



**POLICY ON PROHIBITED DISCRIMINATION,
HARASSMENT, AND RETALIATION**

TABLE OF CONTENTS

I. OVERVIEW 1

II. DISCRIMINATION, HARASSMENT, AND RETALIATION PROHIBITED 3

 A. Protected Characteristics..... 3

 B. Prohibited Conduct 5

III. REPORTING OPTIONS AND PROCEDURES..... 8

 A. Reporting to Law Enforcement..... 8

 B. Confidential Support..... 8

 C. Confidential Reporting..... 10

 D. Reporting Prohibited Conduct to Seminary Officials..... 10

 E. Required Reporting by Wesley Personnel 11

IV. CONFIDENTIALITY 11

V. PROCEDURES FOR ADDRESSING REPORTS ALLEGING PROHIBITED CONDUCT
..... 12

 A. Initial Assessment of Reports of Prohibited Conduct..... 12

 B. Informal Resolution of Reports 13

 C. Resolution of Formal Complaints..... 13

VI. SUPPORTIVE MEASURES 14

VII. ADMINISTRATIVE LEAVE AND EMERGENCY REMOVAL..... 15

 A. Administrative Leave for an Employee 15

 B. Emergency Removal of a Student, Dormitory Resident, or Third Party 15

VIII. COMPLIANCE WITH SUPPORTIVE MEASURES, PROTECTIVE MEASURES,
REMEDIES, AND SANCTIONS 15

**WESLEY THEOLOGICAL SEMINARY
POLICY ON PROHIBITED DISCRIMINATION,
HARASSMENT, AND RETALIATION**

I. OVERVIEW

The mission of Wesley Theological Seminary (“**Wesley**” or “**the Seminary**”) is to equip persons for Christian ministry and leadership in the church and the world, to advance theological scholarship, and to model a prophetic voice in the public square. In furtherance of this mission, Wesley is committed to fostering a diverse and inclusive employment and learning environment in which faculty, staff, and students can work, study, and live together in an atmosphere free of all forms of discrimination, harassment, exploitation, or intimidation. This includes a commitment to complying fully with all applicable federal and District of Columbia laws prohibiting discrimination, harassment, and retaliation.

This Policy on Prohibited Discrimination, Harassment and Retaliation (“**Policy**”) applies to the Seminary as an institution and to all members of the Seminary community including employees, students, dormitory residents (whether Seminary students or not), and members of the Board of Governors. This Policy also governs third parties such as vendors, contractors, volunteers, and other visitors to the Seminary’s campus. This Policy applies to all Prohibited Conduct, defined as conduct set forth in Section II(B) below that occurs in connection with Seminary education programs and activities, which include (a) employment at the Seminary; (b) admissions and other education-related activity; (c) any activity on Wesley’s campus, including in the Seminary’s dormitories; and (d) off-campus Wesley-sponsored programs and activities where the Seminary exercises substantial control over both the person alleged to have committed Prohibited Conduct and the context in which the Prohibited Conduct occurs. Prohibited Conduct that occurs online (by email, text, instant message, social media post, etc.) and that impacts a Seminary education program or activity is covered by this Policy regardless of the physical location where such online conduct took place.

Any person who believes that they have been subjected to conduct prohibited under this Policy or who is aware of conduct prohibited under this Policy directed against another person is strongly encouraged to report what occurred. As discussed in this Policy, options are available for making reports anonymously or to a Seminary official responsible for coordinating the Seminary’s response to the report.

This Policy should be read in conjunction with the Seminary’s Prohibited Conduct Complaint Procedures and the Seminary’s Title IX Sexual Harassment Complaint Procedures (together, the “**Complaint Procedures**”). Additional information regarding Wesley’s commitment to a diverse and inclusive employment and educational community may be found in the Seminary’s Commitment to Diversity, Equity, and Inclusion.

As the term is used in this Policy, a “**Complainant**” is a person who is alleged to have been subjected to conduct that could constitute Prohibited Conduct. A “**Respondent**” is a person who is alleged to have committed conduct that could constitute Prohibited Conduct. “**Party**” refers to both Complainants and Respondents.

A “**Report**” is an allegation that a member of the Seminary community has engaged in Prohibited Conduct in connection with a Seminary education program or activity. A Report may be submitted by an alleged victim of Prohibited Conduct or by any member of the Seminary community who becomes aware of Prohibited Conduct. Reports may be made orally or in writing and may be made in person, by telephone, by mail, or by email.

A “**Formal Complaint**” is a type of Report, made by a Complainant or instituted by a Responsible Official (defined below), that is in writing and requests an investigation into an allegation of Prohibited Conduct. A Formal Complaint should include (a) the Complainant’s name and contact information; (b) the Respondent’s name and contact information, if known; (c) a description of the incident or incidents constituting Prohibited Conduct, including the date and location where each incident occurred; and (d) a handwritten or electronic signature. A Complainant may file a Formal Complaint in person, by mail, or by email. A Formal Complaint submitted electronically must contain the Complainant’s digital signature or otherwise indicate that the Complainant is the person filing the Formal Complaint.

All Formal Complaints other than those alleging Title IX Sexual Harassment (as defined in Section II(B)(5), below) are subject to the Seminary’s Prohibited Conduct Complaint Procedures. Formal Complaints alleging Title IX Sexual Harassment are subject to the Seminary’s Title IX Sexual Harassment Complaint Procedures.

The following Seminary officials (the “**Responsible Officials**”) are tasked with coordinating the Seminary’s response to Reports (including Formal Complaints) alleging Prohibited Conduct:

- (1) The Seminary’s Title IX Coordinator has primary responsibility for Reports alleging sex discrimination, including Title IX Sexual Harassment, whether committed by an employee, a student, or another member of the Seminary community. Contact information for the Title IX Coordinator:

Karen Santiago
Title IX Coordinator
Wesley Theological Seminary
Room S-134
4500 Massachusetts Ave., N.W.
Washington, D.C. 20016
(202) 664-5683
ksantiago@wesleyseminary.edu

- (2) The Seminary’s Director of Human Resources has primary responsibility for Reports alleging other Prohibited Conduct committed by an employee or by any other member of the Seminary community except a Wesley student. Contact information for the Director of Human Resources:

Maggie Ayers
Director of Human Resources
Wesley Theological Seminary
Room TG-06
4500 Massachusetts Ave., N.W.
Washington, DC 20016
(202) 664-5682
mayres@wesleyseminary.edu

- (3) The Associate Dean of Community Life has primary responsibility for Reports alleging Prohibited Conduct committed by a Wesley student. Contact information for the Associate Dean of Community Life:

Rev. W. Antoni Sinkfield, Ph.D.
Associate Dean of Community Life
Wesley Theological Seminary
Room T-105
4500 Massachusetts Ave., N.W.
Washington, DC 20016
(202) 885-8614
wsinkfield@wesleyseminary.edu

Members of the Seminary community are encouraged to contact these individuals for assistance in understanding and initiating action under this Policy and the related Complaint Procedures.

II. DISCRIMINATION, HARASSMENT, AND RETALIATION PROHIBITED

A. Protected Characteristics

The Seminary prohibits discrimination or harassment against any individual in employment, in admissions, in student housing, or otherwise in connection with Wesley’s educational programs and activities, based on any of the following actual or perceived personal characteristics of that individual (“**Protected Characteristics**”):

- (1) “**Race**,” which means a person’s ancestry or ethnicity.
- (2) “**Color**,” which means a person’s skin pigmentation or complexion.
- (3) “**National origin**,” which means the country or area where a person’s ancestors are from.
- (4) “**Age**,” which means the number of years since a person’s birth (applies to persons 18 years of age or older).
- (5) “**Sex**,” which means a person’s gender. Discrimination based on sex includes, but is not limited to, discrimination based on pregnancy, childbirth, or related medical conditions.

- (6) “**Sexual orientation**,” which means homosexuality, heterosexuality, bisexuality, or other types of sexual orientation, by preference or practice.
- (7) “**Gender identity or expression**,” which means a gender-related identity, appearance, expression, or behavior of an individual, regardless of the individual’s assigned sex at birth.
- (8) “**Marital status**,” which means the state of being married, in a domestic partnership, single, divorced, separated, or widowed and the usual conditions associated therewith, including pregnancy or parenthood.
- (9) “**Familial status**,” which means one or more individuals under 18 years of age being domiciled with: (1) a parent or other person having legal custody of the individual; or (2) the designee, with written authorization of the parent, or other persons having legal custody of individuals under 18 years of age. The protection afforded against discrimination based on familial status shall apply to any person who is pregnant or in the process of securing legal custody of any individual under 18 years of age.
- (10) “**Family responsibilities**,” which means the state of being, or the potential to become, a contributor to the support of a person or persons in a dependent relationship, irrespective of their number, including the state of being the subject of an order of withholding or similar proceedings for the purpose of paying child support or a debt related to child support.
- (11) “**Disability**,” which means a physical or mental impairment that substantially limits one or more of the major life activities of an individual having a record of such an impairment or being regarded as having such an impairment.
- (12) “**Personal appearance**,” which means the outward appearance of any person, irrespective of sex, regarding their bodily condition or characteristics, manner or style of dress, and manner or style of personal grooming including but not limited to hair style and beards.
- (13) “**Genetic information**,” which means information about the presence of any gene, chromosome, protein, or certain metabolites that indicates or confirms that an individual or an individual’s family member has a mutation or other genotype that is scientifically or medically believed to cause a disease, disorder, or syndrome, if the information is obtained from a genetic test.
- (14) “**Political affiliation**,” which means the state of belonging to or endorsing any political party.
- (15) “**Matriculation**,” which means the condition of being enrolled in a college, or university; or in a business, nursing, professional, secretarial, technical or vocational school; or in an adult education program.
- (16) “**Source of income**,” which means the origin of a person’s finances.

- (17) “**Credit information**,” which means any written, verbal, or other communication of information bearing on an employee’s creditworthiness, credit standing, credit capacity or credit history.
- (18) “**Place of residence or business**,” which means the geographical location of a person’s home or work.
- (19) “**Status as a victim of intrafamily offense**,” which means status as person who was subjected to domestic violence, sexual assault, or stalking.
- (20) “**Status as a victim or family member of a victim of domestic violence, a sexual offense, or stalking**,” which means status as a person or a family member of a person who has experienced domestic violence, a sexual offense, or stalking.
- (21) “**Status as a veteran**,” which means status as a person who serves or served on active duty in the armed forces of the United States and includes without limitation disabled veterans.

B. Prohibited Conduct

The following acts by a member of the Seminary community occurring in connection with Seminary education programs and activities constitute “**Prohibited Conduct**” under this Policy:

- (1) “**Discrimination**,” which occurs when an individual or a group is subjected to adverse action based on a Protected Characteristic. With respect to certain Protected Characteristics, including but not limited to a disability, discrimination also occurs when an employer or educational institution fails to provide reasonable accommodations to that person.
- (2) “**Discriminatory Harassment**,” which is unwelcome conduct toward another person, including but not limited to conduct (including online conduct) that denigrates or shows hostility toward that person, based on an actual or perceived Protected Characteristic of that person and that to a reasonable person (a) has the purpose or effect of creating an intimidating, hostile, or offensive work or educational environment, (b) has the purpose or effect of unreasonably interfering with an individual’s work or educational performance; or (c) otherwise adversely affects an individual’s employment or educational opportunities.
- (3) “**Retaliation**,” which means any attempt to intimidate, threaten, coerce, or discriminate against an individual (a) for the purpose of interfering with that individual’s rights under this Policy or under any nondiscrimination law; or (b) because the individual has made a Report under this Policy or under any nondiscrimination law, or has testified, assisted, participated, or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy, the Complaint Procedures, or under any nondiscrimination law.
- (4) “**Sexual Harassment**,” which is a form of discriminatory harassment against a person based on that person’s sex. Sexual harassment can occur regardless of the sex, gender

identity, or sexual orientation of the persons involved. As used in this Policy and in applicable nondiscrimination laws, the term “Sexual Harassment” broadly encompasses the following types of sexual misconduct:

- (a) **“Hostile environment sexual harassment,”** which includes (except as to Title IX Sexual Harassment) unwelcome conduct on the basis of sex, determined by a reasonable person to be so severe, pervasive, or objectively offensive that it effectively denies a person equal access to Wesley’s education programs or activities. As to Title IX Sexual Harassment, “hostile environment sexual harassment” includes unwelcome conduct on the basis of sex, determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Wesley’s education programs or activities. In either case, such conduct may include, but is not limited to, unwelcome sexual advances, requests for sexual favors, or other unwelcome verbal, nonverbal, or physical acts.
- (b) **“Quid pro quo sexual harassment,”** which occurs when (i) a Wesley employee, (ii) conditions the provision of an aid, benefit, or service provided by Wesley, (iii) on an individual’s participation in unwelcome sexual conduct.
- (c) **“Sexual assault,”** which includes any sexual act directed against another person without that person’s consent, including instances where the victim is incapable of giving consent.
 - **“Consent”** is an affirmative, knowing, unambiguous, conscious, and voluntary decision by each participant to engage in mutually agreed-upon sexual activity, given by clear actions and/or words.
 - Consent may not be inferred from silence, passivity, lack of resistance or lack of an active response alone.
 - A person cannot consent if they are under the threat of violence, bodily injury, or other forms of coercion. Consent must be given with rational and reasonable judgment; thus, if a person is physically incapacitated from the consumption of alcohol or drugs, unconsciousness, or any other inability preventing them from acting with reasonable judgment, consent cannot be given or obtained.
 - Consent to some form of sexual activity does not imply consent to other forms of sexual activity. Consent to sexual activity on one occasion is not consent to engage in sexual activity on another occasion. A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be mutual consent to engage in sexual activity. Consent must be ongoing throughout a sexual encounter and can be revoked at any time. Once consent is withdrawn, the sexual activity must stop immediately.

Sexual assault includes the following offenses:

Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory rape: Sexual intercourse with a person who is under the statutory age of consent.

- (d) **“Domestic violence,”** which includes crimes of violence committed against an individual:
 - i. by a current or former spouse or intimate partner of the victim,
 - ii. by a person with whom the victim shares a child in common,
 - iii. by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
 - iv. by a person similarly situated to a spouse of the victim, or
 - v. by any other person against an adult or youth victim who is protected from that person’s acts under District of Columbia or applicable state domestic or family violence laws.
- (e) **“Dating violence,”** which refers to violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
- (f) **“Stalking,”** which occurs when an individual engages in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or to suffer substantial emotional distress.
- (g) **“Sexual exploitation,”** which occurs when a person takes non-consensual, unjust or abusive sexual advantage of another person for their own benefit or for the benefit of anyone other than the person being exploited and which conduct does not otherwise constitute sexual harassment or assault under this policy. Examples of sexual exploitation include but are not limited to non-consensual video/audio taping of sexual activity by any electronic device; non-consensual sharing of a consensually made video/audio tape of sexual activity; prostituting another individual; going beyond the boundaries of consent given, such as by secretly allowing others to watch consensual sex; or voyeurism of a sexual nature.

- (5) **“Title IX Sexual Harassment,”** which is specific discriminatory behavior defined and prohibited by Title IX of the U.S. Education Amendments of 1972. Title IX Sexual Harassment includes those prohibited behaviors defined in sections (4)(a) – (4)(f) above when (a) occurring against a person in the United States; (b) by a Seminary employee, student, or other member of the Seminary community; (c) in connection with a Seminary education program or activity, which includes locations, events, or circumstances where the Seminary exercises substantial control over both the Respondent and the context in which the harassment, discrimination, and/or retaliation occurs. As addressed below, Formal Complaints alleging Title IX Sexual Harassment are subject to procedures specific to such claims.
- (6) **“Violation of Supportive Measures or Remedies,”** which means a violation of Supportive Measures or Remedies (such as a “no contact” directive) put in place under this Policy or under the Complaint Procedures.

III. REPORTING OPTIONS AND PROCEDURES

A. Reporting to Law Enforcement

The Seminary encourages all individuals to report all conduct that may be criminal in nature (including but not limited to sexual assault) to appropriate law enforcement authorities. The District of Columbia Metropolitan Police Department (“MPD”) advises citizens to call 911 (a) if the incident involves a violent crime, an intra-family incident or offense, a weapon, or serious injuries; (b) if the suspect is on the scene or in the immediate vicinity; or (c) in the event of an emergency, or if an individual needs immediate assistance. Reports of criminal conduct can also be made by calling 311 or in person at an MPD station. Certain property-related crimes such as theft can also be reported online at the MPD website, <https://mpd.dc.gov>.

B. Confidential Support

Confidential support is available to victims of Prohibited Conduct.

Within the Seminary, the Program Coordinator for Student Care serves as a confidential support resource for Wesley students. The Program Coordinator for Student Care will maintain the confidentiality of all communications with a victim of Prohibited Conduct except in the situations where (a) the conduct involves abuse of a minor, elder, or person with a disability; (b) there appears to exist an immediate threat or risk of harm to the physical safety of an individual; or (c) as required by law or a court order. Contact information for the Program Coordinator for Student Care is:

Dr. Lisa C. Banks-Williams, D.Min., M.Div., MSN, PMHCNS-BC
Program Coordinator for Student Care
Straughn Hall SG33
lwilliams@wesleyseminary.edu
202-885-8626

Because the Program Coordinator for Student Care serves as a confidential support resource, communications with the Program Coordinator for Student Care do not constitute a “Report” and do not serve to put the Seminary on notice of an allegation of Prohibited Conduct.

Under arrangements with American University, Wesley employees and students may seek confidential support from ordained clergy at American University's Kay Spiritual Life Center. Contact and other information regarding the Kay Spiritual Life Center is available at <https://www.american.edu/ocl/kay/>.

Several organizations outside the Seminary provide confidential support for victims of sexual harassment (including victims of sexual assault, domestic violence, dating violence, sexual exploitation, and stalking). Such organizations have no obligation to report what they learn to the Seminary. Victims of sexual harassment who may benefit from this support are encouraged to contact one or more of the following:

DC Victim Hotline

Call or text: 1-844-443-5732 (24/7 hotline)

Chat online: <https://chat.victimsofcrime.org/dcvictim/>

(Sexual assault survivors in DC looking to access a medical forensic exam, including free Uber to hospital for Medical Forensic Exam, and/or advocate)

Network for Victim Recovery of DC (NVRDC)

<https://www.nvrdc.org/>

(Advocacy, case management and legal services to victims of all types of crime regardless of income)

DC Rape Crisis Center

<http://www.drapecrisiscenter.org>

(202) 333-RAPE (24/7 hotline)

Tools for Survivor Page: <http://dcrcc.org/counseling/no-straight-path/tools-for-survivors/>

ASK DC (Assault Services. Knowledge)

<http://www.uaskdc.org>

(Comprehensive listing of all assault support hotlines and services in DC; app also available)

RAINN: Rape, Abuse, and Incest National Network

<http://www.rainn.org> (Online chat)

1-800-656-HOPE (24/7 hotline)

(App also available)

The Women's Center

<https://thewomenscenter.org/>

(Free therapy for adult sexual assault survivors who live in or were assaulted in D.C.)

C. Confidential Reporting

An individual who wishes to report Prohibited Conduct on a confidential basis may do so by calling the Campus Conduct Hotline (866-943-5787), which is operated by an organization independent of Wesley. Individuals who call the Campus Conduct Hotline may make Reports on an anonymous basis. Trained personnel will provide the caller with a randomly generated case number, interview the caller, take notes of the call (calls are not recorded), and forward a summary of the interview to the Seminary for appropriate action. Callers who wish to provide their name and contact number will receive an update call back from the Hotline, which may include a request for additional information. Callers who wish to remain anonymous may receive update information by calling the Hotline and providing the assigned case number.

The Campus Conduct Hotline may also be used to report misconduct not covered by this Policy that is harmful, unethical, questionable, or causes injury. Types of activity or behavior not covered by this Policy appropriate for reporting to the Campus Conduct Hotline include crime; fraud, including fraudulent financial or business practices; safety or facility risk issues; security and internet policy abuses; code of conduct violations; workplace hostility; and any other questionable behavior.

D. Reporting Prohibited Conduct to Seminary Officials

To ensure that the Seminary is aware of and able to address a Report alleging Prohibited Conduct, it is important the Seminary have “**Actual Notice**” of that Report. Actual Notice occurs only when a Report has been made, orally or in writing, to one of the Seminary employees listed below, each of whom will take steps so that the Report is forwarded to the appropriate Responsible Official. Actual Notice triggers the Seminary’s obligation to respond to the Report in accordance with this Policy and the related Complaint Procedures.

- (1) Title IX Coordinator, Karen Santiago.
- (2) Director of Human Resources, Maggie Ayers.
- (3) Associate Dean of Community Life, W. Antoni Sinkfield.
- (4) Academic Dean, Philip Wingeier-Rayo.
- (5) Vice President for Finance and Administration, Jeffrey C. Straits.
- (6) President of the Seminary, David McAllister-Wilson.
- (7) Solely with respect to Reports alleging employment discrimination, any Seminary employee who supervises other employees or contractors.

Actual Notice has not occurred if a Report is submitted to a Seminary employee other than one of the individuals listed above. In addition, Actual Notice has not occurred if the only Seminary official who receives a Report is the named Respondent.

Although notice to any of the officials listed above will be sufficient to trigger the Seminary’s response to a Report, members of the Seminary community are requested to submit Reports in the first instance to the relevant Responsible Official as described in Section I, above.

The Seminary presumes that Reports alleging Prohibited Conduct are made in good faith. A finding at the conclusion of a Formal Complaint process that the allegations are erroneous or that the conduct alleged does not violate this Policy does not mean that the Report was filed in bad faith. However, knowingly submitting a false Report, or knowingly making false statements or submitting false information to a Seminary official or representative in connection with a Report, is a violation of this Policy and may result in sanctions imposed by the Seminary up to an including dismissal as an employee or expulsion as a student. This prohibition applies to any Party or witnesses who knowingly provides false testimony or information.

E. Required Reporting by Wesley Personnel

All Seminary employees (including student employees) other than the Program Coordinator for Student Care (who serves as a confidential resource) are required to report Prohibited Conduct that becomes known to them. This applies without regard to whether the employee is an ordained clergy member, since information that becomes known to such an employee regarding Prohibited Conduct is deemed to come to them in their capacity as a Seminary employee. Reports should be made to the Title IX Coordinator, the Director of Human Resources, or the Associate Dean of Community Life, in accordance with Section I, above.

As required by the Seminary’s Sexual Abuse of Minors Policy, any member of the Seminary community who knows, or has reasonable cause to believe, that a Protected Person (as defined in that policy) has been a victim of sexual abuse during or as the result of activity covered by the Policy shall immediately report such knowledge or belief to Wesley’s Title IX Coordinator, or if the Title IX Coordinator is not available to the Seminary’s President, Dean, Associate Dean for Community Life, Director of Human Resources, or other Seminary administrative official.

IV. CONFIDENTIALITY

The Seminary seeks to handle Reports submitted under this Policy with dignity toward all concerned, with discretion, and in such a manner as to protect the confidentiality of the process to the extent reasonably possible. Wesley employees (and any outside professionals retained by Wesley) who serve as investigators or decision-makers or who otherwise participate in the process on the Seminary’s behalf shall treat all information obtained through the process as confidential. All other participants in the process, including the Complainant, the Respondent, advisors to the Complainant or Respondent, and witnesses, are encouraged to treat the process and any information they learn through the process as confidential, and to discuss the matter only with other individuals who have a genuine need to know.

While Wesley seeks to maintain confidentiality throughout the handling of a Report, complete confidentiality cannot be guaranteed. Situations where information regarding the allegations made

or regarding the process of handling a Report may be disclosed by the Seminary include, for example:

- (1) Where disclosure is needed to conduct an effective investigation or to conduct an adequate and fair hearing.
- (2) Where confidentiality concerns are outweighed, in the Seminary’s judgment, by the need to protect the safety or rights of other persons or to protect the interests of the Seminary.
- (3) Where disclosure is required by law.

V. PROCEDURES FOR ADDRESSING REPORTS ALLEGING PROHIBITED CONDUCT

A. Initial Assessment of Reports of Prohibited Conduct

All Reports alleging Prohibited Conduct will be addressed by the Seminary. Upon receipt of a Report, either directly from the person making the Report or from another Seminary official to whom the Report was made, the appropriate Responsible Official will promptly contact the Complainant to offer Supportive Measures if applicable (generally limited to circumstances where the Complainant is an employee, student, or dorm resident) under Section VI of this Policy, to inform the Complainant that the availability of Supportive Measures does not require the filing of a Formal Complaint, and to consider the Complainant’s wishes with respect to Supportive Measures. The Responsible Official will also explain the potential availability of an informal resolution of the matters raised in the Report and the process for filing a Formal Complaint if the Complainant has not already done so, address whether the Complainant wishes to file a Formal Complaint, and if appropriate assist the Complainant in preparing the Formal Complaint if requested. If circumstances warrant, the Responsible Officer will also consider whether an employee Respondent should be placed on leave or a non-employee Respondent should be subject to emergency removal under Section VII of this Policy.

A Complainant who initially decides not to file a Formal Complaint may do so at a later date. If the Complainant does not wish to file a Formal Complaint because they do not wish for their identity to be disclosed to the Respondent or do not wish for the Seminary to investigate the alleged Prohibited Conduct, the Responsible Official generally will honor this request unless the Responsible Official concludes that an investigation should be conducted to protect the safety or rights of persons other than the Complainant or the interests of the Seminary, or is required by law. If such circumstances exist, the Responsible Official may, with or without the Complainant’s consent, undertake an investigation and/or prepare and sign a Formal Complaint so that the Seminary may potentially adjudicate the allegations of Prohibited Conduct in accordance with the applicable Complaint Procedures. A Complainant is not required to participate in the investigation or adjudication process where a Formal Complaint not filed by the Complainant alleges Title IX Sexual Harassment. A decision by a Responsible Official to institute a Formal Complaint does not make the Responsible Official or the Seminary the Complainant and is not a determination that the allegations of Prohibited Conduct are true.

B. Informal Resolution of Reports

In appropriate circumstances for cases that do not involve a claim that a Seminary employee committed Title IX Sexual Harassment against a Seminary student, a Report other than a Formal Complaint may be addressed through an informal process coordinated by the appropriate Responsible Official.

In some instances, a Report alleging Prohibited Conduct may be resolved solely by providing Supportive Measures (described in Section VI, below) to the Complainant. In general, this occurs only where (a) in the opinion of both the Complainant and the Responsible Officer Supportive Measures alone are sufficient to provide all necessary relief, or (b) where the Complainant does not wish to file a Formal Complaint or otherwise to pursue a resolution with the Respondent and the Responsible Official does not decide that it is necessary for the Seminary to institute a Formal Complaint. In this latter circumstance the Seminary recognizes that Supportive Measures may not provide complete relief to the Complainant but honors the Complainant’s desire not to pursue additional measures to address the alleged Prohibited Conduct.

In other instances where a Report has been made but the Complainant does not wish to file a Formal Complaint the Responsible Official will, where they deem appropriate, offer an informal resolution of the matter through mediation, facilitated dialogue, or another alternative resolution process between the Parties that typically does not include a full investigation. The Seminary will facilitate a mediation or other alternative resolution process if both Parties agree voluntarily in writing to participate in such a process and the Seminary determines that undertaking such a process is appropriate in the circumstances. There is no requirement that a Party agree to participate in any alternative resolution process and no pressure will be placed on a Party to do so. A Party who chooses to participate in an alternate resolution process may withdraw from that process, and commence or resume formal proceedings, at any time before an agreed written resolution has been reached in that alternative process.

Where the Parties and the Seminary agree to pursue an alternative resolution, the Responsible Official or their designee will serve as the facilitator for the process. The facilitator is expected to bring any informal resolution process to a close within 21 days after commencement of the process unless the Parties wish to continue the process and the facilitator concludes that doing so may be useful. If the Parties reach an agreed resolution through an informal resolution process, this fact shall be memorialized in a written agreement signed by both Parties, which shall include any agreed Supportive Measures, remedies, or sanctions. Once the Parties have both signed an agreed resolution of the allegations in the Report, this resolution is final and binding.

C. Resolution of Formal Complaints

Formal Complaints alleging Prohibited Conduct other than Title IX Sexual Harassment are handled under the Seminary’s Prohibited Conduct Complaint Procedures. Depending upon the nature of the alleged Prohibited Conduct and the identity of the Respondent, the Title IX Coordinator, the Director of Human Resources, or the Associate Dean for Community Life will serve as the Responsible Official coordinating the Seminary’s handling of the Formal Complaint.

Formal Complaints alleging Title IX Sexual Harassment are handled under the Seminary’s Title IX Sexual Harassment Complaint Procedures, with the Title IX Coordinator as the Responsible Official. As explained in those procedures, if the Title IX Coordinator determines that a Formal Complaint initially assessed under those procedures does not allege facts that, if true, would constitute Title IX Sexual Harassment, the Formal Complaint may be referred for further action under the Prohibited Conduct Complaint Procedures.

As set forth in the Complaint Procedures, Formal Complaints are addressed through a formal resolution process unless both parties agree to an alternative resolution process and that alternative process is successful in reaching an agreed resolution. The formal resolution process generally includes:

- (1) An investigation conducted by the Responsible Official or another trained investigator.
- (2) Completion of an investigative report.
- (3) Written submissions by the Parties in response to the investigative report.
- (4) Under the Title IX Sexual Harassment Complaint procedures only, a live hearing.
- (5) A written Decision rendered by a trained decision-maker, who will be neither the Responsible Official nor the investigator. The Decision will include a determination, using a preponderance of the evidence standard, whether the Respondent has violated the Policy by engaging in Prohibited Conduct. If so, the Decision will also include a determination of what remedies and/or sanctions are appropriate in the circumstances.
- (6) An opportunity for either Party to appeal the Decision, and if an appeal takes place a written Appeal Decision rendered by a trained appeal officer, who will be neither the Responsible Official, the investigator, nor the decision-maker.

In some instances, it may not be feasible or appropriate for the Seminary to adjudicate a Formal Complaint. This may be the case, for example, if the Complainant is not, or ceases to be, participating or attempting to participate in the Seminary’s education program and activities; if the Respondent is not, or ceases to be, employed or enrolled at the Seminary; or if specific circumstances prevent the Seminary from gathering evidence sufficient to reach a determination as to the Formal Complaint or the allegations therein. In these situations, the Responsible Officer has discretion to dismiss a Formal Complaint under the Complaint Procedures.

VI. SUPPORTIVE MEASURES

“**Supportive Measures**” are non-disciplinary, non-punitive individualized assistance services offered by the Seminary without fee or charge in response to the submission of a Report. Such measures may be offered to a Complainant, a Respondent, or a witness. Supportive Measures are designed to restore or preserve equal access to the Seminary’s education programs and activities, protect the safety of all parties and the Seminary’s educational environment, and/or deter

Prohibited Conduct. Supportive Measures are not intended to be punitive in nature or to unreasonably burden any individual.

The Responsible Official handling a Report will determine what Supportive Measure(s) are appropriate after discussion with the affected individuals and based on an individualized assessment of the relevant facts and circumstances. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, or other measures. The Seminary will maintain as confidential any Supportive Measures provided to the extent that doing so would not impair the Seminary’s ability to provide such Supportive Measures.

VII. ADMINISTRATIVE LEAVE AND EMERGENCY REMOVAL

Wesley has an overriding interest in maintaining a safe and collegial employment and educational environment for employees and students. In certain circumstances the Seminary may, in response to receipt of a Report alleging Prohibited Conduct, place an employee on administrative leave or remove or bar a student, dormitory resident, or third party in whole or in part from the Seminary’s campus and/or educational programs or activities on an emergency basis to protect the Seminary community.

A. Administrative Leave for an Employee

The Seminary may in its discretion place an employee on administrative leave pending resolution of a Report alleging that the employee engaged in Prohibited Conduct. The Seminary will determine, based on the circumstances and in the Seminary’s discretion, whether the leave shall be imposed with or without pay and/or benefits. Where the employee is alleged to have engaged in Title IX Sexual Harassment, administrative leave may be imposed only if a Formal Complaint has been filed against the employee.

B. Emergency Removal of a Student, Dormitory Resident, or Third Party

The Seminary may in its discretion remove or bar a student, dormitory resident, or third party (such as a vendor, contractor, volunteer, or other visitor to the Seminary’s campus) in part or entirely from the Seminary’s campus and/or educational programs pending resolution of a Report alleging that such individual engaged in Prohibited Conduct. Where the Report alleges Title IX Sexual Harassment such a decision will be made only if the Seminary determines that an immediate threat exists to the physical health or safety of another person after performing an individualized safety and risk analysis with respect to the situation, and the Respondent will be provided with notice and an opportunity to challenge the decision immediately following the removal or bar.

VIII. COMPLIANCE WITH SUPPORTIVE MEASURES, PROTECTIVE MEASURES, REMEDIES, AND SANCTIONS

Members of the Seminary community are required to comply with (a) Supportive Measures put in place by the Seminary under Section VI, above; (b) protective measures including administrative

leave for an employee or emergency removal of another individual directed by the Seminary under Section VII, above; (c) agreed Supportive Measures, remedies, or sanctions included in a written resolution reached after an informal resolution process; and (d) remedies and/or sanctions included in a final Decision or Appeal Decision reached under the Complaint Procedures. Failure to do so may result in additional sanctions or other actions potentially including suspension, expulsion, or termination of employment.