

Policy Prohibiting Discriminatory Harassment & Sexual Misconduct

adopted summer 2015
revised summer 2017
revised spring 2018

Wesleyan University

Wesleyan is an institution devoted to learning, openness, and the life of the mind. It follows that its character can be measured in part by the kind of human relationships built and sustained within this small but complex environment. Wesleyan strives to be a community built upon mutual trust and respect for its constituent members: students, faculty, staff and those visiting or under temporary contract. A community will flourish only to the degree that the virtues of mutual respect, generosity, and concern for others are maintained. Therefore, it is vitally important that harassment and discrimination in all their forms not be tolerated. As noted in University Policy, members of the University community have the right to a safe and welcoming campus environment.

These policies and procedures apply to all College community members, and all members of the College community are responsible for being familiar with and abiding by them at all times.

Wesleyan University will not tolerate **discriminatory harassment** and/or **sexual misconduct** (whether it comes in the form of **intimate partner violence**, **non-consensual sexual activity** and **sexual assault**, **sexual exploitation**, **stalking** or **sexual harassment**) against students, faculty, staff, trustees, volunteers, and employees of any university **contractors/agents**.

In an ongoing effort to prevent sexual misconduct on the Wesleyan campus, the University provides education and prevention programs for all members of the Wesleyan community and pursues available administrative and/or criminal remedies for complaints of sexual misconduct as appropriate.

All acts of discriminatory harassment and/or sexual misconduct threaten personal safety and violate the standards of conduct -- mutual respect, generosity, and concern for others -- expected of all community members.

Statement of Policy

Wesleyan University prohibits all forms of **discriminatory harassment** and **sexual misconduct**. Wesleyan University is committed to ensuring that each member of the university community has the opportunity to participate fully in the process of education and development. Wesleyan strives to maintain a safe and welcoming environment free from acts of discriminatory harassment and sexual misconduct. However, when incidents occur, the University is committed to respond in a manner that provides safety, privacy and support to those affected.

Individuals and Entities Affected by this Policy

This policy shall apply to all individuals affiliated with Wesleyan University, including but not limited to students, faculty, staff, trustees, volunteers, and employees of **contractors/agents**. It is intended to protect the rights and privacy of the complainant, respondent and other involved individuals, as well as to prevent retaliation or reprisal. Individuals who violate this policy may be subject to disciplinary or other corrective action.

This policy applies to anyone on the property of Wesleyan University and anyone present at Wesleyan-sponsored programs or events. This policy extends to off-campus violations by both students and employees in limited circumstances, as outlined by Clery Act.

Relationships

revised January, 2018

General statement regarding relationships by persons in authority:

Wesleyan University is committed to maintaining learning and work environments as free as possible from conflicts of interest, exploitation, and favoritism. Where a party uses a position of authority to induce another person to enter into an amorous, sexual, or intimate relationship, the harm both to that person and to the institution is clear.

As related to employees:

All Wesleyan employees must be aware that relationships with subordinates or superiors are likely to lead to difficulties and have the potential to place faculty and staff at great personal and professional risk. Amorous, sexual, or intimate relationships between supervisors and their subordinates often adversely affect decisions, distort judgment, and undermine workplace morale even for those not engaged in the relationships. Any University employee who participates in supervisory or administrative decisions concerning an employee with whom he/she has or has had an amorous, sexual, or intimate relationship has a conflict of interest in those decisions and must disclose the relationship to Human Resources. Amorous, sexual or intimate relationships between employees where there is a power differential may be presumed to constitute sexual harassment as defined by **The Connecticut Discriminatory Employment Practices Act (Section 46a-60(A)(8) Of The Connecticut General Statutes.**

As related to students:

For the purpose of this policy, a prohibited power differential is presumed in all cases wherein a faculty/staff member is on one side of the relationship and a student is on the other. All faculty and staff must be aware that amorous, sexual, or intimate relationships with students are likely to lead to difficulties and have the potential to place faculty and staff at great personal and professional risk. The power difference inherent in the faculty-student or staff-student relationship means that any amorous, sexual, or intimate relationship between a faculty/staff member and a student is potentially exploitative and could at any time be perceived as exploitative. In the event of a charge of Sexual Harassment arising from such circumstances, the University will in general be unsympathetic to a defense based upon consent.

Undergraduate Students

- All members of the faculty and staff are prohibited from pursuing or engaging in an amorous, sexual, or intimate relationship with any Wesleyan undergraduate, matriculated or not.

Graduate Students

- All faculty and staff are prohibited from pursuing or engaging in an amorous, sexual, or intimate relationship with a graduate student over whom they have authority. Situations of authority include, but are not limited to: teaching; formal mentoring or advising; supervising research; employing as a research or teaching assistant; exercising substantial responsibility for grades, honors, or degrees; and involvement in disciplinary action related to the student.
- Graduate students and faculty/staff alike should be aware that amorous, sexual, or intimate relationships between student and faculty/staff will bring to an end the ability of the latter to teach, mentor, advise, direct work, employ and promote the career of the former.

Graduate Students in Positions of Authority

- Like faculty and staff members, graduate students may themselves be in a position of authority over other students: for example, when serving as a teaching assistant or as a research assistant who supervises other students in the research project. The power difference inherent in such relationships means that any amorous, sexual, or intimate relationship between the graduate student and another student over whom he/she has authority is potentially exploitative.
- Any graduate student currently or previously engaged in an amorous, sexual, or intimate relationship with another student is prohibited from serving in a position of authority over that student. Graduate students should be sensitive to the continuous possibility that they may unexpectedly be placed in a position of responsibility for another student's instruction or evaluation.

Pre-existing Relationships with Any Student

- In cases where an amorous, sexual, or intimate relationship between a faculty/staff member and an undergraduate existed prior to the time of the student's enrollment, the faculty/staff member is obligated to report that relationship to Human Resources. In cases where an amorous, sexual, or intimate relationship ever existed between a faculty/staff member and a graduate student, that relationship must be disclosed by that faculty/staff member to Human Resources prior to accepting a supervisory role of any type over that student.
- Similarly, all graduate students ever engaged in an amorous, sexual, or intimate relationship with another student are prohibited from serving in a position of authority over that student.

Rights of Those Who Report Policy Violations

Those who report any type of **discriminatory harassment** or **sexual misconduct**, to a University employee will be referred to the Office for Equity & Inclusion / Title IX Office and informed of all their rights and options, including the necessary steps for each option.

The University will provide assistance to those involved in a report of sexual misconduct or discriminatory harassment, including but not limited to reasonably available accommodations and modifications for academic, transportation, housing or working situations as well as honoring lawful protective or temporary restraining orders.

Sexual Misconduct Support Services

Whenever the Title IX Officer or another employee receives a report that students, faculty, staff, trustees, volunteers, and employees of contractors/agents has been subjected to sexual misconduct, the Title IX Officer or other employee shall immediately provide the student, faculty or staff member with contact information for and assistance in accessing and using campus survivor advocate, counseling, health, and mental health services as well as local advocacy agencies.

Those who report being subjected to sexual misconduct shall be provided information about their right to notify law enforcement and receive assistance from campus authorities in making the notification.

Procedures

Procedures for the investigation and resolution of complaints are specific for **students, faculty and staff** and are outlined in **respective handbooks**. Each process provides an equitable and timely process for both complainants and respondents. The specific procedure follows the responding party. If the responding party is a student (undergraduate or graduate*) the process follows the student procedures. If the responding party is faculty and/or staff, the process follows faculty / staff procedures.

** The process for a graduate student responding party is determined based on the primary purpose the person is on campus. The primary purpose of degree-seeking graduate students (PhDs, MAs, BA/MAs) is to be a student and an employee second; the process for students would be followed. The primary purpose of non-degree seeking graduate students (Foreign Language Teaching Assistants, Writing Fellows) is to work at Wesleyan; they are an employee first and a student second and the process for employees would be followed. The same rationale would be used to address students in the GLS program. If their primary relationship to Wesleyan is to take courses in the GLS program, they would follow the student process. If they are Wesleyan employees who are taking a course, their primary relationship with the university is as an employee and they would follow the employee process.*

Accountability, Investigation and Resolution

In determining whether alleged conduct constitutes discriminatory harassment or sexual misconduct, the University looks at the totality of circumstances including the nature of the conduct and the context in which the alleged incident(s) occurred.

The determination that the conduct violates University policy will be made on a case-by-case basis using the “preponderance of the evidence” standard. Violations of this policy may lead to disciplinary action up to and including academic dismissal or termination of employment. The University will take immediate and appropriate corrective action based on the findings in each case as outlined in the respective handbooks:

- **Student Handbook/Dean of Students Office**
- **Staff Handbook/Human Resources Office**
- **Faculty Handbook/FCRR**

Retaliation

Any individual subject to this policy who intentionally engages in **retaliation** may be subject to disciplinary or other corrective action as appropriate.

Policy Oversight

The Department of Education's Office for Civil Rights (OCR) has published clear guidance that instructs and directs **the Office for Equity & Inclusion** and the **Title IX Officer** to ensure campus-wide protocol is implemented and serve as the central person to whom all complaints or notice related to discriminatory harassment, sex/gender bias, sexual misconduct and disability discrimination is directed.

The Vice President for Equity & Inclusion serves as Wesleyan's Title IX Officer and has the following responsibilities:

- Ensure prompt response to stop the harassment/discrimination
- Implement immediate remedial support for the complainant
- Initiate the preliminary investigation
- Oversee action to reasonably prevent the recurrence
- Conduct ongoing educational campaigns and climate monitoring of sexual misconduct allegations.

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