

WESLEY THEOLOGICAL SEMINARY
Title IX Policy Statement and Procedures

Policy Overview

This policy sets forth Wesley Theological Seminary's ("Seminary") obligations under the 2020 Title IX Regulations.

Our Title IX Coordinator is:

Dr. Josie Hoover
Director of Human Resources
jhoover@wesleyseminary.edu
Phone: 202-664-5682
Location: TG-06

Questions about Title IX may be referred to the Title IX Coordinator or to the assistant secretary for civil rights:

Washington DC (Metro)
Office for Civil Rights
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Phone: 202-453-6020
Fax: 202-453-6021
TDD: 800-877-8339
ocr@ed.gov

Any person may report conduct prohibited by this policy to the Title IX Coordinator or to Dr. Asa Lee, Vice-President for Campus Administration & Associate Dean for Community Life.

Statement of Non-Discrimination

The Seminary does not discriminate on the basis of sex in its educational programs and activities, including employment and admission. Complaints of discrimination on the basis of sex will be handled under the Title IX Coordinator:

Dr. Josie Hoover
Director of Human Resources
202-664-5682
jhoover@wesleyseminary.edu

Grievances pertaining to matters of diversity will be handled under the Seminary's Diversity Officer:

Mr. Matt Lyons
Marketing Manager- Lewis Center for Church Leadership
202-664-5703
mlyons@wesleyseminary.edu

Information Regarding the Reporting of Incidences of Sexual Violence

The Seminary encourages any member of the community who has experienced sexual violence, sexual assault, domestic violence, dating violence or stalking or knows of another member of the community who has experienced sexual violence, sexual assault, domestic violence, dating violence or stalking, to report the incident to the Title IX Coordinator or Vice-President of Campus Administration & Associate Dean of Community Life.

In case of an emergency or ongoing threat, a survivor should get to a safe location and call 911. If the survivor is unable to call 911, someone in the safe location (Campus Safety Authority or confidant) should call 911 on their behalf. Calling 911 will put you in touch with local police.

The Title IX Coordinator will provide survivors of sexual violence, sexual assault, domestic violence, dating violence and stalking with information about confidential services, support services and other resources. The confidential resources are available to any survivor who wants to speak with someone about any claim of sexual harassment or sexual violence. Confidential resources are individuals who can provide support to survivors of sexual violence and these individuals have no obligation to report such matters to the Seminary. Survivors can contact:

SEMINARY RESOURCES

The Office of Community Life
Trott 105
Dr. Asa Lee, Vice-President for Campus Life, Associate Dean for Community Life
202-885-8614
alee@wesleyseminary.edu

EXTERNAL RESOURCES

District of Columbia Sexual Assault Nurse Examiner Program

<https://www.dcfne.org/our-programs>

Medstar Washington Hospital Center

110 Irving Street, NE

Washington, DC 20010

1-844-4HELP-DC (844-443-5732) – To access services 24/7

202-742-1736 – General Inquiries

U ASK DC

<http://www.dccesv.org/ask-dc-uask-dc>

Rape, Abuse and Incest National Network

<http://rainn.org>

1-800-656-HOPE (4673) – 24/7 Hotline

DC Rape Crisis Center

<http://dcrcc.org>

202-333-RAPE (7273) – 24/7 Hotline

If a victim of violence wants to pursue bringing criminal charges, the Seminary will assist any survivor in notifying law enforcement, including the local police, if the survivor elects to do so. The Title IX Coordinator will assist all members of the Seminary community by assessing the incident, advising the survivor on how s/he can seek legal protection, and making the survivor aware of medical, counseling and other support services.

In no case should a survivor be dissuaded from reporting sexual violence, sexual assault, domestic violence, dating violence or stalking to law enforcement. Upon request, the Seminary will provide assistance to a survivor in order to report any matter to law enforcement.

Survivors are not required to report to area law enforcement in order to receive assistance from, or pursue options within, the Seminary. Likewise, the Seminary is required to pursue its own investigation of any matter of sexual harassment and sexual violence, and a pending legal action will not stop the Seminary from pursuing its own investigation if one is warranted.

Reporting sexual violence, sexual assault, domestic violence, dating violence and stalking to the police does not commit the survivor to further legal action. However, the earlier an incident is reported, the easier it will be for the police to investigate if the survivor decides to proceed with criminal charges.

Reports and personal information will be kept as confidential as possible, to the extent the law allows and to the extent confidentiality is consistent with the Seminary's need to protect the safety of the Seminary community. Complete confidentiality can be found through the confidential resources on campus.

Reports to law enforcement may be shared with the Seminary's Title IX Coordinator, the appropriate deputy, and/or Human Resources. The Seminary may be required by law to issue campus warnings and include crime information in its annual crime statistics. The warning and annual statistics will include non-identifying information about the survivor.

Scope

This policy applies to all students, faculty, and staff who experience prohibited sexual harassment in the Seminary's education programs or activities. This includes locations, events,

or circumstances over which the Seminary exercised substantial control over both the Respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the Seminary. The procedures listed within this policy is used to support the Seminary's Commitment to Diversity Policy, Sexual Harassment and Sexual Violence Policy & Notice of Nondiscrimination, and Policy on Nondiscrimination as described in the Wesley Theological Seminary manuals governing students, faculty and staff.

The Seminary has other policies and procedures that may be applicable if the conduct does not meet the definition of prohibited sexual harassment under this policy or otherwise fall within the scope of this policy. In the event that the conduct in question does not meet the criteria as defined by this Title IX policy, the Covenant for Professional Ethics and Diversity Policy may be used.

Prohibited Sexual Harassment

In accordance with its obligations under the Title IX Regulations of 2020, the Seminary prohibits sexual harassment, which is conduct on the basis of sex that satisfies one or more of the following definitions:

1. **Quid Pro Quo Conduct.** An employee conditions the provision of an aid, benefit, or service of the Seminary on an individual's participation in unwelcome sexual conduct;
2. **Unwelcome Conduct.** Unwelcome conduct that is determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Seminary's education program or activity; or
3. **Sexual Assault.** An offense classified as a forcible or nonforcible sex offense. This category of prohibited conduct includes the following:
 - a. **Sex Offenses** - Any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent.
 - b. **Rape** - (Except Statutory Rape) The actual or attempted carnal knowledge of a person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of their temporary or permanent mental or physical incapacity.
 - c. **Sodomy** - Oral or anal sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of their youth or because of their temporary or permanent mental or physical incapacity.
 - d. **Sexual Assault with an Object** - To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another

person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of their youth or because of their temporary or permanent mental or physical incapacity.

- e. **Fondling** – The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of their youth or because of their temporary or permanent mental or physical incapacity.
 - f. **Incest** – Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
4. **Dating violence.** Violence committed by a person— (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship. (ii) The type of relationship. (iii) The frequency of interaction between the persons involved in the relationship.
5. **Domestic Violence.** A felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the District of Columbia or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the District of Columbia.
6. **Stalking.** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to— (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.

Definitions

1. **Consent (District of Columbia, § 22-3001)** means words or overt actions indicating a freely given agreement to the sexual act or contact in question. Lack of verbal or physical resistance or submission by the victim, resulting from the use of force, threats, or coercion by the respondent shall not constitute consent.
- a. **Consent is informed.** Consent is an affirmative, knowing, unambiguous, and conscious decision by each participant to engage in mutually agreed-upon sexual activity.
 - b. **Consent is voluntary.** Consent must be given without coercion, force, threats or intimidation. Consent means positive cooperation in the act or expression of intent to engage in the act pursuant to an exercise of free will. Even though

consent does not necessarily need to be verbal, relying purely on non-verbal communication can lead to misunderstandings. Hence, a spoken agreement is the most clearly indicated form of consent. It may not, in any way, be inferred from silence, passivity, lack of resistance or lack of an active response alone. Assuming that consent was given by the absence of a “no” is wrong.

- c. **Consent is revocable.** Consent to some form of sexual activity does not imply consent to other forms of sexual activity. Consent to sexual activity on one occasion is not consent to engage in sexual activity on another occasion. A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be mutual consent to engage in sexual activity. Consent must be ongoing throughout a sexual encounter and can be revoked at any time. Once consent is withdrawn, the sexual activity must stop immediately.
- d. **Consent cannot be given when a person is coerced and/or incapacitated.** A person cannot consent if s/he is under the threat of violence, bodily injury or other forms of coercion. A person cannot consent if his/her understanding of the act is affected by a physical or mental impairment. Consent must be given with rational and reasonable judgment, so if the survivor was physically incapacitated from the consumption of alcohol or drugs, unconsciousness, or any other kind of inability, consent cannot be given or obtained.

- 2. **Complainant** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment under this policy.
- 3. **Formal complaint** means a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the Seminary investigate the allegation of sexual harassment. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the Seminary with which the Formal Complaint is filed.
- 4. **Grievance Process** means the fact-finding process from the time of the filing of the Formal Complaint through the final determination of an appeal (if any).
- 5. **Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment under this policy.
- 6. **Supportive Measures** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the Seminary’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the Seminary’s educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related

adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. Supportive measures may also include written notification about available services both within the institution and the community and options for available assistance as required by the Clery Act. Supportive measures are not disciplinary measures.

Reporting Prohibited Sexual Harassment

- 1. Notice of Allegations.** The Seminary has notice of sexual harassment or allegations of sexual harassment when such conduct is reported to the Associate Dean of Community Life, Title IX Coordinator, Diversity Officer or any official of the Seminary who has authority to institute corrective measures on behalf of the institution. However, all employees are required to report sexual harassment, as defined and prohibited by this policy, to the Title IX Coordinator, consistent with the requests of the Complainant. This process revokes the mandated reporter privileges given to faculty, clergy, attorneys, social workers, etc.
- 2. Response to a Report.** With or without a Formal Complaint, upon a report of sexual harassment, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of Supportive Measures, consider the Complainant's wishes with respect to Supportive Measures, inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint.
- 3. Information Packet.** Upon a receipt of a report of sexual assault, dating violence, domestic violence or stalking, the Seminary shall provide an information packet that contains procedures to follow if a sex offense, domestic violence, dating violence, sexual assault, or stalking has occurred, including information in writing about—
 - a. The importance of preserving evidence as may be necessary to the proof of criminal domestic violence, dating violence, sexual assault, or stalking, or in obtaining a protection order;
 - b. How and to whom the alleged offense should be reported;
 - c. Options regarding law enforcement and campus authorities, including notification of the option to:
 - i. Notify proper law enforcement authorities, including on-campus and local police;
 - ii. Be assisted by campus authorities in voluntarily notifying law enforcement authorities; and
 - iii. Decline to notify such authorities;

- d. Where applicable, their rights and the institution's responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court;
- e. Information about appropriate and available services both at the institution and in the community; and
- f. Options for, available reasonably available assistance and accommodations and how to request them.

The Seminary's information packet for victims of sexual assault, dating violence, domestic violence and stalking is located here: <https://www.wesleyseminary.edu/community-life/wts-safety-regulatory-info/> or available from the Title IX Coordinator.

- 4. Implementation of Supportive Measures.** The Seminary shall treat parties equitably by offering Supportive Measures to the Complainant, and by following a grievance process that complies with this policy before the imposition of any disciplinary sanctions or other actions that are not Supportive Measures as against the Respondent. The Seminary will maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the Seminary to provide the Supportive Measures. The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures. The Title IX Coordinator should record and retain records regarding requests and provision of Supportive Measure in accordance with the requirements set out at XIV. Record Keeping, below.
- 5. Emergency removal.** Nothing in this part precludes a recipient from removing a Respondent from the Seminary's education program or activity on an emergency basis, provided that the Seminary undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.
- 6. Administrative Leave.** The Seminary reserves the right to place a non-student employee Respondent on administrative leave during the pendency of a grievance process.

Procedures for Resolving Complaints of Prohibited Sexual Harassment

1. Informal Resolution

Consistent with the requirements of this section, at any time prior to reaching a determination regarding responsibility, the Seminary may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the Seminary:

- a. Provides to the parties a written notice disclosing;
 - i. The allegations,
 - ii. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the Formal Complaint; and
 - iii. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
- b. Obtains the parties' voluntary, written consent to the informal resolution process; and
- c. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.
- d. Completes the informal resolution process within 60 days of receiving the Formal Complaint, unless unusual or complex circumstances exist

The Seminary does not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of Formal Complaints of sexual harassment under this policy. The Seminary shall not require the parties to participate in an informal resolution process and will not offer an informal resolution process unless a Formal Complaint is filed.

2. Formal Complaint and the Grievance Process

- a. **Filing a Formal Complaint.** A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator above. Complainants may also contact Dr. Asa J. Lee, Vice-President for Campus Administration & Associate Dean for Campus Life in the event they wish to file a complaint. A "document filed by a Complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the Seminary) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party. A Formal Complaint shall trigger an investigation except as specified below.
- b. **Dismissal of a Formal Complaint.** The Seminary shall investigate the allegations in a Formal Complaint, except as follows:
 - i. The Seminary shall dismiss the Formal Complaint if the conduct alleged in the Formal Complaint
 - 1. Would not constitute sexual harassment as defined by this policy, even if proved,
 - 2. Did not occur in the Seminary's educational program or activity,

3. Or did not occur against a person in the United States.
- ii. The Seminary may dismiss the Formal Complaint or any allegations therein, if at any time during the investigation or hearing:
 1. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
 2. The respondent is no longer enrolled or employed by the Seminary; or
 3. Specific circumstances prevent the Seminary from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.
- iii. Upon a dismissal required or permitted under this section, the Seminary will promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

c. Consolidation of Formal Complaints. The Seminary may consolidate Formal Complaints as to allegations of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. Where a grievance process involves more than one Complainant or more than one Respondent, references in this section to the singular “party,” “Complainant,” or “Respondent” include the plural, as applicable.

d. Notice of Charges.

- i. **Initial Notice of Charges.** Upon receipt of a Formal Complaint, prior to commencing to the investigation, the Seminary shall provide the following written notice to the parties who are known. This notice shall include:
 1. This policy (as a link or attachment).
 2. Notice of the allegations of sexual harassment potentially constituting sexual harassment as defined in this policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment under this policy, and the date and location of the alleged incident, 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 grievance process.

4. Notification to the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney.
5. Notification to the parties that they may inspect and review evidence, as set forth in this policy.
6. Any provision in the Seminary's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
7. Describes the standard of evidence that will be used.
8. Lists all possible sanctions the institution may imposed.

e. Amended Notice of Charges. If, in the course of an investigation, the Seminary decides to investigate allegations about the Complainant or Respondent that are not included in the initial notice of charge, the Seminary must provide notice of the additional allegations to the parties whose identities are known.

f. Principles for the Grievance Process.

Under this grievance process, the Seminary shall:

- i. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the Seminary and not on the parties provided that the Seminary cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the Seminary obtains that party's voluntary, written consent to do so for a grievance process under this section (if a party is not an "eligible student," as defined in 34 CFR 99.3, then the Seminary must obtain the voluntary, written consent of a "parent," as defined in 34 CFR 99.3).
- ii. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
- iii. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
- iv. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the Complainant or Respondent in

any meeting or grievance proceeding; however, the Seminary may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.

- v. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
- vi. Require an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence— and provide that credibility determinations may not be based on a person’s status as a Complainant, Respondent, or witness.
- vii. Require that any individual designated as a Title IX Coordinator, investigator, decisionmaker, or any person to facilitate an informal resolution process, not have a conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent. The Seminary may use internal personnel or external parties in the informal resolution process or the grievance process, provided that they meet this requirement.
- viii. 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 grievance process.
- ix. Use the following standard of evidence to determine responsibility for allegations in a Formal Complaint of sexual harassment: the clear and convincing evidence standard. The standard of evidence shall be the same for Formal Complaints against students as for Formal Complaints against faculty and staff.
- x. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

g. Extensions of the Grievance Process.

The Title IX Coordinator may grant or deny requests from either party to temporarily delay the grievance process or may issue the 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 considerations such as the absence of a party, a party’s advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

h. Investigation of Formal Complaints.

When investigating a Formal Complaint, the Seminary shall, within 30 days of receiving the Formal Complaint, unless unusual or complex circumstances exist:

- i. Engage in fact-gathering of all relevant facts. Credibility resolutions and fact-finding shall be conducted in the live hearing phase of the grievance process.
- ii. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint, including the evidence upon which the Seminary does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.
- iii. Prior to completion of the investigative report, send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report.
- iv. Make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination; and
- v. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

Live Hearings Under the Grievance Process

1. Requirement of a Live Hearing for Fact-Finding and Determining Responsibility.

- a. Following the investigation, within 30 days of sending the final investigative report to the parties, unless unusual or complex circumstances exist, the Seminary shall conduct a live hearing for the purposes of determining responsibility for allegations of sexual harassment in the Formal Complaint.
- b. The decision-maker(s) cannot be the same person(s) as the Title IX Coordinator or the investigator(s).

- c. If a party does not have an advisor present at the live hearing, the Seminary shall provide without fee or charge to that party, an advisor of the Seminary's choice, who may be, but is not required to be, an attorney, to conduct cross examination on behalf of that party. The Seminary is obligated to ensure each Party has an advisor, either of the Party's or the Seminary's choice regardless of whether or not the Party is present at the hearing.
- d. Live hearings may be conducted with all parties physically present in the same geographic location or, at the Seminary's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.
- e. At the request of either party, the Seminary shall provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or the witness answering questions.
- f. The Seminary shall create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

2. Questioning at the Live Hearing.

- a. At the live hearing, the decisionmaker(s) must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility.
- b. Only relevant cross examination and other questions may be asked of a party or witness.
- c. Cross examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally, notwithstanding the Seminary's ability to otherwise restrict the extent to which advisors may participate in the proceedings.
- d. Before the Complainant, Respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.
- e. 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.

3. Use of Witness Statements.

- a. If a party or witness does not submit to cross examination at the live hearing, the decision-maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility.
- b. The decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross examination or other questions.

4. Written Determination of the Decision-Maker.

- a. The decision-maker(s) shall issue a written determination regarding responsibility. To reach this determination, the decision-maker must apply the standard of evidence required by this policy. The written determination must include:
 - i. Identification of the allegations potentially constituting sexual harassment as defined by this policy;
 - ii. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
 - iii. Findings of fact supporting the determination;
 - iv. Conclusions regarding the application of the Seminary's policy to the facts;
 - v. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed 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; and
 - vi. The procedures and permissible bases for the Complainant and Respondent to appeal, as set forth in this policy.
- b. The Seminary shall provide the written determination to the parties simultaneously.
- c. The determination regarding responsibility becomes final either on the date that the Seminary provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Appeals

Within 10 days of receiving the written determination, either party may appeal from a determination regarding responsibility, and from the Seminary's dismissal of a Formal Complaint or any allegations therein, on the following grounds:

Ground 1: Procedural irregularity that affected the outcome of the matter;

Ground 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; and

Ground 3: The Title IX Coordinator, investigator(s), or decision-maker(s) 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.

As to all appeals, the Title IX Coordinator (or designee) shall:

- a. Notify the other party in writing immediately when an appeal is filed and implement appeal procedures equally for both parties;
- b. Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
- c. Ensure that the decision-maker(s) for the appeal complies with the standards set forth in this policy;
- d. Give the non-appealing party an opportunity to submit a written statement in response to the appeal within 10 days of receiving the appeal, which shall be transmitted within 2 business days to the Appeal Officer;

Within 20 days of receiving the appeal and the response, the Appeal Officer shall issue a written decision describing the result of the appeal and the rationale for the result; and provide the written decision simultaneously to both parties.

Remedies and Sanctions

Remedies must be designed to restore or preserve equal access to Wesley Theological Seminary's education program or activity.

If it is concluded that a policy violation has occurred with a complainant who is a student, the written determination will be sent to the Vice-President for Campus Administration & Associate Dean for Community Life. The Vice-President/Associate Dean will make a determination as to the appropriate sanction. If the complainant is a faculty member, the written determination will be sent to the Academic Dean. The Academic Dean or designee will make a determination as to the appropriate sanction. If the complainant is a staff member, the written determination will be sent to the Director of Human Resources. The Director of Human Resources or designee will make a determination as to the appropriate sanction.

The Title IX Coordinator is responsible for effective implementation of any remedies.

Retaliation Prohibited

No one may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right established by this policy or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.

Intimidation, threats, coercion, or discrimination, including 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 sex discrimination, or a report or Formal Complaint of sexual harassment, for the purpose of interfering with any right under this Policy constitutes retaliation.

The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this section.

Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination available at:

Dr. Josie Hoover
Title IX Coordinator
jhoover@wesleyseminary.edu
202-664-5682

Dr. Asa Lee
Vice-President for Campus Administration/Associate Dean for Community Life
alee@wesleyseminary.edu
202-885-8614

Mr. Matt Lyons
Diversity Officer
mlyons@wesleyseminary.edu
202-664-5703

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 under this policy does not constitute retaliation prohibited under of this section, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Confidentiality

Consistent with the requirements of this policy, Wesley Theological Seminary shall keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a Formal Complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the

FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

Required Trainings

The Title IX Coordinator, investigators, decision-makers, and any person who facilitates an informal resolution process (whether internal or external) shall receive training on the definition of sexual harassment under this policy, the scope of Wesley Theological Seminary's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. These individuals shall receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

Decisionmakers shall receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant.

Investigators shall receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, will not rely on sex stereotypes and will promote impartial investigations and adjudications of Formal Complaints of sexual harassment.

Recordkeeping

The Seminary shall maintain for a period of seven years records of— (A) Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under this policy, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the Seminary's education programs or activities; (B) Any appeal and the result therefrom; (C) Any informal resolution and the result therefrom; and (D) All materials used to train Title IX Coordinators, investigators, decisionmakers, and any person who facilitates an informal resolution process. A recipient must make these training materials publicly available on its website, or if the recipient does not maintain a website the recipient must make these materials available upon request for inspection by members of the public.

The Seminary shall create, and maintain for a period of seven years, records of any actions, including any Supportive Measures, taken in response to a report or Formal Complaint of sexual harassment. In each instance, the Seminary will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the Seminary's education program or activity. If the Seminary does not provide a complainant with Supportive Measures, then the Seminary must document

the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the Seminary in the future from providing additional explanations or detailing additional measures taken.