

WILLIAM JEWELL COLLEGE

**ANTI-HARASSMENT POLICIES AND GRIEVANCE
PROCEDURES**

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ANTI-HARASSMENT POLICY

I. Policy Statement

William Jewell is committed to maintaining an environment for all faculty, staff, students, and third-parties that is free of harassment, illegal discrimination, and unprofessional conduct. In keeping with that policy, William Jewell prohibits any form of harassment by or against any faculty, staff member, student, applicant for employment, customer, third-party supplier or any other person whether such harassment is lawful or unlawful (collectively the “William Jewell Community”). It is never justifiable to harass a member of the William Jewell Community because of their age, disability, gender, genetic information, national origin, race/color, religion, sex, sexual orientation, veteran status or any other status protected by law (collectively “protected statuses”). William Jewell does not tolerate harassment of any kind.

Harassment is counterproductive and does not serve the principles on which William Jewell operates. We respect the dignity and worth of all members of the William Jewell Community. Each member of the William Jewell Community should be free to develop fully his or her potential, neither hindered by artificial barriers nor aided by factors that are not related to merit.

William Jewell also prohibits unprofessional conduct and comments that may not amount to unlawful harassment. All members of the William Jewell Community are expected to use good judgment and to avoid even the appearance of impropriety in all their dealings with each other. Supervisory staff especially must exhibit the highest degree of personal integrity at all times, refraining from any behavior that might be harmful to their subordinates or William Jewell. Similarly, faculty members must demonstrate the utmost professionalism when interacting with students.

It is a violation of this policy to retaliate against any member of the William Jewell Community who reports or assists in making a complaint of harassment or who participates in the investigation of a complaint in any way.

William Jewell will thoroughly and promptly investigate all complaints of harassment in accordance with the Complaint Resolution Procedures. If an investigation confirms that harassment has occurred, William Jewell will take prompt and appropriate remedial action to prevent harassment, eliminate any hostile environment, prevent its recurrence, and correct its discriminatory effects on the victim and others, if applicable.

II. Scope

This policy applies to all members of the William Jewell Community as well as others that participate in William Jewell’s educational programs and activities, including third-party visitors on campus. William Jewell’s prohibition on harassment extends to all aspects of its educational programs and activities, including, but not limited to, admissions, employment, academics, athletics, housing, and student services.

III. Definitions

A. Harassment

Harassment is generally defined as verbal, written, or physical conduct based on or motivated by an individual's protected status that unreasonably interferes with an individual's work or academic performance or creates a hostile work or educational environment by interfering with or limiting a person's ability to participate in William Jewell's educational programs and activities. Harassing conduct may take many forms, including verbal acts and name-calling, as well as nonverbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful, or humiliating. This policy provides more specific definitions of disability harassment, racial harassment, and sexual harassment as defined below.

B. Disability Harassment

Disability harassment is harassment motivated by a person's disability. Disability harassment constitutes discrimination on the basis of disability, which is prohibited by Section 504 of the Rehabilitation Act and its implementing regulations and the Americans with Disabilities Act and its implementing regulations.

Some examples of disability harassment include:

- Fellow students continually remark that a student with a disability is "retarded" or "deaf and dumb" and does not belong in class or on a team
- A staff member intentionally impedes a wheelchair-bound student by placing objects in his or her path
- A professor belittles or criticizes a student with a disability for requiring the use of accommodations with the result that the student is discouraged or feels alienated
- Fellow students taunt or belittle a person with a disability by mocking or intimidating her so she does not participate in class

C. Racial Harassment

For purposes of this policy, racial harassment is harassment motivated by a person's race, color, or national origin. Racial harassment constitutes discrimination on the basis of race, which is prohibited by Titles VI and VII of the Civil Rights Act and their implementing regulations.

Some examples of racial harassment include:

- The use of racial epithets or slurs by staff or students
- A professor tells racist jokes or jokes that target persons of a particular national origin

- A coach uses stereotyping based on race, color, or national origin
- Fellow students circulate or publish written or graphic materials (such as graffiti) that show hostility to a racial or ethnic group
- A student in a dorm room places racially inflammatory symbols on the wall for the purpose of intimidating or harassing others

D. Sexual Harassment

Sexual harassment is harassment motivated by a person's sex. Sexual harassment constitutes discrimination on the basis of sex, which is prohibited by Title IX of the Education Amendments of 1972 and its implementing regulations and Title VII of the Civil Rights Act and its implementing regulations.

Sexual advances, requests for sexual favors, and other verbal, physical, or visual conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made or threatened to be made, either explicitly or implicitly, a term or condition of an individual's employment or education
- Submission to or rejection of such conduct by an individual is used or threatened to be used as the basis for academic or employment decisions affecting that individual, or
- Such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating what a reasonable person would perceive as an intimidating, hostile, or offensive employment, education, or living environment.

1. Some Forms of Prohibited Sexual Harassment

Sexual violence/assault is a form of prohibited sexual harassment. Sexual violence includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent because of his or her temporary or permanent mental or physical incapacity or because of his or her youth.

The following crimes can also constitute sexual harassment when motivated by a person's sex:

- Domestic assault: Domestic assault is defined in Mo. Rev. Stat. §§ 565.072-565.074. It generally involves violence or attempted violence perpetrated against a family or household member, including children. "Family or household member" is defined as "spouses, former spouses, any person related by blood or marriage, persons who are presently residing together or have resided together in the past, any person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim

and anyone who has a child in common regardless of whether they have been married or have resided together at any time.” *See* Mo. Rev. Stat. § 455.010.

- Dating violence: Dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Such a relationship is characterized by the expectation of affection or sexual involvement between the parties. The existence of such a relationship shall be determined based on a consideration of the (1) length of the relationship, (2) type of relationship, and (3) frequency of interaction between the persons involved in the relationship.
- Stalking: A person commits the crime of stalking if he or she purposely, through his or her course of conduct, harasses or follows with the intent of harassing another person. “Course of conduct” is a pattern of conduct composed of two or more acts, which may include communication by any means, over a period of time, however short, evidencing a continuity of purpose. It does not include constitutionally protected activity. *See* Mo. Rev. Stat. § 565.225.

Domestic assault, dating violence, and stalking are violations of this policy even when such conduct is not motivated by sex.

2. Definition of Consent

Lack of consent is a critical factor in determining whether sexual violence/assault has occurred. Consent is informed, freely given, and mutually understood. Consent requires an affirmative act or statement by each participant. Consent is not passive.

- If coercion, intimidation, threats, and/or physical force are used, there is no consent.
- If a person is mentally or physically incapacitated or impaired by alcohol or drugs such that the person cannot understand the fact, nature, or extent of the sexual situation, there is no consent.
- If a person is asleep or unconscious, there is no consent.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- Consent can be withdrawn. A person who initially consents to sexual activity is deemed not to have consented to any sexual activity that occurs after he or she withdraws consent.

3. Examples of Sexual Harassment

Some examples of sexual harassment include:

- A professor pressures a student for a dating, romantic, or intimate relationship
- Unwelcome touching, kissing, hugging, or massaging by staff members or fellow students
- A professor makes sexual innuendos or tells sexual jokes
- Obscene gestures
- Sexual intercourse by a man or woman upon a man or woman without consent
- Sexual touching with an object or body part, by a man or woman upon a man or woman, without consent
- Non-consensual video or audio-taping of sexual activity
- Knowingly transmitting a sexually transmitted disease to another
- Sexual hazing
- Date rape

IV. Roles and Responsibilities

A. Anti-Harassment Coordinator

William Jewell has designated the Vice-President for Social Responsibility and Engagement to serve as the Anti-Harassment Coordinator.¹ The Anti-Harassment Coordinator's contact information is as follows:

Dr. Andy Pratt
 200 Gano Chapel
 816-415-7557
pratta@william.jewell.edu

If the Anti-Harassment Coordinator is not available, contact William Jewell's Human Resources Director, who serves as the Deputy Anti-Harassment Coordinator:

Charo Kelley
 Curry Hall
 816-415-5083
kelleyc@william.jewell.edu

It is the responsibility of the Anti-Harassment Coordinator to disseminate information and coordinate training programs to: (1) assist members of the William Jewell Community in understanding the harassing conduct prohibited by this policy; (2) ensure that investigators are trained to respond to and investigate complaints of harassment; (3) to ensure that members of the William Jewell Community are aware of the procedures for reporting and addressing complaints of harassment; (4) to receive complaints of harassment; and (5) to implement the Complaint Resolution Procedures.

¹ The Anti-Harassment Coordinator also serves as William Jewell's Title IX Coordinator as specified in William Jewell's Equal Employment Opportunity Statement & Title IX Compliance.

B. Administrators and Managerial Staff

It is the responsibility of administrators and managerial staff (i.e., those that formally supervise other employees) to:

- Inform employees under their direction or supervision of this policy
- Notify the Anti-Harassment Coordinator if they observe or receive reports of harassment
- Implement any corrective actions that are imposed as a result of findings of a violation of this policy

C. Faculty, Staff, and Volunteers

It is the responsibility of all faculty, staff, and volunteers to review this policy and comply with it.

D. Students

It is the responsibility of all students to review this policy and comply with it.

V. Complaints

A. Making a Complaint

1. Faculty, Staff and Volunteers

All William Jewell faculty, staff, and volunteers have a duty to report harassment to the Anti-Harassment Coordinator, the Deputy Anti-Harassment Coordinator, the Provost (816-415-7653), or the Vice-President for Finance and Operations (816-415-7802).

2. Students and Third Parties

Students or third parties that wish to report harassment should file a complaint with the Anti-Harassment Coordinator, the Deputy Anti-Harassment Coordinator, the Dean of Students (816-415-5960), the Provost (816-415-7653), or the Vice-President for Finance and Operations (816-415-7802). Students and other persons may also file a complaint with the United States Department of Education's Office for Civil Rights, by visiting www2.ed.gov/about/offices/list/ocr/complaintintro.html or by calling 1-800-421-3481.

3. Content of the Complaint

So that William Jewell has sufficient information to investigate a complaint, the complaint should include: (1) the date(s) and time(s) of the alleged conduct; (2) the names of all person(s) involved in the alleged conduct, including possible witnesses; (3) all details outlining what happened; and (4) contact information for the complainant so that William Jewell may follow up appropriately.

4. Conduct that Constitutes a Crime

Any person who wishes to make a complaint of harassment that also constitutes a crime—such as sexual harassment that takes the form of sexual violence/assault, domestic assault, dating violence, or stalking—is encouraged to make a complaint to local law enforcement. Such persons may also contact William Jewell Campus Safety at (816) 365-0709. If requested, William Jewell will assist the complainant in notifying the appropriate law enforcement authorities. A victim may decline to notify such authorities.

5. Special Guidance Concerning Complaints of Sexual Violence/Assault, Domestic Assault, Dating Violence, or Stalking

If you are the victim of sexual violence/assault, domestic assault, or dating violence, do not blame yourself. These crimes are never the victim's fault. William Jewell recommends that you immediately go to the emergency room of a local hospital and contact local law enforcement, in addition to making a prompt complaint under this policy.

If you are the victim of sexual violence/assault, domestic assault, or dating violence, do everything possible to preserve evidence by making certain that the crime scene is not disturbed. Preservation of evidence may be necessary for proof of the crime or in obtaining a protection order. Victims of sexual violence/assault, domestic assault, or dating violence should not bathe, urinate, douche, brush teeth, or drink liquids until after they are examined and, if necessary, a rape examination is completed. Clothes should not be changed. When necessary, seek immediate medical attention at an area hospital and take a full change of clothing, including shoes, for use after a medical examination.

It is also important to take steps to preserve evidence in cases of stalking, to the extent such evidence exists. In cases of stalking, evidence is more likely to be in the form of letters, emails, text messages, etc. rather than evidence of physical contact and violence.

Once a complaint of sexual violence/assault, domestic assault, dating violence, or stalking is made, the complainant has several options such as, but not limited to:

- contacting parents or a relative
- seeking legal advice

- seeking personal counseling (always recommended)
- pursuing legal action against the perpetrator
- pursuing disciplinary action

A complainant will also be given a copy of the document titled “Explanation of Rights and Options After Filing a Complaint Under the Anti-Harassment Policy and Grievance Procedures.”

6. Vendors, Contractors, and Other Third-Parties

This policy applies to the conduct of vendors, contractors, and other third parties. Persons who believe they have been harassed or retaliated against in violation of this policy should make a complaint in the manner set forth in this section.

7. Retaliation

It is a violation of this policy to retaliate against any member of the William Jewell Community who reports or assists in making a complaint of harassment or who participates in the investigation of a complaint in any way. Persons who believe they have been retaliated against in violation of this policy should make a complaint in the manner set forth in this Section V.

8. Protecting the Complainant

Pending final outcome of an investigation in accordance with the Complaint Resolution Procedures, William Jewell will take steps to protect the complainant from further harassment and retaliation. This may include assisting and allowing the complainant to change his or her academic, living, transportation, or work situation if options to do so are reasonably available. Such changes may be available regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

If a complainant has obtained a temporary restraining order or other no contact order against the alleged perpetrator from a criminal, civil, or tribal court, the complainant should provide such information to the Anti-Harassment Coordinator. William Jewell will take all reasonable and legal action to implement the order.

B. Timing

William Jewell encourages persons to make complaints of harassment as soon as possible because late reporting may limit William Jewell’s ability to investigate and respond to the conduct complained of. William Jewell faculty, staff, and volunteers must forward any report or observation of harassment against a student within three (3) business days to one of the individuals identified in Section V.A.1 above. All complaints of harassment should be filed within 180 days of the alleged misconduct.

C. Investigation and Confidentiality

All complaints of harassment will be immediately and thoroughly investigated in accordance with the Complaint Resolution Procedures, and William Jewell will take disciplinary action where appropriate. William Jewell will make reasonable and appropriate efforts to preserve an individual's privacy and protect the confidentiality of information when investigating and resolving a complaint. However, because of laws relating to reporting and other state and federal laws, William Jewell cannot guarantee confidentiality to those who make complaints.

In the event a complainant requests confidentiality or asks that a complaint not be investigated, William Jewell will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. If a complainant insists that his or her name not be disclosed to the alleged perpetrator, William Jewell's ability to respond may be limited. William Jewell reserves the right to initiate an investigation despite a complainant's request for confidentiality in limited circumstances involving serious or repeated harassment or where the alleged perpetrator may pose a continuing threat to the William Jewell Community.

D. Resolution

If a complaint of harassment or retaliation is found to be substantiated, William Jewell will take appropriate corrective and remedial action. Students, faculty, and staff found to be in violation of this policy will be subject to discipline up to and including written reprimand, suspension, demotion, termination, or expulsion. Affiliates and program participants may be removed from William Jewell programs and/or prevented from returning to campus. Remedial steps may also include counseling for the complainant, academic, work, transportation, or living accommodations for the complainant, separation of the parties, and training for the respondent and other persons.

E. Bad Faith Complaints

While William Jewell encourages all good faith complaints of harassment, William Jewell has the responsibility to balance the rights of all parties. Therefore, if William Jewell's investigation reveals that a complaint was knowingly false, the complaint will be dismissed, and the person who filed the knowingly false complaint may be subject to discipline.

VI. Academic Freedom

While William Jewell is committed to the principles of free inquiry and free expression, harassment is neither legally protected expression nor the proper exercise of academic freedom.

VII. Education

Because William Jewell recognizes the prevention of discrimination, harassment, sexual violence/assault, domestic assault, dating violence, and stalking is an important issue, it offers educational programming to a variety of groups such as: campus personnel; incoming students and new employees participating in orientation; and members of student organizations. Among other items, such training will cover relevant definitions, procedures, and sanctions; will provide safe and positive options for bystander intervention; and will provide risk reduction information, including recognizing warning signs of abusive behavior and how to avoid potential attacks. To learn more about education resources, please contact the Anti-Harassment Coordinator.

William Jewell will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims, both on-campus and in the community.

COMPLAINT RESOLUTION PROCEDURES

I. Scope

These complaint resolution procedures apply to all complaints alleging discrimination and/or harassment prohibited by William Jewell's Non-Discrimination Policy and William Jewell's Anti-Harassment Policy. Together, the Non-Discrimination Policy and Anti-Harassment Policy prohibit discrimination and harassment on the basis of age, disability, gender, genetic information, national origin, race/color, religion, sex, sexual orientation, veteran status or any other status protected by law (collectively "protected statuses"), in matters of admissions, housing, services, in the educational programs and activities William Jewell operates, and in all aspects of the employment relationship, including hiring, promotion, termination, compensation, benefits, and other terms and conditions of employment.

II. General Principles

A. Anti-Harassment Coordinator

As set forth in the Non-Discrimination Policy and Anti-Harassment Policy, William Jewell has designated its Vice-President for Social Responsibility and Engagement to handle all inquiries regarding William Jewell's efforts to carry out the Non-Discrimination Policy and Anti-Harassment Policy. As set forth below, the Anti-Harassment Coordinator (and his/her designees) also has responsibility for carryout out these complaint resolution procedures and is available to answer questions regarding these complaint resolution procedures. The Anti-Harassment Coordinator may be contacted as follows:

Dr. Andy Pratt
Vice-President for Social Responsibility and Engagement
200 Gano Chapel
Tel: 816-415-7557
Email: pratta@william.jewell.edu

If the Anti-Harassment Coordinator is not available, questions regarding these complaint resolutions procedures may be directed to William Jewell's Human Resources Director, who serves as Deputy Anti-Harassment Coordinator.

The Deputy Anti-Harassment Coordinator may be contacted as follows:

Charo Kelley
Human Resources Director
Curry Hall
Tel: 816-415-5085
Email: kelleyc@william.jewell.edu

B. Administration

For the remainder of these complaint resolution procedures, “Anti-Harassment Coordinator” means the Anti-Harassment Coordinator and/or his or her designee. The Anti-Harassment Coordinator shall have responsibility for administering these complaint resolution procedures.

C. Promptness, Fairness and Impartiality

These procedures provide for prompt, fair, and impartial investigations and resolutions. The Anti-Harassment Coordinator shall discharge his or her obligations under these complaint resolution procedures fairly and impartially. If the Anti-Harassment Coordinator determines that he or she cannot apply these procedures fairly and impartially because of the identity of a complainant, respondent, or witness, the Anti-Harassment Coordinator shall designate another appropriate individual to administer these procedures.

D. Training

These procedures will be implemented by officials who receive annual training on the issues related to discrimination, harassment, sexual violence/assault, domestic assault, dating violence, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

III. Making a Complaint

A. Faculty, Staff and Volunteers

All William Jewell faculty, staff, and volunteers have a duty to report prohibited discrimination and harassment to the Anti-Harassment Coordinator (816-415-7557), the Deputy Anti-Harassment Coordinator (816-415-5085), the Provost (816-415-7653), or the Vice-President for Finance and Operations (816-415-7802).

B. Students and Third Parties

Students or third parties that wish to report prohibited discrimination or harassment should file a complaint with the Anti-Harassment Coordinator (816-415-7557), the Deputy Anti-Harassment Coordinator (816-415-5083), the Dean of Students (816-415-5960), the Provost (816-415-7653), or the Vice-President for Finance and Operations (816-415-7802). Students and other persons may also file a complaint with the United States Department of Education’s Office for Civil Rights, by visiting www2.ed.gov/about/offices/list/ocr/complaintintro.html or by calling 1-800-421-3481.

C. Content of the Complaint

So that William Jewell has sufficient information to investigate a complaint, the complaint should include: (1) the date(s) and time(s) of the alleged conduct; (2) the names of all person(s) involved in the alleged conduct, including possible witnesses; (3) all details outlining what happened; and (4) contact information for the complainant so that William Jewell may follow up appropriately.

D. Conduct that Constitutes a Crime

Any person who wishes to make a complaint of discrimination or harassment that also constitutes a crime—such as sexual harassment that takes the form of sexual violence/assault, domestic assault, dating violence, or stalking—is encouraged to make a complaint to local law enforcement. Such persons may also contact William Jewell Campus Safety at (816) 365-0709. If requested, William Jewell will assist the complainant in notifying the appropriate law enforcement authorities. A victim may decline to notify such authorities.

E. Special Guidance Concerning Complaints of Sexual Violence/Assault, Domestic Assault, Dating Violence, or Stalking

If you are the victim of sexual violence/assault, domestic assault, or dating violence, do not blame yourself. These crimes are never the victim's fault. William Jewell recommends that you immediately go to the emergency room of a local hospital and contact local law enforcement, in addition to making a prompt complaint under these complaint resolution procedures.

If you are the victim of sexual violence/assault, domestic assault, or dating violence, do everything possible to preserve evidence by making certain that the crime scene is not disturbed. Preservation of evidence may be necessary for proof of the crime or in obtaining a protection order. Victims of sexual violence/assault, domestic assault, or dating violence should not bathe, urinate, douche, brush teeth, or drink liquids until after they are examined and, if necessary, a rape examination is completed. Clothes should not be changed. When necessary, seek immediate medical attention at an area hospital and take a full change of clothing, including shoes, for use after a medical examination.

It is also important to take steps to preserve evidence in cases of stalking, to the extent such evidence exists. In cases of stalking, evidence is more likely to be in the form of letters, emails, text messages, etc. rather than evidence of physical contact and violence.

Once a complaint of sexual violence, domestic assault, dating violence, or stalking is made, the complainant has several options such as, but not limited to:

- contacting parents or a relative
- seeking legal advice

- seeking personal counseling (always recommended)
- pursuing legal action against the perpetrator
- pursuing disciplinary action

A complainant will also be given a copy of the document titled “Explanation of Rights and Options After Filing a Complaint Under the Anti-Harassment Policy and Grievance Procedures.”

F. No Requirement to Confront

Individuals who wish to file a complaint of discrimination or harassment are not required to confront the alleged perpetrator in any manner or for any reason prior to filing a complaint.

G. Timing

William Jewell encourages persons to make complaints of discrimination and harassment as soon as possible because late reporting may limit William Jewell’s ability to investigate and respond to the conduct complained of. William Jewell faculty, staff, and volunteers must forward any report or observation of discrimination or harassment against a student within three (3) business days to one of the individuals identified in Section III.A above. All complaints of discrimination or harassment should be filed within 180 days of the alleged misconduct

H. Confidentiality

In the event a complainant requests confidentiality or asks that a complaint not be investigated, William Jewell will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. If a complainant insists that his or her name not be disclosed to the alleged perpetrator, William Jewell’s ability to respond may be limited. William Jewell reserves the right to initiate an investigation despite a complainant’s request for confidentiality in limited circumstances involving serious or repeated discrimination or harassment or where the alleged perpetrator may pose a continuing threat to the William Jewell Community.

IV. Investigation and Resolution of the Complaint

A. Commencement of the Investigation

Once a complaint is made, the Anti-Harassment Coordinator will commence an investigation of it as soon as practicable, but not later than seven (7) days after the complaint is made. The purpose of the investigation is to determine whether it is more likely than not that the alleged behavior occurred and, if so, whether it constitutes prohibited discrimination or harassment. During the course of the investigation, the Anti-

Harassment Coordinator may receive counsel from the Provost, Vice-President for Finance and Operations, William Jewell's General Counsel, or other parties as needed.

In certain narrow circumstances, the Anti-Harassment Coordinator may commence an investigation even if the complainant requests that the matter not be pursued. In such a circumstance, the Anti-Harassment Coordinator will take all reasonable steps to investigate and respond to the matter in a manner that is informed by the complainant's articulated concerns.

B. The Content of the Investigation

During the investigation, the complainant will have the opportunity to describe his or her allegations and identify supporting witnesses or other evidence. The respondent will have the opportunity to respond to the allegations and identify supporting witnesses or other evidence. The Anti-Harassment Coordinator will review statements and, depending on the circumstances, may interview others with relevant knowledge, review documentary materials, and take any other appropriate action to gather and consider information relevant to the complaint. All parties and witnesses involved in the investigation are expected to cooperate and provide complete and truthful information.

C. Support Person

During the investigation process, both a complainant and a respondent may ask a support person to accompany him or her at all stages of the process. In cases involving multiple complainants or respondents, the support person cannot be another complainant or respondent. The support person does not serve as an advocate on behalf of the complainant or respondent, may not be actively involved in any proceedings, and he or she must agree to maintain the confidentiality of the process.

D. Interim Measures

At any time during the investigation, the Anti-Harassment Coordinator may determine that interim remedies or protections for the parties involved or witnesses are appropriate. These interim remedies may include separating the parties, placing limitations on contact between the parties, suspension, or making alternative living, class-placement, or workplace arrangements. Failure to comply with the terms of these interim remedies or protections may constitute a separate violation of the Non-Discrimination Policy and/or the Anti-Harassment Policy.

E. Pending Criminal Investigation

Some instances of discrimination or harassment may also constitute criminal conduct. In such instances, the complainant is also encouraged to file a report with the appropriate law enforcement authorities and, if requested, William Jewell will assist the complainant in doing so. The pendency of a criminal investigation, however, does not relieve William Jewell of its responsibility to investigate discrimination or harassment.

Therefore, to the extent doing so does not interfere with any criminal investigation, William Jewell will proceed with its own investigation and resolution of the complaint.

F. Findings Of The Investigation

At the conclusion of the investigation, the Anti-Harassment Coordinator will prepare a written report. The written report will explain the scope of the investigation, explain whether any allegations in the complaint were found to be substantiated by a preponderance of the evidence, and recommend one of the three determinations specified below. The written report will be submitted to both the Provost and the Vice-President for Finance and Operations.

In the case of a complaint against a faculty member or student, the Provost, in consultation with the Vice-President for Finance and Operations, may accept the Anti-Harassment Coordinator's report, request to review additional information, including summaries of party/witness statements or other information, or return the report for further investigation.

In the case of a complaint against a staff-member, volunteer, or third-party, the Vice-President for Finance and Operations, in consultation with the Provost, may accept the report, request to review additional information, including summaries of party/witness statements or other information, or return the report for further investigation.

After the review of the Anti-Harassment Coordinator's report is complete, the Provost or Vice-President for Finance and Operations, as the case may be, will for both the complainant and respondent, prepare and deliver a written determination of the complaint. The determination will be one of three outcomes:

1. Finding "No Violation"

If there is a determination that the behavior investigated did not violate the Non-Discrimination Policy and/or the Anti-Harassment Policy, both parties will be so informed.

2. Finding "Inappropriate Behavior Not Rising To The Level Of A Violation"

There may be a determination that the behavior investigated did not violate the Non-Discrimination Policy and/or the Anti-Harassment Policy but was inappropriate, unprofessional, or violated some other William Jewell policy. The Provost or Vice-President for Finance and Operations may determine that such inappropriate behavior merits discipline, ongoing monitoring, coaching, or other appropriate action. If so, the Provost or Vice-President for Finance and Operations may initiate further proceedings or impose disciplinary measures consistent with William Jewell policy.

3. Finding “Violation”

If there is a determination that the behavior violated the Non-Discrimination Policy and/or the Anti-Harassment Policy, the Provost or Vice-President for Finance and Operations, in consultation with any appropriate manager or department head, will determine appropriate corrective and disciplinary action to be taken. In addition, the Provost or Vice-President for Finance and Operations will implement reasonable and appropriate measures to ensure that the complainant is not subject to further discrimination or harassment and to remedy the effects of any discrimination or harassment that may have occurred. Remedial steps may include, but are not limited to, counseling or training, separation of the parties, and/or discipline of the respondent, including written reprimand, suspension, demotion, termination, or expulsion in accordance with William Jewell policy. Remedial steps that do not directly affect the respondent shall be redacted from the respondent’s copy of the written summary of findings.

G. Special Procedure Concerning Complaints Against The President, Anti-Harassment Coordinator, Provost, or Vice-President for Finance and Operations

If a complaint involves alleged conduct on the part of the William Jewell President, the William Jewell Board of Trustees will designate an appropriate person to conduct the investigation required by these procedures. The written report of the investigation will be presented to the full Board of Trustees, which will prepare and issue the written determination. The determination issued by the full Board of Trustees is final and not subject to appeal.

If a complaint involves alleged conduct on the part of the Anti-Harassment Coordinator, Provost, or Vice-President for Finance and Operations, the President will designate an appropriate person to conduct the investigation required by these procedures. The written report of the investigation shall be presented to the President, who will prepare and issue the written determination. The determination issued by the President is subject to appeal to the Board of Trustees consistent with the procedures set forth in Section IV below.

H. Informal Resolution

Informal means of resolution, such as mediation, may be used in lieu of the formal investigation and determination procedure. However, informal means may only be used with the complainant’s voluntary cooperation and the involvement of the Anti-Harassment Coordinator. The complainant, however, will not be required to work out the problem directly with the respondent. Moreover, the Anti-Harassment Coordinator will inform the complainant of his or her right to terminate such informal means at any time. In any event, informal means, even on a voluntary basis, will not be used to resolve complaints alleging any form of sexual violence.

I. Timing Of The Investigation

William Jewell will conclude its investigation and determination of the complaint and notify the parties of the determination within sixty (60) days of receiving it. Both the complainant and the respondent will be given periodic updates regarding the status of the investigation. If either the complainant or respondent needs additional time to prepare or to gather their witnesses or information, they shall notify the Anti-Harassment Coordinator in writing explaining how much additional time is needed and why it is needed.

V. Rights of the Parties

During the investigation and determination of a complaint, the complainant and respondent shall have equal rights. They include:

- Equal opportunity to present witnesses and other relevant evidence
- Similar and timely access to all information considered by the Anti-Harassment Coordinator and the Provost or Vice-President for Finance and Operations
- Equal opportunity to review any statements or evidence provided by the other party
- Equal access to review and comment upon any information independently developed by the Anti-Harassment Coordinator

VI. Appeals

A. Grounds of Appeal

Except with respect to the determination of a complaint against the President, the complainant or respondent may appeal the determination of a complaint to the William Jewell President. An appeal may be made only on the following grounds:

- The decision was contrary to the substantial weight of the evidence
- There is a substantial likelihood that newly discovered information, not available at the time evidence was presented to the Provost or Vice-President for Finance and Operations, would result in a different decision
- Bias or prejudice on the part of the Anti-Harassment Coordinator or the Provost or Vice-President for Finance and Operations, or
- The punishment or the corrective action imposed is disproportionate to the offense

B. Method of Appeal

Appeals must be filed within ten (10) days of receipt of the written determination received from the Provost or Vice-President for Finance and Operations. The appeal must be in writing and contain the following:

- Name of the complainant
- Name of the respondent
- A statement of the resolution of the complaint, including corrective action if any
- A detailed statement of the basis for the appeal including the specific facts, circumstances, and argument in support of it, and
- Requested action, if any.

The appellant may request a meeting with the President, but the decision to grant a meeting is within the President's discretion. However, if a meeting is granted, then the other party will be granted a similar opportunity.

C. Resolution of the Appeal

The President will resolve the appeal within fifteen (15) days of receiving it and may take any and all actions that he or she determines to be in the interest of a fair and just decision. The decision of the President is final. The President shall issue a short and plain, written statement of the resolution of the appeal, including any changes made to the Provost or Vice-President for Finance and Operations' previous written determination. The written statement shall be provided to the complainant, respondent, and the Anti-Harassment Coordinator within three (3) days of the resolution.

VII. Retaliation

William Jewell prohibits retaliation against any member of the William Jewell Community who reports or assists in making a complaint of discrimination or harassment or who participates in the investigation of a complaint in any way. Retaliation is a separate violation of the Non-Discrimination Policy and the Anti-Harassment Policy and may result in independent or heightened disciplinary consequences for any persons found to have engaged in retaliation.

VIII. Documentation

Throughout all stages of the investigation, resolution, and appeal, the Anti-Harassment Coordinator, the Provost, Vice-President for Finance and Operations, and the President are responsible for maintaining documentation of the investigation and appeal, including documentation of all proceedings conducted under these complaint resolution procedures, which may include written findings of fact, transcripts, and audio recordings.

IX. Intersection With Other Procedures

These complaint resolution procedures are the exclusive means of resolving complaints alleging violations of the Non-Discrimination Policy and Anti-Harassment Policy. To the extent there are any inconsistencies between these complaint resolution procedures and other William Jewell grievance, complaint, or discipline procedures, these complaint resolution procedures will control the resolution of complaints alleging violations of the Non-Discrimination Policy and Anti-Harassment Policy.