

## IV

### General College Policies

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## IV

### General College Policies

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#### A. Equal Employment Opportunity / Affirmative Action

Beloit College is committed to nondiscrimination and affirmative action, a responsibility we accept willingly because we believe it strengthens the college as an institution of liberal learning. We recognize the educational benefits of a diverse community broadly represented by persons whose personal identities, physical appearances, value systems, and group affiliations reflect features of the contemporary world that are consistent with this policy. Our lives are enriched by interaction with others, and, as members of the college community, we strive to learn from each other in an atmosphere of positive engagement and mutual respect. Furthermore, we believe that the college should be a model for progressive leadership by affirming values such as openness and respect for difference, and by addressing critical issues of social inequality in the contemporary world. Thus, in the administration of our educational policies and programs, financial aid program, employment policies, and other college administered activities, we practice nondiscrimination with respect to race, color, religion, sex, perceived or actual sexual orientation, gender identity or expression, national origin, age, disability, pregnancy, marital or family status, military or veteran status, citizenship or any other legally protected characteristic unrelated to institutional jobs, programs, or activities. In consideration of these principles, Beloit College will promote nondiscrimination while acting affirmatively to create a diverse community. The college's goals for liberal education depend upon the existence of diversity in its faculty, staff, and student body, as well as a commitment to engaging and celebrating our differences of culture and identity. Through affirmative action, we seek persons from under-represented groups who will enhance this diversity. Because of the current heightened importance of race and ethnicity in North American society, we particularly focus on individuals from certain under-represented racial and ethnic groups, such as those from African American, Latino/Latina, Native American, and Asian American communities. Increasing the diversity of our communities enriches our educational and working environment, and enhances our position as a national and international leader in advancing the liberal learning goals of inclusiveness and excellence.

This policy applies to the recruitment, appointment, retention, training, promotion, and compensation of employees in all areas and at all levels of the institution, and with equal vigor to the recruitment and retention of students. We believe that a program of sustained success depends upon all of these elements. The college commits itself to comply with all federal and state laws, regulations, and orders, including the policies of the board of trustees, that pertain to nondiscrimination and affirmative action.

It is the responsibility of the officers of the college and of the academic, administrative and professional department heads to implement this policy at all levels within their departments and within the areas of their responsibilities.

Responsibility for the development of programs, for identification of problem areas, for the implementation of an auditing system, for the monitoring of the programs, for guidance and assistance to department heads, and for handling complaints arising from the implementation of the policy rests with the following Affirmative Action officers:

The provost for the instructional and academic professional staff;

The appropriate senior staff member for divisional administrative staff;

The director of Human Resources for hourly support staff.

Overall responsibility for the policy rests with the president, and inquiries and correspondence about the policy should be directed to:

President  
Beloit College  
700 College Street  
Beloit, WI 53511

## **B. Disability Policy**

The terms used within the Disability Policy such as “qualified individual with a disability”, “undue burden”, “direct threat”, “reasonable accommodation”, and “essential functions” are as defined in the Americans with Disabilities Act and its regulations.

### **1. Employees and Applicants for Employment**

Beloit College is committed to complying with all applicable provisions of the Americans with Disabilities Act (ADA), the Americans with Disabilities Act Amendments Act of 2009 (ADAAA), and Section 504 of the Rehabilitation Act of 1973. It is the college’s policy not to discriminate against any employee or applicant for employment who is a qualified individual with a disability with regard to the job application process, hiring, or any terms or conditions of employment because of such individual’s disability. Consistent with this policy of nondiscrimination, Beloit College will provide reasonable accommodations to a qualified individual with a disability who has made the college aware of their disability, to enable the person, with or without reasonable accommodations, to interview for a job or to perform the essential functions of the job, provided that such accommodation(s) do not involve undue hardship to the college, or pose a direct threat to the health or safety of the individual or others.

Employees or applicants for employment with a disability who believe they need accommodation(s) to interview for or to perform the essential functions of the job should contact the Human Resources Office. The employee or applicant will be required to provide documentation describing the disability, work restrictions, and requested accommodation(s). Based on a review of the documentation and essential functions of the position, the director of Human Resources will work collaboratively with the employee or applicant to identify limitations resulting from the disability and to determine potential reasonable accommodation(s).

Inquiries or complaints will be treated as confidential to the extent permissible by law. Beloit College has adopted an internal grievance procedure providing for prompt and equitable resolutions to grievances alleging any action prohibited by the Office of Civil Rights regulations implementing the Americans with Disabilities Act (ADA), the Americans with Disabilities Act Amendments Act of 2009 (ADAAA), and Section 504 of the Rehabilitation Act of 1973. If you would like more information on what grievance processes are available, or you are an employee or applicant who believes that they have been discriminated against based on a disability, you should notify the Human Resources Office at 608-363-2630 as soon as possible.

## 2. Students

Beloit College provides a supportive environment for students with disabilities. It is the policy of the college to create and maintain an environment in which all students may learn and work to their fullest potential. Consistent with this policy of nondiscrimination, Beloit College is committed to complying with all applicable provisions of the Americans with Disabilities Act (ADA), ADA Amendments Act of 2008 (ADAAA) and Section 504 of the Rehabilitation Act of 1973. Beloit College will provide accommodations to students who have provided the college with appropriate documentation of their disability to enable them to participate in and benefit from the college's programs, services, and activities, provided that such accommodations would not 1) fundamentally alter the nature or operation of the college's programs, services, or activities, 2) cause undue burden to the college, or 3) pose a direct threat to the health or safety of others.

Students who warrant accommodations to participate in the college's programs or services should contact the director of the Learning Enrichment and Disability Service Office (hereby referred to as "director"). The student will be required to provide current documentation (as determined appropriate for the disability) by a qualified, licensed professional appropriate to the nature of the disability and requested accommodation(s). Accommodations will be determined on an individual basis each semester after the appropriate documentation has been received and reviewed, and conversations between the student and the director have occurred. Students have the choice of whether or not they utilize accommodations.

The Learning Enrichment and Disability Services Office will protect students' privacy rights by maintaining a confidential file for each student. Disability-related information will be shared only when written permission is given by the student, or if the student should appear to be a danger to self or others, and in cases of other emergencies.

If a student or a prospective student with a disability believes they have been discriminated against, or if they are dissatisfied with the determined accommodation or the implementation of an accommodation, they are encouraged to discuss the situation with the director. If a satisfactory agreement cannot be reached with the director, the individual with a disability may contact a member of the Accommodations Appeals Committee. For a list of committee members and information regarding the appeals process, please contact the Dean of Students Office at (608) 363- 2660 or the provost at (608) 363-2667.

**C. AIDS Education and Counseling**

Acquired Immune Deficiency Syndrome (AIDS) is classified as a disability under the Wisconsin Fair Employment Act, and individuals with AIDS are protected under the terms of this Act. The college's Health Center maintains current medical and educational information about Acquired Immune Deficiency Syndrome. Health Center staff and Psychological Counselor are available to students for counseling assistance and as a source for information on alternative counseling resources.

**D. Drug-free Workplace**

No employee shall unlawfully manufacture, distribute, dispense, possess, transfer, or use a controlled substance in the workplace or wherever the work of Beloit College is being performed.

As a condition of employment at Beloit College, employees are expected to abide by the terms of this policy, and will notify the college if convicted under any criminal drug statute for a violation occurring in the workplace no later than five days after such conviction.

Employees who are found to be in violation of this policy will be subject to disciplinary action, up to and including termination. Each case will be evaluated on an individual basis; disciplinary action will depend on the severity of the violation and the circumstances involved.

Employees who receive a criminal drug statute conviction for a violation occurring in the workplace will be subject to disciplinary action by the college, up to and including termination, or will be required to participate in a drug abuse assistance or rehabilitation program for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

**1. Definitions****a. Workplace**

The workplace is defined as any site on or off campus where the work of the college is performed.

**b. Employees**

This prohibition covers all employees, including part-time and student employees.

**c. Controlled Substances**

Controlled substances are those whose distribution is controlled by regulation or statute, including, but not limited to, narcotics, depressants, stimulants, hallucinogens, and marijuana.

**E. Consensual Relationships**

Consensual relationships that are of concern to Beloit College are those romantic or sexual relationships in which both parties appear to have consented, but where there is a definite power differential between the two parties.

1. Romantic and sexual relationships between instructors and students (those whom the instructors currently teach, advise, supervise or otherwise evaluate), even if they appear to be consensual, undermine the integrity of the faculty/student relationship and therefore are prohibited. Violation of this policy constitutes grounds for disciplinary action, including dismissal for cause. Consensual relationships between instructors and students who are not the instructor's current student or academic advisee may also adversely affect the trust upon which the college's learning environment is established, and they are therefore strongly discouraged. Faculty members should exercise good judgment and act in a manner appropriate to their position of responsibility. If such a relationship raises reasonable concerns that it undermines the trust, respect, and fairness central to the college's mission, a faculty member involved in such a relationship may be subjected to review by the Faculty Status and Performance Committee, which may recommend disciplinary action. In extraordinary circumstances (e.g., a student wishing to take a course taught by their spouse), special arrangements may be made with the dean in consultation with the appropriate department or program chair.

2. Consensual romantic and sexual relationships between supervisors (meaning any persons in a position of authority over others—to hire and fire, to grant raises and oversee task performance) and employees (meaning any persons working for the supervisor); between administrative staff persons and students; and between employees and students have the potential for extremely serious consequences and are strongly discouraged. If such a consensual relationship should develop, college personnel policy requires employees to report the matter to the director of Human Resources so that suitable arrangements can be made for a more objective evaluation of the employee.

It is a generally accepted ethical principle in our society, reflected in the college's nepotism policy (Chapter V, E, "Employment of Relatives"), that one avoids situations in which one makes official evaluations of relatives, family members, spouses, or other persons with whom one has an intimate relationship. Such a relationship, combined with a responsibility for evaluation, is considered a "conflict of interest." In a college, examples of such evaluations are the assignment of grades, and participation in decisions to hire, retain, promote, or determine salaries.

All employees should understand that there are substantial risks in even an apparently consensual relationship where a power differential exists. Even if the conflict of interest issues are resolved, charges of sexual harassment or violation of the college's nepotism policy may develop, even when both parties have consented to the relationship. An instructor's or supervisor's liability protection under Wisconsin statutes may not apply to protect the individual in subsequent litigation arising out of the relationship's effect on the student or employee. It is the instructor, supervisor, administrative staff person, or other employee, who, by virtue of their special power and responsibility, will bear a special burden of accountability.

## **F. Personal Harassment**

### **1. Statement**

Beloit College seeks to maintain the campus as a place of work and study for faculty, staff, and students that fosters an atmosphere conducive to the building of community and personal growth.

Personal harassment of students or employees subverts this goal of the college and is against college policy.

## 2. Definition

Personal harassment (“Harassment”) is verbal or physical conduct, including actions motivated by bias, that denigrates or shows hostility or aversion toward an individual. Harassment may include behavior that targets an individual because of race, color, religion, sex, perceived, or actual sexual orientation, gender identity or expression, national origin, age, disability, pregnancy, marital or family status, military or veteran status, citizenship or any other characteristic protected by law. Harassment also includes any kind of nonverbal, verbal, or physical conduct involving either intimidation or promise of reward where

- a. such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating an intimidating, hostile, or demeaning educational or employment environment; or
- b. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement; or
- c. submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic decisions affecting that individual.

While harassment may be indicated by frequent or repetitive acts, it is possible that one severe act could constitute a violation of the harassment policy. Incidents of harassment can occur whether or not the act or actions were intended to harass; the effect of the conduct will determine whether harassment occurred. The effect of the conduct in question will be evaluated from the perspective of a reasonable person in the alleged victim’s position.

Any retaliation against a person who reports alleged harassment, or against a witness or other participant in an investigation, is strictly prohibited and will be considered a violation of this policy. It is also a violation of this policy to make a false accusation of harassment or knowingly provide false information pertaining to a harassment complaint.

An administrative investigation of assault, misconduct, or harassment does not itself constitute harassment.

## 3. Reporting Options

### a. Students

Students who believe they have been the subject of harassment should notify one of the following persons: the director of residential life, assistant director of residential life, or one of the hall directors.

### b. Faculty or Staff

Faculty or staff members who believe they have been the subject of harassment should notify the director of human resources.

Individuals who feel threatened or have concerns about their safety because of harassment should call campus security. If you believe you are in immediate danger, contact the police.

#### 4. Procedures

Individuals who believe they have been harassed by another member of the college community should follow the procedures stated below.

- a. Students-please see Student Handbook (available on the college website) for information on the Student Judicial System.

- b. Faculty or Staff

Personal Harassment Committee

The Personal Harassment Committee will consist of two faculty members elected by the faculty, one administrative staff member appointed by the president, and one support staff member appointed by the president; staff appointments will be based on recommendations by the dean of students, vice president for human resources and operations, and provost. These members of the committee will serve two year, staggered terms. The director of human resources will serve as an ex officio member and shall have all of the rights of a member of the committee. A chair will be selected by and from within the committee. In the event of a conflict of interest, a committee member must withdraw and be replaced by the first runner-up from the election or a designated alternate. An up-to-date list of committee members may be obtained from the human resources office, the provost, or a resident assistant.

- c. Informal Complaints

Current Beloit College faculty, staff, or students who believe that they have been a victim of harassment by a current faculty or staff member may speak informally with the director of human resources or the vice president for human resources and operations, who will offer preliminary consultation and may draw upon other support and counseling services to assist the complainant. Once an informal complaint has been filed, the director or vice president will make a determination about whether to continue the investigation. With the consent of both parties, the director or vice president may attempt to mediate the complaint. If the complainant does not agree with the resolution of an informal complaint, the individual has the opportunity to file a formal complaint. The director or vice president will keep records of informal complaints and their dispositions. Such records will remain confidential to the extent possible consistent with adequate investigation and appropriate corrective action.

- d. Formal Complaints

Beloit College faculty, staff, and students may file a formal complaint if they believe they have been the victim of harassment by a current faculty or staff member. This formal option is initiated when the complainant identifies the person against whom the complaint is made and lodging a signed, written complaint. Once a formal complaint has been filed, the committee may continue its investigation and resolution even if the complainant wishes to withdraw the complaint.



A formal complaint may be filed with any member of the committee or with the director of human resources, the provost, vice presidents, dean of students or president. A copy of the complaint will be circulated to each of the committee members as well as the senior supervisor of the accused. The college may at any time take action necessary to protect the safety of the complainant or any other persons.

Upon receipt of the complaint, the committee will begin an investigation. The director of human resources will undertake the investigation, and present a report to the committee members. The committee will make its decision by gathering any further information it deems necessary, which may include review of documents and/or meetings with the complainant, the accused, or the witnesses. At any time in this process, the complainant and the accused may be accompanied by an advisor from the college's current faculty, staff or students; however, the advisor may not speak on behalf of either party. During the investigation, the committee will provide a copy of the complaint to the accused, and such other information as the committee deems appropriate, and notify them of their rights. The investigation and determination by the committee typically is concluded within forty-five (45) working days. Depending on the complexity of facts, the number of witnesses, witness availability, and other factors, the committee may extend this period.

Once the investigation is concluded, the committee may:

- i. determine that no case of substance exists and decide to take no further action on the complaint;
- ii. attempt mediation or recommend mediation by an individual who is not a member of the committee;
- iii. develop a written recommendation for further action that will be forwarded to two senior staff members, one being the senior supervisor of the accused. In the case of a complaint by or against a senior staff member, the committee's report will be forwarded to the president. In the case of a complaint by or against the president, the report will be sent to the chair of the board of trustees. Recommended actions may include but are not limited to an oral or written reprimand, a written warning, dismissal of a non-tenured employee, or a hearing for the termination for cause of a tenured faculty member.

Action on the committee's recommendation will be taken by the individuals to whom the recommendation was forwarded. They will reach a decision and communicate it in writing to the accused, the complainant, and the chair of the committee. The complainant or accused may appeal the decision to the president, or, if the accused is the president, to the board of trustees. Normally, the president or board of trustees will make a determination on any appeal within thirty (30) working days. Depending on the complexity of the matter and other factors, this time period may be extended. The decision of the president or the board of trustees is final.

During the committee's investigation, the accused has the following rights:

- i. To be informed in writing of the specific charges and a time to appear before the committee.
- ii. To be informed of the rights here listed.
- iii. To know the names of their accuser(s).
- iv. To present and/or request relevant evidence.
- v. To make an oral statement.

At any point during its investigation and any deliberations, the committee, president, and board of trustees may consult with the college's legal counsel. Records of formal complaints will be maintained by the college. All such records shall remain confidential to the extent possible consistent with adequate investigation and appropriate corrective action.

#### 5. Confidentiality

Confidentiality will be maintained to the extent consistent with adequate investigation and appropriate corrective action. All parties will be advised of the need to maintain confidentiality regarding the information discussed.

#### 6. Reporting

At the end of each academic year, the committee shall report the number of informal and formal complaints it received and their disposition to the vice president for human resources and operations. Any complaint which is also a Title IX complaint shall be reported to the Title IX coordinator.

Employees who seek advice or support services, are encouraged to contact the college's Employee Assistance Program, Family Service Association of Beloit, Beloit, WI at 608-365-1244. Students may contact the campus student counselor located in the Health and Wellness Center, Porter Hall, ground floor. Discussions with individuals from these organizations will be confidential, and no complaints will be lodged nor action taken as a result of these consultations.

### **G. Conflicts of Interest**

1. Resolution approved by the Board of Trustees on January 29, 1994:

BE IT RESOLVED, that the Board of Trustees of Beloit College hereby adopts the following conflict of interest policy to prevent conflicts of interest.

The trustees of Beloit College, in serving the college, desire to avoid any conflict or appearance of conflict between the college's interests and any personal interest a trustee or corporate officer may have.

To assist in avoiding any conflict or appearance of conflict of interest, the following procedures are adopted:

- a. When any interest on the part of a trustee or officer of the college poses a possible conflict with the trustee's or officer's college responsibilities, the trustee or officer shall:
  - i. Promptly call the possible conflict to the attention of the other trustees and/or officers of the college who are participating in or voting on the matter that poses the conflict.
  - ii. Abstain from voting within the board or corporate staff on such matters. A written record shall be kept to reflect that a disclosure was made and that the trustee or officer abstained from voting on the matter.
- b. Each trustee and officer of the college shall annually disclose any personal, familial, or business relationships or interests that reasonably could give rise to a conflict involving the college.
- c. Each trustee shall complete a conflict of interest statement on a bi-annual basis, which shall be submitted to the secretary of the college.

#### **H. Financial Disclosure of Conflicts of Interest for Recipients of Funds**

Recognizing the need to protect the integrity of research and educational activities, and to ensure the appropriate management of resources, the college has developed the following policy concerning financial conflicts of interest. This policy is intended to ensure compliance with federal financial management standards and with federal reporting requirements. It is applicable to any person at the college who is responsible for the design, conduct, or reporting of research or educational activities funded or proposed for funding from external sources. Faculty, staff, and students are also urged to be alert to the potential effect of other forms of outside interest on the integrity of their activities and on their ability to fulfill their obligation to the institution and/or to funders.

The following procedures shall be carried out by the Office of Government & Foundation Relations, the investigator's cognizant senior staff officer (or their designee), and the vice president for administration (or their designee).

Investigators applying for external funding shall, at the time the proposal is submitted for institutional approval, provide to the Office of Government & Foundation Relations, the investigator's cognizant senior staff officer (or their designee), and the vice president for administration (or their designee) a disclosure:

1. of all significant financial interests (including those of the investigator's spouse and dependent children) that would reasonably appear to be affected by the research or educational activities funded or proposed for funding; or
2. of all significant financial interests in entities whose financial interests would reasonably appear to be affected by such activities.

The term "investigator" means the principal investigator, co-principal investigators, and any other person at the college who is responsible for the design, conduct, or reporting of research or educational activities funded or proposed for funding.

The term "significant financial interest" means anything of monetary value, including, but not limited to

1. salary or other payments for services (e.g., consulting fees or honoraria);
2. equity interest (e.g., stocks, stock options, or other ownership interests); and
3. intellectual property rights (e.g., patents, copyrights, and royalties from such rights).

The term does not include

1. salary, royalties, or other remuneration from the college;
2. any ownership interests in the institution, if the institution is an applicant under the Small Business Innovation Research Program or Small Business Technology Transfer Program;
3. income from seminars, lectures, or teaching engagements sponsored by public or non-profit entities;
4. income from service on advisory committees or review panels for public or nonprofit entities;
5. an equity interest that, when aggregated for the investigator and the investigator's spouse and dependent children, meets both of the following tests: it does not exceed \$5,000 in value as determined through reference to public prices or other reasonable measures of fair market value, and it does not represent more than a 5% ownership interest in any single entity; or
6. salary, royalties, or other payments that, when aggregated for the investigator and the investigator's spouse and dependent children, are not expected to exceed \$5,000 during the twelve-month period.

At the time the proposal is submitted for institutional approval, investigators shall also certify that they have read and understood this policy and that they have provided all required financial disclosures to the external funding entities. They shall also provide the Office of Government & Foundation Relations, their cognizant senior staff officer (or their designee), and the vice president for administration (or their delegate) with updated disclosures during the period of the

award, either on an annual basis, or whenever they obtain new reportable significant financial interests.

The investigator's cognizant senior staff officer and the vice president for administration shall review financial disclosures in order to determine whether a conflict of interest exists. A conflict of interest exists when the reviewers determine that a significant financial interest could directly or significantly affect the design, conduct, or reporting of funded research or educational activities. If the investigator's cognizant senior staff officer and the vice president for administration find that a conflict of interest exists, they shall then determine what conditions or restrictions, if any, should be imposed by the institution to manage, reduce or eliminate such conflict of interest. These might include, but are not limited to:

1. public disclosure of significant financial interests;
2. monitoring of research by independent reviewers;
3. modification of the research plan;
4. disqualification from participation in the portion of the research that would be affected by significant financial interests;
5. divestiture of significant financial interests; or
6. severance of relationships that create conflicts.

If, however, the investigator's cognizant senior staff officer and the vice president for administration find that no conflict of interest exists, that imposing conditions or restrictions would be either ineffective or inequitable, or that the interests of scientific progress, technology transfer, and/or the public health and welfare would outweigh the potential negative impact arising from a financial conflict of interest, then they may allow the research to go forward without imposing such conditions or restrictions.

The Office of Government & Foundation Relations, the investigator's cognizant senior staff officer (or their designee) and the vice president for administration (or their designee) shall comply with all U.S. government reporting requirements for grantee institutions. In the case of proposals submitted to a federal funding source the following reporting requirements shall apply: (i) if investigator's cognizant senior staff officer and the vice president for administration find that a significant financial interest exists, they shall so inform the funding agency as needed (ii) disclose the conflict of interest management plan or financial conflict of interest reports, as needed, and (iii) they shall insure that the college maintains records of all financial disclosures and of all actions taken to resolve conflicts of interest for at least three years beyond the termination or completion of the grant, or until the resolution of any federal action involving those records, whichever is longer.

Violations of this policy shall be dealt with under the college's policy on misconduct in research.

## **I. Collaborative Research**

At Beloit College, we encourage collaboration in research, other scholarly endeavors, and artistic activity that joins the interests, energy, and talents of two or more faculty (or staff) members or faculty and students. We view such collaboration as an important educational activity for students and a valued part of their scholarly development.

Because of the importance of such activity, and its evaluation by others through publication and public presentation, we expect that certain ground rules will be followed in collaborative research.

1. Collaborative research involving faculty members at Beloit College should involve a full understanding about authorship, order of authorship, and all mutual obligations and responsibilities as the collaboration begins. Responsibility for achieving such understanding is left to the faculty members involved.
2. While collaborative research between faculty and students is to be fully encouraged and supported, it differs from collaboration involving only faculty because of inherent differences in authority and power. Therefore, it requires certain specifications as to what the college expects:
  - a. Understandings about responsibility, authorship, and other elements of collaboration are to be reached by those faculty and students involved in a project as it begins. Such discussions are regarded as part of the professional education of students.
  - b. Whenever a student makes an important contribution to the design of a collaborative research project or to the interpretation of its results, that student should receive a significant acknowledgment, including, when appropriate, joint authorship. Whenever their labor is primarily responsible for the success of the project, such credit should be similarly given.
  - c. In those instances when student contributions are more diffuse, e.g., when each member of a class makes a contribution to a project by interviewing or performing a similar effort, any publication or paper should include an acknowledgment of that contribution, either individually (especially if numbers are small) or collectively.
  - d. In those instances when a student collaborator feels that they are not receiving the rights specified by this policy, the student should discuss the situation with their faculty collaborator. If that discussion does not resolve the issue, the student should consult with the chair of the department or the provost if the department chair is the faculty collaborator in question to determine whether the issue can be resolved to everyone's mutual satisfaction. If this is not possible, the matter will be referred to the Faculty Status and Performance Committee for arbitration. The decision of the committee will be final.
  - e. Authorship should be credited only to those who are directly involved in the research, are familiar with its execution and results, and are accountable for its conclusions.
  - f. Students from other institutions, collegiate and precollegiate, who work in research and other collaborative projects directed by a faculty member from Beloit College are to be included in this policy. A Beloit College student working on research projects elsewhere

cannot be so protected, but the student is encouraged to discuss Beloit's expectations with their supervisor at the beginning of the project.

## **J. Misconduct in Research and Scholarship**

### **1. Preamble**

Beloit College strives to promote a climate of honesty in research and scholarship. In dealing with allegations of misconduct in research, Beloit College must ensure fairness by providing procedures for timely and thorough investigation, by protecting the rights of all parties, and by distinguishing serious breaches of integrity from honest error, simple carelessness, or technical violations of rules.

Faculty and staff engaged in research should be well informed on what constitutes ethical conduct. To buttress this point, the provost should send annually to appropriate faculty a reminder of their obligation to be aware of ethical issues. Faculty and staff mentors should instruct each student conducting work with them of the ethical obligations associated with their research.

### **2. Scope of Policy**

This policy applies to all faculty and staff conducting research, scholarship, or other reportable activity under the auspices of Beloit College, regardless of any funding that may support such activities. Students shall refer to the statement on Academic Dishonesty, found in Chapter IX of the Beloit College Administrative Policy Manual.

“Misconduct in research” broadly refers to any serious deviation from practices that are commonly accepted within the academic community for proposing, conducting, or reporting research, scholarship, or other reportable activity. “Fraud in research” specifically includes plagiarism and the fabrication or falsification of evidence or data. “Significant Misconduct” includes unauthorized use of privileged information; deliberate misstatements concerning conflicts of interest; and deliberate and substantial violation of federal, state, or college regulations relating to the conduct of research. “Substantial error” refers to departure from research practices commonly accepted within the academic community that does not rise to the level of fraud or significant misconduct. None of these terms includes minor errors or honest differences in interpretation of data.

The term “research” shall be used generally to denote research, scholarship and other reportable activity, and includes activities conducted under the auspices of the college that have an external report of results as a primary function of the activity (e.g., a federally-funded program requiring progress reports on student retention and achievement).

Researchers and scholars have a special responsibility to assure the integrity of work conducted under their supervision, but all authors in a group share responsibility for the published result. Publications should therefore list as authors only those who have contributed to the research, who have reviewed the manuscript carefully, and who are prepared to stand behind the conclusions.

While this policy is general in nature, it is intended to conform to misconduct-in-science policies promulgated by the Public Health Service (42 CFR 50) and the National Science Foundation (45 CFR 689). Accordingly, where applicable, these and other federal regulations concerning research misconduct are incorporated by reference and are to have the same effect as if fully written out in this document.

The process outlined below is intended to ensure that an individual bringing a complaint of research misconduct shall be heard and that their rights, as well as the rights of someone suspected to unethical behavior, shall be protected. In addition, inquiries and investigations will be conducted with the utmost concern for confidentiality for both the person bringing forward an allegation (the “complainant”) and the person accused of wrongdoing (the “respondent”).

### 3. Procedures

The procedure consists of six stages:

1. An allegation of misconduct in research is made against a faculty or staff member.
2. An inquiry to determine whether the allegation or suspected misconduct warrants further investigation.
3. When warranted, an investigation to collect and thoroughly examine evidence.
4. A formal finding.
5. Appropriate disposition of the matter.
6. Secure maintenance of the records of the inquiry and investigation.

#### a. Allegation

The procedures of this policy are initiated by an allegation of misconduct or other evidence of questionable behavior in research, as defined in this policy above. A complainant should report an allegation, including evidence, to the respondent’s cognizant senior staff officer (in the case of faculty, the provost).

The cognizant senior staff officer shall discuss with this individual the procedures to be followed and the protections available to both the complainant and respondent. If the individual decides to make a formal allegation, the cognizant vice president shall initiate an inquiry. Even if the complainant decides not to make a formal allegation, the cognizant senior staff officer may initiate an inquiry if, in their judgment, sufficient cause exists to warrant one. Upon notification that an inquiry of misconduct in research has been initiated, the cognizant senior staff officer shall immediately notify the president of the allegation in writing.

#### b. Inquiry

When an inquiry is initiated, the supervisor or senior staff shall immediately notify the respondent of the allegation, the procedures that will follow, and the protections available to both the complainant and respondent.



If the respondent is a faculty member or an Academic Affairs staff member, the provost shall designate another member of senior staff (the “designee”) to conduct the inquiry. If the respondent is a staff member reporting to another member of the senior staff, the provost usually shall serve as the designee. The provost shall be sensitive to possible conflicts of interest when naming the designee, and both shall be careful to maintain confidentiality for the complainant and the respondent. The designee must have an appropriate background for judging the issues at stake and shall secure whatever expertise is necessary and appropriate to evaluate the relevant evidence. The designee shall also consult with legal counsel when legal issues arise, and the complainant and/or respondent may engage legal counsel at their own expense.

The inquiry shall begin within seven (7) days after the allegation is made and shall be completed within 60 days, unless circumstances clearly warrant a longer period. If the inquiry takes longer than 60 days to complete, the designee shall submit to the cognizant senior staff officer, the complainant, and the respondent a written statement explaining the reasons for exceeding this 60 day limit. During the inquiry, the designee shall question both the complainant and the respondent about the allegation and the pertinent evidence. Note that this inquiry is not a formal hearing but is meant to separate justifiable allegations from frivolous, unjustified, or clearly mistaken allegations.

At the conclusion of the inquiry, the designee must submit a written report to the cognizant senior staff officer. The report shall state what evidence was reviewed, summarize relevant interviews, and include a recommendation for or against a formal investigation. The complainant, if they have continued to participate in the inquiry, and the respondent shall receive a copy of this report and shall have seven (7) days to comment on it, as part of the written record. If the designee determines that the allegation is frivolous, that it cannot be substantiated, or that there is insufficient evidence to justify further investigation, all proceedings shall be terminated. If the designee determines that sufficient evidence exists, the cognizant senior staff officer shall initiate a formal investigation within 30 days of receiving the report.

Records of the inquiry shall include sufficient documentation to explain the basis of the decision to terminate proceedings or to initiate a formal investigation.

If an investigation is initiated and the research in question is externally-supported, the Office of Government & Foundation Relations shall be immediately notified in order to coordinate any required communications to external stakeholders. Descriptions for such required communications are found in **Notification of Sponsors and External Stakeholders** below.

c. Investigation

The purpose of the investigation is to examine all the pertinent evidence and determine whether misconduct has occurred.

In the case of an allegation against a faculty member, the Faculty Status and Performance Committee shall conduct the investigation. The provost and the designee shall ascertain that no member of the committee has a conflict of interest or relation with anyone

connected with the case that would compromise independence of judgment. In such instances, the provost shall appoint instead a faculty member who has recently served on the Faculty Status and Performance Committee to participate in the investigation.

In the case of an allegation made against a staff member, the designee shall chair the committee and the other four committee members shall include the director of Human Resources, a tenured member of the faculty, a staff member of the college with at least ten (10) years of continuous employment, and one member from outside the college who is familiar with the nature of the respondent's activities. The latter three members shall be selected by the cognizant senior staff officer in consultation with the designee. Both the cognizant senior staff officer and the designee shall ascertain that none of the four appointed members of the committee has a conflict of interest or relation with anyone connected with the case that would compromise independence of judgment.

The investigation shall include examination of all documentation, including but not necessarily limited to relevant research data, proposals, publications, correspondence, and other forms of communication. The committee conducting the investigation shall interview all individuals who have made the allegation, have been the subject of the allegation, or possess information regarding important aspects of it. Complete summaries of these interviews shall be prepared, given to the interviewed party for comment, and included as part of the written record of the investigation. The committee shall secure any additional expertise that is necessary and appropriate to carry out a thorough and authoritative evaluation of the relevant evidence.

In the course of its work, the committee may discover additional information that justifies broadening the scope of the investigation beyond the initial allegation. The committee shall inform the cognizant senior staff officer, the respondent, and any person whose conduct is to be investigated when it intends to broaden the scope of an investigation.

All involved parties, including the complainant and respondent, are obligated to cooperate with the investigation and to provide information relating to the case. The respondent shall receive all relevant information and evidence in a timely manner to facilitate the preparation of a response. The respondent has the right to hear all testimony, to address the charges and evidence, and to have legal counsel at their own expense.

Except under special circumstances, the committee shall submit its final report of its findings within 120 days of its appointment. Special circumstances include a large volume of material to be studied, inability of outside experts to render judgments quickly, and lack of cooperation from the respondent. If the committee determines that it will not be able to meet this deadline, it must submit to the cognizant senior staff officer a written request for an extension of no more than 60 additional days. The request must also include an explanation for the delay, an interim report on its progress to date, and an estimated date of completion not to exceed 180 days of its appointment.

The college will maintain the records of the investigation in a secure manner for at least seven years after the completion of the investigation.

d. Findings

The findings shall be submitted in writing to the cognizant senior staff officer, the president of the college, and the respondent. The findings can range from (1) *no fraud, misconduct, or substantial error in research*, (2) *no fraud or significant misconduct but substantial error in research*, (3) *no fraud but significant misconduct in research*, (4) *fraud*, (5) *significant misconduct and fraud*. The cognizant senior staff officer and the president shall review the written findings of the committee and shall accept, modify, or reject the findings. In extraordinary cases, the board of trustees may accept a petition from the respondent to hear an appeal of the findings.

e. Disposition

If substantial errors, significant misconduct, and/or fraud have been identified, the president and the cognizant senior staff officer shall take disciplinary action. In the case of faculty, the decision about such action shall be made in consultation with the Faculty Status and Performance Committee. In the case of staff, possible actions include a letter of reprimand, probation, suspension of duties (paid or unpaid) for a stated time, temporary or permanent salary reduction, temporary or permanent reduction in rank and responsibilities, or dismissal for cause. In the case of faculty, possible actions include a letter of reprimand, suspension of duties for a stated time, temporary or permanent salary reduction, or an initiation of action towards dismissal for cause. If the committee finds no substantial error, significant misconduct or fraud, no additional action need be taken other than to notify the appropriate internal and external stakeholders.

If the findings determine that the allegations were malicious and unfounded, disciplinary action against the complainant may be taken.

f. Maintenance of Records

The college's Human Resources Office shall maintain in a secure manner records of any inquiry and investigation for at least seven years after their completion.

4. Protection of Rights

Individuals against whom allegations of misconduct in research are made shall be afforded confidential treatment to the maximum extent possible, a prompt and thorough inquiry and investigation if warranted, and an opportunity to comment on allegations and findings of any inquiry and investigation. When allegations are not confirmed, the college shall make every effort to protect, and if necessary, restore the reputation of anyone wrongly accused.

5. Protection of Complainants

The college shall also make diligent efforts to protect the privacy, reputations, and positions of those who in good faith report apparent misconduct. The cognizant senior staff officer shall monitor the treatment of individuals who bring allegations of misconduct and those who cooperate in inquiries or investigations. The cognizant senior staff officer shall ensure that these persons will not be retaliated against in the terms and conditions of their employment or other status at the college and shall review instances of alleged retaliation for appropriate action.

Faculty or staff should immediately report any alleged or apparent retaliation to the cognizant senior staff officer.

The college shall also protect the privacy of those who report misconduct in good faith to the maximum extent possible. For example, if the complainant requests anonymity, the college shall make an effort to honor the request during the assessment of the allegation and the inquiry within applicable policies, regulations, and applicable federal, state, and local laws. The complainant shall be advised that if the matter is referred to an investigation and the complainant's testimony is required, anonymity will no longer be guaranteed.

#### 6. Interim Administrative Action

Pending final disposition of the case, the cognizant senior staff officer may take interim administrative action to protect federal funds, the health and safety of research subjects, or the interests of the college.

#### 7. Notification of Sponsors and External Stakeholders

Sponsors and external stakeholders have a right to expect that the integrity of the research for which they provide funding or expertise shall be maintained.

If the college decides to initiate an investigation after an inquiry of misconduct in research has been made, and external funds have supported the research in question, the designee shall immediately inform the Office of Government & Foundation Relations. The Office of Government & Foundation Relations shall coordinate any required communications to federal agencies and other external funders. These required communications include:

- Notification to the Office of Research Integrity (ORI) of the Public Health Service (PHS) on or before the date the investigation begins. This notification is required if federal funds are involved. **In cases where a criminal violation is judged a possibility, this notification must be made within 24 hours of the decision to initiate an investigation.**
- Notification to any source of external funds supporting the research project in question, on or before the date the investigation begins.
- The external funder and potentially the ORI must be informed of any significant developments in the investigation. In cases when federal funds are involved, the director of the ORI must be informed if an investigation is terminated before completion, or if any criminal violations are determined to have occurred.
- The findings and disposition shall be submitted to the external funder within seven (7) days of their issuance.
- When government agencies or other sponsors require more detailed reporting procedures, the college shall comply with those procedures.

Depending on the nature of misconduct that is found, the college may also have an ethical responsibility to notify other parties of the conclusions of an investigation. These parties may

include research collaborators, editors of journals in which the research was published, professional licensing boards, other institutions with which the respondent has been affiliated, or other persons or organizations with a direct interest in the matter.

#### 8. Other Considerations

The termination of the respondent's institutional employment, by resignation or otherwise, before or after an allegation of possible misconduct in research has been reported, shall not preclude or terminate the proceedings or otherwise limit the college's responsibilities under federal requirements (42 CFR Part 93).

If the respondent, without admitting to the misconduct, elects to resign their position after the college receives an allegation of misconduct in research, the assessment of the allegation shall proceed, as well as an inquiry and investigation, as appropriate based on the outcome of the preceding steps. If the respondent refuses to participate in the process after resignation, the designee or the investigation committee shall use their best efforts to reach a conclusion concerning the allegation, noting in the report the respondent's failure to cooperate and its effect on the evidence.

#### K. Policy on Distribution of Administrative/Indirect Costs

The faculty, staff, and students at Beloit College, working with the Office of Government & Foundation Relations, are encouraged to seek outside funding for appropriate college-based activities. Unless such requests are specifically prohibited by the granting agency or foundation, applications for grant support from an external agency or foundation must include a request for funds to recover administrative/indirect costs. Administrative/indirect cost rates for federal grants are negotiated between the college and the federal government, with some agencies stipulating a predetermined rate independent of the college's negotiated administrative/indirect cost rate. Private foundations often have a predetermined administrative/indirect cost rate.

All funds received to cover administrative/indirect costs are granted to Beloit College and represent real costs incurred by the college in administering external awards, such as heat, light, water, space use, as well as the many other services provided to enable the grant to be undertaken, such as custodial, secretarial, and accounting activities. Distribution of these funds represents an opportunity to invest strategically in the professional development of the primary faculty involved and to advance strategic initiatives that are vital to the success of undergraduate education in the liberal arts model. Beginning with proposals submitted after March 1, 2010 the distribution of administrative/indirect costs is as follows:

- one-third will be administered by the department/program(s) of the primary principal investigator(s) (PI) to invest in the professional development of the PI(s) and to ensure that the larger objectives of the project are met. A set of budget principles for the strategic use of these funds will be outlined as a part of the proposal development and approval process. While such funds exist, the relevant parties will submit annually a report that accounts for their use to the department's cognizant senior staff officer (in the case of faculty, the provost) and the director of Accounting.

- one-third will be distributed to the provost's Fund for Strategic Initiatives, a discretionary fund that will be used to advance strategic initiatives (including matching funds for other grant opportunities) that are identified by the provost in consultation with the Academic Strategic Planning Committee; and
- one-third will be distributed to the operating budget of the college to offset the costs of project support.

## **L. Whistleblower Policy**

The Beloit College (the “college”) Code of Ethics and Conduct (“code”) requires trustees, officers and employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As employees and representatives of the college, we must practice honesty and integrity in fulfilling our responsibilities and comply with all applicable laws and regulations. The Whistleblower Policy is provided to bring unethical or illegal behavior to the attention of appropriate members of the college administration, to bring those violations to a halt as soon as reasonably possible after discovery, and to discipline those who engage in unethical or illegal behavior.

### **1. Conduct and Reporting Responsibility**

It is the responsibility of all trustees, officers and employees to comply with the code and to report violations or suspected violations in accordance with this Whistleblower Policy. Examples include violation of local, state or federal law, unauthorized disclosure or use of protected confidential information, fraudulent financial or operational reporting.

### **2. No Retaliation**

This Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns within the college prior to seeking resolution outside the college. No trustee, officer or employee who in good faith reports a violation shall suffer harassment, retaliation or adverse employment consequence. Anyone who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment.

### **3. Reporting Violations**

The college has an open door policy and recommends that employees share their questions, concerns, suggestions or complaints with someone who can address them properly. In most cases, the immediate supervisor is in the best position to address an area of concern. However, if the employee is not comfortable speaking with their supervisor, or is not satisfied with the supervisor's response, the employee is encouraged to speak with someone in the Human Resources Office or any member of senior staff. Supervisors and managers are required to report suspected violations to the college's compliance officer (vice president for finance and planning), who has specific and exclusive responsibility to investigate all reported violations. For suspected fraud, or when an employee is unsatisfied, or uncomfortable with following the college's open door policy, individuals should contact the college's compliance officer directly.

An employee who wishes to make an anonymous report can do so by sending a written statement marked “Confidential – to be opened by V.P. Finance and Planning only,” to Beloit College, 700 College St., Beloit, WI 53511. A written statement must contain such information as to allow for the investigation of the suspected violation.

#### 4. Compliance Officer

The college’s compliance officer is responsible for investigating and resolving all reported complaints and allegations concerning violations of the policy and, at their discretion, shall advise the president and/or the audit committee. The compliance officer has direct access to the audit committee of the board of trustees and is required to report to the audit committee at least annually on compliance activity.

#### 5. Accounting and Auditing Matters

The Audit Committee of the board of trustees shall address all reported concerns or complaints regarding corporate accounting practices, internal controls or auditing. The compliance officer shall immediately notify the Audit Committee of any such complaint and work with the committee until the matter is resolved.

#### 6. Acting in Good Faith

It is a violation of this policy to make a false claim or knowingly provide false information about a violation. Anyone filing a complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation.

#### 7. Confidentiality

Violations or suspected violations may be submitted on a confidential basis by the complainant or may be submitted anonymously. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

#### 8. Handling of Reported Violations

The compliance officer will notify the sender and acknowledge receipt of the reported violation or suspected violation within five business days. All reports will be promptly investigated and appropriate corrective action will be taken if warranted by the investigation.

### **M. Drugs and Alcohol**

1. The unlawful possession, use, distribution, manufacture, or dispensing of illicit drugs and/or alcohol by students and employees on college property or as part of college activities is prohibited.

2. When the college becomes aware of a violation of existing drug and alcohol laws, it may invoke the full range of institutional penalty, up to and including disciplinary action or dismissal. When appropriate, however, cases will be handled by counseling or warning. In any event, due

process shall be observed. College officials will cooperate with legal authorities whenever necessary. (See guidelines published in 1977 Sec. 504, Rehabilitation Act of 1973, P.L. 93-112.)

## **N. Policy Against Sexual Harassment and Associated Grievance Procedures<sup>[1]</sup>**

### **1. General Prohibition of Discrimination on the Basis of Sex**

#### **a. Policy Statement**

Beloit College (the “College”) does not discriminate on the basis of sex in its education programs or activities. Title IX of the Education Amendments Act of 1972 (“Title IX”), its regulations, and certain other federal and state laws prohibit discrimination in such a manner. Under Title IX, discrimination on the basis of sex includes sexual harassment.

Title IX’s requirement not to discriminate in any of the College’s education programs or activities applies to both students and employees and extends to both admission and employment. Inquiries about the applicability of Title IX and its regulations to the College may be referred to the College’s Title IX Coordinator, the Assistant Secretary for Civil Rights of the United States Department of Education, or both:

Title IX Coordinator  
Hope Ballentine  
608-363-2628  
700 College St.  
Beloit, WI 53511  
[titleix@beloit.edu](mailto:titleix@beloit.edu)

Assistant Secretary for Civil Rights  
U.S. Dept. of Education Office for Civil Rights  
400 Maryland Ave., SW  
Washington, D.C. 20202-1100  
1-800-421-3481; 1-800-877-8339 (TDD)  
202-453-6012 (Fax)  
[OCR@ed.gov](mailto:OCR@ed.gov)

The College is committed to creating and sustaining an educational and working environment that is free from discrimination on the basis of sex. If you experience discrimination on the basis of sex, you are strongly encouraged to utilize the various on- and off-campus resources available to you, including the resources identified under this Policy. To the extent that any other College policy regarding discrimination or harassment on the basis of sex (as defined by Title IX) conflicts with this Policy, this Policy shall control.

*Effective August 14, 2020, all reports or complaints of sexual harassment and all reports or complaints containing an allegation of sexual harassment shall be processed under this Policy.*

#### **b. Title IX Coordinator**

The College has appointed a Title IX Coordinator to coordinate the College’s efforts to comply with its responsibilities under Title IX. As of this Policy’s most recent revision,



the Title IX Coordinator's name and contact information are as follows:

Hope Ballentine  
Title IX Coordinator  
700 College St.  
Beloit, WI 53511  
titleix@beloit.edu  
608-363-2628

The Title IX Coordinator's name and contact information shall be provided to all applicants for admission, applicants for employment, students, employees, and any professional organizations required to receive notice under Title IX and its regulations. The Title IX Coordinator's contact information shall be prominently displayed on the College's website and in each handbook or catalog made available to the above-identified individuals and entities.

Any person may report sex discrimination, including sexual harassment, to the Title IX Coordinator by mail, telephone, or by electronic mail, using the contact information listed above or by any other means that result in the Title IX Coordinator receiving the person's verbal or written report. Reports can be made to the Title IX Coordinator at any time, including during non-business hours.

c. Education Programs or Activities

Education programs or activities include locations, events, or circumstances over which the College exercises substantial control over the respondent (the person against whom the complaint is filed) and the context in which the sexual harassment occurs. This includes, but is not limited to, all on-campus activities, dormitories and official student housing, and College-sponsored or College-sanctioned sporting and team events.

Education programs or activities also include any building owned or controlled by a student organization that is officially recognized by the College. This includes, but is not limited to houses owned or controlled by the College's recognized sororities and fraternities.

While Title IX does not recognize study abroad programs as education programs or activities, the College reserves the right to process such complaints of discrimination on the basis of sex (including sexual harassment) under separate policies and procedures, including, but not limited to, the policies and procedures set forth in the Beloit College Student Handbook and Beloit College Administrative Policy Manual.

d. Sexual Harassment

Discrimination on the basis of sex includes sexual harassment. Sexual harassment is defined as conduct on the basis of sex that satisfies one or more of the following:

- i. A College employee conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct;
- ii. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal

- access to the College's education program or activity; or
- iii. Sexual assault, dating violence, domestic violence, or stalking.

Sexual assault is defined as an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

Dating violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic violence is defined as felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under Wisconsin's domestic or family violence laws, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Wisconsin.

Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others; or suffer substantial emotional distress.

For purposes of establishing sexual harassment under this Policy, consent to sexual activity must be informed and freely and actively given through mutually understood words that indicate a willingness to participate in mutually agreed-upon sexual activity. The College requires a non-intoxicated, verbal, mutually understood "Yes" for sexual contact or intercourse to be considered consensual.

Consenting to sexual activity requires a non-intoxicated, verbal, mutually understood communication free from threats, intimidation, or other coercion. Returning to an individual's room, being physically aroused, removing clothing, stroking, assenting to dancing or cuddling, obtaining contraception, and such similar circumstances do not equate to a non-intoxicated, verbal, mutually understood "Yes" and, therefore, do not constitute consent. Silence or inaction does not constitute consent, nor should non-verbal actions be considered invitations to sexual contact or intercourse.

Individuals who are below their normal cognitive function, inebriated, mentally or physically impaired or incapacitated, have a mental illness or deficiency, are unconscious for any reason, or are physically unable to communicate are assumed to be incapable of giving consent. Someone who is under the influence of drugs and/or alcohol may be physically unable to communicate and therefore may be unable to give consent.

2. Grievance Procedure for Complaints of Discrimination on the Basis of Sex that do not include Allegations of Sexual Harassment

Please refer to the College's Personal Harassment Policy and Anti-Hate Acts and Bias Incident Policy, incorporated herein, for information regarding the College's procedure for processing and responding to complaints of discrimination based on sex other than sexual harassment

### 3. Reports of Sexual Harassment

The College encourages victims of sexual harassment to talk to someone about what happened so they can get the support they need, and so the College can respond appropriately. Some of these resources are confidential, including speaking with counselors in the College's Health and Wellness Center. Reporting to a confidential resource does not trigger a response obligation under Title IX. This means that confidential resources are not obligated to report to the Title IX Coordinator.

Whether reporting to a College employee imputes actual knowledge to the College (thereby triggering the College's response obligations) depends on that employee's responsibilities and authority at the College. For example, reporting sexual harassment to the following College employees is not confidential and imputes actual knowledge to the College:

- Title IX Coordinator
- College Deans
- Campus Security
- Director of Residential Life
- Residential Life Coordinators
- Vice President for Human Resources and Operations
- Director of Human Resources

Reporting to these employees is not confidential and does trigger a response obligation from the College under Title IX. All such employees are obligated to immediately notify the Title IX Coordinator in the event they receive a report of sexual harassment. Failure to do so may result in discipline, up to and including termination.

#### a. Supportive Measures

The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. They are designed to restore or preserve equal access to the College's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment, or deter sexual harassment.

Supportive measures may include:

- Counseling;
- Extensions of deadlines or other course related adjustments;
- Modifications of work or class schedules;
- Campus escort services;
- Mutual restrictions on contact between the parties;
- Changes in work or housing locations;

- Leaves of absence;
- Increased security and monitoring of certain areas of the campus; and
- Other similar measures.

When the College has obtained actual knowledge of sexual harassment in an education program or activity, the Title IX Coordinator must promptly contact the complainant regarding supportive measures. Specifically, the Title IX Coordinator must promptly contact the complainant to:

- Discuss the availability of supportive measures;
- Consider the complainant's wishes with respect to supportive measures;
- Inform the complainant of the availability of supportive measures with or without the filing of a formal complaint; and
- Explain to the complainant the process for filing a formal complaint of sexual harassment as set forth herein.

While the Title IX Coordinator is initially obligated to reach out to the complainant regarding supportive measures, the respondent also has an equal right to supportive measures.

In each instance, the Title IX Coordinator must document their response to a report (or formal complaint) of sexual harassment and the basis for that response. This includes documenting that they have offered supportive measures to restore or preserve equal access to the College's education program or activity. If the Title IX Coordinator does not provide a complainant with supportive measures, then he/she must document the basis for not doing so.

The College shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality will not impair the College's ability to provide the supportive measures.

For purposes of this policy, a complainant is the individual who is alleged to be the victim of conduct that could constitute sexual harassment. A respondent is the individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

**Before imposing any disciplinary sanctions or other actions that are not supportive measures against a respondent, the College must follow the grievance process set forth in Section 4.**

b. Emergency Removal

The College reserves the right to remove a respondent from its education program or activity on an emergency basis. In order to do so, the College must first:

- Undertake an individualized safety and risk analysis;
- Determine that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal; and
- Provide the respondent with notice and an opportunity to challenge the decision immediately following the removal.

Subject to the above process, the College may remove a respondent without first having received a formal complaint of sexual harassment.

4. Grievance Procedure for Formal Complaints of Sexual Harassment and Complaints including allegations of Sexual Harassment.

a. Formal Complaints of Sexual Harassment

Either a complainant or the Title IX Coordinator can file a formal complaint alleging sexual harassment against a respondent.

To constitute a formal complaint, the document must be filed by a complainant or signed by the Title IX Coordinator. The document must allege sexual harassment against a respondent and request that the document or electronic submission (such as by electronic mail) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.

If the complainant chooses not to file a complaint, the Title IX Coordinator must either document their reasons for filing a complaint against the complainant's wishes or document their reasons for choosing not to file a formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party.

At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the College's education program or activity with which the formal complaint is filed.

A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed above.

b. Party Rights During the Grievance Process

Formal complaints of sexual harassment trigger the grievance process set forth in this Section 4. During the grievance process, the parties have the following rights:

- **Presumption of Innocence.** The respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- **Discussing Allegations.** The College cannot restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
- **No Retaliation.** The College prohibits intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy, Title IX, or Title IX's regulations.  
Intimidation, threats, coercion, or discrimination for the purpose of interfering with any right or privilege secured by Title IX or its regulations, constitutes retaliation.
- **Advisors.** During the grievance process, all parties have the right to an advisor of their choice, who may be, but is not required to be, an attorney. The College may not limit the choice or presence of a party's advisor in any meeting or grievance proceeding. However, an advisor's active participation during the grievance process is limited to conducting cross-examination at the live hearing.

- **Equal Opportunity to Present Witnesses and Other Evidence.** The parties have an equal opportunity to present witnesses and other evidence, including fact and expert witnesses, and other inculpatory and exculpatory evidence. The parties also have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations in the formal complaint, including evidence upon which the College does not intend to rely in reaching a determination regarding responsibility.
- **Objective Evaluation of All Relevant Evidence.** The parties have a right to an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence.
- **Privacy Protections.** The College cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional unless the school has obtained the party's voluntary, written consent.
- **Privileged Information.** The grievance process may not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege (unless the privilege has been waived). Privileges include, but are not limited to: attorney-client privilege, marital privilege, religious advisor privilege, physician-patient privilege, and psychologist-patient privilege.
- **Credibility Determination.** Credibility determinations may not be based on a person's status as a complainant, respondent, or witness. The College cannot give credence to a person's statements simply because of the position he/she holds.
- **No Conflict of Interest or Bias.** Any individual designated by the College as a Title IX Coordinator, investigator, decision-maker, reviewer, or any person designated by the College to facilitate an informal resolution process, may not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

The grievance process (up to and including an appeals determination, if applicable) shall be completed in a reasonably prompt time frame, which the College designates as 120-180 calendar days from receipt of the formal complaint.

Temporary delays or limited extensions of time frames may be permitted for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

c. **Administrative Leave**

During the pendency of the grievance process, the College reserves the right to place a nonstudent employee respondent on administrative leave.

d. **Standard of Evidence under this Grievance Procedure**

The standard of evidence to be used for determining responsibility under this grievance procedure (and for all formal complaints of sexual harassment, including formal complaints against employees and students) is the preponderance of the evidence

standard.

e. Initial Response to a Formal Complaint

Upon receipt of a formal complaint, the Title IX Coordinator shall promptly provide the following information in a written notice to the known parties:

- Notice of the grievance process, including informal resolution and the name of the individual assigned to conduct the investigation.  
Note that any objections to an appointed investigator must be made in writing to the Title IX Coordinator within three (3) calendar days after notice has been provided. Objections must be based on actual bias or conflicts of interest. The Title IX Coordinator will determine if bias or a conflict of interest exists. In that event, the parties will be notified in writing of the name of the new investigator. Any objection to the new investigator will be made in accordance with this section.
- Notice of the allegations of sexual harassment potentially constituting sexual harassment as defined in 34 C.F.R § 106.30, including sufficient details known at the time and with sufficient time to prepare a response before any interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment under 34 C.F.R § 106.30, and the date and location of the alleged incident, if known.
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, and who may inspect and review evidence.
- A statement informing the parties of any provisions in the College's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

f. Investigating a Formal Complaint

Upon receipt of a formal complaint and a determination that the complaint is subject to this grievance procedure, the assigned investigator shall investigate the formal complaint. Note that the College may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.<sup>[2]</sup>

The specific steps of the investigation will vary based on the nature of the allegations and other factors; however, the College's inquiry will be prompt, thorough and impartial. The investigation shall be completed within forty-five (45) calendar days of receipt of the formal complaint. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the College and not on the parties.

The investigation process shall include, at minimum, individual meetings with the complainant and respondent to discuss the substance of the complaint and to identify witnesses (lay or expert) and other inculpatory or exculpatory evidence. The investigator shall provide advanced notice to the party, including the date, time, location, participants,

and purpose of the investigative meeting at least five (5) calendar days in advance of the meeting to provide sufficient time for the party to prepare to participate.

When investigating a formal complaint and throughout the grievance process, the College must provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

Prior to the conclusion of the investigation, the investigator shall provide to the complainant and respondent (and their respective advisors, if any) the opportunity to review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including any evidence upon which the College does not intend to rely upon in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source.<sup>[3]</sup>

Such evidence will be sent in an electronic format to the parties and any identified party advisor (unless requested by a party or advisor to be received in hard copy format). Each party will be given at least ten (10) calendar days to submit to the investigator a written response to the evidence for consideration by the investigator prior to conclusion of the investigation and completion of the investigative report.

The investigator shall conclude the investigation by drafting a written investigative report that fairly summarizes the relevant evidence. The investigative report must also describe the procedural steps from receipt of the formal complaint through the conclusion of the investigation, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence.

Note that the following evidence and information is deemed not relevant or otherwise not subject to use in the grievance process: (1) information protected by a legally recognized privilege; (2) evidence about a complainant's sexual predisposition; (3) evidence about a complainant's prior sexual behavior unless it is offered to prove that someone other than the respondent committed the alleged conduct or it concerns specific incidents of the complainant's prior sexual behavior with respect to the respondent and is offered to prove consent; (4) any party's medical, psychological, and similar records unless the party has given voluntary written consent.

Before the investigative report has been finalized, each party (and their respective advisors, if any) will be provided with a draft copy of the investigative report. The draft report will be provided in an electronic format (unless requested by a party or advisor to be received in hard copy format). Each party will be given five (5) calendar days to submit to the investigator any objections to the draft investigative report prior to its finalization.

The final investigative report will be sent to the parties and any identified party advisor at least ten (10) calendar days prior to the live hearing in electronic format (unless requested by a party or advisor to be received in hard copy format). The parties may review the final investigative report and provide a written response to the decision-maker no later than three (3) calendar days before hearing (discussed below).

g. Discussing a Formal Complaint



**Jurisdictional Dismissal.** Under certain circumstances, a formal complaint of sexual harassment may not be subject to the jurisdiction of Title IX and this grievance procedure for complaints of sexual harassment set forth in this Section 4.

The College must investigate the allegations in a formal complaint. However, a formal complaint must be dismissed for purposes of sexual harassment under Title IX and its regulations (and removed from this grievance process) if:

- The conduct would not constitute sexual harassment as defined under 34 C.F.R. §106.30 even if proved;
- The conduct did not occur in the College's education program or activity; or
- The conduct did not occur against a person in the United States.

Dismissing a formal complaint of sexual harassment for any of these reasons does not preclude action under another of the College's policies prohibiting misconduct.

**Discretionary Dismissal.** The College may dismiss a formal complaint as subject to this grievance process if, at any time during the investigation or hearing:

- The complainant submits a written request for withdrawal to the Title IX Coordinator;
- The respondent is no longer enrolled at or employed by the College; or
- The specific circumstances prevent the College from gathering evidence sufficient to reach a determination.

Regardless of whether a formal complaint is subject to jurisdictional or discretionary dismissal, the Title IX Coordinator shall promptly notify the parties, simultaneously and in writing, of the dismissal and reasons therefor. Parties can appeal the dismissal decision (see below).

#### h. Live Hearing

Within twenty (20) calendar days following the conclusion of the investigation, the College will schedule a live hearing before an appointed decision-maker<sup>[4]</sup> to reach a determination regarding responsibility.

Key aspects of the live hearing include:

- **Physical or Virtual Presence.** At the College's discretion, live hearings pursuant to this paragraph may be conducted either with all parties physically present in the same geographic location or with any or all parties, witnesses, and other participants appearing at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.

At the request of either party, the College shall provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker and parties to simultaneously see and hear the party or the witness answering questions.

- **Records or Transcript.** The College shall create an audio or audiovisual recording, or transcript, of the live hearing and make it available to the parties for inspection and review.
- **Cross-Examination.** At the live hearing, the decision-maker must permit each

party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally, notwithstanding the College's discretion to otherwise restrict the extent to which advisors may participate in the proceedings.

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

▪ **Relevant Questions.** Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

▪ **Advisors for Cross-Examination.** If a party does not have an advisor present at the live hearing, the College shall provide without fee or charge to that party, an advisor of the College's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.

The Title IX Coordinator will be responsible for coordinating the live hearing process. This includes, but is not limited to: scheduling the hearing; notifying parties and witnesses of the hearing; ensuring that the decision-maker is provided with appropriate materials including any exhibits; coordinating technology; securing a location for the hearing; and providing for a record or transcript. The Title IX Coordinator will also act as liaison between the parties and the decision-maker on procedural matters.

The parties will be given written notice of the date, time, and location of the hearing no sooner than ten (10) calendar days before the hearing has been scheduled. The notice of hearing shall also include the identity of the decision-maker. Any objections to an appointed decision-maker must be made in writing to the Title IX Coordinator within three (3) calendar days after notice has been provided. Objections must be based on actual bias or conflicts of interest. The Title IX Coordinator will determine if bias or a conflict of interest exists. In that event, the parties will be notified in writing of the name of the new decision-maker. The date for the hearing may also need to be rescheduled. Any objection to the new decision-maker will be made in accordance with this section.

No later than three (3) calendar days before the hearing, each party will provide to the

decision maker(i) the name of, and contact information for, the party's advisor (if any); (ii) any requests to consolidate pending cases for hearing; and (iii) a proposed witness list.<sup>[5]</sup>

The decision-maker will make all determinations regarding pre-hearing matters and will promptly notify the Title IX Coordinator who, in turn, will promptly notify the Parties.

i. Decision-Maker's Determination Regarding Responsibility

Following the live hearing, the decision maker shall issue a written determination regarding responsibility. To reach this determination, the preponderance of the evidence standard must be applied. The decision-maker's written determination shall:

- Identify the allegations potentially constituting sexual harassment;
- Describe the procedural steps from receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Include the findings of fact supporting the determination;
- Include the conclusions regarding the application of the College's code of conduct to the facts;
- Include a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the College imposes on the respondent, and whether remedies designed to restore or preserve equal access to the College's education program or activity will be provided by the College to the complainant; and
- Include the College's procedures and permissible bases for the complainant and respondent to appeal.

The decision-maker shall provide their written determination to the parties simultaneously. The determination becomes final either on the date the College provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

j. Appeal

Any party can appeal the decision-maker's determination regarding responsibility. Parties can appeal on the following bases:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time of the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
- The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainant or respondent generally or against the individual complainant or respondent that affected the outcome of the matter.

Parties also have the right to appeal the College's mandatory or discretionary dismissal decision.

Appeals must be filed with the Title IX Coordinator within three (3) calendar days following issuance of the decision-maker's written determination. Requests for appeal must indicate the basis for the appeal.

Upon receipt of the appeal, the Title IX Coordinator shall notify the parties in writing that an appeal has been filed. The Title IX Coordinator shall also notify the Chair of Personal

Harassment Committee (the "Committee") to consider the appeal and notify the parties of the committee. The Chair shall not be the same person as the decision-maker, the investigator, or the Title IX Coordinator. The Committee is made up of hourly staff members, faculty and administrators.

The Chair shall notify the parties of the appeal procedures and set a schedule for the parties to submit written statements in support of, or challenging, the outcome.

Such schedule shall provide an opportunity for each party to respond to the arguments of the other party.

Upon reviewing both parties' statements, the Committee shall issue a reasoned written decision describing the result of the appeal and rationale for the result. The written decision shall be provided to both parties simultaneously. The reviewer's decision shall be final and binding upon the parties.

k. Remedies

This grievance process provides remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent. The Title IX Coordinator is responsible for effective implementation of any remedies.

Remedies under this policy must be designed to restore or preserve equal access to the education program or activity. For students, the range of possible remedies includes, but is not limited to: safety escorts, class section reassignment, residence hall room reassignments, counseling and academic support services, academic accommodations, the ability to retake a test, or withdrawal or re-enrollment in a course without financial penalty. For employees, the range of possible remedies includes, but is not limited to: office reassignments, job reassignments, accommodations, or counseling.

The grievance process may also provide for discipline or recommendations for discipline where a determination of responsibility for sexual harassment has been made against the respondent. For students, the range of possible discipline includes, but is not limited to: a warning, probation, suspension, or expulsion. For employees, the range of possible or recommended discipline includes, but is not limited to: a verbal warning, written warning, suspension, or termination. Recommendations for discipline will be pursued according to applicable College policies.

l. Informal Resolution

At any time after receiving a formal complaint but before a determination regarding responsibility, the College may offer the parties the opportunity to engage in informal resolution of the formal complaint. However, informal resolution may not be offered or utilized where the allegations involve an employee sexually harassing a student.

The College must obtain the parties' voluntary, written consent to the informal resolution process. The Title IX Coordinator must also provide to the parties a written notice disclosing:

- The allegations
- The requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations (provided, however, that at any

time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint)

- Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

A party may withdraw from the informal resolution process at any time prior to reaching an agreed resolution without affecting the proceedings

5. Miscellaneous Provisions Regarding Discrimination on the Basis of Sex and Sexual Harassment.

a. Confidentiality

The College shall keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (“FERPA”) and its regulations, or as required by law, or to carry out the purposes of 34 C.F.R. Part 106 (Nondiscrimination on the Basis of Sex in Education), including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

b. Retaliation

The College prohibits intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy, Title IX, or Title IX’s regulations.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, constitutes retaliation.

Complaints alleging retaliation may be filed according to the College’s grievance procedures for sex discrimination.

c. Recordkeeping

The College will comply with all recordkeeping requirements imposed by applicable law and regulations, including those recordkeeping requirements set forth in 34 C.F.R. § 106.45(b)10. This includes the following records, which must be maintained in compliance with federal and state laws:

- Each sexual harassment investigation, including any determination regarding responsibility and any audio or audiovisual recording or transcript, any disciplinary

sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the education program or activity;

- Any appeal and the result of that appeal;
- Any informal resolution and the result of that informal resolution;
- All Title IX training materials; and
- Records of any actions, including any supportive measures (and the basis for providing or not providing supportive measures based on the deliberate indifference standard) taken in response to a report or formal complaint of sexual harassment.

Beginning on August 14, 2020, the above-cited records must be maintained for no less than seven (7) years from the conclusion of a matter (including any appeal).

**d. Right to Pursue Other Remedies Not Impaired**

The right of a person to prompt and equitable resolution of a complaint filed under this policy shall not be impaired by the person's pursuit of other remedies (e.g., criminal complaints, civil actions, etc.). Use of the College's grievance procedures does not extend any filing deadline related to the pursuit of other remedies.

[1] This policy is intended to comply with the Title IX of the Education Amendments Act of 1972 ("Title IX") and its regulations. To the extent that this Policy conflicts with Title IX or its regulations, Title IX and its regulations shall control.

[2] Where a grievance process involves more than one complainant or more than one respondent, references in this section to the singular "party," "complainant," or "respondent" include the plural, as applicable.

[3] The College must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

[4] The decision-maker may not be the Title IX Coordinator or investigator. The decision-maker may also be a panel of decision-makers.

[5] The investigator may be a witness at hearing. However, the decision-maker must independently reach a determination regarding responsibility without giving deference to the investigative report.

**O. Exposure to Blood or Other Potentially Infectious Materials**

Beloit College ensures that all employees with occupational exposure to human bloodborne pathogens and selected students and volunteers are protected from contracting bloodborne disease through implementation of a bloodborne pathogens exposure control plan. This plan follows the requirements established by the Wisconsin Department of Industry, Labor and Human Relations (ILHR 32.50) as adopted from the rules issued by the U.S. Occupational Safety and Health Administration. Copies of this plan are available in the Human Resources Office.

**P. Smoking**

In compliance with Beloit City Ordinance and in an effort to provide a smoke-free environment for the health and well-being of the campus community, smoking, including the use of e-cigarettes, in college buildings is prohibited. Smoking is also prohibited near any entrance used by the public, windows that open, and ventilation systems of all places of employment and public places where smoking is prohibited. Smoking is permitted outside of buildings at a

distance of 15 or more feet from any entrances used by the public, windows that open and ventilation systems to any enclosed areas where smoking is prohibited so as to insure that persons entering or leaving the building or facility shall not be subjected to breathing tobacco smoke and to insure that tobacco smoke does not enter the building or facility through entrances, windows that open, ventilation systems or any other means.

#### **Q. Ethical Use of Computing and Information Resources and Privileges**

Access to computing facilities and associated resources is provided as a privilege to members of the Beloit College community. The college provides these resources to support its educational mission. It is expected that users will obey all rules and regulations pertaining to the appropriate use of these facilities. This involves using the facilities in a manner that is consistent with all-college policies, with policies of other networks (e.g., WISCNET, Internet), and with state and federal laws. Every user is responsible for helping to ensure that these resources are used appropriately; this includes prompt reporting of instances where it is believed an abuse has occurred. If users are in doubt as to whether a particular proposed use is appropriate, they should check with Information Services and Resources before the proposed use is undertaken. Misuse of computing facilities (whether or not they are directly college-owned) will constitute just cause for disciplinary action by Beloit College in addition to any legal enforcement by local, state, or federal authorities.

The following are guidelines for the appropriate use of computing facilities:

##### **1. Use Facilities and Services Only for the Purposes for Which You Are Authorized.**

Violations include:

- a. using another person's account or attempting to capture/guess other users' passwords;
- b. circumventing normal resource limits, log-on procedures, and security regulations;
- c. trying to obscure your true identity as the sender of electronic mail or the user of other networked services that request identification;
- d. using college computing resources for unauthorized commercial purposes; and
- e. using the college's computing resources to harass, intimidate, or threaten other users.

##### **2. Respect the Privacy of Other Users**

Files, tapes, disks, email, information, programs, and data owned by individual users should be considered private, whether or not the information is accessible by other users. The Electronic Communications Privacy Act places electronic mail in the same category as messages delivered by the US Postal Service. Tampering with email, interfering with or intercepting its delivery, and using email for criminal purposes may be felony offenses. See the second paragraph of

Procedures for further information about privacy.

### 3. Respect the Rights of Others to Make Use of These Resources

Violations include:

- a. placing obscene or harassing material in areas that can be/are publicly accessed;
- b. sending/forwarding chain letters or deliberately flooding a user with automatically generated mail;
- c. printing or sending excessive copies of documents, files, data, or programs;
- d. unauthorized attempts to modify or remove computer equipment;
- e. attempting to degrade or disrupt system security or performance;
- f. damaging or vandalizing college computing facilities, equipment, software, or computer files.

### 4. Respect Appropriate Copyright Laws, Licenses, Confidentiality, and Trade Secret Agreements

Much of the software and data that resides on the college's computer facilities is protected by copyright laws and license agreements and may not be copied from, into, or by using campus computing facilities, except as permitted by law or by license from the owner of the copyright. The number of copies and distribution of the copies may not be done in such a way that the number of simultaneous users exceeds the number allowed.

### 5. Obey Established Guidelines for any Networks or Systems Used Inside or Outside the College

Accessing computers, software, data or information, or networks without proper authorization using college equipment, a college account, or the college network, regardless of whether any damage is done or whether the computer, software, data, information, or network in question is owned by the college, will be treated as an abuse of your Beloit College computing privileges. Violating guidelines of non-college networks or systems, even if using non-college resources, may be grounds for revocation or suspension of college computing privileges.

### 6. System Administrators

In addition to the rules outlined above, system administrators must take reasonable and appropriate steps to see that all license agreements are faithfully executed on all systems, networks, and servers for which they have responsibility. They must take reasonable precautions to guard against corruption of data or software, damage to hardware or facilities of the college, and illegal copying of college software. They must implement college policies as related to these computer systems and must treat information about and information stored by the system's users as confidential.



Anyone authorized to add or delete files from a hard drive of a college computer that is regularly available to more than one individual is acting as a system administrator. System administrators are those who perform functions on college computer equipment including, but not limited to, installing hardware and software, managing a computer or network, and keeping a computer operational.

In the normal course of working with the college's networks and computers, the staff responsible for maintaining those systems may come across and see information stored on college-owned equipment, as well as on personnel equipment that is connected to the college network. Unless there are suspected violations of law or college policy, the staff shall respect the privacy of the individual. Should the faculty or staff member overseeing these systems suspect such violations, the procedures of the next section shall apply.

#### 7. Procedures When Abuse/Misuse is Suspected

When there is an indication that misuse has occurred, the alleged offense is to be reported immediately to the CIO and to the appropriate senior staff officer or the president (only for direct reports). If there is reason to believe a person's safety is at risk, Security will also be notified. Information Services and Resources and the appropriate senior staff officer shall investigate the incident and may restrict a user's computing privileges.

If an emergency entry is urgently needed to preserve the integrity of facilities or to preserve public health and safety, Information Services and Resources (ISR) staff may access files or computer components on, or attached to, the college network without the consent of the user. The college, through the CIO, will log all instances of investigative access without consent. Faculty or staff overseeing the college's network servers will also log any emergency entry within their control for subsequent review as soon as possible by the president or appropriate senior staff officer.

When an alleged offense is reported, Information Services and Resources may make copies of the alleged offender's files to preserve evidence. In order to preserve privacy staff may not access or read any copied files without authorization from the appropriate senior staff officer.

Some instances in which computer resources are used inappropriately may lead to disciplinary action in two different venues (e.g., computer-assisted plagiarism, such as copying a computer file and using it as a model or submitting it as your own work without attribution, could result in disciplinary action according to Academic Honesty guidelines as well as this policy).

Disciplinary action may include loss of computing privileges and other sanctions up to and including non-reappointment, discharge, and/or dismissal. Alleged student misuses will be handled according to the college's judicial system procedures. Alleged faculty misuses will be handled according to the college's procedures for evaluation, termination, or non-renewal. If the alleged misuse by a member of the faculty or staff involves harassment, it will be handled according to the procedures in the policy on personal harassment.

Abusers of the college's computing resources may also be liable for civil or criminal prosecution. It should be understood that nothing in this policy can preclude enforcement under federal, state, and local laws and regulations.

**R. Personnel Information**

Personnel records of employees of the college exist for the official use of the college only and are not to be made available for other uses. With the exception of college “directory information,” all personnel information is confidential unless permission is received by the Human Resources Office from the current or former employee giving permission to disclose confidential information to the inquirer.

Directory information falls into two categories: public directory information that is essential to doing college business, such as department, office phone number, and email address; and personal directory information, which may be shared internally, such as employee’s name, title, department, office phone number, email address, home address, home phone number, and spouse/partner name. Directory information will be made available to the Beloit College community in the personal directory unless an individual acts to restrict such release by written notice to the Human Resources Office.

**S. Record Retention and Destruction Policy**

This represents Beloit College’s policy regarding the retention and disposal of electronic and physical records. Examples of electronic and physical records include, but are not limited to computer files, external hard drives, paper, microfiche, and film.

**1. Administration**

In order to comply with various federal and state regulations, many of the College’s electronic or physical records must be kept for specified periods of time. In addition, accomplishing the work of the College may, in some instances, require that records be retained longer than the minimum required by statute. Consistency in handling such records is important and departmental procedures should be established and adhered to by all stakeholders. Once the records have served their purpose and the regulatory requirements have been satisfied, these materials should be disposed of in an appropriate manner. Destruction of records in a manner inconsistent with the College or departmental policy can result in a liability for the institution and possibly for the individual.

**2. Confidentiality Requirement**

Many electronic and physical records subject to record retention requirements contain confidential information (e.g., dates of birth, Social Security Numbers, and financial aid). These records are protected by federal, state, and local statutes, including the Health Insurance Portability and Accountability Act (HIPPA), the Family Educational Rights and Privacy Act (FERPA), and the Gramm-Leach-Bliley Act (GLBA). Electronic or physical records containing personal or confidential information must be destroyed by shredding or otherwise permanently removing the information.

**3. Suspension of Record Disposal in the Event of Litigation or Claims**

Upon notification by the Vice President for Finance & Planning (VPFP) of a subpoena, litigation, or governmental investigation/audit, the College shall temporarily suspend this Records Retention and Destruction Policy until the impacted records are identified and segregated. The VPFP will decide proper action including consultation with legal counsel, if needed.

#### 4. Procedures

Because the College does not have a centralized record management function, each department is responsible for the retention and disposal of the records it generates or receives. Every department shall designate a person to coordinate a records retention process for that office.

Annually, the Department Coordinator shall review the Records Retention Schedule and identify all records that must be destroyed. After the proper disposal of all applicable records, the Certificate of Disposal Form must be submitted to the Office of the Vice President for Finance & Planning (VPFP). If changes are needed to the Records Retention Schedule, each department is responsible for forwarding the amended Schedule to the VPFP's office.

Destruction includes:

- Recycling - generally appropriate for all non-confidential records, including public records of other organizations, magazines, annual reports, newsletters, announcements, and drafts or policies or other memos which are not confidential.
- Shredding - using a cross-cut or strip shredder for all records that should not be read by others after they are no longer needed or that contain personnel or confidential information. This is essential for any records containing personal information, information that is student-protected information under FERPA, health-related information, or financial information.
- Deleting - Erasing or destroying electronically stored data across all electronic platforms and drives.

This Policy applies to all records generated in the course of the College's operation, including original and reproductions of electronic and physical records, listed below, but not limited to:

- Financial and Tax Records
- Personnel and Gift Records
- Employment Records
- Faculty Records and Files
- Student Records
- Alumni Records
- Building and Facilities Records
- Compliance Records and Environmental Laws
- Campus Crime Reports

- E-mail and Other Computerized Data
- Litigation Files

## **T. Archives Policy**

In order to identify, protect, and perpetuate records illuminating the college's history, the board of trustees has authorized the establishment of an archives area and staffing in the college Library, and also the development of a policy to achieve this objective. This policy includes designation of responsibility for retention of items to be placed in the Archives and a retention schedule for categories of documents, correspondence, and other archives materials. This policy is designed to insure against the loss of valuable papers and documents, and includes the following provisions pertaining to the preservation of information of administrative, legal, fiscal, or historical research value:

1. All documentary materials received and maintained by college officials and employees in conducting the official business of the college are college records and the property of Beloit College. Included within the term "records" are all documentary materials regardless of media (paper, tape, video, electronic files, etc.) or characteristics (printed, typed, manuscript, audio-visual, or digital).
2. No college records may be destroyed or otherwise disposed of without the approval of the official in charge of the originating office or the review of the college archivist.
3. The archivist shall survey all records created by and in the custody of each administrative and academic department on the campus. The archivist shall maintain contact with members of the administration and meet periodically on matters of Archives policy. In cooperation with the officer of each department, the archivist shall propose schedules for the retention and disposal of all records. The person in charge of each department shall be the judge of which of its records are in sufficient current use to be retained in the department. All material of enduring value, when no longer in current use in the office to which it pertains, shall be transferred to the college Archives. Pursuant to their responsibilities, the archivist shall have the right of reasonable access to and examination of all disposable current college records, excepting the contents of restricted documents.
4. The archivist shall take suitable measures to transfer to the college Archives, preserve, arrange and describe the valuable records of the college, and shall provide information about them, copies of them and/or the documents themselves as required for the business of the college and for research. If the office where records are created wishes to take files from the Archives, it does so with the understanding that they will be returned. In all other instances it is expected that records will be used in the Archives. Restriction on access to and use of records appraised as having archival value and intended for transfer to the custody of the Archives shall be negotiated prior to transfer.
5. The archivist shall select and maintain a collection of memorabilia and "unofficial" historical documents in order to preserve a sense of the student life of the college.
6. The college Archives shall be located within the Library. The archivist shall report to the

Chief Information Officer and Library Director.

**U. Use of the Beloit College Name, Seal, or Logo**

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## Revisions – Chapter IV:

Date Chgd	Section/Subsection	Approved
05-19-10	Section H, and K	AS--3/22/2010
05-19-10	Section E	AS--May, 2010
06-02-10	Section J	AS – Spring 2010
06-08-11	Style guide updates Update for new senior staff structure	Website
11-07-12	Section H	AS--September, 2012
11-6-13	Section L / Change of Compliance Officer	Senior Staff—November, 2013
5-8-2016	Section F	AS-April 2016
5-25-2017	Section F. 4. b.	AS-April 12, 2017
6-15-2017	Section A	Per LR & AD – June 9, 2017
10-18-17	Section P	AS-December 2016
8-14-2020	Section N	Title IX Reg eff 8.14.2020
8-2022	Section R	HR 8.2022
6-12-2024	Removed Gendered Language Section S, and Section T, subsection 6	AS 11.15.23 AS 4.10.24
1-14-2025	Updated listing for Title IX Coordinator	New Title IX Coordinator eff 1.14.25