



Wellesley College
Student Sexual Misconduct Policy

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STATEMENT OF PURPOSE

Wellesley College is committed to providing an environment of well-being, learning, and accountability for its members by preventing the occurrence of sexual misconduct and addressing its effects. Sexual misconduct is antithetical to the College’s mission and the College takes seriously its obligation to prevent and respond to allegations of sexual misconduct, as set forth in Title IX of the Education Amendment Act of 1972, the Violence Against Women Act and its Reauthorization, the Campus SaVE Act, the Clery Act, and other related laws. To this end, the Wellesley College Student Sexual Misconduct Policy is grounded in the four community standards derived from the Honor Code, which are described below.

The Office of the Dean of Students has primary responsibility for enforcement of this Policy. The College will administer this Policy in a prompt, fair, and impartial manner.

SCOPE

The Wellesley College Student Sexual Misconduct Policy informs Wellesley College students¹ of their individual, organizational, and community rights and responsibilities regarding student sexual misconduct; the College's response to student sexual misconduct; and the resources available to Wellesley College students for addressing any sexual misconduct-related concerns.

This Policy applies to all Wellesley College students whether they are on or off campus, and describes how the College will investigate a report that a Wellesley College student is responsible for a violation of the Student Sexual Misconduct Policy and determine what, if any, safety measures and/or disciplinary sanctions are appropriate.

Claims of sexual misconduct brought against Wellesley College students (by another Wellesley College student or other reporting party) are governed by this Policy. Claims brought against a Wellesley College employee are governed by the Wellesley College [Policy Against Sexual Harassment and Other Unlawful Discrimination Harassment, and Retaliation.](#)²

COMMUNITY STANDARDS

As members of this community, Wellesley College students are expected to:

1. **Comply with governing law and College policies regarding sexual interactions.**
2. **Conduct sexual interactions with honesty, integrity, and respect.** Students are expected to obtain consent for any sexual interaction(s) and to communicate effectively with sexual partner(s) so that they are able to clearly understand their partner(s)' wishes and concerns during a sexual encounter. Sexual misconduct committed by a Wellesley College student will not be tolerated and will be considered an Honor Code violation.
3. **Be educated, empowered, and engaged in preventing sexual misconduct and responding to its effects.** Students are expected to learn about sexual misconduct on college campuses, acquire skills to prevent sexual misconduct as active bystanders when possible, and respond effectively to disclosures of sexual misconduct.
4. **Report sexual misconduct and use support services, and encourage one another to do so.** Students who experience or are aware of an instance of sexual misconduct are encouraged to access College and/or community support services and to report it to the College. Reporting allows the College to respond appropriately and offer support and assistance to any affected student(s).

¹People are considered Wellesley College students for the purpose of this Student Sexual Misconduct Policy if they are: (1) Wellesley College degree seeking or enrolled students, (2) visiting students who are taking a class(es) or conducting research at Wellesley College, or (3) Wellesley College non-degree seeking students, who are enrolled in a class or conducting research on-campus (and who are non-employees of the College).

² <http://tinyurl.com/wcpashoud>

In order to encourage students to report incidents of sexual misconduct, the College has developed the following policies:

Responsible Action Clause

When responding to a report of sexual misconduct, the College will generally waive an Alcohol and Other Drug Policy violation for a student seeking assistance, or assisting another person in obtaining support, or serving as a witness during an investigation regarding an instance of sexual misconduct. A student for whom an Alcohol or Other Drug Policy violation is waived by the Responsible Action Clause may be referred for a meeting with the Assistant Director of Health Education. The College may also waive violations for other College policies or rules, unless in the College's discretion, it is determined that the behavior placed the health and safety of any person at risk, or if it created a continuing danger to the College community.

Valuing Privacy

The College values the privacy of individuals involved in the reporting, investigation, and/or resolution of matters subject to this Policy. The U.S. Department of Education has provided guidance indicating that there are situations in which it may be necessary for the College to override a request for privacy or confidentiality, for example, when the individuals involved present a threat to the broader campus community.

Non-retaliation

The College will not tolerate retaliation in any form against any persons for their participation or involvement in the reporting, investigation, and/or resolution of matters subject to this Policy. Retaliation means any adverse action or threat taken or made against an individual for making a report of Prohibited Conduct, participating in any investigation or proceeding related to this Policy, or seeking protections under this Policy. This provision applies to reports made or information provided, even if the facts alleged in the report are determined not to be accurate. Such retaliatory conduct is a violation of this Policy. The College will take appropriate steps to prevent and/or address retaliatory conduct immediately.

DEFINITIONS

To prevent the occurrence of sexual misconduct and address its effects, Wellesley College definitions may be broader than the corresponding legal definitions.

1. **Reporting Party(ies)** – Refers to the person(s) reporting an instance of student sexual misconduct.
 - a. **Reporting Individual** - Refers to the person who reports having experienced an instance of student sexual misconduct. We acknowledge that persons who have experienced sexual misconduct may identify as victims, survivors, or otherwise.
 - b. **Reporting Witness** - Refers to the person who reports being aware of another person having experienced an instance of student sexual misconduct. The

College will determine which of the protections provided under this Policy to the Reporting Individual are also applicable to the Reporting Witness.

2. **Responding Party** – Refers to the Wellesley College student alleged to have committed sexual misconduct.
3. **Charging Party** - Refers to a party pursuing an Honor Code charge against a Responding Party for violation of this Policy. A Charging Party may be either a Reporting Individual or the College, through Campus Police or another administrative designee.

When the Reporting Party, Responding Party, and Charging Party are discussed collectively, they will be referred to as “the Parties” and/or may be referred to as a “Party” in certain contexts.

4. **Consent** – Affirmative, voluntary, knowing, and continuous agreement to engage in a specific form of sexual activity. Consent may be communicated verbally or physically. Any lack of clarity regarding consent should be resolved through verbal communication. Consent may not be inferred from silence or lack of resistance to sexual advances, or from prior consensual sexual contact. Consent may be withdrawn at any time, and consent to one sexual activity does not imply consent to any subsequent sexual activity. Relationship status is immaterial to the issue of consent.

Consent may not be obtained from a person who is incapable of giving it, including but not limited to circumstances in which the person is:

- a. subject to coercion and acting based on fear of harm to self or others. Means of coercion may include, but are not limited to:
 - i. pressure or persistence after refusal
 - ii. threats
 - iii. emotional intimidation
 - iv. the use of physical force
- b. mentally, intellectually, or physically disabled such that they cannot understand the behavior or its consequences
- c. under the legal age of consent (16 years of age in Massachusetts)
- d. asleep, unconscious, or otherwise physically helpless
- e. incapacitated and unable to make informed, rational judgments and decisions, including through the consumption of alcohol or other drugs. The impact of alcohol and drugs varies from person to person; however, warning signs of possible incapacitation include, but are not limited to:
 - i. slurred speech
 - ii. unsteady gait
 - iii. impaired coordination
 - iv. inability to perform personal tasks such as undressing

- v. inability to maintain eye contact
 - vi. vomiting
 - vii. emotional volatility
5. **Sexual Contact** – Any intentional contact with the body of another person in a sexual manner, causing another person to touch one’s body in a sexual manner, or disrobing or exposure of another person.
 6. **Sexual Penetration** – Vaginal, anal, or oral penetration, however slight, with a body part (e.g., penis, tongue, finger, hand, etc.) or object, in a sexual manner.

PROHIBITED CONDUCT

Wellesley College prohibits a range of behaviors, collectively referred to in this Policy as Sexual Misconduct. Sexual Misconduct may involve individuals who are known to one another, have an intimate or sexual relationship, or may involve individuals not known to one another. Sexual Misconduct includes, but is not limited to, the following:

1. **Sexual Harassment**³ – Sexual harassment consists of two basic types
 - a. **Quid Pro Quo Harassment:** Any action in which submission to or rejection of unwelcome conduct of a sexual nature is made either explicitly or implicitly a term or condition of an individual’s education, grades, recommendations, extracurricular programs or activities, or employment opportunities.
 - b. **Intimidating or Hostile Environment:** Any unwelcome conduct of a sexual nature that is severe or pervasive, and creates an intimidating, hostile or offensive working or educational environment, or has the purpose or effect of unreasonably interfering with an individual’s employment, academic performance, education, or participation in extracurricular programs or activities.
 - c. In either type of sexual harassment noted above, the effect will be evaluated from the perspective of a reasonable person in the position of the person experiencing the conduct, considering the relevant circumstances.

Forms of Sexual Harassment: In some cases, sexual harassment is obvious and may involve an overt action, a threat, or reprisal. In other instances, sexual harassment is subtle and indirect, with a coercive aspect that is unstated. Examples include the following

- Sexual harassment can occur between persons of equal power status (e.g., student to student, staff to staff) or between persons of unequal power status (e.g., faculty member to student, coach to student-athlete).

³ This prohibited conduct is also described in the [Wellesley College Policy Against Sexual Harassment and Other Unlawful Discrimination](#), which governs all Wellesley College community members.

- Although sexual harassment often occurs in the context of the misuse of power by the individual with the greater power, a person who appears to have less or equal power in a relationship can also commit sexual harassment.
- Sexual harassment can be committed by (or against) an individual or by (or against) an organization or group.
- Sexual harassment can be committed by an acquaintance, a stranger, or people who shared a personal, intimate, or sexual relationship.
- Sexual harassment can occur by or against an individual of any sex, gender identity, gender expression, or sexual orientation.

Examples of behavior that might be considered sexual harassment include, but are not limited to

- Unwanted sexual innuendo, propositions, sexual attention or suggestive comments and gestures; inappropriate humor about sex or gender-specific traits; sexual slurs or derogatory language directed at another person's sexuality, gender, gender identity, sexual orientation or gender expression; insults and threats based on sex, gender, gender identity, sexual orientation or gender expression; and other oral, written or electronic communications of a sexual nature that an individual communicates is unwanted and unwelcome;
 - Written graffiti, or the display or distribution of sexually explicit drawings, pictures, or written materials in a public area; sexually charged name-calling; or the circulation or creation of e-mails, text messages, or web sites of a sexual nature;
 - Display or circulation of written materials or pictures degrading to an individual or gender group where such display is not directly related to academic freedom, or an educational/pedagogical, artistic, or work purpose;
 - Unwelcome physical contact or suggestive body language, such as touching, patting, pinching, hugging, kissing, or brushing against an individual's body;
 - Physical coercion or pressure of an individual to engage in sexual activity or punishment for a refusal to respond or comply with sexual advances;
 - Use of a position of power or authority to: (1) threaten or punish, either directly or by implication, for refusing to tolerate harassment, for refusing to submit to sexual activity, or for reporting harassment; or (2) promise rewards in return for sexual favors; and/or
 - Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping.
2. **Sexual Assault** – Any sexual penetration or attempted sexual penetration that occurs without consent. This may involve receiving the touch or being made to touch another person.

3. **Inappropriate Sexual Contact** – Any sexual contact or attempted sexual contact that occurs without consent.
4. **Inducing Incapacitation** - This includes the provision of alcohol or other drugs to an individual, with or without that individual's knowledge, for the purpose of causing impairment or intoxication or taking advantage of that individual's impairment or intoxication for the purpose of engaging in conduct prohibited under this Policy.
5. **Sexual Exploitation** - Abusive utilization of another person's sexuality for illegitimate purposes, including but not limited to for personal benefit or sexual gratification.
6. **Media-Based Sexual Misconduct** - Photographing or taping someone (via audio, video or otherwise) involved in sexual activity, or in a state of undress, without his or her knowledge or consent. Even if a person consented to sexual activity, photographing or taping someone without his or her knowledge and agreement goes beyond the boundaries of that consent. Dissemination of photographs or video/audio of someone involved in sexual activity, or in a state of undress, without his or her knowledge or consent constitutes a separate and additional act of sexual misconduct.
7. **Relationship Violence (Including Domestic Violence and Dating Violence)** – Relationship violence is any intentionally violent or controlling behavior of one individual by a person who is currently or was previously in a relationship with that individual. Relationship violence may include actual or threatened physical injury, sexual violence, psychological or emotional abuse, and/or progressive social isolation. The existence of such a relationship is determined by considering the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
8. **Stalking** – More than one instance of unwanted attention, harassment, physical or verbal contact, or any other course of conduct directed at an individual that could be reasonably regarded as likely to alarm or place that individual in fear of harm or injury, including physical, emotional, or psychological harm. This includes cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, texts or other similar forms of contact are used to pursue, harass, or make unwelcome contact with another person. Stalking may include, but is not limited to:
 - a. observing or surveilling someone
 - b. following someone, or presenting at someone's home, school, or workplace
 - c. repeated verbal, written or electronic contact, refusal to discontinue contact after receiving a request to cease
 - d. vandalizing or interfering with personal or real property
 - e. providing unwanted gifts
 - f. any other pattern of threatening, intimidating or intrusive behavior
9. **Miscellaneous** - The inappropriate behaviors listed above are not an exhaustive list. The College may consider any other conduct that has a sexual or gender-based connotation under this Policy.

ACCESSING CONFIDENTIAL SUPPORT FOR SEXUAL MISCONDUCT

All Wellesley College students may access the following confidential support resources, who in addition to providing the services described, can assist students in exploring their options. A resource guide for students who have experienced sexual misconduct or persons supporting them may be found [here](#).⁴ This resource guide provides detailed information about the on campus resources listed below, as well as off-campus resources.

Confidential Resources⁵

RESOURCE	SERVICES PROVIDED
<p>Health Service wellesley.edu/healthservice (781) 283-2810</p> <p>M-F business hours; on call after hours 24/7 (academic term)</p> <p>Location: Simpson, 1st Floor</p>	<p>Specially trained Clinicians, Nurses & Health Educators can offer medical care, provide information about reporting options, and assist in accessing available resources, both on and off campus.</p> <p>Clinicians are available in Health Service during business hours and after hours by telephone for confidential consultation and support. Cost will not be a barrier to accessing care, medications, or testing at Health Service.</p>
<p>Stone Center Counseling Service wellesley.edu/counseling (781) 283-2839</p> <p>M-F 8:30 am-4:30 pm; after hours phone support 24/7/365</p> <p>Location: Simpson, 2nd Floor</p>	<p>The Stone Center Counseling Service staff provides free, confidential counseling to students for a wide range of mental health concerns, including sexual assault, relationship violence, and other related concerns. They can assist students in locating and accessing both on- and off-campus care and referrals.</p>
<p>Office of Religious & Spiritual Life wellesley.edu/religiouslife (781) 283-2685</p> <p>Office M-F 8:30 am – 4:30 pm; chaplains by appointment</p> <p>Location: Billings, 2nd and 3rd floors</p>	<p>The Office of Religious and Spiritual Life team provides confidential pastoral care and spiritual counseling to community members. The Religious Life Team is comprised of chaplains currently representing the Buddhist, Hindu, Jewish, Muslim, Protestant Christian, Roman Catholic Christian, and Unitarian Universalist religious traditions.</p>

These confidential resources will not share identifiable information without the Reporting Party's permission, unless:

- sharing is required to address imminent risk of harm to the safety of the campus community or the Reporting Party, or
- the Reporting Individual is a minor (under 18), in which case the Massachusetts Department of Children and Families must be notified.

⁴ <http://tinyurl.com/wcsmguide2015>

⁵ These resources can be treated as confidential resources to the extent they are functioning in their role in their respective offices: Health Services, Stone Center Counseling Services, and the Office of Religious & Spiritual Life.

REPORTING SEXUAL MISCONDUCT ON CAMPUS

To report to an incident of sexual misconduct, students may either:

1. Speak with the College's Title IX Coordinator or any of the College personnel listed below, or
2. Speak with a confidential resource and request that the confidential resource assist in reporting sexual misconduct to the College's Title IX Coordinator or any of the College personnel listed below.

The following persons are specially trained to assist with a variety of concerns related to sexual misconduct. They will share reports of sexual misconduct with the Title IX Coordinator, and each other on an as-needed basis, in order to assess risk to the community or Reporting Party(ies) and the need for immediate and other actions:

RESOURCE	SERVICES PROVIDED
<p>Title IX Coordinator, Kathryn H. Stewart (781) 283-2214</p> <p>Location: Human Resources, Green Hall 136</p>	<p>The Title IX Coordinator is available to provide information to students regarding the College's Title IX program, including policies, investigation process, and interim and other remedies, and works with other campus resources. The Title IX Coordinator is also available to work with off campus resources and offices at other institutions of higher education. The Title IX Coordinator takes primary responsibility for assessment of effectiveness of the College's Title IX program.</p>
<p>Wellesley College Police Department (Campus Police) wellesley.edu/police (781) 283-5555 (emergency) 24 hours a day / 365 days a year (781) 283-2121 (non-emergency)</p> <p>Location: Davis Parking Facility</p>	<p>Campus Police are available to respond immediately to reports of student sexual misconduct and provide assistance with obtaining medical treatment or accessing a medical evidence collection exam, assistance and support with on-campus accommodations, safety planning, a copy of the Notice of Victim's Rights, information on pursuing administrative or conduct charges on campus and/or legal action off campus, and more.</p> <p>If a student reports criminal activity that occurred within Wellesley College's jurisdiction, Campus Police will respond and investigate. Campus Police is obligated to share information about on-campus criminal activity with the Town of Wellesley Police (Town Police) because the College is within the jurisdictional boundaries of the Town.</p> <p>If a student reports criminal activity that occurred outside of Wellesley College's jurisdiction, Campus Police will take a preliminary report documenting the basic facts and is available to assist the student in working with the law enforcement department with jurisdiction.</p>
<p>Dean of Students Office Interim Dean of Students, Adele Wolfson Associate Dean of Students, Carol Bate</p> <p>wellesley.edu/studentlife/aboutus (781) 283-2322</p> <p>Location: 244 Green Hall</p>	<p>The Dean of Students and Associate Dean of Students are available to assist any student with concerns related to sexual misconduct. They also assess the need for and implement interim measures, and can connect students with on-campus resources, help liaise with other educational institutions, and more.</p>

RESOURCE	SERVICES PROVIDED
<p>Residential Life wellesley.edu/reslife (781) 283-2679 (Central Office, business hours) 24 hours a day / 365 days a year Location: Residence Director/ Area Coordinator Offices in Residence Halls</p>	<p>Professional live-in staff members are available for consultation or crisis response and can make referrals to Health Service or Counseling Service staff, support and advise students with concerns related to sexual misconduct, explain and help access reporting options or safety, housing, and academic accommodations, and more.</p> <p>Contacting Residential Life Staff After Hours: (781) 283-2121 Call Campus Police non-emergency line to contact Residential Life Professional staff member on call. Students do not have to disclose to Campus Police their reason for wishing to speak with the Residential Life Professional Staff member on call. If students do choose to disclose an instance of sexual misconduct to Campus Police in the course of this call, Campus Police will respond and investigate.</p>
<p>Academic Advising: Class Deans wellesley.edu/advising/classdeans (781) 283-2325 Location: Schneider Center 2nd floor</p>	<p>Class deans are ready to assist students with concerns related to sexual misconduct in negotiating academic matters. In addition to appropriate academic advising, they can consult on the College's rules and practices on academic matters, contact faculty on a student's behalf to assist in discussions of academic accommodations, coordinate with other campus resources, and more.</p>
<p>Provost and Dean of the College, Andy Shennan ashennan@wellesley.edu (781) 283-3583 Location: 349 Green Hall edu</p>	<p>The Provost may receive reports from Wellesley College students of Sexual Misconduct by Faculty</p>
<p>Assistant Vice President and Director of Human Resources and Equal Opportunity, Carolyn Slaboden cslabode@wellesley.edu (781) 283-2216 Location: 136 Green Hall</p>	<p>The Director of Human Resources may receive reports from Wellesley College students of Sexual Misconduct by Staff /or other people working on campus</p>

THE PROCESS⁶

Initial Assessment

After receiving a report of conduct that could fall under the Student Sexual Misconduct Policy, the Associate Dean of Students, and/or the Honor Code Administrative Coordinator, in consultation with the Title IX Coordinator⁷ will take a number of steps, as appropriate. These initial steps are not an investigation. Rather, these initial steps will enable the College to assess the need to take any immediate action to address the safety and health needs of the Reporting Party(ies) and the College community, and to determine the next steps for investigating the reported conduct and the need for any interim measures.

The Title IX Coordinator, the Associate Dean of Students, and/or the Honor Code Administrative Coordinator will notify the Reporting Party(ies) about: (a) the availability of the Student Sexual Misconduct Policy; (b) the right to report (or decline to report) the matter to Campus Police and/or to local law enforcement if the conduct is potentially criminal in nature; and (c) that a report to law enforcement will not change the College's obligation to potentially investigate the matter but it may briefly delay the timing of the investigation if a law enforcement agency requests that the College delay its process for a reasonable amount of time to allow it to gather evidence of criminal conduct.

If a disciplinary investigation is warranted, both Parties will receive written notice of the investigation and charge. All materials from the initial assessment will be shared with those conducting the disciplinary investigation.

If the Title IX Coordinator, the Associate Dean of Students, and/or the Honor Code Administrative Coordinator determines that the reported conduct would not, in any way, implicate the Student Sexual Misconduct Policy, he or she will advise the Reporting Party of such and refer the reported conduct to the appropriate administrator for handling consistent with appropriate College policy. (If new information is subsequently provided, the decision whether or not to investigate under the Student Sexual Misconduct Policy may be reevaluated.)

Interim Measures

The Associate Dean of Students, in consultation with the Title IX Coordinator, will determine the necessity for and scope of any interim measures. A Party may request, and the College may independently implement, interim measures at any time during the initial assessment and/or disciplinary process. The purpose of such interim measures is to ensure the safety of all individuals and to serve as preventative measures against further misconduct or retaliation. A Party's request for confidentiality may limit the College's ability to grant a request for interim measures in certain circumstances. Interim measures may include, but are not limited to:

⁶ The Parties are not permitted to make video, audio, or other electronic, photographic, or digital recordings of any meetings or proceedings held under the Student Sexual Misconduct Policy. The Title IX Coordinator may make exceptions to this prohibition in limited circumstances if he or she concludes, in his/her sole discretion, that a recording is warranted, and upon written request of the Party seeking the recording that explains the need for the recording.

⁷ Where the Title IX Coordinator is listed as the designated point of contact for any role in the Student Sexual Misconduct Policy, he or she may designate a Deputy Title IX Coordinator or another qualified member of the College community to assume the role at issue, as necessary and appropriate. The Dean of Students, Associate Dean of Students, or Honor Code Administrative Coordinator, may also designate a qualified member of the College community to assume the role at issue, as necessary and appropriate.

- Temporary changes to housing arrangements
- Interim suspension
- Alteration or removal of contact information listed on the College Directory
- No contact orders or no trespass orders
- Assistance in working with local law enforcement
- Support from Class Deans, including assistance communicating with faculty about academic accommodations and obtaining academic supports
- Referrals to on-campus or off-campus health or counseling services
- For recent sexual violence, coordination of an evidence collection exam at a hospital equipped with appropriate staff

Advisors

The Parties may access a support person trained in sexual misconduct by the College or bring an outside advisor of their choice to any meeting or interview. If it is determined that the Student Sexual Misconduct Policy is implicated, each Party, including any Reporting Party, may have a single advisor of his/her choice present during any College disciplinary proceeding, including any related meeting or proceeding, held pursuant to the Student Sexual Misconduct Policy. An advisor may not participate actively while present at any disciplinary proceeding. An advisor may advise a Party privately but may not confer with a Party while any meeting related to the disciplinary proceeding is in progress. An advisor is subject to the same confidentiality expectations applicable to others in attendance.

Disciplinary Investigation

If the initial assessment determines that the conduct in question falls under the Student Sexual Misconduct Policy, the College will initiate a disciplinary investigation. The purpose of the disciplinary investigation is to determine whether the alleged conduct violated this Policy and to address any violations through sanctions and additional measures, as appropriate.

Investigators

All investigators – internal or external – will be selected from a group of qualified and trained individuals employed by the College or engaged by the College for the purpose of conducting investigations under the Student Sexual Misconduct Policy. The Title IX Coordinator will designate at least one internal or external investigator to conduct a prompt, fair, and impartial investigation of the reported conduct and prepare a report of investigative findings (the “Investigative Report”). At the College’s discretion, more than one investigator may be assigned. The Title IX Coordinator will provide the Parties with the name of the person(s) assigned to investigate the reported conduct (the “Investigator(s)”). As soon as possible, but no later than three (3) calendar days after receiving notice of the identity of the Investigator(s), the Parties should inform the Title IX Coordinator (in writing) of any conflicts or potential conflicts of interest with regard to the selected Investigator(s). The Title IX Coordinator will consider the nature of the conflict and determine if different individuals should be assigned as Investigator(s). The Title IX Coordinator’s decision regarding any conflicts is final.

Nature of the Investigation

The disciplinary investigation will include one or more interviews with the Reporting Party(ies), the Responding Party, and witnesses as determined by the investigator; the gathering of any physical, documentary, or other relevant and available evidence; and an opportunity for the Parties to present written statements, identify witnesses and submit other evidence.

Conducting the Investigation

The investigation will include separate interviews with the Reporting Party(ies), the Responding Party, and any witnesses whom the Investigator(s) believe will provide necessary and relevant information. The investigation may include the review of documentation or other items relevant to the reported conduct. The Investigator(s) will provide the Parties with written notice of meetings at which their presence is required.

The Parties' Identification of Potential Witness and Documentation

The Parties have the opportunity (and are expected) to provide the Investigator(s) with the identification of potential witnesses who have specific information about the reported conduct and with whom they would like the Investigator(s) to speak. The Parties also have the opportunity (and are expected) to provide the Investigator(s) any documentation or other items they would like to be considered. All information described in this section must be presented to the Investigator(s) in writing and include a brief description as to how the persons, documents, and/or items are relevant to the reported conduct. This information must be provided to the Investigator(s) during the investigation phase and without delay upon becoming aware of it. The Investigator(s) will exercise discretion in their determination of what information to consider and which potential witnesses identified by the Parties can provide relevant information to the investigation.

Investigation Prohibitions

Neither Party will be permitted to question or cross-examine the other Party during the investigation or disciplinary proceedings. Moreover, the Investigator(s) generally will not consider information related to either Party's sexual history outside of the conduct in question.

The Standard of Proof

The investigators will apply the preponderance of the evidence standard in determining whether the Responding Party has violated this Policy. Under this standard, determinations of responsibility are based upon what is more likely than not to have occurred.

Please note that the preponderance of the evidence standard is not the standard used for criminal culpability in most jurisdictions and a determination of responsibility under the Student Sexual Misconduct Policy does not equate with a finding of a violation of criminal laws. More information about the Massachusetts laws and definitions of certain crimes that may be relevant to the Student Sexual Misconduct Policy can be found [here](http://www.wellesley.edu/studentlife/aboutus/handbook/campus/definitions).⁸

⁸ <http://www.wellesley.edu/studentlife/aboutus/handbook/campus/definitions>

Report and Recommendation

At the conclusion of the Investigation Phase, the Investigator(s) will prepare an Investigative Report, which should include a summary of the factual information presented during the Investigation Phase, a separate section where the Investigator(s) point out relevant consistencies or inconsistencies (if any) between different sources of information, and a separate section describing the Investigator(s)' perception of the demeanor of the individuals interviewed. The Investigative Report will include a recommendation by the Investigator(s) as to whether a Party has violated the Student Sexual Misconduct Policy and a summary of the Investigator(s)' rationale.

Review by the Parties

The Parties will have an opportunity to review the Investigative Report and may submit written comments about the content of the Investigative Report to the Investigator(s) within five (5) calendar days of the date they are notified that the Investigative Report is available for review. This review will take place at a secure location and in a secure manner determined by the College. The time to submit written comments can be extended for a brief period if the Title IX Coordinator concludes, in his/her sole discretion, that the additional time is warranted, and upon written request of the Party seeking the extension that explains the reason the additional time is necessary. Likewise, the secure location and manner of reviewing the Investigative Report can be modified if the Title IX Coordinator deems it necessary and appropriate. The Parties may have the advisors review the Investigative Report with them. Photographs or any other copies of the Investigative Report are not allowed by either Party or the advisors. The comments submitted by the Parties may not exceed ten (10) double spaced pages. After reviewing the submissions, if any, from the Parties, the Investigator(s) may determine that either additional investigation is required or no further investigation is needed. If further investigation is conducted, the Investigator(s) will include any additional relevant information in the Investigative Report. The Investigative Report will then be submitted to the Title IX Coordinator and Dean of Students. Any submissions made by either Party pursuant to this section, as well as any other documentation deemed relevant by the Investigator(s), will be attached to the Investigative Report.

The Investigator(s) will meet with the Dean of Students and one Dean's Administrative Designee from Honor Code Council to present the written report and recommendation with respect to responsibility for conduct violations including a summary of the investigators' rationale. Upon approval of the final report and findings, the Dean of Students and Dean's Administrative Designee from Honor Code Council will determine whether the Responding Party is responsible for violating this Policy.

Sanctions, Remedies and Rationale

If the Responding Party is found to be responsible for violating this Policy, the Dean of Students and one Dean's Administrative Designee from Honor Code Council will determine the appropriate sanction(s) and remedies. Factors that are considered in determining sanctions and remedies may include the need to eliminate a hostile environment, prevent further misconduct, promote safety, and deter students from similar future behavior.

Scope of Sanctions

Sanctions may include, but are not limited to, one or more of the following: expulsion, suspension, probation, reprimand, warning, restitution, educational/counseling requirement, no-contact order, restriction from extracurricular programs or activities, loss of leadership opportunity or positions in activities, housing restriction/relocation, and/or restriction from College employment.

Considerations

In determining an appropriate sanction, the Panel may take into account the following:

- The nature and circumstances of the misconduct.
- The impact of the misconduct on the Reporting Party(ies).
- The impact of the misconduct on the College community.
- The disciplinary history of the Party deemed responsible.
- Any other mitigating or aggravating circumstances in order to reach a fair and appropriate resolution in each case.

Additional Remedies

The Panel may also identify additional remedies to address the effects of the conduct on the impacted Party. Remedies may include extending or making permanent any interim or safety measures.

Notification of Finding

Both parties will be notified of the resolution in person and in writing by the Dean of Students and a Dean's Administrative Designee from Honor Code Council. The notification will include (1) the outcome of the disciplinary proceeding set forth above; and (2) the procedures for either Party to appeal the result of the disciplinary proceeding.

Appeals

Within 10 business days of the College sending the student notice of the outcome of the disciplinary proceeding, either Party may appeal the decision by submitting to the Title IX Coordinator or Dean of Students a letter stating why the Party requesting the appeal believes the determination of responsibility and/or the sanctions were inappropriate. A Party may only appeal on the following grounds:

- Significant procedural error that materially prejudiced the Party requesting review; and/or
- Newly discovered material information that was not known or available to the Party requesting review and which likely would have changed the finding of responsibility or the sanction imposed had it been available.

The Party submitting the appeal must set forth in detail the grounds for review and must attach all materials that he or she wishes to have considered in the appeal process. The Title IX Coordinator or Dean of Students will provide a copy of the appeal submitted by one Party to the other Party.

A Review Team consisting of the Provost and a trained member of the Office of Human Resources will consider the appeal. The Review Team will also consider the investigator's report, and the notification of finding letter. Upon consideration of an appeal, the Review Team may (1) deny its validity; or (2) remand to the Investigators for a supplementary investigation and report or, in rare circumstances, new investigation of the case.

Transcript Notation

As with any Honor Code case, sanctions of suspension, dismissal, and expulsion will be noted on a student's transcript.

Administrative Notification

Findings of responsibility for violating this Policy will be shared by the College on a need-to-know basis. Below are some examples of when this information may be shared and with whom:

1. The class dean(s) of the individual deemed responsible will be informed of the nature of all charges and findings so that s/he can be available to advise the student on academic matters.
2. A College department, individual, or committee, including but not limited to a Student Life department director (if the sanction pertains to that particular Student Life area), and the Registrar (when a grade change or transcript notation is sanctioned) will be informed of a sanction that they must assist in implementing.
3. The Advisor to International Students and Scholars will be notified if a responding party is found responsible for violating this Policy and receives a finding or sanction that may affect the responding party's immigration status.
4. The Fellowship, Internship, or Health Professions Advisory Committees, or the pre-law advisor will be notified of any applicants for a Wellesley program, Wellesley funding, or support from Wellesley who were found responsible for violating this Policy.
5. A designated officer of Phi Beta Kappa will be notified of any candidates for election who were found responsible for violating this Policy and who received a sanction that would make them ineligible to meet the Chapter's national standards.
6. The home institution of a visiting student found responsible for violating this Policy will be notified.

The above listing is not exhaustive, and the College may need to exercise its discretion to make other disclosures, depending on specific circumstances.

Timing

The College cannot promise the definitive timeframe of this process, but ordinarily will complete its investigation and disciplinary process, if any, within sixty (60) days of the delivery of the written notice of the investigation to the Parties to be consistent with the U.S. Department of Education guidance. This time period does not include the time for any appeal. The U.S. Department of Education has made clear that the length of investigations may vary with the

complexity and unique factors in each case. Examples of such factors include, without limitation, circumstances in which critical witnesses are unavailable or if law enforcement requests the College temporarily halt its investigation for a brief period of time. Accordingly, all timeframes set forth in this Policy may be altered by the Title IX Coordinator for good cause. The College's overarching goal is that all sexual misconduct complaints be investigated in a prompt, fair, and impartial manner.

ADDITIONAL MATTERS

Confidentiality & Request for No Action

If a person reports an incident of sexual misconduct to any non-confidential resource at the College and requests that the College take no action in response or hold the individual's name in confidence, the Associate Dean of Students, in consultation with the Title IX Coordinator, will weigh the request against the College's obligation to address imminent risk of harm to the safety of the campus community or the individual. Factors that would be considered include, but are not limited to, whether:

- The Responding Party is likely to commit acts of violence in the future
- A weapon or threat of physical violence was used during the sexual misconduct
- The Complaining or Reporting Party is a minor (under the age of 18)
- The reported misconduct reveals a potential pattern of sexual misconduct committed by a group or at a particular location

The presence of one or more of the above factors may obligate the College to investigate the incident and, if appropriate, pursue conduct action against the Responding Party. If the College is unable to grant a request for confidentiality, the Associate Dean of Students will inform the individual requesting confidentiality of her decision prior to investigating the incident, and will, to the extent possible, only share information with those who need to know to address any imminent risk of harm to the campus community and/or the individuals involved.

If an individual's request for confidentiality or for the College to limit its investigation is granted, this could impact the College's ability to investigate the incident and address the behavior in question. As a result, the College will weigh these requests very carefully and will inform the Complaining or Reporting Parties of her or his ability to reinstate an investigation into the conduct at a future time.

Special Situations

The College retains the right to determine, in its sole discretion, if it will address a report of conduct that falls under the Student Sexual Misconduct Policy administratively and outside of the process described herein when the safety of the College community is at risk, if the material facts are undisputed, if there are extenuating circumstances involving either of the Parties, or if the Title IX Coordinator, in consultation with appropriate administrators, determines it is in the best interest of the College and/or the community to do so.

Alcohol and Other Drugs

The use of alcohol or other drugs by a responding party shall not be considered as a mitigating factor in determining whether a responding party has violated this Policy, and may be considered an aggravating factor in setting sanctions.

REPORTING TO OFF CAMPUS LAW ENFORCEMENT OR OTHER EDUCATIONAL INSTITUTIONS

A Wellesley College student who has experienced sexual misconduct may choose to report or not report the misconduct to off-campus law enforcement.

Off Campus Law Enforcement

Either independently or with the help of Campus Police, Reporting Party(ies) may contact local or state police or law enforcement at other educational institutions for information about off-campus procedures and options. For more detailed information about reporting to outside law enforcement, please see the [Resource Guide](#).⁹

Other Educational Institutions

A Wellesley College student who has experienced sexual misconduct by a student from another educational institution may choose to report or not report the misconduct to the other educational institution. All of the support and resource persons listed above, including confidential resources, are available to assist a student who wishes to explore options or report sexual misconduct to another educational institution.

STUDENT EDUCATION, AWARENESS, AND TRAINING

To support students in educating, empowering, and engaging themselves in preventing sexual misconduct and responding to its effects, Wellesley College offers education and training to incoming students before their arrival on campus, as well as continuing opportunities for skill-building to student leaders and all enrolled students. The College also supports and collaborates with [Sexual Assault Awareness for Everyone \(SAAFE\)](#),¹⁰ a student organization dedicated to educating the Wellesley College community about sexual assault and how to best support student survivors, and fighting to end rape culture on campus and beyond. SAAFE members are able to connect students to confidential professional resources. For more about the College's efforts or to request an educational workshop see the [Health Education website](#).¹¹

⁹ <http://tinyurl.com/wcsmguide2015>

¹⁰ <http://www.wellesley.edu/healthservice/healthed/peers>

¹¹ <http://www.wellesley.edu/healthservice/healthed/students/sexual-violence-education->