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Revisions were approved by the Administrative Affairs Board at the April, 14 2009 meeting.

Policy Statement on Sexual Harassment and Grievance Procedure

The College is committed to fostering an environment in which all persons have an equal opportunity to work and to pursue learning freely, whether in group settings or in close relationships between individual students, faculty, and staff. This entails an obligation to protect the dignity, safety, and self-respect of all students, faculty, and staff. As an academic community valuing the moral teaching of Jesus Christ, Hope College is committed to the belief that each individual is of unqualified worth. God values each person, female and male, as a unique work of divine creation. Therefore, the College condemns covert and overt acts which interfere with this commitment and will not tolerate any form of intimidation, abuse, or harassment.

I. DESCRIPTION AND EXPLANATIONS

Sexual harassment is a form of discrimination. It includes any inappropriate or unwanted conduct of a sexual nature which has a negative effect on the educational process, employment benefits, campus climate, or opportunities of any student or employee. As such, it violates *Title VII of the Civil Rights Act* and the *Michigan Elliott-Larsen Civil Rights Act*.

An abuse of privilege or power, sexual harassment can threaten a person's academic status, economic livelihood, sense of safety, well-being and personal dignity. The effects of sexual harassment may include feelings of anger, resentment, embarrassment, humiliation, fear, and lowered self-esteem.

An important component of understanding sexual harassment and assault is clarifying what is meant by "consent" in the context of a sexual relationship. Consent is a clear, freely provided, verbalized agreement to a sexual experience. The absence of disagreement or resistance is not consent. The provided agreement can not be considered valid consent if given under overt or covert coercive circumstances.

Additionally, an individual in the state of Michigan is legally unable to provide consent under the following three conditions:

1. He or she is under the influence of drugs or alcohol. A person under such influence is not of "sound mind and body" and therefore is unable to consent.
2. She or he is under the age of 15.
3. He or she is legally determined to be mentally handicapped.

The condition most applicable to Hope students, faculty and staff is the limitation placed on **valid** consent by the influence or use of drugs and/or alcohol. As an institution that places emphasis on the aspiration to protect the dignity, safety and self-respect of all students, faculty and staff it is our intention to support behavior that complies with this goal. **Thus, if a complainant is found to have been intoxicated at the time of the incident giving rise to the complaint, it will be determined under the policy that no consent was present, whether or not he or she gave verbal assent to sexual advances at the time of the incident. Responsibility to obtain consent that is both valid and explicit is not diminished by one's own intoxication level.**

This policy strives to ensure both academic freedom and freedom from harassment. Respect for all persons and freedom of inquiry are at the center of both academic freedom and an environment devoid of sexual harassment. Nothing in this policy should be construed to limit the scholarly, educational, or artistic content of written, oral or other presentations or discussions. Academic freedom (see *Faculty Handbook* B12) should be extended to all members of the academic community. The Hope College Sexual Assault and Harassment Policy applies to:

Complainant	Alleged Harasser
Faculty	Staff
Staff	Staff
Faculty	Student
Student	Student
Faculty	Faculty
Student	Staff
Student	Faculty
Staff	Student
Staff	Faculty

Sexual harassment includes the following categories:

A. Actions Which Create a Hostile Environment

1. Generalized Sexist Remarks or Sexist Behavior

This involves demeaning remarks or actions serving no scholarly, artistic, or educational purpose that are directed at individuals or groups because of their gender or sexual orientation.

2. Sexually Offensive Remarks or Behavior

This includes lewd, obscene, or sexually suggestive remarks or actions serving no scholarly, artistic, or educational purpose, which would be found offensive by a reasonable person in that situation. This category also includes the public display of sexually offensive audio and visual materials serving no scholarly, artistic, or educational purpose.

B. Sexual Advances

1. Sexual Advances without Intimidation

This includes repeated unwanted requests for a social or sexual encounter. It also includes unwanted or inappropriate touching or kissing.

2. Sexual Advances with Intimidation

This refers to sexual advances which are accompanied by the threat of punishment or promise of reward.

C. Sexual Assaults

This includes sexual advances that are accompanied by actual or threatened physical violence, as specified in the "*Criminal Sexual Conduct Statute of the State of Michigan*". This category also applies to any of the following, if lacking explicit verbal consent: physical contact with groin, genital area, inner thigh, buttocks, and/or breasts; penetration that involves sexual or anal intercourse; cunnilingus; fellatio; or placing any other object in the genital or anal opening.

D. Confidentiality and Retaliation

Every effort at maintaining confidentiality will be made in order to protect the reputation and integrity of all individuals involved.

No person involved, or acting on behalf of a person involved (including those acting as witnesses), in any phase of the implementation of the Sexual Harassment Policy shall abuse, threaten, or exhibit behavior which intimidates any other person involved prior to, during, or after the conclusion of the phase which is being pursued.

If either the complainant or the alleged harasser is abused, threatened, or intimidated, s/he may bring this to the attention of the administrators or committee handling the complaint, asking them for assistance in arranging protection or redress (at that time or after the process has been completed).

No member of the college community shall knowingly file a false complaint of sexual harassment or knowingly provide false information to or intentionally mislead College officials investigating a complaint of alleged sexual harassment.

II. ROMANTIC RELATIONSHIPS BETWEEN EMPLOYEE/STUDENT AND SUPERVISOR/EMPLOYEE

A. Implicit in the concept of professionalism is the recognition by those in positions of authority that their relationships with students include an element of power. It is incumbent on those with authority not to abuse, nor to seem to abuse, the power with which they are entrusted. Therefore, the initiation of or consent to a romantic or sexual relationship between an employee of Hope College and any current Hope College student for whom the employee has a direct professional responsibility is unacceptable. Instances of direct professional responsibility include: assigning grades, writing recommendations, advising, coaching, directing performances, teaching, supervising, awarding financial aid, disciplining, and any other action that may affect the student's current or future study or employment. Initiation of a romantic relationship subsequent to or following a situation where there was a professional responsibility (teaching, advising, coaching, supervising etc.) is also a violation because it could be perceived as an extension of the power relationship therefore undermining the educational process. Romantic or sexual relationships during or after a relationship of professional responsibility may have the effect of undermining the atmosphere of trust on which the educational process depends. If a complaint by the involved student is filed, it is defined as a complaint of sexual harassment.

B. The initiation of or consent to a romantic or sexual relationship is also unacceptable between a supervisor and an employee for whom the supervisor has direct professional responsibility. If a complaint is filed, it is defined as a complaint of sexual harassment.

C. The initiation of a romantic or sexual relationship is strongly discouraged even where there is not a direct professional responsibility. In these situations, there still may be an element of power or authority which could diminish the individual's freedom of choice. Additionally, a change in the situation may establish direct professional responsibility between the individuals. Individuals in positions of authority must be sensitive to the potential conflicts between personal relationships and professional responsibility. Furthermore, for individuals who enter into a relationship where a power differential exists, it will be difficult to prove immunity on grounds of mutual consent if a complaint alleging sexual harassment is lodged.

D. Such romantic or sexual relationships frequently can have a detrimental effect on other students or employees who share a work or classroom environment with the involved parties. When a third party complains of such effects, it is not considered a complaint of sexual harassment. Instead it may be taken to a supervisor as a matter of unprofessional conduct.

E. This category does not apply to married couples.

F. Confidentiality and Retaliation

Every effort at maintaining confidentiality will be made in order to protect the reputation and integrity of all individuals involved.

No person involved, or acting on behalf of a person involved (including those acting as witnesses), in any phase of the implementation of the Sexual Harassment Policy shall abuse, threaten, or exhibit behavior which intimidates any other person involved prior to, during, or after the conclusion of the phase which is being pursued.

If either the complainant or the alleged harasser is abused, threatened, or intimidated, s/he may bring this to the attention of the administrators or committee handling the complaint, asking them for assistance in arranging protection or redress (at that time or after the process has been completed).

No member of the college community shall knowingly file a false complaint of sexual harassment or knowingly provide false information to or intentionally mislead College officials investigating a complaint of alleged sexual harassment.

III. THE SEXUAL HARASSMENT POLICY ADVOCATES

Appointed trained persons, hereafter called *Advocates*, are available to faculty, students, and staff of Hope College to address any inquiries, concerns, or complaints about sexual harassment, and to offer support and/or information. The services of these Advocates are available to any persons who consider themselves to be victims of sexual harassment (referred to in this Policy as "*complainant*"), to *alleged*

harassers, or to individuals who need more information. However, the same Advocate should not represent both a complainant and that person's alleged harasser.

Other full-time students or currently employed faculty or staff of the Hope College Community may act in a support and advocacy role for either the complainant or the alleged harasser even though they are not Advocates. In order to serve as an Advocate, an individual must consult with the Chair of the Advocates, the Sexual Harassment Policy Educator, or their designee to become well versed in Hope College's Sexual Harassment Policy.

A. Duties of the Sexual Harassment Policy Advocates

As individuals:

1. To provide support and offer information about the possible avenues for resolution of grievances arising from behavior which might be interpreted as sexual harassment.
2. To assist and support the person seeking their services as the complainant pursues either an informal or a formal resolution to the complaint. For more information regarding the Advocate's role in those proceedings see sections IV.B., IV.C., and IV.D.
3. To report to the keeper of the list (III.D.1) all complaints which the Advocate believes represent sexual harassment as defined in Sections I.A., B., and C., or II (Hostile environment, Sexual Advances with or without intimidation, Sexual Assault, Romantic Relationships between employee/student and supervisor/employee) of the current document with the exception outlined in IV.C.3.: If the complainant chooses No Action and the complaint is based only on actions described in I.A. (Hostile Environment), the incident will not be recorded on the list of uninvestigated complaints.
4. To confer with faculty, staff, and students who are concerned or unclear about appropriate conduct in either formal or informal settings between students, faculty, and staff.
5. To be available to consult with persons or groups who are concerned about an incident of which they are aware but in which they were not directly involved.
6. To receive training about sexual harassment and the law as it pertains to incidents of sexual harassment; and procedures for ensuring confidentiality and emotional support of the complainant.
7. To assist the Sexual Harassment Policy Educator in informing the College community about the legal, social, and ethical issues inherent in questions of sexual harassment.

When the Advocates meet as a group, they will include the Sexual Harassment Policy Educator and a Chaplain.

As a group:

8. To meet at the beginning of each semester for education, training and discussion of procedures and other business.
9. To make recommendations to the Sexual Harassment Policy Educator regarding training and education for the community.
10. To meet to discuss individual cases only if unusual circumstances are involved. If they do meet for this purpose, no identifying information will be revealed.
11. To meet to discuss the year and share insights and the individual Advocate's activities. An annual report will be compiled by the Chair and will be submitted to the President, who will make it available to the College community. It will contain no identifying information. Presentation of case records in the report will be limited to a statement of the number, type and disposition of cases brought to the attention of the Advocates.

B. Membership

1. Composition and Qualifications for Membership

- a. Since the Sexual Harassment Policy is meant to serve all members of the campus community, it is important that Advocate membership be as broadly based as possible. Membership will consist of at least seven persons including at least three women and two men and one minority member. It will also include representation from faculty, student body, and both administrative and non-administrative staff.
- b. Members will be chosen for their sensitivity, discretion, and skill in mediation. Those appointed will be known to be approachable by faculty, students, and staff.
- c. The following is a summary of qualities which would be helpful for persons serving as Advocates for either the complainant or the alleged harasser. The Advocate should: a) be recognized as a sensitive, caring, and clear-thinking person who is committed to justice for all regardless of the individual's status or position on campus, gender or sexual orientation; b) have an interest in providing assistance to those seeking it; c) be knowledgeable about sexual harassment, its effect on the victim and perpetrator, and procedures for intervention and referral; d) have an awareness of and commitment to confidentiality; e) have the ability to relate to diverse types of people who are experiencing a variety of emotional reactions; f) be supportive while presenting and discussing available alternatives; g) work effectively with other Advocates.
- d. Unless special circumstances make it inadvisable, the same Advocates will assist the complainant or alleged harasser respectively throughout the sexual harassment procedure.

2. Process of appointment

- a. The Women's Studies and Programs Committee, the Director of Human Resources, the President's Advisory Committee, and the Officers of Student Congress are invited to recommend members prior to the end of spring semester. Any individual or group may suggest names of persons who might be especially helpful as Advocates.
 - b. The list of nominees will be reviewed by the Chair of the Advocates and the Sexual Harassment Policy Educator. They, after consultation with the keeper of the list (III.D.1), will submit a slate to the President.
 - c. Sexual Harassment Policy Advocates will be appointed by the President, and the Provost will be notified (see Faculty Handbook A4.c6). The Sexual Harassment Policy Educator is also appointed by the President.
3. Organization of the Advocates
- a. Faculty and staff will be appointed for staggered two-year terms, with the possibility of reappointment; a student member will be appointed for one year, with the possibility of reappointment.
 - b. Members will elect a Chair who will serve for two years. The initial appointment of the Chair may be made by the President. If the Chair resigns, it will be the Chair's responsibility to call a meeting and hold an election for a new Chair. This must occur before the resignation becomes official. If the Chair is unable to serve, the President will appoint a new Chair.
 - c. The names of Advocates will be widely published -- listed in student handbooks and in memoranda to the faculty, staff, and administration, etc. Information about the Sexual Harassment Policy Advocates will be included in orientation programs for faculty, students, staff, and administration.

C. Role of the Sexual Harassment Policy Educator (see **Addendum A**)

1. The Sexual Harassment Policy Educator will not be a member of the Sexual Harassment Policy Advocates.
2. The Educator will instruct Advocates and Hearing Board members about their roles and responsibilities.
3. The Educator will create and implement an educational program designed to increase understanding in the Hope community about sexual harassment.
4. The Educator will be knowledgeable of current sexual harassment law.
5. The Educator will interview Advocate candidates along with the Chair of the Advocates.

D. Recording of Accounts of Sexual Harassment

1. The Assistant Director of Human Resources (elsewhere in this document referred to as "the keeper of the list") will be responsible for compiling all complaints made to the Advocates (see section IV.B2i) which meet the following criteria:
 - a. The person who reported the incident must have been the victim of the alleged harassment. Accounts by a third party of alleged sexual harassment will not be reported to the keeper of the list, unless they are part of the formal proceedings.
 - b. The Advocate must determine that the alleged behavior can be defined as sexual harassment as described in sections I and II of the current document.
 - c. The Chair of the Advocates will be responsible for notifying the alleged harasser that the complaint has been formally recorded. In the event of an Informal complaint, where no hearing has taken place, the Chair will also inform the alleged harasser of his/her right to consult with an Advocate, and appeal or provide a written response to the complaint.
2. In cases where the keeper of the list is alleged to be the harasser, the incident will be reported to the President.
3. The record of complaints will include a list of uninvestigated accounts of sexual harassment which meet the criteria outlined in III.D.1. Inclusion on the list is not a determination of guilt. The record of complaints is necessary for two reasons: first, to inform members of the campus community when they are perceived as engaging in sexual harassment (see IV.C.3); second, to identify individuals who may be repeatedly engaging in sexual harassment.
4. For each complaint, the following information will be recorded:
 - a. The name of the person reporting the incident (i.e., the victim of the alleged harassment).
 - b. The name of the alleged harasser.
 - c. The name of the Advocate who forwarded the complaint.
 - d. A description of the alleged sexual harassment. This description will include the approximate date(s) and place(s) in which the behavior is alleged to have occurred and will specify the nature of the alleged harassment by the category of description provided in Section I of this policy.
 - e. The resolution of the complaint. The action pursued by the complainant will be recorded, as well as the complainant's feelings regarding the outcome of that action.

5. Regardless of the outcome of the complaint, the alleged harasser may choose to submit a written response to the complaint, which would then be attached to the record of the complaint.
6. If the alleged harasser believes that the complaint is totally without basis, the alleged harasser may appeal to his/her Chief Administrator. The Chief Administrator will meet with the keeper of the list to review the record of the complaint and the evidence presented by the alleged harasser. Prior to reaching a final decision the Chief Administrator will consult with the Sexual Harassment Policy Educator to ensure that Policy has been followed. If the alleged harasser's evidence is persuasive, the Chief Administrator will order the removal of the complaint from the list of uninvestigated complaints. The Chair of the Advocates will communicate this decision to the complainant and his/her Advocate.

The Chief Administrators are:

Student – Vice President for Student Life and Dean of Students

Faculty – Provost

Staff – Vice President for Business and Finance

7. These records will be confidential except as their use is required by sections III.B.2b. (selection of Advocates) and III.E. (Repeated Accusations). They will be kept in a locked file (computer or cabinet-style).

E. Repeated Accusations

Whenever repeated accusations are brought to either the keeper of the list or the Chair of the Advocates, the Chair of the Advocates will convene the Advocates and the Sexual Harassment Policy Educator and describe the substance of the complaints without identifying the complainant or the alleged harasser. The Advocates will discuss and advise the Chair with respect to the complaints. The Chair and the Sexual Harassment Policy Educator, in consultation with one of the other Advocates, **must** choose from the following options:

1. Consult individually with complainants to determine if there is a willingness to confront the alleged harasser, pursue other informal, administrative, or formal procedures, press criminal charges, or take any other action regarding the complaint.
2. Inform the alleged harasser and appropriate College official(s) of the allegations, subject to the limitations of IV.C.3. if notification of the alleged harasser is without complainant's consent.
3. Seek consultation with appropriate College officials and/or legal counsel.
4. In very serious cases, request that a formal investigation by the College be undertaken (see IV.E).

This process will run concurrent with any other actions chosen by the complainant.

IV. INFORMAL, ADMINISTRATIVE, AND FORMAL PROCEDURES

A. General Principles

1. **Purpose** -The complainant has a choice to respond to an incident through informal, administrative, or formal procedures. All these procedures are systems for addressing the situation within Hope College. The complainant also has the right to address the situation through the external legal system at any time. The complainant and his/her Advocate should review the procedures and decide which is the most appropriate for the particular situation.
2. **Time Limit** - Except in cases of sexual assault or sexual advances with intimidation (I.B.2., I.C.), charges made under administrative or formal procedures must be brought within six years of the alleged harassment or two years after the complainant leaves the College, whichever is earlier.
3. **Conflict of interest** - A person selected by a complainant or an alleged harasser as an Advocate or a support person (IV.B.1. IV.C.2; IV.D.2; IV.E.2; IV.E.3a; and IV.E.4c), or asked or expected to participate in a Sexual Harassment process in any capacity should decline if s/he has a relationship to either the complainant or the alleged harasser as supervisor, academic advisor, coach, or teacher. This conflict of interest should be brought to the immediate attention of the appropriate administrator or the Sexual Harassment Policy Educator so that a replacement can be identified.

B. Initial Discussions with the Complainant

1. Persons who seek information or support or who wish to report a concern or incident or to lodge a complaint will contact the Advocate of their choice. Persons are encouraged to bring complaints to Advocates regardless of whether the complainant has determined what action, if any, he or she wishes to take.
2. The Advocate will do the following:
 - a. Listen to the details of the complainant's concerns.
 - b. Inform the individual of services for emotional, medical, and spiritual support and assistance.
 - c. Inform of the right to seek legal counsel and recourse outside of the campus proceedings.
 - d. Facilitate the expression of feelings.
 - e. Clarify and record the events and circumstances of the situation.

- f. Help the complainant interpret the event in light of the definition of sexual harassment.
- g. Inform the person seeking assistance of the advantages and disadvantages of withholding identifying information.
- h. Give the complainant a copy of this policy and explain informal, administrative and formal processes.
- i. Inform the keeper of the list of the complaint (Sec. III.D.1). The keeper of the list will check to see if there have been any other incidents reported which involve either the complainant or the alleged harasser. If there have been any such, then the keeper of the list will consult with the Chair of the Advocates.
- j. Consult with the Chair of the Advocates. The purpose of this consultation is to provide support, and assistance, to answer questions, and to be helpful to the Advocate.
- k. Review policy statements on confidentiality and retaliation (section I.D and/or II. F).

3. The complainant chooses to initiate:

- a. No further action.
- b. Informal Process
- c. Administrative Review
- d. Formal Hearing

C. Informal Complaint Procedures

- 1. Possible actions that may be chosen by the complainant in the case of an informal complaint include:
 - a. The complainant informs the alleged harasser of the alleged incident(s) and the harmfulness of his or her alleged actions.
 - b. Advocate (with or without the complainant) informs the alleged harasser of the alleged incident(s) and the harmfulness of his or her alleged actions.
 - c. Advocate mediates the incident(s) with the complainant and alleged harasser.
 - d. The complainant or Advocate informs the alleged harasser's Supervisor, who will deal with the matter informally. If the Supervisor takes no action, the complainant or Advocate may inform the alleged harasser's Chief Administrator (see section III.D.6.) about the complaint and the Supervisor's response.

- e. The complainant chooses to initiate a formal complaint resulting in either an Administrative Review or a Formal Hearing.
 - f. No action.
2. Unless special circumstances make it inadvisable, the same Advocates will assist the complainant or alleged harasser respectively throughout the informal procedure. If the Advocate is uncomfortable with the situation, the Advocate should consult with the Chair and a different Advocate may be asked to respond to the situation. Similarly a complainant or alleged harasser may ask to be assigned a different Advocate or support person.
 3. If the complainant chooses No Action and the complaint is based only on actions described in I.A (Hostile Environment), the incident will not be recorded on the list of uninvestigated complaints.

If the complainant chooses No Action and the complaint involves a sexual advance or sexual assault, the complaint will be forwarded to the keeper of the list and the Chair of the Advocates. The Chair of the Advocates or his/her designee (another Advocate) will inform the alleged harasser of the complaint as fully as possible without identifying the complainant, and will warn the alleged harasser not to attempt retaliation (see I.D and/or II.F). If the Chair of the Advocates and his/her designee believe that this notification will threaten the safety or well-being of the complainant, the notification may be delayed until such time that retaliation is unlikely to occur. The decision to delay notification and the rationale for the decision will be noted on the record of the complaint.

4. No identifying information will be reported to any party other than the persons specified in this section, except when a formal complaint or a request for administrative review is filed.

D. Administrative Review Procedures

1. The complainant and the alleged harasser will each have an Advocate. In each case the Advocate will:
 - a. Explain that a written description of the incident(s) is needed, and it should be as complete and specific as possible;
 - b. Assist in the completion of written materials on the appropriate forms if asked;
 - c. Explain that the alleged harasser may choose not to accept an Administrative Review, and if so, then the complainant may request a Formal Hearing.
 - d. Explain that if adjudication results in a recommendation for dismissal, a second hearing may be necessary.
2. The Advocate (with or without the complainant) will inform the Chief Administrator of the alleged harasser. The Chief Administrators are:

Student - Vice President for Student Life and Dean of Students
 Faculty - Provost
 Staff - Vice President for Business and Finance

In the event the alleged incident(s) involve one of the Chief Administrators, the information will be shared directly with the President. The complainant will be given a copy of this policy.

3. The Chief Administrator will contact the Sexual Harassment Policy Educator in order to clarify and prepare for the following steps:
 - a. The Chief Administrator will meet with the complainant, with or without the Advocate, to listen to the complainant's description of the incident(s), explain the process, and present a list of members of the administrative review committee. The complainant will be informed that (s)he may request the Review Committee to terminate the process at any point until the beginning of the review committee's deliberation phase and thus end the administrative review. In such an event, all records of the case from the administrative review will be destroyed.
 - b. The Chief Administrator will inform the alleged harasser of the allegation, give him/her a copy of this policy, and explain his/her right to have an Advocate and/or support person from the College community. If requested, the Chief Administrator will assist the alleged harasser in obtaining an Advocate or support person, and arrange a time for them to meet.
 - c. **The Chief Administrator** will convene an administrative review committee of 3 or 4 members including both genders, and will designate a chair of the committee.
 - i. In cases where the complaint is based on actions described in Section I.B., I.C., or Section II., the complainant, in consultation with the Advocate, may select to pursue either the Administrative Review or the Formal Hearing. If the complainant selects the Administrative Review, the alleged harasser needs to be apprised of the complaint, accept all of the procedures of the Administrative Review, or reject the Administrative Review following which the Complainant may request a Formal Hearing. If a Formal Hearing is selected see section IV.E.
 - ii. Written statements: The complainant and alleged harasser will not be given copies of written materials collected by the Administrative Review committee. They will be given an opportunity to view these documents within the Administrative review with the hearing committee and Advocates present.
 - d. The complainant will meet with the administrative review committee. The Chair will review the complaint, explain the process, and introduce the committee.

- e. The alleged harasser will meet with the administrative review committee. The Chair will review the allegation, explain the process, and introduce the committee.
- f. The administrative review committee meets separately with the parties to hear complete statements and ask questions. If there are unanswered questions or other individuals to be spoken with, additional sessions may be held. Official tape recordings will be made of all these sessions and no other recordings of this review are permitted. Official written records, audiotapes, decision, and sanction(s) if any will be placed in the custody of the keeper of the list at the termination of the Administrative Review. Any additional copies will be destroyed.
- g. The administrative review committee deliberates and prepares its decision, including the imposition of sanctions, if warranted. If the administrative review committee cannot decide, both parties will be informed and each may pursue the matter through the informal or formal procedures.
- h. After discussing the letter with the Chair of the hearing, the Chief Administrator of the person charged may accept the sanctions recommended or will change the sanctions, if her/his experience leads him/her to conclude that the sanctions are not consistent and appropriate for the charges and findings. The Chief Administrator should consider the entire employment record for any extenuating circumstances that would give cause to change the sanctions. The Chair of the hearing will be informed of any changes and provided with the rationale for the changes.
- i. A Chief Administrator does not have the authority to reverse the committee's decision as to guilt or innocence.
- j. Within four working days of receiving the recommendation, the Chief Administrator of the person charged will communicate the final decision to the person charged and to the complainant. The letter will outline the decision, reiterate the policy regarding confidentiality and retaliation (Sections I.D. and/or II. F), and inform each party of his or her right to request an appeal.
 - i. For any sanctions short of dismissal or expulsion, if either party does not accept the decision or sanctions, s/he will initiate an appeal of the decision and/or sanctions as outlined in section IV.F. (Sexual Harassment Policy Appeal Process).
 - ii. For faculty, if dismissal is recommended, Dismissal Proceedings must be initiated. (see Faculty Handbook beginning at step B6.d1a.).
 - iii. For staff, if dismissal is recommended, the staff person may initiate an appeal of the decision and/or sanctions as outlined in section IV.F. (Sexual Harassment Policy Appeal Process)

- iv. For students, if expulsion is recommended, the student may proceed with an appeal of the decision and/or sanctions to the Student Standing Appeals Committee (see the Student Handbook).
- k. If the panel finds the alleged harasser not guilty, the record of the charge shall be expunged from any file, except those kept by the keeper of the list, that might be used in future evaluations or judgments made regarding the person.

E. Formal Procedures for a Sexual Harassment Complaint

1. The Advocates will do the following:

- a. Explain that a written description of the incident(s) is needed, and it should be as complete and specific as possible;
- b. Assist in the completion of written materials on the appropriate forms if asked;
- c. Explain that the complainant has the option to pursue the complaint in the legal system;
- d. Explain that if adjudication results in a recommendation for dismissal, a second hearing may be necessary.

2. A formal complaint (indicating the names of complainant and alleged harasser, what allegedly happened, and the category allegedly violated [I.B-C, or II.]) is filed by the Advocate, with or without the complainant, with the appropriate administrator: If the alleged harasser is a Student - with the Director of Housing and Judicial Affairs; if a Faculty member - with the Divisional Dean; if a Staff member - with the Director of Human Resources.

This administrator will serve in the role of complaint coordinator. In the event that s/he is unable to fulfill the functions of coordinator, an alternate will be named by the Chief Administrator of the division where the complaint is filed.

3. The complaint coordinator will:

- a. Set up a meeting with the complainant and his/her Advocate
- b. Inform the Chair of the Advocates of the formal complaint and invite the Chair to attend the meeting with the complainant.
- c. Conduct the meeting according to the following agenda:
 - i. Introductions

- ii. The Chair of the Advocates will describe the purpose and services of the Advocates, offer support and encouragement to the complainant, and thereafter be available as a resource.
- iii. Review the formal complaint
- iv. Explain the formal process and procedures
- v. Answer any questions
- vi. Request the formal written description of the incident.
- vii. Request a list of all witnesses whom the complainant would like to have testify at the hearing.
- viii. Identify possible days and times to hold the hearing.
- ix. Explain confidentiality and retaliation policy (Sections I. D. and/or II. F).
- x. Explain the statement on written materials

The complainant and alleged harasser will not be given copies of written materials collected by the Formal Hearing committee. Prior to the commencement of the hearing, both parties will be given access to all materials, including both parties' statements. Access will be provided in separate rooms, with Advocates present. The parties may not make copies of the documents.

- xi. Explain that outside legal counsel is not allowed at the Formal Hearing.

d. Inform Chief Administrator of the formal complaint (see section III.D.6).

4. The complaint coordinator will inform the alleged harasser of the complaint in a timely fashion and arrange a meeting to:

- a. Review the summary information of the complaint which has been filed, including: name of complainant, nature of the policy violation, and a brief summary statement.
- b. Review policies of confidentiality and retaliation (Sections I.D. and/or II. F)
- c. Inform the alleged harasser of the right to an Advocate and that legal counsel is not allowed at the formal hearing.
- d. Provide a copy of this policy.

- e. Explain the procedures, and answer any questions.
- f. Invite a written statement regarding the allegation and request a list of witnesses which he/she would like to call on his/her behalf.
- g. Identify possible dates and times to hold a hearing.

The alleged harasser will sign a statement acknowledging that (s) he has heard the complaint and received and reviewed the policies governing sexual harassment. One copy is given to the alleged harasser and one is retained for the files which will be delivered over to the keeper of the list at the conclusion of the formal hearing. A refusal to sign will be noted by the complaint coordinator.

5. The complaint coordinator will:

- a. Work with the other administrators with whom formal complaints may be filed (see IV.E.2) to appoint a hearing committee for this complaint. The makeup of the committee shall be as specified in section V.B.
- b. Call an initial meeting of the Hearing Committee and attend that meeting. The initial meeting of the Hearing Committee has this agenda:
 - i. Coordinator and committee will review confidentiality policy (See I.D and/or II.F).
 - ii. Coordinator will present the formal complaint.
 - iii. Members of the Hearing Committee will disqualify themselves for participation if they have personal involvement or conflicting interests with the complainant, the alleged harasser, or the Advocates. Should this occur, the meeting will be at once adjourned and the complaint coordinator will select replacement member(s), following 6a above, and call an initial meeting of the new committee.
 - iv. The Hearing Committee elects one of its members as Chair.
 - v. Possible dates and times to hold a hearing are identified.

6. The complaint coordinator will set up the hearing by:

- a. Meeting with the Chair of the hearing to decide on time, date, and location.
- b. Sending copies of formal complaint form and alleged harasser's written response, if any, to all the members of the Hearing Committee.

- c. On behalf of the Chair of the hearing, informing the complainant, alleged harasser, and Hearing Committee members, in writing, of the time, date, and place of the hearing. Both the complainant and alleged harasser will be reminded that each party's Advocate must be a member of the Hope College community and that they may not have legal counsel at the formal hearing.
 - d. On behalf of the Chair of the hearing, contacting all of the witnesses in writing, requesting them to be present at the hearing, and informing each witness about confidentiality and retaliation policy (Sections I.D and/or II.F).
7. The Hearing Committee members will meet with the Sexual Harassment Policy Educator, the Chair of the Advocates, and/or other persons as recommended by the latter two prior to the hearing to clarify any questions and prepare for the hearing.
8. The hearing will proceed according to the following outline:
- a. On the day of the hearing and prior to the commencement of the hearing both parties will be given access to all materials including both parties' statements. Access will be provided in separate rooms with advocates present. The parties may not make copies of any of the documents.
 - b. Chair of the hearing will call the session to order; introduce all persons present; summarize the procedures; state that the proceedings will be taped and no other recordings of the hearing are permitted; and remind all present of the confidentiality and retaliation policy (Sections I.D and/or II. F).
 - c. Chair of the hearing will read the formal complaint and ask the alleged harasser how he or she chooses to plead, "Not guilty" or "Guilty."
 - d. The presentation of evidence, whether in the interest of a decision as to guilt or innocence or, in the event of a "Guilty" plea, to assist in determining sanctions, will proceed as follows:
 - i. The complainant and the alleged harasser and their Advocates will normally be present during the presentation of all evidence. The evidence will include any testimony and all exhibits accepted by the Chair.
 - ii. The complainant and the complainant's witnesses will separately present their descriptions of the alleged incident(s) and any other evidence. A witness will be present for his or her testimony only. During the presentations the Hearing Committee members may ask questions of the participants.
 - iii. The alleged harasser and his or her witnesses will separately present their descriptions of the alleged incident(s) and any other evidence. A witness will be present for his or her testimony only. During the presentations the Hearing Committee members may ask questions of the participants.

- iv. Any questions which either of the principals wishes to have addressed to a principal or a witness shall be directed in writing to the Chair of the hearing, who will decide whether and how to ask the questions.
- v. If there is a need for additional sessions to complete the presentation of evidence, to call additional witnesses, or for other issues, the Chair may schedule additional meetings. Additional witnesses may be called by the committee at the request of either of the principals.
- vi. After all evidence has been heard, the Chair of the hearing will invite the complainant, the alleged harasser, and their Advocates to offer final remarks if they wish.
- vii. The Chair of the hearing will then explain the next steps in the process and dismiss the parties.

9. The Hearing committee will reach a decision and communicate the findings.

- a. Hearing Committee members will review all the testimony and evidence.
- b. Chair of the hearing will coordinate the decision-making process of finding the alleged harasser innocent or guilty.
- c. If the committee finds the alleged harasser guilty, or if the alleged harasser has pled "Guilty," the committee will discuss different sanctions and then draw up recommended sanction(s) for the harasser.
- d. All decisions regarding innocence or guilt and sanctions will require at least a majority.
- e. Within three working days, the Chair of the hearing will send a letter to the Chief Administrator of the person charged (see Section IV.D.1), indicating the committee's decisions and recommendations, together with rationale.
- f. If the committee finds the alleged harasser not guilty, the record of the charge shall be expunged from any file, except those kept by the keeper of the list, that might be used in future evaluations or judgments made regarding the person.
- g. Records, tapes and decisions will be placed in the custody of the keeper of the list.

10. The formal decision is made and communicated.

- a. After discussing the letter with the Chair of the hearing, the Chief Administrator of the person charged may accept the sanctions recommended or will change the

sanctions, if her/his experience leads him/her to conclude that the sanctions are not consistent and appropriate for the charges and findings. **The Chief Administrator should consider the entire employment record for any extenuating circumstances that would give cause to change the sanctions.** The Chair of the hearing will be informed of any changes and provided with the rationale for the changes.

- b. A Chief Administrator does not have the authority to reverse the committee's decision as to guilt or innocence.
- c. Within four working days of receiving the recommendation, the Chief Administrator of the person charged will communicate the final decision to the person charged and to the complainant. The letter will outline the decision, reiterate the policy regarding confidentiality and retaliation (Sections I.D and/or II. F), and inform each party of his or her right to request an appeal.
- d. For any sanctions short of dismissal or expulsion, if either party does not accept the decision or sanctions, s/he will initiate an appeal of the decision and/or sanctions as outlined in section IV.F. (Appeal Process).
 - i. For faculty, if dismissal is recommended, Dismissal Proceedings must be initiated. (See Faculty Handbook beginning at step B6.d1)
 - ii. For staff, if dismissal is recommended, the staff person may initiate an appeal of the decision and/or sanctions as outlined in section IV.F. (Appeal Process).
 - iii. For students, if expulsion is recommended, the student may proceed with an appeal of the decision and/or sanctions to the Student Standing Appeals Committee (see the Student Handbook).

F. Sexual Harassment Policy Appeal Process

An appeal to the President of the decision and/or sanction(s) of an Administrative Review or a Formal Hearing apart from dismissal for either faculty or students will be conducted upon properly filed request.

1. Either of the parties, if dissatisfied, may request an appeal of the decision and/or sanctions. All requests for an appeal are sent to the President.

Requests for an appeal must be based on one or more of these five criteria:

- a. The evidence did not warrant the finding of guilt or innocence.
- b. There is significant new evidence.
- c. The sanction(s) was (were) too severe.

d. The sanction(s) was (were) too lenient.

e. Due process was not followed.

An appeal is not another hearing but an evaluation of the decision and sanctions. Establishing the merit of the appeal is the burden of the person bringing the request.

2. The appeal process is as follows:

a. A letter stating the rationale for the request for an appeal must be submitted to the President within ten working days of the complainant's or alleged harasser's notification of the Chief Administrator's decision.

b. The President will evaluate the request to determine whether there is sufficient justification to grant an appeal.

c. If an appeal is granted, the President will consult with the Chief Administrator, the Chair of the hearing, the complainant, the alleged harasser, and their Advocates.

d. The President may decide to: uphold the entire decision and sanction(s), uphold the decision but modify the sanction(s), modify the decision and sanction(s), or overturn the entire decision.

e. After reaching a decision the President will inform both parties in writing within five working days.

3. The decision of the President is final.

G. The Formal Hearing or Administrative Review procedures may occur without the complainant's active participation.

For complaints involving alleged physical force, emotional trauma, or intimidation within the context of the sections I. B. 2. and C., or section II.), the administrative review or formal procedures may be initiated and conducted by the College without the complainant's active participation. The steps in this process are:

1. The Advocate will inform the Sexual Harassment Policy Educator and Chair of the Advocates of the complainant's description of the incident(s).

2. If either the Sexual Harassment Policy Educator or the Chair of the Advocates believes that further steps should be taken, they will meet together with two of the following: Assistant Provost, Director of Housing and Judicial Affairs and the Director of Human Resources, depending on the individuals involved in the complaint.

3. The group will review the entire situation and determine whether to proceed with a formal investigation. If the group decides to proceed, then the process outlined in section IV.C or IV.D will be followed, omitting the active participation of the complainant.

V. HEARING COMMITTEES FOR FORMAL PROCEDURES

A. Sexual Harassment Hearing Committee

1. The 6-member committee to hear testimony in a formal complaint and reach a decision shall be selected by the Chief Administrator in accordance with the specification for Hearing Committees outlined in paragraph V. B. In forming the Hearing Committee the Chief Administrator will select a committee containing a balance of both genders and consisting of people who have no direct connection (departmental association, participate in regular activity together, serve on a committee together, work in the same department, etc.) to either party, and have the ability to make reasoned decisions. If during the appointment of members it is determined that there is a conflict of interest a new member of the same designation will be made by the Chief Administrator.
2. Members should be chosen for their sensitivity, discretion, and good judgment. Training in sexual harassment policies and procedures will be provided under the direction of the Sexual Harassment Policy Educator.
3. The following is a summary of some qualities which would be helpful for persons who will be serving as Hearing Committee members. The hearing board person should:
 - a. Have a sensitive, caring and nonjudgmental attitude.
 - b. Be knowledgeable about sexual harassment and its possible effects on the complainant and alleged harasser.
 - c. Have an awareness of and commitment to confidentiality.
 - d. Have the ability to relate to diverse types of people who are experiencing a variety of emotional reactions.
 - e. Have the ability to work effectively with other Hearing Committee members.
4. No person may serve simultaneously as an Advocate and a Hearing Committee member.
5. The Chief Administrator may consult with ex-officio committee members in selection of students, staff or faculty committee members.

B. Composition of Hearing Committees

The Hearing Committee appointed for a given case will consist of three women and three men selected according to the following table, depending on the classification(s) of complainant and alleged harasser:

If both complainant and alleged harasser are students:

Vice President of Student Life and Dean of Students*

3 students

2 faculty members or 2 staff members, or one of each

If both are faculty members:

Assistant Provost*

2 faculty members from the Status Committee

(chosen by the Status Committee)

3 faculty members

If both are staff members:

Director of Human Resources*

5 staff members

If one is a student and the other is a faculty member:

Assistant Provost*

Vice President of Student Life and Dean of Students*

1 faculty member

1 faculty member

2 students

If one is a student and the other is a staff member:

Director of Human Resources*

Vice President of Student Life and Dean of Students*

2 staff members

2 students

If one is a staff member and the other is a faculty member:

Assistant Provost*

Director of Human Resources*

1 faculty member

1 faculty member

2 staff members

* Should any of the persons starred be removed through self-disqualification, (s) he will be replaced by a Sexual Harassment Hearing Board member of the same classification.