of the evidence standard is met when, based on the record before the decision-maker, it is more probable than not (that is, over 50% likelihood) that the Respondent engaged in Title IX Sexual Harassment.

If the decision-maker determines that the Respondent engaged in Title IX Sexual Harassment, the decision-maker will next determine what remedies and/or sanctions are appropriate in the circumstances.

Remedies shall be designed to continue or restore equal access to Seminary educational programs and activities. Remedies may include continued or further Supportive Measures but need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent. Remedies may include but are not limited to the following:

- (1) Referral to counseling or other health services.
- (2) Extensions of deadlines or other course-related adjustments.
- (3) Temporary or permanent modifications of work or class schedules.
- (4) Temporary or permanent changes in work or housing locations.

- (5) Temporary or permanent mutual restrictions on contact between the parties.
- (6) Modifications to Seminary policies, additional training, and/or additional education to the Seminary community.
- (7) Leaves of absence.

The Seminary will maintain as confidential any remedies provided to the extent that doing so would not impair the Seminary's ability to provide such remedies.

Sanctions imposed upon a student Respondent may include but are not limited to the following:

- (1) A formal warning or admonishment.
- (2) Required mental health assessment, mental health treatment, counseling, educational programs related to Prohibited Conduct, and/or community service.
- (3) Prohibition or restrictions on contact with the Complainant and/or other specified individuals.
- (4) Temporary or permanent restrictions on participation in Seminary education programs or activities.
- (5) Disciplinary probation, suspension, or expulsion.

Sanctions imposed upon an employee Respondent may include but are not limited to the following:

- (1) A formal letter of reprimand.
- (2) Required mental health assessment, mental health treatment, counseling, and/or educational programs related to Prohibited Conduct.
- (3) Prohibition or restrictions on contact with the Complainant and/or other specified individuals.
- (4) Temporary or permanent restrictions on participation in Seminary education programs or activities.
- (5) Reassignment to another employment position at the Seminary.
- (6) Temporary or permanent reduction in pay and/or the loss or reduction of merit or other pay raises.
- (7) Disciplinary probation, suspension, or termination of employment.

In determining remedies and/or sanctions the decision-maker may consult with the Associate Dean of Community Life, the Director of Human Resources, or other appropriate Seminary officials.

E. Issuance of a Written Decision

After the decision-maker has reached a determination regarding responsibility and (if applicable) regarding appropriate remedies and/or sanctions, the Seminary will provide the Parties with a written decision (the “**Decision**”) that will include:

- (1) Identification of the allegations potentially constituting Title IX Sexual Harassment.
- (2) A description of the procedural steps taken from receipt of the Formal Complaint through the issuance of the Decision, including any notifications to the Parties, interviews with Parties and witnesses, site visits, methods used to gather other evidence, and hearings held.
- (3) Findings of fact supporting the determination of responsibility.
- (4) Conclusions regarding the application of the Policy to the facts.
- (5) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any sanctions the Seminary imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the Seminary’s education program or activity will be provided to the Complainant.
- (6) The Seminary’s procedures and permissible bases for the Complainant and Respondent to appeal the Decision.

The Decision is expected to be issued within 20 days after the conclusion of the hearing, unless unusual or complex circumstances exist, and will be provided to the Parties simultaneously.

F. Appeal Procedures

Both the Complainant and Respondent have a right to appeal a dismissal of all or any portion of a Formal Complaint or to appeal a Decision. A Party who wishes to appeal must submit a written notice of appeal to the Title IX Coordinator within 10 calendar days after delivery of the dismissal or the Decision. The Title IX Coordinator will promptly provide copies of any appeal notice to the other Party. If a timely appeal is filed, the Seminary may still move forward with Supportive Measures provided for in the Decision but any sanctions will be stayed until the appeal is decided. If no appeal is submitted within the 10-day time frame, the Decision becomes final.

Grounds for an appeal are limited to the following:

- (1) A procedural irregularity that affected the outcome of the matter.

- (2) New evidence that was not reasonably available at the time the dismissal or Decision was made, that could affect the outcome of the matter.
- (3) The Title IX Coordinator, the investigator, or the 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.
- (4) The dismissal or Decision involved a clear error of law that affected the outcome of the matter.
- (5) The Decision is against the manifest weight of the evidence. Meeting this standard requires a showing on appeal that the Decision is obviously erroneous and unsupported by the evidence and that an opposite conclusion is clearly evident.

The Seminary will appoint a trained appeal officer to handle the appeal and render a written decision (the “**Appeal Decision**”) at the conclusion of the appeal process. Neither the Title IX Coordinator, the investigator, nor the decision-maker may serve as the appeal officer.

The appeal officer has discretion to determine the best means of conducting the appeal so long as both Parties are treated equally during the process. The appeal officer will set a date, in most instances between 10 and 30 days after all Parties have been provided with the notice(s) of appeal, by which each Party may submit a written statement challenging or supporting the dismissal or Decision. The appeal officer may, in their discretion, also permit the Parties to submit written responses to each other’s initial written statements and may schedule a meeting at which the Parties or (in the appeal officer’s discretion, if the appeal officer determines that permitting this will be fair to both parties and will aid the appeal officer in reaching a decision) their advisors may make an oral presentation of the Party’s position.

At the conclusion of the appeal process the appeal officer will issue an Appeal Decision describing the result of the appeal and the rationale for the result. The Appeal Decision will be provided simultaneously to both Parties and is final at that time.

VIII. RECORDKEEPING

The Seminary will maintain records regarding proceedings under these Title IX Procedures for a period of seven years in accordance with 34 CFR §106.45(b)(10).