## Revision History for the Faculty Handbook

Revisions are made to the Faculty Handbook annually to reflect changes that were passed by a vote of the Faculty during the previous year, as well as smaller technical or editorial changes made in accordance with the procedure outlined in Section I-E.

Changes made in the 2023-2024 handbook from the 2022-2023 handbook.

1. Change to Section I-C as passed at October 19, 2022 Faculty Meeting to add Associate Vice President of Finance as ex officio non-voting member of the Committee on Priorities and Resources (CPR) and remove the Budget Director as ex officio non-voting member.

The following text is taken from the 2022-2023 Handbook. Additions to the text are boldface and highlighted in gray. Deletions have been struck out.

## Committee on Priorities and Resources (CPR)

The Committee on Priorities and Resources (CPR) is composed of 4 faculty, 2 staff, 3 students, and 4 additional senior-level staff serving as ex officio members.

The Committee on Priorities and Resources advises the President on the allocation of the College's fiscal and tangible resources and on long-range financial planning and also considers trends in the annual College budget and other matters relating to priorities in fund raising and resources for capital expenditures. Each division is represented by at least one faculty member. One exempt and one non-exempt staff member are nominated by the Williams Staff Committee. Faculty and staff members appointed to the CPR serve staggered two-year terms. Students appointed to the Committee likewise serve staggered two-year terms beginning as juniors. The Provost, Associate Provost, Vice President for Finance and Operations, and Associate Vice President of Finance Budget Director serve as ex officio, non-voting members. The faculty chair of the CPR normally serves a two-year term.
2. Technical or editorial change made in accordance with the procedure outlined in Section I-E and described in memoranda accompanying the May 2023 faculty meeting.

## Minor technical changes to faculty handbook, Section I-A

On p. 1, references to the Curricular Planning Committee have been removed, a reference to the Center for Foreign Languages, Literatures, and Cultures has been updated to reflect the Center's identity as the Center for Global Languages, Literatures, and Cultures, and a mistaken use of italics has been corrected.

## Minor technical change to faculty handbook, Section I-B

On p. 4, Dance has been added to the list of Division I departments.

## Minor technical change to faculty handbook, Section I-C

On p. 7, a reference to the Curricular Planning Committee has been removed.

## Minor technical change to faculty handbook, Section V-M

On p. 149, a reference to the Dance Program has been updated to reflect Dance's status as a department.
3. Change to Section I-C as passed at May 10, 2023 Faculty Meeting. The Committee on Student Life dissolved and removed from Section I-C: Faculty Committees and Panels of the Faculty Handbook.

The following text is taken from the 2022-2023 Handbook. Additions to the text are boldface and highlighted in gray. Deletions have been struck out.

## Section I-C: Faculty Committees and Panels

Committee on Student Life (3-2-6)
The Committee on Student Life is composed of 3 faculty, 3 staff, and 6 students (3-2-6)
The Committee on Student Life reviews and recommends policy on all non academic aspects of undergraduate life at the College. The three appointed faculty members, one of whom chairs the committee, include a representative from the Athleties Department. The Dean of the College, The Vice President for Campus Life, and the Vice President for Institutional Diversity and Equity are ex officio members.
4. Change to Section III-G as passed at May 10, 2023 Faculty Meeting changing eligibility for larger units of College housing, based on the number of people in a household.

The following text is taken from the 2022-2023 Handbook. Additions to the text are boldface and highlighted in gray. Deletions have been struck out.

## Section III-G: Faculty and Administrative Staff Housing

## Priority and the Point System

Points are Priority is determined by rank or classification, service, and space need. Apart from the overall limit on the number of bedrooms in the units an applicant may occupy--which equals the number of people in the applicant's household, plus one--priority follows a point system. Faculty and administrative staff members may pool their points if they wish to occupy a single housing unit. Employees with split faculty and administrative staff appointments will be assigned points as faculty if the larger fraction of their total appointment is faculty, and as administrative staff if the larger fraction is administrative staff. Part-time faculty and administrative staff receive points pro-rated on the basis of their fraction of full-time service.
5. Change to Section III-I as passed at May 10, 2023 Faculty Meeting to expand the universe of benefiteligible institutions.

The following text is taken from the 2022-2023 Handbook. Additions to the text are boldface and highlighted in gray. Deletions have been struck out.

## Section III-I: The College Tuition Grant Program

Dependent children of benefit-eligible faculty and staff at Williams college who are enrolled as a full-time undergraduate in an accredited four-year college or university, an accredited two-year college, or a program of training at an accredited institution that prepares students for gainful employment in a recognized occupation (i.e. vocational technical school, culinary school etc.) ehildren of benefit eligible faculty and staff at Williams College who are enrolled in accredited college programs leading to an academic degree (exeluding secondary and graduate sehools) are eligible for a grant that covers the tuition costs plus any fees normally covered under the Williams College tuition, up to an annual maximum dollar amount of one-half the prevailing tuition at Williams. Eligibility begins when the employee has completed five years of full-time service, and the tuition grant benefit is payable for a maximum of four years per dependent child. The program covers children of retired, deceased, or disabled employees, subject to the five-year service requirement. If the spouse of a deceased employee remarries, the eligibility for the benefit will be reviewed. The terms of the benefit are detailed on the tuition grant webpage maintained by the Benefits Office.
6. Technical or editorial change made in accordance with the procedure outlined in Section I-E and described in memoranda to accompany the September 2023 faculty meeting.

References to the Center for Foreign Languages, Literatures, and Cultures has been updated to reflect the Center's identity as the Center for Global Languages, Literatures, and Cultures. References to foreign languages or foreign cultures has been updated to reflect global languages or global cultures

The following text is taken from the 2022-2023 Handbook. Additions to the text are boldface and highlighted in gray. Deletions have been struck out.

## Section I-D: Administrative Advisory Groups

Administrative advisory groups are created by the President to advise the President or the senior staff on various administrative tasks, as described below. In addition, many academic departments have their own advisory committees and every interdepartmental program has its own advisory committee, as do the graduate programs and the various centers (e.g., Development Economics; Environmental Studies; GlobalForeign Languages, Literatures and Cultures). Either the President, the Dean of the Faculty, or the department or program chair appoints the members, depending on the nature of the advisory committee.

## Section V-K: The Center for Global Foreign Languages, Literatures, and Cultures

The Center for Global Foreign Languages, Literatures, and Cultures is, in the narrowest sense, those departments and facilities housed in Hollander Hall. These include the Department of German and Russian; the Department of Romance Languages; the Department of Asian Languages, Literatures, and Cultures; the Program in Comparative Literature; the Language Laboratory; and several classrooms and multipurpose spaces dedicated to global-foreign languages, literatures, and cultures. In the broader sense, the Center encompasses the department of Classics and all faculty members in languages, literatures, and cultures whose teaching and research interests lie outside of the English language and American culture. In this broader sense, the Center provides a gathering place for faculty members and students interested in international issues and acts as an advocate for their inclusion in the Williams curriculum.

The Center coordinates a variety of lectures, readings, film series, conferences, and other special events that emphasize the interdisciplinary and cross-national study of global foreign cultures. Recent events include a conference devoted to the art of translation, a series of contemporary Arab films, an evening of Viennese waltz, a Russian pot- luck dinner, and regular informal events hosted by globalforeign language Teaching Associates and Teaching Fellows, who come to Williams from Asia, Europe, and Latin America.

The classrooms have the latest audio, video/data projection, and satellite reception equipment, including multistandard VCRs, laserdisc/DVD/CD players, multiregional DVD players, audiocassette players, and dual platform computers with wireless keyboards and auxiliary laptop outlets. The language lab houses a large collection of audio, video, and computer materials and is itself divided into two distinct sections: a computer classroom with sixteen networked Macintosh computers and an independent work space with both carrels for audio, video, and satellite viewing and computers fully equipped for work in a number of globalforeign languages. In addition, the Language Lab has a small viewing room and a recording studio with up-to-date equipment that can handle both analog and digital recording.

The Center's small library has fereign language dictionaries, language instruction materials, and information on travel and study abroad. The Center also subscribes to several global-foreign language newspapers and magazines from around the world, which are available to all in the Center lobby.

## Revision History for the Faculty Handbook

Revisions are made to the Faculty Handbook annually to reflect changes that were passed by a vote of the Faculty during the previous year, as well as smaller technical or editorial changes made in accordance with the procedure outlined in Section I-E.

Changes made in the 2022-2023 handbook from the 2021-2022 handbook.

1. Change to Section I-C as passed at November 17, 2021 Faculty Meeting. Committee on Academic Standing added two new ex officio voting members (the Director of Accessible Education and either the Associate Dean for Institutional Diversity, Equity and Inclusion or an OIDEI Faculty Fellow) and to remove the vote of one current ex officio member of the Committee (the Dean of Admission and Financial Aid).

The following text is taken from the 2021-2022 Handbook. Additions to the text are boldface and
highlighted in gray. Deletions have been struck out.

## Previous:

The Committee on Academic Standing is composed of 6 faculty, 4 staff, and no students (6-4-0).
The Committee on Academic Standing is responsible to the faculty for maintaining the academic standards of students of the College through its review of inadequate academic performance, petitions for unusual academic activities, and some requests for readmission. The ex officio members are the Dean of the College, Senior Associate Dean for Students, the Registrar, and the Director of Admission. The Registrar serves as an ex officio, non-voting member.

## Revision:

The Committee on Academic Standing is composed of 6 appointed faculty members, 6 ex officio members, and no students (6-6-0).

The Committee on Academic Standing is responsible to the faculty for maintaining the academic standards of students of the College through its review of inadequate academic performance, petitions for unusual academic activities, and some requests for readmission. The six, regular, voting members of the faculty serving on the Committee are joined by six ex officio members - four voting members (the Dean of the College; the Senior Associate Dean for Students; the Associate Dean for Institutional Diversity, Equity and Inclusion or another OIDEI Faculty Fellow; and the Director of Accessible Education) and two non-voting members (the Registrar and the Dean of Admission and Financial Aid).
2. Change to Section I-C as passed at December 8, 2021 Faculty Meeting. Merge the descriptions of the Honor Committee and the Discipline Committee:

The following text is taken from the 2021-2022 Handbook. Additions to the text are boldface and highlighted in gray. Deletions have been struck out.

## Section I-C: Faculty Committees and Panels

Discipline Committee (8-1-8)
The Discipline Committee is composed of 8 faculty, 1 staff, and 8 students (8-1-8) The Discipline Committee hears and decides, either on direct referral by the Dean of the College or on appeal of the Dean's decision, cases that involve violations of individual rights or the rules of student conduct. It also hears cases of alleged discrimination when both parties are students. The faculty member who chairs the Discipline Committee serves also as one of the four faculty advisors to the Honor System Committee. The Dean of the College is an ex officio member, who votes only when there is a tie in cases referred directly to the

Discipline Committee by the Dean. (See Student Handbook, "Discipline and Disciplinary
Proceedings" and "Non-Discrimination Policy and Grievance Procedures, II.")
Honor System Committee (4-1-8)
On March 17, 1896, Williams students voted 247 to 42 in favor of inaugurating a campuswide Honor Code. While it has evolved over time, this Honor Code remains, to this day, a critical component of our academic community. The Honor Code is only ratified by Williams students, and as such, only student members of the Honor and Discipline Committee can vote on cases.

## Honor and Discipline Committee (8-1-8)

The Honor and Discipline Committee is composed of 8 faculty 1 ex-officio senior staff member, and 8 students (8-1-8).

Members of the Honor and Discipline Committee hear and decide, either on direct referral by the Dean of the College or on appeal of the Dean's decision, cases that involve student violations of individual rights or the rules of student conduct. The Dean of the College is an ex officio member, who votes only when there is a tie in cases referred directly to the Committee by the Dean.

Members of the committee also hear and decide cases that involve violations of the Honor Code. On March 17, 1896, Williams students voted 247 to 42 in favor of inaugurating a campus-wide Honor Code, which has evolved over time but which remains a critical component of our academic community. Because the Honor Code is ratified by Williams students, only student members of the committee vote on Honor Code cases.

## 3. Updates to the Non-Discrimination, Harassment, and Sexual Misconduct Policies in the Faculty Handbook passed at December 8, 2021 Faculty Meeting

The following text is taken from the 2021-2022 Handbook. Additions to the text are boldface and highlighted in gray. Deletions have been struck out.

## Section II-T: Non-Discrimination, Harassment, and Sexual Misconduct Policy

## C.1. Title IX Sexual Harassment

In May 2020, the Department of Education issued new regulations governing schools' response to certain types of sexual misconduct. Those regulations, which became effective August 14, 2020, require all colleges to use specific procedures in response to reports of what the Department calls sexual harassment. More information about these procedures can be found in Appendix A.1. "Sexual harassment" is used by the Department as an umbrella term to cover all types of sexual misconduct that are addressable under Title IX of the Education Amendments of 1972. To avoid confusion, Williams' policies will use the term "Title IX sexual harassment" to refer to conduct defined as sexual harassment by the Department. It is important to remember that Title IX sexual harassment, which is defined below, represents only a subset of the broader conduct that is prohibited by this policy.

Title IX sexual harassment is conduct on the basis of sex that occurs on or after August 14, 2020 and satisfies one or more of the following:

1. An employee of the college conditioning the provision of an aid, benefit, or service of the college on an individual's participation in unwelcome sexual conduct;
2. 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 3. Sexual assault, dating violence, domestic violence, or stalking, as defined below.
a. "Sexual assault" means an offense classified as a forcible or nonforcible sex offense by the FBI.
b. "Dating violence" means violence committed by a person (A) who is or has been in a social relationship of an intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors:
(i) the length of the relationship;
(ii) the type of relationship; and
(iii) the frequency of interaction between the persons involved in the relationship.
c. "Domestic violence" includes 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 the domestic or family violence laws of Massachusetts, 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 Massachusetts.
d. "Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for their safety or the safety of others or (B) suffer substantial emotional distress.

To be considered Title IX sexual harassment, the conduct described above must occur in a Williams education program or activity within the United States. A Williams "education program or activity" is a location, event, or circumstance over which the college exercises substantial control over both the respondent and the context in which the Title IX sexual harassment occurs.

All conduct that occurs abroad and much conduct that occurs off campus falls outside the definition of Title IX sexual harassment and may instead be covered by the misconduct defined elsewhere in this policy.

## Appendix A: Discrimination, Harassment, and Sexual Misconduct Grievance Procedures

## Section 12(c)

c. Distribution of Draft to Parties. The AVP will then share the report and referenced materials with the parties. In cases involving allegations of sexual misconduct, both parties will also have an opportunity to inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the complaint. The complainant and respondent each have 15 days following receipt to write a response, if they wish to do so. The AVP will review responses of the parties to ensure that they do not contain material that is deemed to be inadmissible, and the approved responses will then be shared with the investigator for consideration before submitting the final investigative report. In their responses, the parties may request that further information be gathered, including identifying additional individuals for the investigator to speak to, which the investigator will pursue at their discretion.

## Appendix A.1: Faculty \& Staff Title IX Sexual Harassment Investigation \& Adjudication Procedures

## Section 28(b)

b. Attendance. If a party or any witness fails to attend a hearing, the hearing may be held in their absence, or it may be delayed as may be reasonably necessary to secure their participation. The decision whether to proceed or postpone the hearing will be made by the hearing officer in consultation with a Title IX coordinator. If a party or witness chooses not to participate in the hearing and make themselves available for cross examination, the hearing panel cannot rely on that person's prior oral or written statements in reaching its decision about responsibility.

Section 29(g)
g. If a party or witness does not make themselves available for cross examination at the live hearing, the hearing panel may not rely on any statement of that party or witness in reaching a determination regarding responsibility. However, tThe hearing panel also cannot draw an inference regarding the respondent's responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer crossexamination questions. If a party chooses not to participate in a hearing, their advisor may still participate for
purposes of asking questions of the other party and witnesses. If a party's advisor also chooses not to participate, the college will appoint an advisor for the purpose of asking such questions.
4. Change to Section I-C as passed at April 13, 2022 Faculty Meeting. The Information Technology Committee has been dissolved.

The following text is taken from the 2021-2022 Handbook. Additions to the text are boldface and highlighted in gray. Deletions have been struck out.

## Section I-C: Faculty Committees and Panels

Information Technology Committee (ITC) (4-5-3)
The Information Technology Committee is composed of 4 faculty, 5 administrators, and 3 students (4-5-3).
The Committee on Information Technology menitors and recommends policies for faculty, staff, and student use of information technology throughout the college. It meets regularly to review and provide feedback to the college on plans for developing technology related policies and resources. The committee is chaired by a faculty member, with the other three faculty members representing each of the three divisions. The Provost, the Chief Information Officer, and the Librarian are ex officio members. The Provest and Chief Information Officer are non voting members. Two administrative staff members are appointed by the Provost. The committee regularly invites other members of the eommmity to participate as non voting consultants on particular issules.
5. Change to Section II-M as passed at April 13, 2022 Faculty Meeting. Stipend changed from $\$ 250.00$ to $\$ 400.00$.

The following text is taken from the 2020-2021 Handbook. Additions to the text are boldface and highlighted in gray. Deletions have been struck out.

## Section II-M: Evaluation of Academic Faculty Teaching, Scholarship, and Service to the College Community

## The Evaluation of Scholarship

In the spring or early summer prior to a tenure decision, department chairs should solicit outside reviews of the candidate's scholarship (artistic work, performance ability, etc.) The purpose of the reviews is to provide highquality, unbiased assessments of a candidate's scholarship, in order to give the tenured members of the department or program, as well as the CAP, a sense of how the scholarship measures up to the standards of the relevant discipline or disciplines. These reviews, along with any reviews that have appeared in professional or other publications, should be submitted to the CAP along with the department's recommendation and any interpretation it wishes to place on the reviews. Outside opinion is a supplement to, and in no sense a substitute for, the department's own careful appraisal of the work.

The department shall solicit four external reviews of the candidate's scholarship. One reviewer shall be chosen from a list of three to six potential reviewers submitted by the candidate to the Chair of the department; in submitting this list, the candidate shall specify what, if any, relationship they have had to each person on the list. The candidate should also inform the Chair if there are individuals who for personal or professional reasons might be unlikely to provide impartial, reliable review of the candidate's work. In order to assure that the credibility of the reviews is not undercut by a presumption of bias, dissertation and post-doctoral advisors should normally be excluded from the list. Prior to soliciting the reviewers, the Chair should submit to the Dean of the Faculty potential reviewers' names and institutions as well as their relationship to the faculty member, if any. In addition, the Chair should also send the untenured faculty member's recommendations, and, if relevant, the list of people the candidate does not want to serve as reviewers. The names of the reviewers should be kept confidential. The Dean of the Faculty may authorize more than one reviewer from the candidate's list if there are compelling reasons for doing so. The candidate is free to solicit supplemental letters from such colleagues independently, but the staffing report should distinguish clearly
between the reviews solicited by the department and the letters solicited by the candidate. All outside reviewers will be asked to specify what, if any, relationship they have had to the candidate.

In their contact with the reviewers the chair should remain neutral with regard to the department's own views of the candidate. The letters sent to reviewers should assure them that the College will make every effort consistent with state and federal law to keep their identities and opinions confidential. The letters should not ask for a recommendation regarding promotion. They should encourage the use of professional standards by, for example, asking for a comparison of the candidate's work with that of other scholars at similar stages of their careers, or by asking them to use the same standards they would use in deciding whether to recommend publication by a first-rate journal or university press. Copies of the letters of solicitation should be included in the tenure packet to be sent to the Dean of the Faculty.

The Dean of the Faculty should be notified when the review has been received so that a stipend can be sent to the reviewer. The standard stipend is $\$ 250.00 \mathbf{4 0 0 . 0 0}$. If the chair feels that the amount of work is sufficiently great to merit a larger stipend, the matter should be discussed with the Dean of the Faculty.

The candidate shall submit by July 1 all materials to be assessed by outside reviewers. (For the convenience of the outside reviewers, a department may ask a candidate to submit a reasonable time in advance of this date any material that they have ready, and to supplement this with any additional material by July 1.) Additional material submitted after July 1, but by August 15, will be assessed by the department, but not in most cases by the outside reviewers. There is no guarantee that material submitted after August 15 will be assessed, but candidates may present their departments and the CAP at any time with evidence of any changes in the status of their work.

## 6. Change to Section I-P as passed at April 13, 2022 Faculty Meeting.

The following text is taken from the 2020-2021 Handbook. Additions to the text are boldface and highlighted in gray. Deletions have been struck out.

## Section II-P: Financial Support for Faculty Research and CreativitySupport

Unless otherwise noted, the programs and resources internal forms of researeh support described below apply to non-visiting academic faculty with appointments in the professorial ranks, and senior lecturers. Monetary research support is not available to faculty with visiting appointments unless special arrangements have been made with the Dean of the Faculty (see Section III-Q: Visiting Faculty Benefits).

## External Sources of Funding Grants Office

Faculty members are encouraged to seek-outside funding in support of their researeh. Information concerning potential sources of fanding is available at the offices of the Provost and the Dean of the Faculty external support for their scholarly and creative pursuits. Information concerning potential grant, prize, or fellowship opportunities is available at the Grants Office, which is part of the Office of the Dean of the Faculty. The mission of the Grants Office is to support faculty in their efforts to secure external funding, and also to help the college seek and secure financial support from foundations, corporations, and governmental agencies that support faculty initiatives. The Grants Office staff identifies potential funding sources and provides guidance and coordination in approaching prospective funders. They help to prepare and submit proposals for institutional grants, to provide stewardship, and to assist faculty and staff in grant-seeking and grant management. Faculty members of all ranks, including visitors, are welcome to seek advice from the Grants Office.

The Provost's Office coordinates all financial aspects of grant proposals and can also provide the College-specific information and certifications required by many foundations and agencies. The Associate Provost, as Director of Grant Administration, should be consulted early in the process of formulating the financial and budget sections of proposals for outside funding.

The Director of Corporate and Foundation Relations (Office of College Relations) can provide information on funds available through private granting agencies as well as data on the majors and careers of graduates that some funding agencies request as part of the proposal project.

## Research, Supplies, and Professional Travel Funding

Most tenure-line faculty and senior lecturers have a divisional research account which receives an annual disbursement of $\$ 3,500$. Unspent balances can rollover from year to year up to a maximum of $\$ 6,500$. Division III faculty can also apply for research funding through the Science Executive Committee (AKA the Division III Research Funding Committee).
Regular tenure and tentre track faculty plus senior lecturers in Divisions I and II are eligible to receive up to $\$ 3,000$ in researeh/travel funding annually. Researeh/travel funds may rollover if unspent, up to a maximum of $\$ 6,500$. Non visiting Lecturers will receive travel funding in the amount of $\$ 1,500$ anmally.

Regular tenure and tenure track faculty plus senior lecturers in Division III are eligible to receive up to \$2,100 annually under similar conditions to those listed above. Research/travel funds may rollover if unspent, up to a maximum of $\$ 3,500$. Non-visiting lecturers will receive travel funding in the amount of $\$ 1,500$ annually. Division III faculty may also apply for additional research funding through the Science Executive Committee (AKA the Division ШII Research Funding Committee).

Full professors who have been appointed to named chairs are provided with $\$ 3,000$ (and in some cases more, depending on terms attached to the particular chair) in addition to their $\$ 1,500$ divisional research funds to cover the cost of attending professional meetings, books, equipment, and research supplies. Unused named chair funds may rollover from one year to the next.

Regular faculty in the department of physical education are provided each year with an allotment of up to $\$ 1,500$ to cover the cost of attending professional meetings or for use on other professional development opportunities.

Faculty who have been appointed to endowed positions do not have divisional research accounts. They are provided instead with a named chair account which receives an annual disbursement of $\mathbf{\$ 5 , 0 0 0}$ (and in some cases more, depending on terms attached to the particular endowment). Unspent balances can rollover from year to year up to a maximum of
\$13,500.

Faculty in the Department of Physical Education are provided each year with an allotment of up to $\mathbf{\$ 1 , 7 5 0}$ to cover the cost of attending professional meetings or for use on other professional development opportunities.

The Office of the Dean of the Faculty also manages several endowments and discretionary funds to which faculty can apply for special projects. These include the Class of 1945 World Fellowship, the HellmanFellowship for Assistant Professors, the Writing/Creative Endeavors Roundtables, the Assistant Professor Leave Grant Program, and the Sabbatical Salary Grant Program. The Oakley Center also provides fellowship opportunities and funding as described below. Faculty members in need of other kinds of supplemental funding can apply directly to the Dean of the Faculty's office using an online request form.

Policies regarding the spending of college funds and the use of purchasing cards are published by the Office of the Controller (here) and also by the Dean of the Faculty (here). In general, business expenses are allowed while personal expenses are not allowed.research funds can be used flexibly to offset expenses directly related to research pursuits. Research funds cannot be used to pay for personal items and/or non-business related services at home or away. For travel, allowable expenses include transportation costs from Williamstown to the site of the meeting, automobile mileage (at the current allowable rate per mile), tourist airfare, and round trip mileage from

Williamstown to the airport. Local transportation costs within the city in which the conference is held, parking costs, and food and lodging are also allowable. There are no per diems. Receipts must be retained and submitted according to the controller's policy described here. provided before reimbursement can oceur. There are no per diems. Detailed guidelines for travel and business expenses are published by the Office of the Controller. The goal of these policies is to facilitate faculty research and teaching efforts while complying with IRS regulations and managing our financial resources effectively and ethically.

## The Oakley Center for the Humanities and Social Sciences

The Oakley Center for the Humanities and Social Sciences provides support for faculty research, development, and renewal. It and is especially committed to facilitating intellectual exchange and collaboration among faculty members whose research and teaching cross or elude disciplinary boundaries. Located in Makepeace House, the Center provides a meeting place and sponsors various forums where faculty from all three divisions and interested staff can discuss, among themselves and with invited guests, their research interests or issues of common intellectual concern in the humanities and social sciences. In addition to sponsoring conferences, colloquia, various ad hoc activities initiated by faculty and staff, and several events for the entire Williams and Williamstown community, the Center sponsors faculty seminars, oversees symposia conducted by invited guests, and maintains a program for Fellows.

Semester- and year-long faculty seminars are initiated by interested members of the faculty and receive organizational and some financial support from the Center. Application to conduct a seminar is normally made in the spring of the previous years. Symposia, providing opportunities for faculty and staff to discuss the work of invited guests, are held throughout the year and are arranged by the Center's Director normally at the request of individual members of the faculty or staff.

Resident Fellows (about eight each semester) enjoy an office at the Center, receive some financial support for their research, and meet regularly but informally to share their work in progress. Three Resident Fellows whose research projects touch on political leadership, public service, and the arts are designated Lehman Fellows each year and receive additional financial support. Resident Fellowships are awarded competitively to Williams faculty members on leave, and research proposals are submitted each spring semester for the following year. Emeriti faculty, distinguished visiting faculty, and faculty on leave from neighboring colleges occasionally participate in the Resident Fellows Program. In conjunction with the Clark Art Institute, the Center annually awards one competitive external fellowship to a scholar in the humanities, drawn from an international pool of applicants, whose work takes an interdisciplinary approach to some aspect of the visual. The Clark-Oakley fellow is in residence for the either a semester or a year, and takes part in the activities of both the Center and the Clark's research and academic programs. Each semester a Ruchman Fellow, and an outstanding Williams senior working on a thesis or comparable project in the humanities or social sciences, joins the Resident Fellows in their regular meetings and participates in other Center activities. The two Ruchman Fellows are selected from the candidates put forward by each department the previous spring.

The Center is run by the Director (a faculty member appointed by the President, normally for a term of three years) and the AdministrativeAssistant to the Director. An advisory committee, composed of the Dean of the Faculty and four faculty members from Divisions I and II, assists the Director in approving faculty seminars, selecting Resident and Ruchman Fellows, and reviewing the Center's programs.
7. Technical or editorial change made in accordance with the procedure outlined in Section I-E and described in memoranda to accompany the September 2022 faculty meeting.

Remove references to the Vice President of Campus Life.

The following text is taken from the 2020-2021 Handbook. Additions to the text are boldface and
highlighted in gray. Deletions have been struck out.

## Section I-A: The Board of Trustees, the President, and Other Senior Administrators

## The President

Reporting to the Board as the senior executive officer of the College is the President, who is also a member and the presiding officer of the faculty of the College. Reporting directly to the President are the Dean of the Faculty, the Provost, the Dean of the College, the Vice President for Campus Life, the Vice President for Finance and Operations, the Vice President for College Relations, the Vice President of Institutional Diversity and Equity, the Chief Investment Officer, the Chief Communications Officer, the Assistant to the President for Public Affairs, and the Assistant to the President and Secretary of the College. The President is a member of the Committee on Appointments and Promotions, the Committee on Educational Affairs, and the Curricular Planning Committee.

## The Dean of the College

The Dean of the College has primary responsibility for several areas of student life, including academic and personal advising. Reporting to the Dean is the Senior Associate Dean, the Director of Sexual Assault Prevention and Response, the Director of Parent and Family Programs, the Registrar, the Director of Accessible Education, The Director of Quantitative Skills Programs and Peer Academic Support, the Director of the Writing Programs, the Director of Fellowships, and the Director of International Education and Study Away. The Dean serves as an ex officio member of the Committees on Educational Affairs, Academic Standing, the Discipline Committee, and the Honor System Committee. They collaborate closely with the Viee President for Campus Life and-the Vice President of Institutional Diversity and Equity.

## The Vice President for Campus Life

The Vice President for Campus Life has primary responsibility for non-academic, student-oriented operations and services, including: the Campus Safety and Security Office, the Center for Learning in Action, the Chaplains' Office, Dining Services (Student Dining Services, the Faculty Club and Catering Services, Vending, Laundry Services), Health Services, Psychological Counseling Services, and the Office of Student Life (student housing, upper class residential life programming, student involvement and activities, the Conference Office, Mail Room). The Vice President also serves on campus committees, including the Committee on Priorities and Resources.

## The Vice President for Institutional Diversity and Equity

The Vice President for Institutional Diversity and Equity oversees the College diversity, equity, and inclusion activities and initiatives (including the Davis Center and Office of Special Academic Programs) and serves as the key institutional voice on related issues with campus and alumni constituencies. The Vice President leads the development and implementation of College policies related to diversity, equity, and inclusion and charges the Diversity Action Research Team, Committee on Diversity and Community and, in consultation with the President, the Affirmative Action Advisory Committee. The Vice President collaborates closely with the Dean of the Faculty, and Dean of the College, and Vice President for Campus Life and works with departments and offices on the recruitment and retention of faculty, staff, and students of diverse backgrounds. The Vice President is the College affirmative action officer and works with campus stakeholders to resolve grievances. The Vice President serves on campus committees, including the Committee on Admission and Financial Aid.
8. Technical or editorial change made in accordance with the procedure outlined in Section I-E and described in memoranda to accompany the September 2022 faculty meeting.

Replace Vice President for Campus Life with the Senior Associate Dean of Campus Life in the description of the Committee on Student Life.

The following text is taken from the 2020-2021 Handbook. Additions to the text are boldface and highlighted in gray. Deletions have been struck out.

## Section I-C: Faculty Committees and Panels

Committee on Student Life (3-2-6)
The Committee on Student Life is composed of 3 faculty, 3 staff, and 6 students (3-2-6)
The Committee on Student Life reviews and recommends policy on all non-academic aspects of undergraduate life at the College. The three appointed faculty members, one of whom chairs the committee, include a
representative from the Athletics Department. The Dean of the College, Senior Associate Dean of Campus Life The Vice President for Campus Life, and the Vice President for Institutional Diversity and Equity are ex officio members.

## Revision History for the Faculty Handbook

Revisions are made to the Faculty Handbook annually to reflect changes that were passed by a vote of the Faculty during the previous year, as well as smaller technical or editorial changes made in accordance with the procedure outlined in Section I-E.

Changes made in the 2021-2022 handbook from the 2020-2021 (third version):

1. Psychology changed from Division II to Division III (multiple references) as passed at April 15, 2020 Faculty Meeting.

The following text is taken from the 2020-2021 Handbook. Additions to the text are boldface and highlighted in gray. Deletions have been struek out.

Such as:

## Section I-B: The Faculty <br> [...]

Division II (Social Studies)
Africana Studies
Anthropology \& Sociology Economics
History
Philosophy
Political
Science
Psychology
Religion

## Division III (Science and Mathematics)

Astronomy
Biology
Chemistry
Computer Science
Geosciences
Mathematics \& Statistics
Physics
Psychology
[...]
2. Asian Languages, Literatures, and Cultures and Program in Asian Studies added (multiple references) as passed at March 17, 2021 Faculty Meeting

The following text is taken from the 2020-2021 Handbook. Additions to the text are boldface and highlighted in gray. Deletions have been struck out.

Such as:
Section I-B: The Faculty
[...]
Division I (Languages and the Arts)
Arabic Studies
Art
Asian Studies
Asian Languages, Literatures, and Cultures

Classics
English
German-Russian
Music
Romance Languages
Theatre
[...]
Interdepartmental Programs
American Studies
Asian Studies
Biochemistry \& Molecular Biology
Bioinformatics, Genomics \& Proteomics
Cognitive Science
Comparative Literature
Environmental Studies
Experimental \& Cross-Disciplinary Studies
Global Studies
Jewish Studies
Justice and Law
Latina/o Studies
Leadership Studies
Maritime Studies
Materials Science
Neuroscience
Political Economy
Program in Teaching
Public Health
Science \& Technology Studies
Women's, Gender, and Sexuality Studies
3. The following text was changed to the description of the "Committee on Priorities and Resources (CPR)" in Section I-C: Faculty Committees and Panels as passed at April 28, 2021 Faculty Meeting.

The Committee on Priorities and Resources (CPR) is composed of 4 faculty, 2 staff, 3 students, and 4 additional senior-level staff serving as ex officio members.

The Committee on Priorities and Resources advises the President on the allocation of the College's fiscal and tangible resources and on long-range financial planning and also considers trends in the annual College budget and other matters relating to priorities in fund raising and resources for capital expenditures. Each division is represented by at least one faculty member. One exempt and one non-exempt staff member are nominated by the Williams Staff Committee. Faculty and staff members appointed to the CPR serve staggered two-year terms. Students appointed to the Committee likewise serve staggered two-year terms beginning as juniors. The Provost, Associate Provost, Vice President for Campus Life, Vice President for Finance and Administration, and Budget Director Vice President for Alumni Relations and Development, Associate Vice President for Finance and Administration, and Associate Vice President for Facilities and Auxiliary Services, serve as ex officio, non-voting members. The faculty chair of the CPR normally serves a two-year term.
4. Technical or editorial change made in accordance with the procedure outlined in Section I-E and described in memoranda to accompany the September 2021 faculty meeting.

Changed references from Director of Human Resources to Chief Human Resources Officer (multiple references).
5. Technical or editorial change made in accordance with the procedure outlined in Section I-E and described in memoranda to accompany the September 2021 faculty meeting.

Changed references from Vice President for Finance \& Administration and Treasurer to Vice President for Finance \& Operations (multiple references) and Frederick Puddester, Vice President for Finance \& Administration and Treasurer to Mike Wagner, Vice President for Finance \& Operations and Treasurer.
6. Technical or editorial change made in accordance with the procedure outlined in Section I-E and described in memoranda to accompany the September 2021 faculty meeting.

Changed references from Associate Dean for Academic Programs to Senior Associate Dean of Students.
7. Removal of references to committee that faculty voted to disband previously: the Curricular Planning Committee.

The following text is taken from the 2020-2021 Handbook. Additions to the text are boldface and highlighted in gray. Deletions have been struek out.

## Section I-A: The Board of Trustees, the President, and Other Senior Administrators [...]The Dean of the Faculty

The Dean of the Faculty is responsible for the faculty and curriculum at the College and is available to consult with members of the faculty on all issues of concern to them. The Dean is responsible for the recruitment, appointment, and promotion of faculty and for the policies and procedures affecting all academic departments. The Dean oversees the annual budgets of the academic departments and programs; assists with curricular and faculty development; serves as ex officio member and executive secretary of the Committee on Appointments and Promotions, and as a voting member of the Curricular Planning Committee; and, in consultation with the Faculty Steering Committee, makes recommendations on the membership of committees to the President. The Dean of the Faculty oversees the Center for Foreign Languages, Literatures and Cultures, the Oakley Center for the Humanities and Social Sciences, the Center for Environmental Studies, the Williams-Exeter Programme at Oxford University, Williams-Mystic Program, and Athletics. The Dean also works closely with the Office of the Provost on budgetary and compensation matters. In addition, concerns about professional conduct of faculty members are the responsibility of the Dean of the Faculty. The Dean is assisted by two Associate Deans of the Faculty, an Assistant Dean of the Faculty, a Faculty Information Systems Administrator, and an Executive Assistant. [...]

## Section I-C: Faculty Committees and Panels

[...] In the event that a committee member steps down from an elected committee (with the exception of the Committee on Appointments and Promotions and ,the Faculty Steering Committee, and the Curricular Planning Committee) mid- year (any time after July 1), the Faculty Steering Committee will appoint a replacement for the remainder of the year or term. The appointed replacement will satisfy the criteria of division and rank where necessary unless no such candidates are available. [...]

## Faculty Steering Committee (FSC) (6-0-0)

[...] More specifically, the Faculty Steering Committee and the President jointly have the power to convene faculty meetings and to set their agenda. The Committee, in consultation with the Dean of the Faculty, advises the President on the appointment of faculty to standing committees, nominates candidates for election to the Committee on Educational Affairs, Curricular Planning Committee and the Faculty Compensation Committee, and it also appoints the at-large members of the latter committee. The Committee acts, in addition, as a liaison between other faculty committees and the faculty committees and the faculty as a whole. The President consults with the Committee on appointments to the administrative positions of Dean of the Faculty, Provost, Dean of the College, and other administrative positions. The Committee also meets periodically with the Executive Committee of the Board of Trustees. It is available to the President, other administrative officers, and the Board of Trustees for consultation on any matter of interest to the faculty. [...]
8. Updates to Non-Discrimination, Harassment, and Sexual Misconduct Policy and Procedures passed at May 19, 2021 Faculty Meeting.

## Section II-T: Non-Discrimination, Harassment, and Sexual Misconduct Policy

NOTE: In cases involving only students or student respondents, the investigation and adjudication procedures will be those outlined in the college's policies relating to student misconduct, which are available at https://dean.williams.edu/policies/

Williams College is committed to maintaining a fair and respectful environment in which all members of its community feel safe and can participate fully and grow. In compliance with state and federal law and as a matter of its own principles, the college prohibits discrimination on the basis of race, sex, ethnicity or national origin, religion, age, disability, marital status, sexual orientation, gender identity, or veteran status in admission, employment, and administration of its programs and activities. In addition, the college prohibits harassment and sexual misconduct.

Discrimination, harassment, and sexual misconduct breach the trust that should exist among members of an educational community, and disturb the climate in the classroom, residence, or workplace Members of the Williams College community are expected to uphold these principles and abide by this policy at all times.

Members of the college community are encouraged to report any instances of discrimination, harassment, or sexual misconduct. ${ }^{2}$ Reports may be brought directly to the Vice President for Institutional Diversity, Equity, and Inclusion or a designated Assistant Vice President, Reports may also be made to appropriate deputies ${ }^{3}{ }^{3}$ relevant Americans with Disabilities Act (ADA) officers, or Campus Safety and Security, who will then work with the Office of Institutional Diversity, Equity, and Inclusion to address the concern, $\frac{4}{5}$

If a student or employee of the college is found to have violated this policy, possible sanctions include the full range of disciplinary sanctions available at the college, up to and including suspension from the college for one or more semesters and expulsion, in the case of a student, or dismissal in the case of a College employee.

## I. Prohibited Conduct

The following defined conduct is prohibited under this Non-Discrimination, Harassment, and Sexual Misconduct Policy.

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## A. Discrimination

Discrimination is the denial of rights, benefits, equitable treatment, or access to facilities available to all others because of an individual's or group's race, sex, ethnicity or national origin, religion, age, disability, marital status, sexual orientation, gender identity, or veteran status. Discrimination can take the form of isolated or repeated behaviors or actions directed against an individual or a group.
B. Harassment

Harassment is severe or pervasive unwelcome verbal, non-verbal, or physical conduct thata reasonable person would consider to be:

1) materially interfering with their work or educational experience or opportunities; or
2) creating an intimidating or hostile, working and/or learning environment

Harassment may involve jntimidation, coercion, and/or verbal, non-verbal, or physical abuse.
Examples, include targeted remarks or jokes, threats, ostracism, public humiliation, and physical actions, including unwanted touching and physical assault.

Petty slights, annoyances, and most isolated incidents will not rise to the level of harassment. To be considered harassment under this policy, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people.

## B.1. Bullying

Bullying is a type of harassment that involves acts or verbal comments that could mentally hurt or isolate a person in the work or education space. Sometimes, bullying can involve negative physical contact as well. Bullying usually involves repeated incidents or a pattern of behavior that is intended to intimidate, offend, degrade or humiliate a particular person or group of people. It has also been described as the assertion of power through aggression.

## B.2. Discriminatory Harassment

Discriminatory harassment is harassment targeted at a person because of their race, sex, ethnicity or national origin, religion, age, disability, marital status, sexual orientation, gender identity or veteran status.
C. Sexual Misconduct

The term "sexual misconduct" includes Title IX sexual harassment, sexual harassment, sexual assault, sexual exploitation, stalking, dating violence, and domestic violence, all of which have more complete definitions, which can be found below. Sexual misconduct can occur regardless of the relationship, position or respective genders of the parties.

## C.1. Title IX Sexual Harassment

In May 2020, the Department of Education issued new regulations governing schools' response to certain types of sexual misconduct. Those regulations, which became effective August 14, 2020, require all colleges to use specific procedures in response to reports of what the Department calls sexual harassment. More information about these procedures

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coercion, bullying, ...nd/or verbal, non-verbal, or physical abuse. Examples of the forms it can ta ... [13]
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can be found jn Appendix A.1. "Sexual harassment" is used by the Department as an umbrella term to cover all types of sexual misconduct that are addressable under Title IX of the Education Amendments of 1972. To avoid confusion, Williams' policies will use the term "Title IX sexual harassment" to refer to conduct defined as sexual harassment by the Department. It is important to remember that Title IX sexual harassment, which is defined below, represents only a subset of the broader conduct that is prohibited by this policy.

Title IX sexual harassment is conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the college conditioning the provision of an aid, benefit, or service of the college on an individual's participation in unwelcome sexual conduct;
2. 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
3. Sexual assault, dating violence, domestic violence, or stalking, as defined below. a. "Sexual assault" means an offense classified as a forcible or nonforcible sex offense by the FBI.
b. "Dating violence" means violence committed by a person (A) who is or has been in a social relationship of an intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors:
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    (i) the length of the relationship;
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    (ii) the type of relationship; and
    (iii) the frequency of interaction between the persons involved in the relationship.
    c. "Domestic violence" includes 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 the domestic or family violence laws of Massachusetts, 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 Massachusetts.
    d. "Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for their safety or the safety of others or (B) suffer substantial emotional distress.

To be considered Title IX sexual harassment, the conduct described above must occur in a Williams education program or activity within the United States. A Williams "education program or activity" is a location, event, or circumstance over which the college exercises substantial control over both the respondent and the context in which the Title IX sexual harassment occurs. .

All conduct that occurs abroad and much conduct that occurs off campus falls outside the definition of Title IX sexual harassment and may instead be covered by the misconduct

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defined elsewhere in this policy.

## C.2. Sexual Harassment

As noted above, the college's sexual misconduct policy prohibits a broader subset of conduct than is defined under Title IX Sexual Harassment. College policy also prohibits sexual harassment, a form of discriminatory harassment, which targets and demeans a person because of their sex. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1) submission to such conduct is made ${ }_{2}$ either explicitly or implicitly a term or condition of an individual's employment, instruction, or participation in other college activities,
2) submission to or rejection of such conduct by an individual is used as a basis for making academic, employment, or personnel decisions affecting that individual, or
3) such conduct has the purpose or effect of unreasonably interfering with an individual's performance or creating an intimidating or hostile educational or working environment.

Sexual harassment may also be at issue in relationships that begin as consensual ones. Anyone in a position of institutional authority over other persons should be sensitive to these issues. The requirements described in sub-sections .C.2.A. and C.2.B. below are designed to protect the integrity of the college's instructional, counseling, and supervisory responsibilities by separating sexual relationships from professional ones where instruction or supervision is involved.

## C.2.A. Potentially Coercive Relationships Between Students and Faculty

All faculty are in a position of power with regard to undergraduate students; hence, sexual relationships between faculty and undergraduate students are prohibited. Sexual relationships between faculty and undergraduate students put claims of consent in question. It is difficult for a student to be certain of the motives of a member of the faculty. A person in a position of authority cannot be certain that the student's consent is genuine, rather than motivated by an unspoken fear of the consequences of not consenting. In addition, a sexual relationship with a student may raise questions of unfair academic advantage or of unwarranted negative evaluation. These questions may adversely affect the educational environment of other students, as well as the student directly involved. .

A sexual relationship between a faculty member and a graduate student js prohibited when a faculty member has teaching, evaluative, formal advising, or supervisory responsibilities for that student, even if the parties involved view the relationship as consensual. A member of the faculty may not initiate or agree to a relationship with a graduate student with whom they have any teaching, evaluative, formal advising, or supervisory roles. To protect the integrity of the educational process, the college also requires a faculty member to refrain, except under unusual circumstances and with the permission of the Dean of the Faculty, from taking on any teaching, evaluative, formal advising, or supervisory roles involving a graduate student with whom they have had a sexual relationship in the past.

The Dean of the Faculty may grant exemptions to this policy in reasonable cases of pre-

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existing relationships. Any faculty member who wishes to request such an exemption should submit a written statement to the Dean of the Faculty explaining the reasons for the request. The Dean of the Faculty shall provide a response in writing to the faculty member and the Assistant Vice President for Institutional Diversity ${ }_{\pi}$ Equity ${ }_{k}$ and Inclusion.

A faculty member who has questions about this policy should consult the Dean of the Faculty.

## C.2.B. Potentially Coercive Relationships Involving Faculty and/or Staff

A sexual relationship with a member of the faculty or staff for whom one has professional responsibilities may similarly put claims of consent into question or raise questions of unfair evaluation. To protect the integrity of the working relationships among employees, the college prohibits anyone in a position of authority from engaging in any supervisory, evaluative or counseling role involving a subordinate with whom they have had a sexual relationship in the past, unless the circumstances warrant a waiver. 5 The College also requires a faculty or staff person to remove themself from any supervisory, evaluative, or counseling role involving a subordinate employee with whom they currently have a sexual relationship. The parties involved should consult with either party's executive officer or department chair/director concerning the need for a waiver or a removal. The executive officer or department chair/director shall grant or deny the waiver or arrange for the removal, and the parties involved shall abide by the administrator's decision. A faculty or staff person who does not abide by these rules js at substantial risk under college policy of complaints of coercion, or of preferential or prejudicial treatment.6 Should the complaint be found valid, the faculty or staff member will also be subject to disciplinary action.
II. Reporting

All people are encouraged to report instances of discrimination, harassment, and sexual misconduct, whether they experienced the incident themselves or observed misconduct against another person. Reports may be brought to the Vice President for Institutional Diversity, Equity, and Inclusion, a designated Assistant Vice President for Institutional Diversity, Equity, and Inclusion, an appropriate deputy (for students, the Dean of the College; for staff, the Director of Human Resources; for Faculty, the Dean of the Faculty), relevant Americans with Disabilities Act (ADA) officers, or Campus Safety and Security. A list of current contacts follows this policy. Local police, state and/or federal agencies may also be contacted, either immediately or at any point thereafter.

Most college employees who become aware of or receive a report of discrimination,

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harassment, or sexual misconduct are encouraged--and in some cases may be required--to promptly and fully report the information to the Vice President for Institutional Diversity, Equity, and Inclusion, a designated Assistant Vice President, relevant deputy, or relevant American with Disabilities Act (ADA) officer. No member of the community should assume that a college administrator knows about a situation involving discrimination, harassment, or sexual misconduct. Jf an individual reports to a person in authority who is not a confidential resource and wishes to maintain confidentiality of the report, the non-confidential resource must relay the request for confidentiality.

## III. Procedural Rights,

## A. The College grievance procedures

The college grievance procedures (outlined in Appendix A and A.1) are used to assess and respond to complaints of discrimination, harassment, and sexual misconduct Nothing contained in this policy or those procedures is intended to replace or deny any rights available under applicable local, state, or federal laws; a party has a right to reach out to police, state, and/or federal agencies at any time or to file complaints or seek remedies available by law. Normally, college jnvestigations and hearings can occur simultaneously, with external ones.

## B. Confidentiality

When a report is made, the college will treat the identity of the parties and the substance of the claims as confidential, except as is reasonably necessary to carry out the investigative process in accordance with the applicable grievance procedures, or to ensure the safety of everyone at Williams College ${ }_{\text {, }}$

In support of an individual's request for confidentiality and the college's interest in providing necessary resources for possible incidents of discrimination, Williams College provides confidential advising: for students, the College Health Center and Integrative Wellbeing Services, the Chaplain's office, and the Director of Sexual Assault Prevention and Response; for faculty and staff, the Employee Assistance Program. These advisors may have anonymous reporting obligations under federal and state law.

## C. Retaliation

Williams College prohibits retaliation against employees or students for reporting discrimination, harassment, or sexual misconduct or participating in the grievance process. Retaliation may include, but is not limited to, taking an adverse action against someone because they made a report, filed a complaint, served (or declined to serve) as a witness, advisor, or hearing panelist, or otherwise participated (or declined to participate) in the grievance process. Any retaliation by a party or by-stander against another party, or witness, or participant in the process is strictly prohibited, and will be treated as a new and additional violation of this policy,

## D. Prompt and Fair Resolution

The college's procedures for reports of discrimination, harassment, and sexual misconduct seek to ensure a prompt, fair, and impartial investigation and prompt remedial action. All College

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(http://titleix.williams.edu/definition-of-terms/). Sexual misconduct is prohibited under the college's NonDiscrimination, Harassment, and Sexual Misconduct Policy. Sexual misconduct can occur regardless of the relationship, position or respective genders of the parties. Same gender harassment violates this Policy, as does harassment by a student of a faculty member or a subordinate employee of their supervisor. ๆ| $\pi$
H. Ordinary Workplace Grievances ๆ

For ordinary workplace grievances outside of I.A, I.B, I.C, I.D, I.D.1, I.D.2, I.E, and I.F above see the relevant sections of the Staff and Faculty Handbooks. IT

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officials involved in the process receive training on this policy and on how to conduct a hearing
process that protects victim safety and promotes accountability
E. Academic Freedom and Freedom of Expression
Williams College is committed to both freedom of expression and full academic freedom of inquiry, teaching and research. Academic freedom and freedom of expression will be strongly considered in investigating complaints of discrimination and harassment, but will not excuse
behavior or action that constitutes a violation of the law or college policy.

## F. Right to be Accompanied by an Advisor or Support Person

During the investigation, the complainant and respondent may be accompanied at meetings and interviews by an advisor or support person of their choosing, The scope and responsibilities of advisors are defined in the applicable investigation and adjudication procedures. In the case of complaints that enter a formal resolution process, both parties will be assigned an advisor advisor may, but need not, function as the advisor/support person who accompanies the complainant or respondent through the process.

## G. Standard of Proof

The standard of proof used in the adjudication of all cases involving alleged violation of this policy will be preponderance of the evidence. The preponderance of the evidence standard alleged act(s).

## H. The Standing Grievance Panel


$\qquad$ diversity of the staff and faculty at the college. The Faculty Steering Committee (FSC) and
Williams Staff Committee (WSC) and Director of Human Resources will jointly convene the each year, whose members stand available to serve on an adjudication panel in ca
alleged discrimination, harassment or sexual misconduct. The SGP will consist of:
_ 12 staff. 6 (one exempt and one non-exempt from each neighborhood) are elected by the staff from a slate of two persons nominated by the WSC from each category and」 12 faculty, 6 faculty (one tenured and one non-tenured from each division) to be elected by the faculty from a slate of two persons nominated by the FSC from each category and least one faculty member from the Department of Physical Education.
Once constituted, members of the SGP will be trained on issues related to this policy, as well as a
on conducting a hearing process that protects victim safety and promotes accountability.


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## Appendix A: Discrimination, Harassment, and Sexual Misconduct Grievance Procedures

Williams College is committed to maintaining a fair and respectful environment in which all members of its community feel safe and can participate fully and grow. In compliance with state and federal law and as a matter of its own principles, the college prohibits discrimination on the basis of race, sex, ethnicity or national origin, religion, age, disability, marital status, sexual orientation, gender identity, or veteran status in admission, employment, and administration of its programs and activities. In addition, the college prohibits harassment and sexual misconduct.

The following procedures apply to all complaints of discrimination, harassment, and sexual misconduct involving faculty and staff respondents, ${ }^{2}$ excluding ${ }_{3}$ Title IX Sexual Harassment, Procedures for complaints of Title IX Sexual Harassment involving faculty and staff respondents can be found in Appendix A.1: Faculty \& Staff Title IX Sexual Harassment Investigation \& Adjudication Procedures ${ }_{\text {ax }}$.

Policies and procedures for cases involving only students or student respondents can be found here [add link]

The person alleging discrimination is called the "complainant"; the party accused of violating college policy is called the "respondent."

If someone alleges conduct that falls under the college's Non-Discrimination, Harassment, and Sexual Misconduct policy (the "Policy"), the following procedures and practices shall apply:

## 1.Reporting and Accommodations. As described in the Policy, everyone is

 encouraged to report-and in some cases may be required to report-instances of discrimination, harassment, and sexual misconduct of which they become aware. After the college receives such a report, an Assistant Vice President for Institutional Diversity, Equity, and Inclusion (hereafter AVP) will promptly contact the person reported as having experienced the misconduct to discuss the availability of accommodations and explain the process for filing a complaint. Jn cases of sexual misconduct, the investigation and adjudication process is overseen by the Title IX Coordinator; in all other discrimination and harassment cases, another AVP has oversight. ${ }^{4}$${ }^{2}$ These procedures may be followed in cases involving complaints of discrimination, harassment or sexual misconduct brought against college employees by persons who are not members of the college community, e.g. visitors to the campus or participants in college programs or activities.
${ }^{4}$ If it is the Vice President for Institutional Diversity, Equity, and Inclusion whose behavior is at issue in a complaint, the investigation and adjudication process is overseen by an executive officer of the college, excluding the President of the College who will review appeals. Executive officers of the college are: The President of the College, the Dean of the Faculty, the Provost, the Dean of the College, the Vice President for Finance \& Administration and Treasurer, the Vice President for College Relations, the Vice President of Institutional Diversity, Equity \& Inclusion, the Chief Investment Officer, the Chief Communications Officer, and the Assistant to the President and Secretary of the Board of Trustees.

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In cases involving only students or student
respondents, the investigation and adjudication procedures will be those outlined in the college's policies relating to student misconduct:

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who believe they have been subjected to
discrimination, harassment, or sexual misconduct are encouraged to bring these concerns forward. Concerns may be brought directly to the Office of Institutional Diversity and Equity (to the Vice President, the ... [1]
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For students, accommodations may include no-contact orders, changes to housing, and academic accommodations such as extensions, tutors, and changes of class schedule. Accommodations may also include changes of class modality (for example, switching to an independent study) if needed in order to ensure access to academic opportunity for the complainant in a class taught by a faculty member who is the respondent. For faculty/staff, accommodations may include no-contact orders, changes of housing (if living in college housing), and changes of work duties, as appropriate.
2. Informal Resolution. If appropriate, the AVP may try to resolve the matter informally. The informal process is an opportunity to bring resolution to an allegation through awareness, education, and/or a facilitated discussion. An informal resolution may be appropriate if both parties can agree on the critical facts and a desirable resolution.

The informal process is not appropriate for most allegations of misconduct that involve a student and a member of the faculty or staff; for allegations of sexual misconduct apart from certain instances of discriminatory harassment; and for any allegation involving behavior that potentially endangers members of the college community and/or is potentially criminal in nature.

During an informal process, fact-finding occurs only to the extent necessary to understand the conduct at issue ${ }^{5}$, but no determination is made as to whether college policy has been violated.

Informal resolutions may include, but are not limited to:
a. Training:
b. Changes to work or academic arrangements;
c. Housing reassignment;
d. Informal discussion with a person whose conduct, if not addressed, could rise to the level of discrimination or harassment;
e. Advisory discussion with the respondent's supervisor or chair:
f. "No contact" directive to the parties;
g. Suspension.

Informal resolution should generally be concluded within two months of the complaint having been filed but may take longer if the AVP believes continued discussion is likely to be fruitful.

Information obtained during the course of the informal resolution process will be shared only to the extent necessary to understand the concerns and protect the interest of the parties and the college community.

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At any point during or following the informal process, either party may request a formal process in writing. A request to move to the formal process automatically ends the informal resolution, and the AVP will inform the parties of the transition in writing. The AVP may also end the informal process at any time.
3. Written Complaint. The initial report may be oral and may be made by any person, but to initiate a formal investigation and adjudication, the person who experienced the harassment, discrimination, and/or sexual misconduct must submit a written complaint in paper or electronic form to the AVP. ${ }^{6}$ The complaint must be labeled as such and must contain sufficient information regarding the alleged misconduct to allow the college to make an initial determination of whether the behavior falls within the Policy and to permit the respondent to understand the allegations and adequately respond.

The written document should include:
a. the name of the person(s) alleged to have engaged in misconduct, if known;
b. the date or approximate date of the alleged misconduct;
c. a description of the misconduct, including the location; and
d. a statement that the document is intended to be treated by the college as a

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[^3]4. Scope Determination. Following receipt of the written complaint or termination of informal resolution, the AVP will decide whether the allegations, if true, would fall under the purview of the Policy. The AVP may consult with another AVP, deputy, or college counsel if desired but is the ultimate decisionmaker.

If the AVP determines that the alleged behavior is within the purview of the Policy, the AVP will inform the parties in writing and initiate procedures for the formal investigation and adjudication as described below. If the AVP determines that the alleged behavior is not within the purview of the Policy, the AVP will inform the parties in writing and, where possible, direct parties to other available avenues for addressing the concerns.

The determination of the AVP is final and not subject to appeal.
5. Notice of Allegations. After the initial determination of scope as described in paragraph 4, the AVP will provide the parties a written notice of alleged violations to be investigated. The AVP will also share the following:
a. A copy of these procedures and a written statement of their rights and responsibilities.
b. The allegations of misconduct as defined by the Policy, with sufficient details to the extent known at the time and with sufficient time to prepare a response before any initial interview. (It is important to note that complete details might not emerge until the investigation process is underway.)
c. An explanation of the burden of proof, including the presumption of nonresponsibility.
d. A request that the parties preserve any potentially relevant documents or other evidence in any format.
e. An explanation that the parties are entitled to an advisor of their choice as described in paragraph 9 below.
f. An explanation that the college prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
g. An explanation of the college's prohibition against retaliation.
6. Amended Complaints. If the investigation reveals other related allegations of misconduct not detailed in the initial complaint, the complainant will have the opportunity to request an amendment of the complaint to include the additional related allegations. Decisions about whether additional related allegations are within the purview of the Policy shall be made by the AVP whose decision will be final.

If, in the course of an investigation, the college decides to investigate allegations about either party that are not included in the initial notice to parties, the AVP will provide written notice of the additional allegations to the parties.

The college may consolidate multiple complaints in situations that arise out of the same facts or circumstances and involve more than one complainant, more than one

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respondent, or what amount to counter-complaints by one party against the other. If there are multiple complainants and one respondent, the college may consolidate the complaints where the allegations arise out of the same facts or circumstances, which is to say, when the complainants' allegations are so intertwined that their allegations directly relate to all the parties.
7. Advisors. Both parties are entitled to have an advisor of their choosing (either a trained college advisor or other person, including an attorney) present with them throughout the process. However, the parties may bring only one advisor to any given meeting or appearance. Advisors may speak to their advisee at any time during the process but may not speak directly to the investigator,or to members of the adjudication or sanctions panels. College advisors may not be part of an adjudication panel involving their advisee.
8. Confidentiality. College personnel will take reasonable steps to protect the privacy of persons and information. Process participants, including parties and witnesses, should understand that disclosing information learned during the investigation (for example, the content of the investigator's report as well as conversations with the investigator and AVP) to third parties may compromise the integrity of the investigation and could also be construed as retaliation prohibited by college policies and codes of conduct. The college expects that persons will not disclose or re-disclose information learned during the course of the investigation, and both the complainant and respondent will be asked to sign a simple agreement stating that they will not disclose information learned or documentation received during the adjudication process, except as may be required to be able to discuss the allegations under investigation or to gather and present relevant evidence. Persons are, of course, free to discuss their own personal experiences, and to gather information necessary or appropriate to prepare for their participation in the investigation and adjudication process. The college prohibits conduct towards a witness or other participant in the process that constitutes intimidation, retaliation, or "tampering" (for instance, by attempting to coerce, alter, or prevent a witness's testimony). Relevant deputies will look into allegations of intimidation, retaliation or tampering and individuals determined to be responsible shall be subject to appropriate disciplinary proceedings under the applicable handbooks.
9. Withdrawal of Complaint. At any time, the person alleging misconduct may withdraw the complaint. Withdrawal of the complaint may end the process, but, as described in 3.1 above, in some cases the college may move forward with the investigation and adjudication of alleged misconduct in order to protect the interests and safety of the college community. The college will inform both parties in a timely manner of its decisions.
10. Acceptance of Responsibility. At any time, the respondent may choose to accept responsibility for the conduct alleged in the complaint. If the respondent does so, the process will likely proceed to the determination of a recommended sanction by an

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adjudication panel. If both parties are interested in pursuing informal resolution following a respondent's acceptance of responsibility, that option may also be available to them if the AVP agrees.
11. Investigation, The AVP will assign a person trained in discrimination, harassment, and/or sexual misconduct investigations to investigate the facts of the complaint. The AVP will oversee the investigation.

This investigator will hear statements from the parties, ask follow up questions, and reach out to and collect statements from and questions of others who have evidence, and information relevant to the complaint.

The complainant and respondent may each jdentify individuals for the investigator to speak to and suggest possible questions to ask. The investigator will make reasonable efforts to do so unless this violates standards of good practices for such investigations or js clearly redundant or irrelevant. Everyone contacted by the investigator will be required to maintain the confidentiality of the investigation. The investigator will also gather any additional evidence available (for example, health care records, with permission of the person to whom they refer, or evidence of patterns of discrimination). The investigator may consult with the AVP in decisions regarding the investigation process,

The length of the investigation will depend on the scope of the alleged conduct, but investigations should generally be concluded within two to four months from when they are assigned.

## 12. Report and Responses.

a. Content. The investigator will produce a written report of findings, which will include a list of those interviewed and copies of additional material referenced. The investigator will not decide whether an alleged violation occurred; that determination is reserved for the adjudication panel. Rather, the investigative report summarizes and analyzes the relevant information uncovered through the investigation, referencing any supporting interviews and/or statements.
b. Distribution of Draft to the College. The AVP will review the report and may request that additional information be gathered. They will also ensure that the draft report does not contain material that is deemed to be inadmissible Information that is irrelevant, is protected from disclosure by law, or references a party's prior sexual history or sexual predisposition may be deemed inadmissible. Inadmissible information will be redacted or removed.
c. Distribution of Draft to Parties. The AVP will then share the report and referenced materials with the parties. The complainant and respondent each have, 15 , days following receipt to write a response, if they wish to do so. The AVP will review responses of the parties to ensure that they do not contain material that is

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deemed to be inadmissible ${ }^{8}$, and the approved responses will then be shared with the investigator for consideration before submitting the final investigative report. In their responses, the parties may request that further information be gathered including identifying additional jndividuals for the investigator to speak to, which the investigator will pursue at their discretion.
d. Final Report. The AVP will review the final report to ensure that it does not contain inadmissible information and will then make a second determination as to whether the alleged behavior js within the purview of the Policy.

If the AVP determines that some or all of the alleged behavior is not within the purview of the Policy, they will jnform poth parties of that decision in writinge share the final report, and, where possible, direct parties to other available avenues to address the concerns.

If the AVP determines that the alleged behavior is within the purview of the Policy, they will jnform the parties in writing and share the final report. Each party will thereafter have 10 days to write a response. The AVP will review responses of the parties to ensure that they do not contain material that is deemed to be inadmissible, and the approved responses will then be shared alongside the report in succeeding stages of the formal process described below. .
13. Adjudication. Decisions about whether there has been a violation of the Policy will be made by an adjudication panel of five trained members. For a finding that there has been a violation 4 of 5 panelists must find that a preponderance of evidence supports the conclusion that a violation has occurred. ${ }^{9}$ If such a violation is found, then the same panel recommends an appropriate sanction. $\qquad$
The AVP will appoint an adjudication panel from the Standing Grievance Panel. If a complainant js a student, the panel will usually consist of a member of the office of the Dean of the College plus four additional members, If the respondent is a member of the faculty, at least two persons on the adjudication panel will be faculty. If the respondent is a member of the staff, at least two persons on the adjudication panel will be staff. If one party to the complaint is a member of the faculty and the other party is a member of the staff, the adjudication panel will consist of two members of the faculty, two members of the staff, and a chair. If the complainant and respondent are both faculty, then the panel will consist of five members of the faculty, one of whom will be chair. If the complainant and respondent are both staff, then the adjudication panel will consist of five members of the staff, one of whom will be chair.

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information should be gathered, the investigator will be charged with pursuing the ... including identifying additional information and, if appropriate, issuing an amendment or supplement to the report. The complainant and respondent will be given an additional 10 days to respond to any such additional or supplemental report. đ

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The parties will have the opportunity to state whether there is anyone they feel should not participate in the adjudication panel due to a conflict of interest or other reason that would prevent them from making a fair assessment of the evidence. The AVP will make final decisions on any such requests for recusal and inform the complainant and respondent in writing of the decision. Should these or other concerns make it impossible for the AVP to appoint an acceptable adjudication panel, they may draw individuals from previous Standing Grievance Panels. The AVP will ensure that all members of the adjudication panel are trained before deliberation begins.

The panel will start its deliberations by reading the investigator's report, any referenced material, and any responses from the parties. After discussion, the panel will decide whether there are additional questions that need to be answered. If so, the AVP will ask the investigator to go back to the parties or witnesses to ask those questions. The adjudication panel may also ask questions of the AVP or other relevant college officials,

The panel will decide whether there is a preponderance of the evidence showing a violation of the Policy and will draft a letter of findings. The panel will also recommend a sanction to the relevant senior administrator (Dean of the Faculty for faculty respondents or Director of Human Resources for staff respondents). The parties will be provided copies of the letter of findings and recommended sanction. Final decisions as to sanctions are determined by the procedures described in the Staff Handbook or Faculty Handbook.

## 14. Appeals.

a. Request \& Timeline. Both parties have the right to request an appeal of the adjudication panel's decision. The parties have $\mathbf{1 5}$ days following receipt of the written decision to request an appeal. Requests for appeal, with reasons, should be sent in writing to the Vice President for Institutional Diversity, Equity and Inclusion. Untimely appeals will not be considered and the party will be deemed to have waived their appeal rights.
b. Grounds for Appeal. The right of appeal is limited to the following grounds: (i) significant procedural lapses that affected the outcome of the matter; (ii) the appearance of substantive new evidence not available at the time of the original decision that could affect the outcome of the matter (deliberate omission of information by the appealing party in the original investigation is not grounds for appeal); and (iii) the fact that the AVP, investigator(s), or member of the adjudication panel had a conflict of interest or bias for or against either party that affected the outcome of the matter.
c. Procedures on Appeal. All parties will be notified of any appeal and will have a 15-day period to submit a written statement in support of, or challenging, the

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outcome. If either party wishes to have other people interviewed to determine whether they have substantive new information pertinent to the case that was not available at the time of the original decision, the following process will be followed;

1) The person wishing to appeal will write to the Vice President for Institutional Diversity, Equity, and Inclusion describing whom they wish to have interviewed and on what topic:
2) The Vice President or a designee will ask the person whether they do, in fact, have information on that topic.
3) If they do, the investigator will ask them questions or request a written statement.
The appeal process will be suspended until the completion of these steps $\boldsymbol{\gamma}_{\boldsymbol{\gamma}}$ If the appeal is granted, its disposition is determined by the Vice President for Institutional Diversity, Equity, and Inclusion, who may affirm the decision of the adjudication panel, return the matter to the original adjudication panel, or summon a new adjudication panel, and who may task those panels with reviewing the underlying decision either in whole or in part. A decision by the Vice President to affirm the original panel's decision shall be final.

Subject to the scope of the instructions from the Vice President review by a panel may result in a change in the decision as to whether a violation of the Policy occurred, or may result in a change in recommended sanction. If the decision of the reviewing panel is to affirm the original decisions as to violation and recommended sanction, that decision shall be final. If the decision of the reviewing panel is to change the original decision either as to violation or recommended sanction, the reviewing panel's decision shall be subject to appeal in accordance with the foregoing procedures. The results of any such second appeal process shall be final.

The results of any appeal and the rationale for the result will be communicated simultaneously jn writing to the parties.
15. Faculty Sanctions. If the recommended sanction is termination of the respondent's a appointment for cause, the Dean of the Faculty will initiate proceedings pursuant to Section II-W: Termination of Faculty Appointment for Cause of the Faculty Handbook. If the recommended sanction is a major sanction, such as suspension from service for a stated period, the Dean of the Faculty will initiate proceedings pursuant to Section II-X: Procedures for Imposition of Sanctions on Faculty other than Dismissal, "Major Sanctions," of the Faculty Handbook. If the recommended sanction is a minor sanction, the Dean of the Faculty will initiate proceedings in accordance with Section II-X., "Minor Sanctions," of the Faculty Handbook. In all cases covered by the Policy the sole determination to be made according to the processes described in Sections II-W, and II-X, of the Faculty Handbook will be the final sanction to be imposed, A determination by the

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adjudication panel that the respondent violated the Policy shall be final and shall not be subject to review or reconsideration in the sanctions process

The sanctions panel will receive the letter of findings and recommended sanction from the adjudication panel The sanctions panel will also have access to the report of the investigator, any referenced materials and responses, and previous disciplinary records of the respondent, if any. The sanctions panel may request assistance from the AVP, but the AVP will not determine sanctions,

The complainant cannot be compelled to appear before the sanctions panel, but in all cases covered by the Policy, the complainant will have an equal right as the respondent to be heard by the Dean of the Faculty, any hearing committee convened pursuant to Sections II-W, or II-X, and by the Board of Trustees, as applicable.

Final decisions as to sanctions will be reported in writing simultaneously to the complainant and the respondent, as well as to the AVP.
16. Staff Sanctions. Final determination of sanctions involving staff respondents will be made by the Director of Human Resources, in conjunction with the Assistant Vice President for Institutional Diversity, Equity, and Inclusion who did not oversee the investigation and adjudication and relevant supervisor(s) of the staff member. They may consider previous disciplinary records of the staff member in making their decision regarding sanction.

Final decisions as to sanctions will be reported in writing simultaneously to the complainant and the respondent, as well as to the AVP.

## 17. Additional Matters.

a. Timeframe for Adjudication. The college endeavors to conclude the adjudication process for all formal complaints within 180-365 days. In particularly complicated cases, an appeal and imposition of final sanction may extend this period. This timeframe balances the desire for prompt resolution and finality for all parties with the need to conduct a thorough and fair process. Any of the deadlines contained in these procedures may be extended by the college on its own or at the request of a party, but no delay or extension will be made except for good cause that appears, in the AVP's sole discretion, to outweigh the goals of prompt resolution and finality. Repeated requests or requests for lengthy extensions or delays are likely to be denied.
b. Retaliation. Retaliation of any kind against any party or witness is strictly prohibited. Retaliation may include, but is not limited to, a party taking an adverse action against someone because they filed a complaint, served (or declined to serve) as a witness or hearing panelist, or otherwise participated (or declined to participate) in the grievance process. Any retaliation will be treated as a new and

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additional violation of the Policy.
c. Support Services. All process participants have full access to the support services provided by the college and are encouraged to make use of them. For students, this includes the resources of the Health Center and Integrative Wellbeing Services; for faculty and staff, the Employee Assistance Program, $\qquad$
d. Conflict of Jnterest. If a party claims that an Assistant Vice President for Institutional Diversity Equity, and Inclusion, deputy, or the Vice President for Institutional Diversity, Equity and Inclusion has a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that might affect the outcome of the process, the President of the College, or designee, shall review the claim, determine its validity, and if necessary, appoint an alternate without such a conflict or bias.
e. Other Investigations. When there have been multiple reports made about a particular office or department or allegations of another pattern of behaviors, each of which individually might not constitute discrimination, bullying, or harassment, the AVP, Dean of Faculty, or Director of HR may choose to conduct a more informal investigation into the allegations. While an informal investigation would not directly result in sanctions against an individual faculty or staff member, it might result in office or department-wide remedies, including education, awareness, or facilitated conversations, could serve to identify protective measures that should be taken with respect to individuals, and might lead to the referral of particular matters for further investigation or to appropriate formal disciplinary procedures

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## Appendix A.1: Faculty \& Staff Title IX Sexual Harassment Investigation \& Adjudication Procedures

## Introduction

The following procedures apply to all complaints of sexual harassment as defined under federal Title IX regulations that involve faculty or staff respondents. Policies for complaints that involve only students can be found here https://titleix.williams.edu/policies/.

The College also prohibits and has established procedures to address claims of sexual discrimination that does not meet the definition of harassment under Title IX. Those policies and procedures can be found here [LINK to Section VII, Appendix A].

If a complaint alleges conduct that constitutes sexual harassment under Title IX, the following practices and procedures shall apply:

1. After the college receives a report of Title IX sexual harassment, the Title IX Coordinator or the applicable Deputy Title IX Coordinator (referred to collectively here as "a Title IX coordinator") will promptly contact the person who was reported as having experienced the sexual harassment to discuss the availability of supportive measures and to explain the process for filing a formal complaint.
2. Supportive measures, which are available regardless of whether a formal complaint is filed, are non-disciplinary, non-punitive individualized services offered to either party, as appropriate and reasonably available, before or after the filing of a formal complaint or where no formal complaint has been filed. Supportive measures are designed to restore or preserve equal access to the college's education program or activity without unreasonably burdening the other party. They include measures designed to protect the safety of all parties or the college's educational environment, or deter sexual harassment. Supportive measures may include counseling, modifications of work schedules, mutual restrictions on contact between the parties, changes in work locations, leaves of absence (which may be paid or unpaid), increased security and monitoring of certain areas of the campus, and other similar measures. Williams will maintain as confidential any supportive measures provided to the complainant or respondent (including from the other party), to the extent that maintaining such confidentiality would not impair the ability of the college to provide the supportive measures. Both complainants and respondents are encouraged to speak with a Title IX coordinator about the availability of supportive measures at any point in the resolution process.
3. To initiate the process, the complainant must sign (digitally or physically) and submit a written document, called the "complaint," in paper or electronic format, to a Title IX coordinator. The complaint must contain sufficient information regarding the allegations of sexual harassment to permit the respondent to understand the allegations and be able to adequately respond, and for the College to initiate an investigation, including:
a. the name of the respondent, if known;
b. the date or approximate date of the alleged misconduct; and
c. a description of it, including the location.
4. If the investigation reveals other related allegations of instances of sexual misconduct or harassment not otherwise detailed in the complaint, the complainant will have the opportunity to amend the complaint to include allegations of these additional related instances.
5. The college may consolidate multiple complaints in situations that arise out of the same facts or circumstances and involve more than one complainant, more than one respondent, or what amount to counter-complaints by one party against the other. If there are multiple complainants and one respondent, the college may consolidate the complaints where the allegations of sexual harassment arise out of the same facts or circumstances. The requirement for the same facts and circumstances means that the multiple complainants' allegations are so intertwined that their allegations directly relate to all the parties.
6. In select circumstances, a Title IX coordinator may sign a formal complaint and initiate an investigation and adjudication process without the participation of the person alleged to have experienced the sexual harassment. In deciding that circumstances require an investigation, the Title IX coordinator may consider a variety of factors, including whether there is a pattern of alleged harassment by a particular respondent, or whether the allegations involved significant physical injuries, assault or battery, threats of violence, use of weapons, or similar factors. If a Title IX coordinator decides to sign a formal complaint themselves, the person alleged to have experienced sexual misconduct is invited but not required to participate in the investigation and adjudication process.
7. Other than a Title IX coordinator, no other third parties can file formal complaints, but they can report sexual harassment as described above.
8. Administrative leave / Other disciplinary action. Nothing in this policy limits the college's ability to put a party on paid or unpaid administrative leave pending the completion of this process, or take any other action, provided the college complies with the policies and procedures set forth in Section II-W of the Faculty Handbook for faculty or the Workplace Conduct Policies in the Staff Handbook for staff.
9. Informal Resolution. The College will not use an informal resolution process to resolve allegations that an employee, whether faculty or staff, sexually harassed a student. In all other cases under this process, informal resolution is an option under the following circumstances:
a. It must be completely voluntary, and the written consent of both parties will be required;
b. a formal complaint must have been filed; and
c. the Title IX coordinator must agree that the complaint is suitable for informal resolution.

If the complaint proceeds to informal resolution, a Title IX Coordinator will provide the parties with written notice disclosing the allegations and 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. 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, and any consequences resulting from participating in the informal resolution process, including
the records that will be maintained or could be shared. Informal resolution occurring before the start of an investigation will take the form of the informal process described in Section VII, Appendix A, III.A.
10. Before the investigation is initiated, a Title IX coordinator will provide the parties a notice of alleged violations for their review. The notice of alleged violations will list the policy violation(s) alleged by the complainant that will be investigated and will include the following:
a. A copy of these procedures.
b. The allegations of sexual harassment as defined in the Title IX regulations, with sufficient details to the extent known at the time and with sufficient time to prepare a response before any initial interview. It is important to note that complete details might not emerge until the investigation process is underway.
c. An explanation of the burden of proof and the presumption that respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
d. A request that the parties preserve any potentially relevant documents or other evidence in any format.
e. An explanation that the parties may have an advisor of their choice, who may be an attorney, and may inspect and review evidence.
f. An explanation that the college prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
g. An explanation of the college's prohibition against retaliation.
11. Throughout the process, parties will be given written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings that they are invited or expected to attend, with sufficient time for the party to prepare to participate.
12. If, in the course of an investigation, the college decides to investigate allegations about the complainant or respondent that are not included in the initial notice to parties, a Title IX coordinator will provide notice of the additional allegations to the parties whose identities are known.
13. All parties have the right to be assisted by an advisor throughout the investigation and adjudication process, including at any related meeting. An advisor may, but is not required to be, an attorney. Parties may choose to provide their own advisor, and if the party does not, the college will make an advisor available to the party at no charge. A party may choose to proceed through the investigation phase without an advisor, but each party must have an advisor present for any hearing involving allegations of Title IX sexual harassment. When choosing an advisor, parties should be mindful of the advisor's availability. While the college will make reasonable efforts to take into account the advisor's availability, the college will not allow the advisor's unavailability to unreasonably delay the process and will assign a replacement if necessary to ensure the process moves forward without undue delay.
14. The advisor can help guide the party through the process, and may accompany the party to any meeting with a college employee, any meeting with an investigator, and to the hearing, but does not function as the party's representative and does not participate directly in meetings or hearings related to investigation or adjudication, except for the
purposes of questioning witnesses as is explained below. Advisors must follow these procedures and the rules of decorum [LINK]. They may consult with and advise the party they are assisting, but may not disrupt an investigatory meeting, and may not speak directly to the investigator. As discussed further below, at a Title IX sexual harassment hearing, an advisor may ask relevant questions of the other party and any witness, in accordance with these procedures and provided the advisor complies with the college's rules of decorum [link]. Beyond their roles asking permitted questions and as an advisor to their party, advisors will not actively participate at the Title IX sexual harassment hearings.
15. Confidentiality. College personnel will take reasonable steps to protect the privacy of persons and information. Process participants, including parties and witnesses, should understand that disclosing information learned during the investigation may compromise the integrity of the investigation and could also be construed as retaliation prohibited by college policies and codes of conduct. The college expects that persons will not disclose or re-disclose information learned during the course of the investigation, and both the complainant and respondent will be asked to sign a simple agreement stating that they will not disclose information learned or documentation received during the adjudication process, except as may be required to be able to discuss the allegations under investigation or to gather and present relevant evidence. Persons are, of course, free to discuss their own personal experiences, and to gather information necessary or appropriate to prepare for their participation in the investigation and adjudication process. While the college will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence, the college prohibits conduct towards a witness that might constitute intimidation, retaliation, or "tampering" (for instance, by attempting to alter or prevent a witness's testimony).
16. Withdrawal of Complaint. Prior to a hearing, the complainant may withdraw the complaint. Withdrawal of the complaint may end the process, but in some cases the college may move forward with the investigation and complaint, even after the complainant withdraws it, in order to protect the interests and safety of the college community. The college will inform both parties in a timely manner of its decisions.
17. Acceptance of Responsibility. At any point in the process the respondent may choose to accept responsibility for the conduct alleged in the complaint. If the respondent does so, the process will likely proceed to informal resolution or to the determination of a recommended sanction by a hearing panel to determine the outcome. If both parties are interested in pursuing informal resolution following a respondent's acceptance of responsibility, that option is also available to them. Informal resolution is discussed above in Section 9.
18. Investigation Phase. A Title IX coordinator will designate an investigator to conduct an investigation of the alleged conduct. The designated investigator will have specific training and experience investigating allegations of sexual misconduct, including on how to determine issues of relevance, how to remain unbiased, the dynamics of sexual misconduct, the appropriate manner in which to receive and evaluate sensitive information, and the college's policies and procedures. A Title IX coordinator will oversee the investigation process.
19. The investigator will coordinate the gathering of information from the complainant, respondent, and other individuals or entities that may have relevant information
regarding the allegations using any of the methods listed below. The investigator may share information and documentation considered relevant to the allegations with the complainant and respondent for their comment or rebuttal. Relevant information is information that may assist a hearing panel in determining whether it is more likely than not that the respondent is responsible for the behaviors alleged in the complaint.
20. In addition to reviewing any documents submitted by the complainant and respondent, the investigator will determine whether to obtain other records that may be relevant to the investigation, including, but not limited to documents, police records, electronic or other records of communications between the parties or witnesses, or records of other potentially relevant information. In seeking to obtain such evidence, the investigator will comply with applicable laws and Williams College policies. The investigator may visit sites or locations of potential relevance to the allegations in the complaint and record observations through written or photographic documentation.
21. The complainant and the respondent will have the opportunity to be interviewed separately by the investigator. The investigator may offer the parties the opportunity to participate in more than one interview. The statements of the parties will be audio recorded.
22. The investigator will make a good faith effort to contact and interview any identified witnesses, including those persons no longer at the college or who may not have any affiliation with the college. The parties will have the opportunity to provide witness names to the investigator. The investigator may also interview any other individual believed to have relevant information. The investigator will inform each witness or other individuals interviewed that they are prohibited from retaliating against any participant in the process, including the complainant, respondent, and other witnesses. Final decisions about whom to talk to and what to ask will be made by the investigator, who may decline to interview witnesses whom the investigator believes have only irrelevant or cumulative information. The statements of witnesses will be audio recorded.
23. The investigator may contact any expert the investigator determines is necessary to ascertain the facts related to the complaint or other information the investigator determines is necessary to assist a hearing panel in determining whether it is more likely than not that the respondent is responsible for the allegations in the complaint.
24. The College will not require that parties disclose medical and counseling records, which are privileged and confidential documents; such records cannot be shared with anyone other than the treating professional unless the patient voluntarily agrees to disclosure. The investigator will review the records and will use discretion to determine what information, if any, is relevant to the adjudication of the complaint. Parties are reminded that while only records deemed to be relevant to the resolution of the complaint will be included in the investigation report, all evidence that is directly related to the allegations will be made available to the other party for inspection and review. Please also note that if a party decides to produce such records, the records must be produced in their entirety. The production of excerpts or selected documents will not be considered, though the investigator may redact portions of such records that are not relevant before including them in the investigative report or not directly related to the allegations before making them available for inspection and review by the other party. A party who does not wish to provide substantive medical records may decide to voluntarily provide a
verification of therapeutic or medical services to the investigator, confirming simply that such treatment occurred, but not providing any details regarding the treatment.

## 25. Report and Responses

a. Content. The investigator will prepare an investigative report summarizing and analyzing the relevant information determined through the investigation and referencing any supporting documentation or statements. The investigative report may include: summaries of interviews with the complainant, respondent, thirdparty witnesses, experts, and any other individuals with relevant information; photographs of relevant sites or physical evidence; and electronic records and forensic evidence. The investigator may provide a summary of their impressions including context for the information. The investigator will not make a determination as to whether or not an alleged violation occurred; that decision is reserved for the hearing panel.
b. Distribution of Draft to Parties. The complainant and the respondent will receive a copy of the draft investigative report and will have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the complaint, including any inculpatory or exculpatory evidence whether obtained from a party or other source and any evidence that has not been included in the investigator's report. The draft report and evidence will also be shared with each party's advisor unless a party requests otherwise. The parties have 10 days from receipt of the draft report to submit a written response to the investigator, which the investigator will consider prior to completion of the investigative report. Parties may present arguments in disagreement with an investigator's determination about relevance, propose corrections, provide appropriate context, point out relevant evidence that seems to be missing, or identify additional witnesses that should be interviewed. The investigator has discretion to decide whether to incorporate the parties' requested changes, pursue additional evidence, or otherwise address the parties' submissions.
c. Final Report. The investigator will then create the final investigative report that fairly summarizes relevant evidence and, at least 10 days before the hearing or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

Each party will be permitted to write a response to the final investigative report to be shared with the hearing panel and must provide any such response within 7 days of receiving the final report. The complainant and respondent will each be given a copy of the other's written response prior to the hearing but will not have an opportunity to provide any additional written response.

Parties' written responses will be provided to the hearing panel along with the investigative report. Before presenting the responses to the panel, the hearing officer will review them for any irrelevant or impermissible material and either require that material be removed or redacted from the responses.

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a formal complaint must have been filed; and $\pi$ the Title IX coordinator must agree that the complaint is suitable for administrative resolution.

At any time prior to agreeing to a resolution, any party has the right to withdraw from the administrative resolution process and proceed to the hearing process. ॥
26. Determination of Hearing Process / Mandatory Dismissal of Title IX Complaints. If the complaint is not resolved through an informal process, then the hearing process will be determined as follows:
a. If the conduct alleged in the complaint and revealed in the investigation falls within the definition of Title IX sexual harassment described here [LINK], the College will adjudicate the issue of responsibility for Title IX sexual harassment according to procedures set forth below in the following Sections.
b. If the alleged conduct would not constitute sexual harassment as defined under Title IX even if proven, or the conduct did not occur in the college's education program or activity, did not occur against a person in the United States, or did not occur against a member of the Williams College community, then a Title IX Coordinator will dismiss the complaint for purposes of Title IX. The complaint will be adjudicated using the procedures described in Section VII, Appendix A, II.B.3b or III.B.3b as applicable.
c. A Title IX coordinator will promptly send the parties simultaneous written notice of any Title IX dismissals, the basis for the decision, and which hearing process will be used to adjudicate the complaint. Such written notice will be provided as soon as it is clear to the Title IX coordinator that the alleged conduct falls outside the jurisdiction of Title IX and no later than two days following receipt of the parties' final written responses to the investigative report. A Title IX coordinator's decision to dismiss a complaint for purposes of Title IX may be appealed under certain circumstances, as discussed below in Section 36,

## 27. Title IX Sexual Harassment Hearing Process

a. Composition of Hearing Panel. Hearings to decide complaints of sexual harassment as defined under Title IX shall be conducted by a hearing panel. The hearing panel is composed of five persons that are drawn from the Standing Grievance Panel.

If a complainant is a student, the panel will usually consist of a member of the office of the Dean of the College plus four additional members, drawn from the Standing Grievance Panel. If the respondent is a member of the faculty, at least two persons on the adjudication panel will be faculty. If the respondent is a member of the staff, at least two persons on the adjudication panel will be staff.

If one party in the complaint is a member of the faculty and the other party is a member of the staff, the adjudication panel will consist of two members of the faculty, two members of the staff, and a chair. If the complainant and respondent are both faculty, then the panel will consist of five members of the faculty, one of whom will be chair. If the complainant and respondent are both staff, then the adjudication panel will consist of five members of the staff, one of whom will be chair.
b. All hearing panel members receive training as required under the Title IX regulations, including on the following topics: how to determine issues of relevance; how to remain unbiased in decision making; the dynamics of sexual misconduct; the factors relevant to a determination of credibility; the appropriate
manner in which to receive and evaluate sensitive information; the manner of deliberation and the application of the preponderance of the evidence standard; and the College's policies and procedures.
c. Prior to issuing the notice of hearing described below, a Title IX coordinator will provide each party with the full list of potential panelists. Each party will have 24 hours to identify anyone on the list whom they believe cannot be objective in serving on the panel and must provide a brief explanation for that belief.
d. The college will appoint a non-voting hearing officer to conduct the hearing who will also be trained in accordance with the Title IX regulations as described above.
e. Notice of Hearing. A Title IX coordinator will issue a notice of hearing to the complainant and the respondent. The notice of hearing will identify the date, time, and place of the hearing and provide the names of the hearing panel members who have been chosen to serve on the panel for that particular matter. The notice of hearing will be sent at least 7 days prior to the hearing date unless the complainant and respondent agree to an earlier date. All witnesses will also be given advance written notice of the date, time, and location of and participants in the hearing. The hearing will be conducted by the use of videoconferencing technology enabling participants simultaneously to see and hear each other. If both parties request an in-person hearing, a Title IX coordinator may grant that request upon a finding that there is a compelling reason for doing so.

## f. Pre-Hearing Procedures.

i. Request to Reschedule Hearing. Either party may request to reschedule the hearing. Requests to re-schedule must come directly from the complainant or respondent, must be submitted to a Title IX coordinator as soon as possible and at least 4 business days prior to the scheduled start of the hearing, whenever possible, and must specify the reasons for the request. A Title IX coordinator will decide whether to grant such a request. Title IX coordinators retain the discretion to reschedule the hearing at any time for good cause.
ii. Request to Present Witnesses Not Included in Investigative Report. All witnesses whose testimony is included in the investigative report will automatically be given notice of the hearing with a request that they attend. The college will attempt to schedule the hearing at a time when all witnesses are available, but the hearing officer retains discretion to proceed with the scheduled hearing if a witness is unavailable or to reschedule the hearing as appropriate in the circumstances. If a party seeks to call a witness whose testimony was considered by the investigator but not included in the investigative report, such a request must be made to a Title IX coordinator at least 4 days before the scheduled hearing and must include the following:

1. Name, e-mail address and phone number of witness the party would like to call;
2. A brief description of the relevant information the witness is expected to provide at the hearing; and
3. A summary of why the witness's presence is relevant to a decision on the complaint.
iii. The hearing officer will determine whether the proposed witness has relevant information to offer at the hearing and will inform the party of their decision at least 48 hours before the scheduled start of the hearing.
iv. If a party seeks to call a witness whose name was not previously given to the investigator, that party must make such a request to a Title IX coordinator as outlined above, and must also include in the request an explanation as to why the witness's name was not previously provided to the investigator. The hearing officer will permit such witnesses to testify at the hearing in rare cases where the party making the request has only learned the identity of the witness or the relevance of the witness's testimony following completion of the investigative report. The hearing officer retains discretion to postpone the hearing in light of such newly discovered witness testimony and to ask the investigator to interview the witness and amend the investigative report as appropriate.
v. Both parties and the hearing panel will learn, prior to the hearing, the list of witnesses expected to appear. All parties and witnesses called to participate in a hearing are encouraged but cannot be compelled to participate.
vi. Request to Present Evidence Not Included in Investigative Report. If a party wishes to present documents or other evidence that was made available to the investigator but not included in the investigative report, the requesting party must submit their request in writing (in advance of the hearing) together with an explanation of the following for each document or other piece of evidence:
4. Identification and description of the document or other evidence the party intends to present; and
5. A summary of why the document or other evidence is relevant to making a decision on the complaint.
vii. The hearing officer will determine if the additional documentation or other evidence is relevant, permitting its use at the hearing. If the additional documentation or evidence is approved, it will be shared with the parties and the hearing panel at least 48 hours prior to the hearing.
viii. If a party seeks to present evidence at the hearing that was not previously made available to the investigator, that party must make such a request to a Title IX coordinator as outlined above, and must also include in the request an explanation as to why the specific piece of evidence was not previously provided to the investigator. The hearing officer will permit use of such evidence at the hearing in rare cases where the party making the request has only learned of the existence of the evidence or its relevance following completion of the investigative report. The hearing officer retains discretion to postpone the hearing in light of such newly discovered
evidence and to ask the investigator to consider the newly discovered evidence and amend the investigative report as appropriate.

## 28. Hearing Requirements

a. Participants. Those who may be present at the hearing are: the complainant, the respondent, each party's advisor, witnesses, the hearing officer, and the hearing panel. Witnesses may only be present at the hearing during the call to order and confidentiality portions of the hearing and when they are being questioned. The complainant and respondent may be present throughout the proceedings.
b. Attendance. If a party or any witness fails to attend a hearing, the hearing may be held in their absence, or it may be delayed as may be reasonably necessary to secure their participation. The decision whether to proceed or postpone the hearing will be made by the hearing officer in consultation with a Title IX coordinator. If a party or witness chooses not to participate in the hearing and make themselves available for cross-examination, the hearing panel cannot rely on that person's prior oral or written statements in reaching its decision about responsibility.
c. Standard of Evidence. The hearing panel will determine the respondent's responsibility by a preponderance of the evidence standard, which is whether the evidence supports a finding that it is "more likely than not" that the respondent is responsible for the alleged violation(s).
d. Relevance. Only relevant testimony and other evidence may be presented to the hearing panel and considered by the panel in making a determination of responsibility. Evidence is relevant if it tends to make a fact of consequence more or less likely to be true than it would be without the evidence. For purposes of clarity, the following information is deemed not relevant:
i. information protected by a legally recognized privilege unless the privilege has been waived;
ii. evidence about a complainant's prior sexual history, except as set forth below; and
iii. any party's medical, psychological, and similar records unless the party has given voluntary, written consent.
e. Questions and evidence about the complainant's prior sexual behavior or sexual predisposition are not relevant except in two narrow scenarios: (1) when evidence of prior sexual behavior is offered to prove that someone other than the respondent committed the misconduct in question and (2) when the sexual history evidence concerns specific sexual incidents with the respondent and is offered to prove consent.
f. Relevance determinations related to a respondent's prior sexual history will be made on a case by case basis. In the case of either party, the hearing officer may direct the hearing panel to give less weight to evidence about that party's prior sexual history when determining whether it is more likely than not that the respondent is responsible for the allegations in the complaint.
g. Recording Proceedings. The college will make an audio or audiovisual recording of the hearing and will make it available: to the parties for inspection and review, for reference by the hearing panel or hearing officer during deliberations, and for review by the Vice President for Institutional Diversity, Equity and Inclusion during any appeal. The hearing panel's deliberations are not recorded.

## 29. Conducting the Hearing

a. Call to Order. The hearing officer will call the hearing to order. The hearing officer will describe the hearing process and provide an opportunity for all parties to ask procedural questions. The hearing officer will ask everyone to state their name and identify their role in the hearing
b. Confidentiality. The Hearing Officer will inform parties that the proceedings are confidential as required under law and college policy and that information received at the hearing should not be shared outside the hearing room except as allowed by college policy and applicable law. The hearing officer will repeat a brief overview of the process and discussion of confidentiality for each witness at the start of their testimony.
c. Questioning. The hearing will then proceed directly to questioning. Questioning at the live hearing will be conducted directly, orally, and in real time by the hearing officer, hearing panel, or a party's advisor and never by a party personally. As discussed above, if a party does not have an advisor, the college will provide an advisor to ask questions on that party's behalf. Only relevant, noncumulative questions may be asked of a party or witness.
d. Before a complainant, respondent, or witness answers a question, the hearing officer must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Neither parties nor their advisors will be given an opportunity to challenge the hearing officer's relevance determinations during the hearing.
e. The advisor for each party may ask questions of any other party or witness but may not ask questions of their own party. The hearing officer will determine the order in which parties and witnesses are questioned. In the case of non-party witnesses, as between the parties' advisors, the advisor for the complainant will be given the opportunity to ask questions first, followed by the advisor for the respondent. The hearing officer and hearing panel may ask questions of any witness at any time.
f. Questioning must adhere to the College's rules of decorum [LINK] at all times and failure to do so may, at the hearing officer's discretion, result in an advisor being barred from further participation in the hearing.
g. If a party or witness does not make themselves available for cross-examination at the live hearing, the hearing panel may not rely on any statement of that party or witness in reaching a determination regarding responsibility. However, the hearing panel also cannot draw an inference regarding the respondent's responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross- examination questions. If a party chooses not to
participate in a hearing, their advisor may still participate for purposes of asking questions of the other party and witnesses. If a party's advisor also chooses not to participate, the college will appoint an advisor for the purpose of asking such questions.
30. Recall of Witnesses. The hearing panel reserves the right to ask the hearing officer to recall any party or witness during the hearing process for further questions and to seek additional information necessary to make a decision.
31. Discretion of the Hearing Officer. The hearing officer retains discretion to alter, at any time, the order of the hearing process or to call for a break during the course of the proceeding. A party may ask the hearing officer for a break at any point in the hearing, which request will be granted at the hearing officer's discretion. Parties may seek support from someone not participating in the hearing during any permitted break.
32. Dismissal. At the conclusion of all questioning, the hearing officer will conclude the hearing and dismiss all parties.
33. Deliberation, Finding of Responsibility, and Recommended Sanctions.
a. Deliberation and Finding of Responsibility. The hearing panel will deliberate and make a decision regarding responsibility. Four "yes" votes are required for a finding of responsibility. The panel's finding will be communicated simultaneously to the parties in writing.
b. Statements of the Parties. If the hearing panel's finding is that the respondent is responsible for some or all of the conduct described in the complaint, the complainant and respondent will each have the opportunity to briefly address the hearing panel, either in person, by phone or video conference call, or in writing, before a recommended sanction is considered. Any such presentation is optional and would not be made in the presence of the other party. This opportunity is not one in which the facts of the case are discussed or questions are asked by the panel. Rather, it is an opportunity for both parties to present directly to the hearing panel in their own "voice" any additional information, including information about the impact of the incident in question. This opportunity is limited to 15 minutes or the written equivalent thereof.
c. Recommended Sanctions. The panel will then recommend a sanction to the relevant senior administrator (Dean of the Faculty for respondents who are members of the faculty, the Director of Human Resources for respondents who are members of the staff.) The complainant and respondent will each be informed in writing of the recommended sanction.
34. Written Decision. The hearing panel will issue a written decision explaining the finding of responsibility and recommendation of any sanctions. The written decision will include the following:
a. Identification of the allegations potentially constituting sexual harassment;
b. A description of the procedural steps taken from the 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;
c. Findings of fact supporting the determination;
d. Conclusions regarding the application of the code of conduct to the facts
e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions recommended to be imposed 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
f. The procedures and permissible bases for the complainant and respondent to appeal.
35. Notice of Outcome. A Title IX officer will simultaneously distribute the written decision to the respondent and the complainant. Neither the complainant nor the respondent is prohibited from disclosing the outcome of the hearing, but the hearing panel's written decision is subject to the non-disclosure agreement signed by the parties.

## 36. Appeals

a. Request \& Timeline. Both parties have the right to request an appeal of the decision made by the hearing panel or any decision to dismiss a complaint or any allegations therein. The parties have 15 days following the receipt of the written decision to request an appeal. Requests for appeal, with reasons, should be sent in writing within the 15-day time limit to the Vice President for Institutional Diversity, Equity and Inclusion, Leticia Haynes.
b. Grounds for Appeal. The right of appeal is limited to the following grounds: (a) a procedural irregularity that affected the outcome of the matter, (b) newly discovered evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter (deliberate omission of information by the appealing party in the original investigation is not grounds for appeal); and (c) the fact that a Title IX coordinator, investigator(s), hearing officer, or member of the hearing panel had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
c. Procedures on Appeal. All parties will be notified of any written request for an appeal, and will have a 15-day period to submit a written statement in support of or challenging, the outcome. If either the complainant or respondent wishes to have other people interviewed to determine whether they have substantive new information pertinent to the appeal that was not available at the time of the original decision, the following process will be followed: (1) The complainant or respondent will write to a Title IX coordinator describing whom they wish to have interviewed and on what topic. (2) The Title IX coordinator or designee will ask the person whether they do, in fact, have information on that topic. (3) If they do, the investigator will ask them questions or request a written statement, and a live hearing will be reconvened to allow the witness to be cross-examined. The appeal process will be suspended until the completion of these steps.
d. If the appeal is granted, its disposition is determined by the Vice President for Institutional Diversity, Equity and Inclusion, who may affirm the decision of the panel, may return it to the original panel or may summon a new panel, and who may task those panels with reviewing the decision either in whole or in part. A decision by the Vice President for Institutional Diversity, Equity and Inclusion to affirm the original panel's decision shall be final.
e. Review by a panel after referral from the Vice President for Institutional Diversity, Equity and Inclusion may result in a change in the decision as to whether or not a violation occurred, or may result in an increase in the recommended sanction, a decrease in the recommended sanction, or no change in the recommended sanction. If the decision of the reviewing panel is to affirm the original decisions as to violation and as to recommended sanction, that decision shall be final. If the decision of the reviewing panel is to change the original decision either as to violation or as to sanction, the reviewing panel's decision shall be subject to appeal in accordance with the foregoing procedures. The results of any such second appeal process shall be final and not subject to further appeal
f. The results of any appeal and the rationale for the result will be communicated simultaneously and in writing to the complainant and the respondent by a Title IX coordinator.
37. Time Frame for Adjudication. The college endeavors to conclude the adjudication process for all complaints of sexual misconduct within 90 days. This timeframe balances the desire for prompt resolution and finality for all parties with the need to conduct a thorough and fair process. Any of the deadlines contained in these procedures may be extended by the college on its own or at the request of a party. No delay or extension shall be made except for good cause and each such decision will be communicated in writing to the complainant and respondent along with the reason for the college's decision. Decisions not to grant an extension will be communicated to the requesting party in writing.
38. Final determination of sanction in cases involving respondents who are members of the faculty.
a. If the recommended sanction is termination of the respondent's appointment for cause, the Dean of the Faculty will initiate proceedings pursuant to Section II-V: Termination of Faculty Appointment for Cause of the Faculty Handbook. If the recommended sanction is a major sanction, such as suspension from service for a stated period, the Dean of the Faculty will initiate proceedings pursuant to Section II-W: Procedures for Imposition of Sanctions on Faculty Other than Dismissal, "Major Sanctions," of the Faculty Handbook. If the recommended sanction is a minor sanction, the Dean of the Faculty will initiate proceedings in accordance with Section II-W., "Minor Sanctions," of the Faculty Handbook. In all cases covered by this policy the sole determination to be made according to the processes described in Sections II-V: Termination of Faculty Appointment for Cause and II-W: Procedures for Imposition of Sanctions on Faculty Other than Dismissal of the Faculty Handbook will be the final sanction to be imposed on the respondent. After any appeal, the determination by the adjudication panel that the respondent violated the college's Non-Discrimination, Harassment and Sexual Misconduct Policy shall be final and shall not be subject to review or
reconsideration in the sanctions process.
b. The sanctions panel convened at this stage of the process will receive as evidence the letter of findings and recommended sanction from the adjudication panel described in sub-section III.B.3b. The sanctions panel will also have access to the report of the investigator and responses written by either party to that report, and to previous disciplinary records of the respondent, if any, as well as the recording of the hearing. The sanctions panel may request assistance from a Title IX coordinator.
c. The faculty member does not have the right to compel the complainant to appear before the sanctions panel. The complainant's testimony may be represented by the investigator's report and the recording of the hearing.
d. Although the complainant cannot be compelled to appear before the sanctions panel, in all cases covered by this policy the complainant will have an equal right as the respondent to be heard by the Dean of the Faculty, any hearing committee convened pursuant to the provisions of Section II-V: Termination of Faculty Appointment for Cause or II-W: Procedures for Imposition of Sanctions on Faculty Other than Dismissal, and by the Board of Trustees.
e. Final decisions as to sanctions will be reported in writing simultaneously to the complainant and the respondent, as well as to the Title IX Coordinator.
39. Final determination of sanction in cases involving respondents who are members of the staff.
a. Final determination of sanctions involving respondents who are members of the staff will be made by the Director of Human Resources, in conjunction with the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator and relevant supervisor(s) of the staff member. They may take into account previous disciplinary records of the staff member in making their decision regarding sanction. Final decisions as to sanctions will be reported in writing simultaneously to the complainant and the respondent, as well as to the Title IX Coordinator.

## 40. Additional Matters

a. Retaliation. Retaliation of any kind against the person who reports sexual misconduct or against any person who participates or chooses not to participate in the adjudication process is strictly prohibited. Any retaliation will be treated as a new and additional violation of the college's Non-Discrimination, Harassment, and Sexual Misconduct Policy.
b. Throughout the process parties will have access to support services provided by the college, including student support services for students and the Employee Assistance Program for employees.
c. In the event that a participant in the process raises a claim that a Title IX Coordinator, investigator(s), hearing officer, or member of the hearing panel has a conflict of interest or bias for or against complainants or respondents generally
or the individual complainant or respondent, that might affect the outcome of the process, the Title IX Coordinator will review the claim, determine its validity, and if necessary, appoint an alternate without such a conflict or bias. If the claim relates to a Title IX Coordinator, the President of the College, or her designee shall review the claim, determine its validity, and if necessary, appoint an alternate without such a conflict or bias.

## Revision History for the Faculty Handbook

Revisions are made to the Faculty Handbook annually to reflect changes that were passed by a vote of the Faculty during the previous year, as well as smaller technical or editorial changes made in accordance with the procedure outlined in Section I-E.

Changes made in the 2020-2021 handbook (third version) from the 2020-2021 (second version):

1. Removal of references to two committees that faculty voted to disband previously: the Faculty Review Panel and the Curricular Planning Committee.

The following text is taken from the 2020-2021 Handbook. Additions to the text are boldface and highlighted in gray. Deletions have been struck out.

## Section I-C: Faculty Committees and Panels

[...]
At the beginning of each academic year faculty are asked if they are unwilling to serve on the Committee on Appointments and Promotions, and Faculty Steering Committee, Curricular Planning Committee, and Faculty Review Panel respectively. The names of unwilling faculty will not appear on the respective nomination ballot for each of these committees during that academic year. Faculty members may, at any time, contact the Dean of the Faculty to reverse their current preference of service.
[...]
Committee on Educational Affairs (CEA) (7-5-6)
The Committee on Educational Affairs is composed of 7 faculty, 5 staff, and 6 students (7-5-6).
The Committee on Educational Affairs evaluates and implements changes in the curriculum of the College, graduate and undergraduate. It recommends educational policy to the faculty and maintains college-wide oversight of the curriculum on an annual basis. All additions or deletions of courses, majors, and programs, all substantial changes in course descriptions, and all changes in major requirements are reviewed by the CEA. The CEA assesses these and other new curricular initiatives and solicits the input of both the CPC and the CAP before bringing them to the faculty for approval.

Six faculty members of the CEA (one tenured and one non-tenured from each division) are elected by the faculty from a slate of two persons nominated by the Steering Committee from each category; one member is selected by the President, who also names the faculty chair. The President, the Dean of the Faculty, the Dean of the College, an Associate Dean of the Faculty, and the Registrar are non-voting ex officio members of the CEA. Elected faculty serve two-year terms.

## Curricular Planning Committee (CPC) (6-3-0)

The Curricular Planning Committee is composed of 6 faculty, 3 staff, and no students (6-3-0).
The Currieular Planning Committee analyzes the college wide curriculum, investigating changes over time and exploring questions about its future. The CPC coordinates conversations among academic units as they make eurricular plans and staffing requests. It assesses all new curricular initiatives for their long term curricular and staffing implications and commmicates its views to the CEA before they are brought to the faculty for diseussion and a vote. The CPC makes its analysis of the curriculum available for faculty diseussion. In light of its analysis and faculty input, the CPC makes recommendations to the CAP on the allocation of faculty positions to departments and programs; a stmmary of these recommendations is made available to the faculty. After the CAP completes its allocation of faculty positions, the CPC and CAP analyze the staffing decisions for the faculty.

The six faculty members of the CPC (one from the assistant or associate ranks and one from the full professor rank from each division) are elected by the faculty; the committee members designate one member to serve as the faculty chair. The President, the Dean of the Faculty, and the Provest are members of the Committee. Elected

## [...]

Standing Grievance Panel (12-12-0)
The Standing Grievance Panel (SGP) is composed of 12 faculty, 12 staff, and no students (12-12-0). Members of the SGP are available to serve on adjudication panels in cases of alleged discrimination, harassment or sexual misconduct. Once constituted, members of the SGP will be trained, as necessary, on issues related to the college's Non-Discrimination, Harassment, and Sexual Misconduct Policies, as well as on conducting a hearing process that protects victim safety and promotes accountability.

Six faculty members of the Standing Grievance Panel (one tenured and one non-tenured from each division) are elected by the faculty from a slate of two persons nominated by the Faculty Steering Committee from each category. In addition, six members of the SGP are appointed by the Faculty Steering Committee to ensure that the SGP is representative of the diversity (sex, race, ethnic, disability, sexual orientation, and gender identity or expression) of the faculty at the college. The twelve faculty on the SGP will also consist of at least one faculty member from the Department of Physical Education. Members of the faculty Steering Committee and the Faculty Review Panel are not eligible to serve on the SGP .

## Revision History for the Faculty Handbook

Revisions are made to the Faculty Handbook annually to reflect changes that were passed by a vote of the Faculty during the previous year, as well as smaller technical or editorial changes made in accordance with the procedure outlined in Section I-E.

## Changes made in the 2020-2021 handbook from the 2019-2020 edition passed on August 12, 2020:

## Section II-S: Non-Discrimination, Harassment, and Sexual Misconduct Policy ${ }^{1}$

> NOTE: In cases involving only students or student respondents, the investigation and adjudication procedures will be those outlined in the college's policies relating to student misconduct https://dean.williams.edu/policies/

Williams College is committed to maintaining a fair and respectful environment for all members of its community. In compliance with state and federal law and as a matter of its own principles, the college prohibits discrimination against any person on the basis of race, sex, ethnicity or national origin, religion, age, disability, marital status, sexual orientation, gender identity, or veteran status. These factors may not hinder employment or study, nor be permitted to have an adverse influence upon decisions regarding students, employees, applicants for admission, applicants for employment, or members of the community. In addition, the college prohibits harassment, that is, behavior that creates an intimidating and/or hostile work or learning environment for any member of the community. The college also prohibits sexual misconduct by any member of the college community. Members of the Williams College community are expected to uphold these principles as a matter of mutual respect and fairness.

Discrimination breaches the trust that should exist among members of an educational community. Discriminatory behavior or patterns can disturb the climate in the classroom, residence, or workplace, and alter the course of an education or career, presenting obstacles to the free and full development of an individual. It can, moreover, cause serious and lasting harm to an individual and to the college community. Williams College is committed, therefore, to taking whatever action may be needed to prevent and, if necessary, correct acts of discrimination and to prevent, correct, and if necessary, discipline behavior that constitutes discrimination or discriminatory harassment.

Members of the college community who believe they have been subjected to discrimination, harassment, or sexual misconduct are encouraged to bring these concerns forward. Concerns may be brought directly to the Vice President for Institutional Diversity and Equity or the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator. Reports may

[^5]also be made to appropriate deputies (for students, the Dean of the College; for staff, the Director of Human Resources; for Faculty, the Dean of the Faculty) or relevant Americans with Disabilities Act (ADA) officer, who will then work with the Office of Institutional Diversity and Equity to resolve the concern. Campus Safety and Security, local police, state and/or federal agencies may also be contacted, either immediately or at any point during a college investigation. Normally, college investigations and hearings can occur simultaneously with external ones.

When a report is made the college will treat the identities of the parties and the substance of the claims as confidential, except as is reasonably necessary to carry out the investigative process and to ensure the safety of the community. Williams College policy explicitly prohibits retaliation, academic or otherwise, against employees or students for bringing complaints of discrimination, harassment, or sexual misconduct forward.

Possible sanctions if a student or employee of the college is found to have violated the college's Non-Discrimination, Harassment, and Sexual Misconduct Policy include the full range of disciplinary sanctions available at the college, up to and including suspension from the college for one or more semesters and expulsion, in the case of a student, or dismissal in the case of a College employee.

## I. Definitions

## A. Discrimination

Discrimination is defined as the denial of rights, benefits, equitable treatment, or access to facilities available to all others, to an individual or group of people because of their race, sex, ethnicity or national origin, religion, age, disability, marital status, sexual orientation, gender identity, or veteran status. Discrimination can take the form of isolated or repeated behaviors directed against an individual or a group (see "Discriminatory Harassment," "Sexual Harassment," and "Sexual Misconduct") or of patterns of inequitable treatment in a workplace or learning environment.

## B. Harassment/Bullying

Harassment is unwelcome verbal, non-verbal, or physical conduct that:

1) has the purpose or effect of unreasonably interfering with the individual's work or educational performance;
2) creates or has the intention of creating an intimidating or hostile working and/or learning environment; or
3) unreasonably interferes with or limits one's ability to participate in or benefit from an educational program or activity.

Harassment may involve isolated or continuing acts of intimidation, coercion, bullying, and/or verbal, non-verbal, or physical abuse. Examples of the forms it can take include targeted remarks or jokes, threats, ostracism, public humiliation, and physical actions, including unwanted touching and physical assault.

The targets of harassment can be anyone: students or members of the faculty or staff, superiors, subordinates, or peers.

## C. Discriminatory Harassment

Discriminatory harassment is harassment targeted at and demeaning to one's race, color, sex, national origin, religion, age, disability, marital status, sexual orientation, gender identity or expression, ancestry, or military service.
D. Sexual Misconduct

The term "sexual misconduct" includes Title IX sexual harassment, sexual harassment, sexual assault, sexual exploitation, stalking, dating violence, and domestic violence, all of which have more complete definitions, which can be found here [LINK]. Sexual misconduct is prohibited under the college's Non-Discrimination, Harassment, and Sexual Misconduct Policy. Sexual misconduct can occur regardless of the relationship, position or respective genders of the parties. Same gender harassment violates this Policy, as does harassment by a student of a faculty member or a subordinate employee of their supervisor.
E. Title IX Sexual Harassment

In May 2020, the Department of Education issued new regulations governing schools' response to certain types of sexual misconduct. Those regulations, which became effective August 14, 2020, require all colleges to use specific procedures in response to reports of what the Department calls sexual harassment. More information about these procedures can be found here: [LINK]. "Sexual harassment" is used by the Department as an umbrella term to cover all types of sexual misconduct that are addressable under Title IX of the Education Amendments of 1972. To avoid confusion, Williams' policies will use the term "Title IX sexual harassment" to refer to conduct defined as sexual harassment by the Department. It is important to remember that Title IX sexual harassment, which is defined below, represents only a subset of the broader conduct that is governed by Williams' sexual misconduct policies.

Title IX sexual harassment is conduct on the basis of sex that satisfies one or more of the following:

1) An employee of the college conditioning the provision of an aid, benefit, or service of the college on an individual's participation in unwelcome sexual conduct;
2) 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
3) Sexual assault, dating violence, domestic violence, or stalking, as defined below.
A. "Sexual assault" means an offense classified as a forcible or nonforcible sex offense by the FBI.
B. "Dating violence" means violence committed by a person (A) who is or has been in a social relationship of an intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors:
(i) the length of the relationship;
(ii) the type of relationship; and
(iii) the frequency of interaction between the persons involved in the relationship.
C. "Domestic violence" includes 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 the domestic or family violence laws of Massachusetts, 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 Massachusetts.
D. "Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for their safety or the safety of others or (B) suffer substantial emotional distress.

To be considered Title IX sexual harassment, the conduct described above must occur in a Williams education program or activity within the United States. A Williams "education program or activity" is a location, event, or circumstance over which the college exercises substantial control over both the respondent and the context in which the Title IX sexual harassment occurs.

All conduct that occurs abroad and much conduct that occurs off campus will fall outside the definition of Title IX sexual harassment and may instead be covered by the misconduct defined above or by other portions of the the college's Non-Discrimination, Harassment, and Sexual Misconduct Policy.

## F. Sexual Harassment

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All faculty are in a position of power with regard to undergraduate students; hence, sexual relationships between faculty and undergraduate students are prohibited. Sexual relationships between faculty and undergraduate students put claims of consent in question. It is difficult for a student to be certain of the motives of a member of the faculty. A person in a position of authority cannot be certain that the student's consent is genuine, rather than motivated by an unspoken fear of the consequences of not consenting. In addition, a sexual relationship with a student may raise questions of unfair academic advantage or of unwarranted negative evaluation. These questions may adversely affect the educational environment of other
students, as well as the student directly involved. Should any of these questions arise, sexual discrimination is at issue.

A sexual relationship between a faculty member and a graduate student violates the college's Non-Discrimination, Harassment, and Sexual Misconduct policy when a faculty member has teaching, evaluative, formal advising, or supervisory responsibilities for that student, even if the parties involved view the relationship as consensual. A member of the faculty may not initiate or agree to a relationship with a graduate student with whom they have any teaching, evaluative, formal advising, or supervisory roles. To protect the integrity of the educational process, the college also requires a faculty member to refrain, except under unusual circumstances and with the permission of the Dean of the Faculty, from taking on any teaching, evaluative, formal advising, or supervisory roles involving a graduate student with whom they have had a sexual relationship in the past.

If the college receives a complaint that a member of the faculty has violated any part of this policy, the college shall follow the procedures laid out in Appendix A: Discrimination, Harassment, and Sexual Misconduct Grievance Procedures or Appendix [A.1]: Faculty \& Staff Title IX Sexual Harassment Investigation \& Adjudication Procedures of the Faculty Handbook to investigate and adjudicate this complaint. If the complaint is found to be valid, the faculty member will be subject to disciplinary action.

The Dean of the Faculty may grant exemptions to this policy in reasonable cases of pre-existing relationships. Any faculty member who wishes to request such an exemption should submit a written statement to the Dean of the Faculty explaining the reasons for the request. The Dean of the Faculty shall provide a response in writing to the faculty member and the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator.

A faculty member who has questions about this policy should consult the Dean of the Faculty.

## E.2. Potentially Coercive Relationships Involving Faculty and/or Staff

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A sexual relationship with a member of the faculty or staff for whom one has professional responsibilities may similarly put claims of consent into question or raise questions of unfair evaluation. To protect the integrity of the working relationships among employees, the college requires anyone in a position of authority to a) refrain from any supervisory, evaluative or counseling role involving a subordinate with whom they have had a sexual relationship in the
past, unless the circumstances warrant a waiver. ${ }^{2}$ The College also requires a faculty or staff person to b) remove themselves from any supervisory, evaluative, or counseling role involving a subordinate employee with whom they currently have a sexual relationship. The parties involved should consult with either party's executive officer or department chair/director concerning the need for a waiver or a removal. The executive officer or department chair/director shall grant or deny the waiver or arrange for the removal, and the parties involved shall abide by the administrator's decision. A faculty or staff person who does not abide by rules (a) and (b) is at substantial risk under college policy to complaints of coercion, or of preferential or prejudicial treatment. ${ }^{3}$ Should the complaint be found valid, the faculty or staff member will also be subject to disciplinary action.

## G, Ordinary Workplace Grievances

For ordinary workplace grievances outside of I.A, I.B, I.C, I.D, I.D.1, I.D.2, J.E, and I.F above see the relevant sections of the Staff and Faculty Handbooks.

## II. Rights and Responsibilities

## A. The College grievance process and outside investigations

The college grievance processes (outlined in Appendix A: Non-Discrimination, Harassment, and Sexual Misconduct Grievance Procedures and Appendix [A.1]: Faculty \& Staff Title IX Sexual Harassment Investigation \& Adjudication Procedures) are used to investigate complaints or reports of discrimination, harassment, and sexual misconduct, to end any discrimination, harassment, or sexual misconduct found, to remedy its effects, and to prevent any recurrence. Its processes do not replace the right to file complaints or seek remedies available under state or federal law. In most instances, internal college and local police, state or federal investigations can proceed simultaneously.

## B. Confidentiality

When a report is made the college will treat the identity of the parties and the substance of the claims as confidential, except as is reasonably necessary to carry out the investigative process and to ensure the safety of everyone at Williams College.

[^6]In support of an individual's request for confidentiality and the college's interest in learning about incidents of discrimination, Williams College provides confidential advising: for students, the College Health Center and Integrative Well-being Services, the Chaplain's office, and the Director of Sexual Assault Prevention and Response; for faculty and staff, the Employee Assistance Program. These advisors must still comply with anonymous reporting under federal and state law.

## C. Reporting

Any person wishing to report discrimination, harassment, or sexual misconduct, is encouraged to bring concerns forward in a timely fashion, as soon as possible and preferably within a month of occurrence, since prolonged delay may complicate the ability to investigate.

Reports of discrimination, harassment, or sexual misconduct may be brought directly to the Vice President for Institutional Diversity and Equity or the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator. Reports may also be made to an appropriate deputy of the office (for students, the Dean of the College; for staff, the Director of Human Resources; for Faculty, the Dean of the Faculty) or relevant Americans with Disabilities Act (ADA) officer, who will then work with the Office of Institutional Diversity and Equity to resolve the concern. Campus Safety and Security, local police, and state and/or federal agencies may also be contacted, either immediately or at any point during a college investigation. Normally, College investigations and hearings can occur simultaneously with external ones.

An administrator, supervisor, faculty member, or other person in a position of authority who is not a confidential resource as defined above and who becomes aware of, or receives a complaint of discrimination, harassment, or sexual misconduct must promptly and fully report the information or complaint to the Vice President for Institutional Diversity and Equity, the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator, relevant deputy, (for students, the Dean of the College; for staff, the Director of Human Resources; for Faculty, the Dean of the Faculty), or relevant Americans with Disabilities Act (ADA) officer. No member of the community should assume that a college administrator knows about a situation involving discrimination, harassment, or sexual misconduct.

If a complainant reports to a person in authority who is not a confidential resource and wishes to maintain confidentiality, the one who reports must relay the request for confidentiality, which will be respected to the extent possible, as outlined above.

## D. Retaliation

Williams College policy explicitly prohibits retaliation, academic or otherwise, against employees or students for bringing complaints of discriminatory behavior. Any retaliation by the respondent or by-standers against the complainant or any witness is strictly prohibited and will be treated as a new and additional violation of the college's Non-Discrimination, Harassment, and Sexual Misconduct Policy. During an active case under this policy, changes to the work hours/conditions of either the complainant and/or the respondent are made in consultation with the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator.

## E. Prompt and Fair Resolution

The college's procedures for cases of discrimination, harassment, and sexual misconduct seek to ensure a prompt, fair, and impartial investigation and resolution. College officials who receive training on issues related to the college's Non-Discrimination, Harassment, and Sexual Misconduct Policy, as well as on conducting a hearing process that protects victim safety and promotes accountability will conduct these procedures.

## F. Academic Freedom and Freedom of Expression

Williams College is committed to both freedom of expression and full academic freedom of inquiry, teaching and research. Academic freedom and freedom of expression will be strongly considered in investigating complaints of discrimination and harassment but will not excuse behavior that constitutes a violation of the law or college policy.

## G. Right to be Accompanied by an Advisor or Support Person

During the investigation, the complainant and respondent may be accompanied by an advisor or support person of their choosing, including legal counsel, at meetings and interviews. The scope and responsibilities of advisors are defined in the applicable investigation and adjudication procedures [add LINKS].

In the case of complaints that enter a formal resolution process, both the complainant and the respondent will be assigned a college advisor trained in non-discrimination, harassment, and sexual misconduct policy and processes. This advisor may, but need not, function as the advisor/support person who accompanies the complainant or respondent through the process.

## H. Standard of Proof

The standard of proof used in the adjudication of all cases involving alleged violation of the college's Non-Discrimination, Harassment, and Sexual Misconduct Policy will be preponderance of the evidence. The preponderance of the evidence standard requires a determination of whether it is more likely than not that the person committed the alleged act(s).


#### Abstract

I. The Standing Grievance Panel

The Faculty Steering Committee and the Director of Human Resources will jointly convene a Standing Grievance Panel (SGP) each year whose members stand available to serve as members of an adjudication panel in cases of alleged discrimination, harassment or sexual misconduct. The SGP will consist of 12 staff appointed by the Director of Human Resources and 12 faculty, 6 faculty (one tenured and one non-tenured from each division) are elected by the faculty from a slate of two persons nominated by the Faculty Steering Committee from each category and another 6 to be appointed by the Faculty Steering Committee. In choosing members of the SGP, consideration will be given to the diversity (sex, race, ethnic, disability, sexual orientation, and gender identity or expression) of the staff and faculty at the college. The 12 faculty on the SGP will also consist of at least one faculty member from the Department of Physical Education. Once constituted, members of the SGP will be trained, as necessary, on issues related to the college's Non-Discrimination, Harassment, and Sexual Misconduct Policy, as well as on conducting a hearing process that protects victim safety and promotes accountability.


## LIST OF CONTACTS

| Leticia S. E. Haynes | Deputy Title IX Coordinators |
| :---: | :---: |
| Vice President for Institutional Diversity, Equity \& Inclusion | For faculty: |
| 413-597-4376 | Safa Zaki |
| Iseh1@williams.edu | Dean of the Faculty |
| Leticia.S.E.Haynes@williams.edu | 413-597-4351 |
|  | szaki@williams.edu |
| Toya C. Camacho |  |
| Assistant Vice President for Institutional Diversity, Equity \& | For students: |
| Inclusion/Title IX Coordinator and ADA Officer for Faculty and | Marlene Sandstrom |
| Staff | Dean of the College |
| 413-597-3301 | 413-597-4261 |
| tcc2@williams.edu | msandstr@williams.edu |
| Toya.C.Camacho@williams.edu | Marlene.J.Sandstrom@williams.edu |
| Title 504 (ADA) Officer | For staff: |
| For students: | Danielle Gonzales |
| G. L. M. Wallace | Director of Human Resources |
| Director of Accessible Education | 413-597-3129 |
| 413-5974978 | dg3@williams.edu |
| glw3@williams.edu | Danielle.Gonzalez@williams.edu |
| G.L.M.Wallace@williams.edu |  |
|  | Off Campus: |
| Campus Safety and Security at 413-597-4444 | - Elizabeth Freeman Center 499-2425 <br> - National Sexual Assault Hotline $1-800-656-$ HOPE |
| Confidential Resources | - National Sexual Assault Online Hotline https://ohl.rainn.org/online/ |
| On Campus: <br> - Sexual Assault Survivor Services (SASS) 597-3000 (on call 24/7 during the academic year) <br> - Williams College Health Center 597-2206 <br> - Williams College Psychological Counseling 5972353 (or on call 24/7 through Campus Safety at 597-4444) <br> - Meg Bossong, Director of Sexual Assault Prevention and Response 597-4977 <br> - Donna Denelli-Hess (Health Educator) 597-3013 | - For a list of regional and national resources with |
|  | particular focus on the needs of LGBTQ survivors, see http://barcc.org/information/resources- |
|  | online/glbt <br> - For regional and national resources with a particular focus on the needs of male survivors, see malesurvivor.org. |
|  | To report a sexual assault to the police contact: <br> - 911 <br> - Williamstown Police Department at 4134585733 |
|  | Equal Employment Opportunity Commission |
|  | Massachusetts Commission Against Discrimination |

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Denise.K.Buell@williams.edu

# Section II-T: Outline of the Discrimination, Harassment, and Sexual Misconduct Grievance Procedures ${ }^{4}$ 


#### Abstract

NOTES: 1. In cases involving only students or student respondents, the investigation and adjudication procedures will be those outlined in the college's policies relating to student misconduct [add LINK] 2. For allegations of Title IX Sexual Harassment, the investigation and adjudication procedures will be those outlined in the college's Faculty \& Staff Title IX Sexual Harassment Investigation \& Adjudication Procedures [add LINK].


[^7]A member of the Williams College community who believes they have been discriminated against is encouraged to report these concerns to the Vice President for Institutional Diversity and Equity or the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator. Reports may also be made to appropriate deputies: for students, the Dean of the College; for faculty, the Dean of the Faculty; and for staff, the Director of Human Resources.

If a complaint goes forward, the review, investigation and adjudication process is overseen by the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator.

In the following summary of the college grievance procedures, the person alleging discrimination is called the "complainant"; the party accused of violating the nondiscrimination, harassment, and sexual misconduct policy is called the "respondent."

With some exceptions, a member of the college community reporting an incident of alleged discrimination may decide to pursue either an informal or a formal process. Both are summarized here and outlined in more detail in Appendix A: Discrimination, Harassment, and Sexual Misconduct Grievance Procedures.

Allegations that fall under the Title IX definition of sexual harassment will be handled pursuant to the procedures described in the college's Faculty \& Staff Title IX Sexual Harassment Investigation \& Adjudication Procedures [and LINK].

[^8]
## A. Informal process

The informal process is an opportunity to bring resolution to a complaint through awareness, education, and/or a facilitated discussion. An informal resolution may be appropriate if the complainant, the respondent, the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator and the relevant deputy or deputies can all come to an agreement about the facts and desirable resolution to the case.

The informal process is not appropriate for most cases that involve a student and a member of the faculty or staff; and for any complaint involving behavior that potentially endangers members of the college community and/or is potentially criminal in nature. In other cases, if both the complainant and the respondent prefer an informal process, the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator, in consultation with the relevant deputy or deputies, will decide if an informal resolution is appropriate and advisable.

During an informal process, fact-finding occurs to the extent necessary to understand the conflict and protect the interest of the parties and the Williams College community, but no determination is made of whether college policy has been violated.

Information obtained during the course of the informal complaint process will be shared only to the extent necessary to understand the conflict and protect the interest of the parties and the Williams College community.

At any point during or following the informal process, the complainant and/or the respondent may end the informal process and request a formal process.

## B. Formal process

1. Before the process of investigation and adjudication starts, the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator, in consultation with relevant deputies, will:
1) Assign the complainant and the respondent each a trained advisor from the college staff;
2) Provide both the complainant and the respondent a written statement of their rights and responsibilities;
3) Provide each with a description of the adjudication processes, including requirements of confidentiality and non-retaliation;
4) If necessary, arrange reasonable and appropriate accommodations to increase the complainant's safety and well-being on campus;
5) If necessary, arrange appropriate accommodations for the respondent.

## 2. Investigation

The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator, in consultation with the relevant deputies, will:

1) Assign an investigator to gather information about the case and produce a report;
2) Review the investigator's report;
3) Share the report with both the complainant and the respondent ${ }^{5}$, who each have 10 days to respond and to request that further information be gathered;
4) Review the completed report and any responses to determine if the respondent's alleged action(s) is within the purview of the college's Non-discrimination, Harassment, and Sexual Misconduct Policy.

If the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator and the relevant deputies determine that the respondent's alleged behavior is within the purview of the college's Non-Discrimination, Harassment, and Sexual Misconduct Policy, the case will move forward to the primary adjudication process. The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator will communicate this determination in writing to the complainant and respondent.

After receiving the investigator's report, the complainant may choose to pursue an administrative resolution of the complaint or proceed straight to an adjudication panel. At any point during the administrative resolution process the complainant is free to end the process and request an adjudication panel.

## 3A. Administrative resolution (for cases involving faculty and/or staff only)

In consultation with the complainant and the respondent, the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator will appoint two executive officers to oversee the administrative resolution. After receiving training from the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator or a designee, these executive officers will:

1) Read and consider the investigator's report, along with any responses from the complainant and respondent;
2) Reach a finding and report it to the complainant and respondent.
[^9]If in the judgment of the executive officers the respondent has violated the college's NonDiscrimination, Harassment, and Sexual Misconduct Policy, they will:

1) Seek a resolution of the complaint, working with the respondent's supervisor if applicable and, within one month, reporting to the complainant any progress made;
2) Produce a proposed resolution, and submit it to the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator for approval;
3) Communicate both the findings and the proposed resolution in writing to both the complainant and respondent.

The complainant and the respondent have 10 days to sign the proposed resolution. The attempt will have failed if either party chooses not to accept the terms proposed. At this point, either party may instruct the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator to convene an adjudication panel.

## 3b. Adjudication Panel

The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator will constitute an adjudication panel of five members from the SGP according to the policy's guidelines in consultation with the relevant deputy or deputies and inform the complainant and respondent in writing.

The adjudication panel:

1) Reads and discusses the investigator's report along with any responses, and may decide on additional questions to ask of the parties or administrative officials;
2) Decides whether there is a preponderance of the evidence showing violation of the college's non-discrimination, harassment, and sexual misconduct policy;
3) If the adjudication panel decides there has been a violation, it will inform both parties in writing and give both an opportunity to address the committee; and will
4) Recommend a sanction.

## 4. Appeal

Both parties have the right to appeal the finding on two grounds:

1) Significant procedural lapses;
2) The appearance of substantive new evidence not available at the time of the original decision.

The Vice President in the Office of Institutional Diversity and Equity hears the appeal and determines its disposition.


#### Abstract

5. Final determination of sanction in cases involving respondents who are members of the faculty If the recommended sanction is termination of the respondent's appointment for cause, the Dean of the Faculty will initiate proceedings pursuant to Section II-V: Termination of Faculty Appointment for Cause of the Faculty Handbook. If the recommended sanction is a major sanction, the Dean of the Faculty will initiate proceedings pursuant to Section II-W: Procedures for Imposition of Sanctions on Faculty Other Than Dismissal, "Major Sanctions," of the Faculty Handbook. If the recommended sanction is a minor sanction, the Dean of the Faculty will initiate proceedings in accordance with Section II-W., "Minor Sanctions," of the Faculty Handbook. Final decisions as to sanctions will be reported in writing simultaneously to the complainant and the respondent, as well as the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator. 6. Final determination of sanction in cases involving respondents who are members of the staff Final determination of sanctions involving respondents who are members of staff will be made by the Director of Human Resources, in conjunction with the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator and relevant supervisor(s) of the staff member. Final decisions as to sanctions will be reported in writing simultaneously to the complainant and the respondent, as well as the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator.


## SECTION VII. APPENDICES

## Appendix A: Discrimination, Harassment, and Sexual Misconduct Grievance Procedures ${ }^{6}$

NOTES:<br>3. In cases involving only students or student respondents, the investigation and adjudication procedures will be those outlined in the college's policies relating to student misconduct [add LINK]

## 4. For allegations of Title IX Sexual Harassment, the investigation and adjudication procedures will be those outlined in the college's Faculty \& Staff Title IX Sexual Harassment Investigation \& Adjudication Procedures [add LINK]

Members of the Williams College community who believe they have been subjected to discrimination, harassment, or sexual misconduct are encouraged to bring these concerns forward. Concerns may be brought directly to the Office of Institutional Diversity and Equity (to the Vice President, the Assistant Vice President/Title IX Coordinator). Reports may also be made to an appropriate deputy of the office (for students, the Dean of the College; for staff, the Director of Human Resources; for Faculty, the Dean of the Faculty) or relevant Americans with Disabilities Act (ADA) officer, who will then work with the Office of Institutional Diversity and Equity to resolve the concern. Campus Safety and Security, local police, and state and/or federal agencies may also be contacted, either immediately or at any point during a college investigation. Normally, college investigations and hearings can occur simultaneously with external ones.

The college's procedures seek to ensure a prompt, fair, and impartial investigation and resolution. College officials who receive training on issues related to discrimination harassment, and sexual misconduct, as well as on conducting a hearing process that protects the rights and safety of aggrieved parties and promotes accountability will conduct these procedures.

[^10]The standard of proof used in adjudicating of cases of alleged discrimination, harassment, and sexual misconduct will be preponderance of the evidence. ${ }^{7}$ Possible sanctions if a student or employee of the college is found responsible for violation of the college's Non-Discrimination, Harassment and Sexual Misconduct Policy include the full range of disciplinary sanctions available at the college, up to and including suspension from the college for one or more semesters and expulsion, in the case of a student, or dismissal in the case of a college employee.

In cases of sexual misconduct, the investigation and adjudication process is overseen by the Title IX Coordinator; in all other discrimination and harassment cases, the Assistant Vice President for Institutional Diversity and Equity has oversight. Allegations that fall under the Title IX definition of sexual harassment will be handled pursuant to the procedures described in the college's Faculty \& Staff Title IX Sexual Harassment Investigation \& Adjudication Procedures [and LINK].

The person alleging discrimination is here called the "complainant"; the party accused of violating college policy is called the "respondent." Both the complainant and the respondent are encouraged to participate in the process of investigation and adjudication.

## I. Cases involving student respondents

A staff or faculty member who experiences conduct on the part of a student that they believe violates the college's Non-Discrimination, Harassment and Sexual Misconduct Policy should contact the Dean of the College, the Vice President for Institutional Diversity and Equity or the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator. The local police, state or federal officials may also be contacted. Normally, college investigations and hearings can occur simultaneously with external ones. The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator will ensure that the staff or faculty member is provided the information and support stipulated by the college's NonDiscrimination, Harassment and Sexual Misconduct Policy.

The investigation and adjudication processes will be those outlined in the college's policies relating to student misconduct [add LINK]

[^11]
## II. Cases involving a student complainant and a faculty or staff member

A student who experiences conduct on the part of a staff or faculty member that the student believes violates the college's Non-Discrimination, Harassment, and Sexual Misconduct Policy is

[^12]encouraged to report that conduct to the Dean of the College, the Vice President for Institutional Diversity and Equity or the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator, or to Campus Safety and Security. The local police, state or federal officials may also be contacted. Normally, college investigations and hearings can occur simultaneously with external ones.

Once an incident is reported, the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator, in consultation with the relevant deputy or deputies, will determine what support and accommodations, if any, should be made immediately available to the complainant. The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator will inform the respondent of the allegation(s) in writing

In some cases, a student alleging discrimination or harassment may pursue either an informal or a formal process.

## A. Informal process

The informal process is an opportunity to bring resolution to a complaint through awareness, education, and/or a facilitated discussion. An informal resolution may be appropriate if the complainant, the respondent, and the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator and the relevant deputy or deputies can all come to an agreement about the facts and desirable resolution to the case

The informal process is not appropriate for most cases that involve a student and a member of the faculty or staff; for complaints of sexual misconduct apart from certain instances of discriminatory harassment; and for any complaint involving behavior that potentially endangers members of the college community and/or is potentially criminal in nature. In other cases, if both the complainant and the respondent prefer an informal process, the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator, in consultation with the relevant deputy or deputies, will decide if an informal resolution is appropriate and advisable.

During an informal process, fact-finding occurs to the extent necessary to understand the conflict and protect the interest of the parties and the college community, but no determination is made of whether college policy has been violated.

Informal resolutions may include, but are not limited to:

- Training;
- Changes to work or academic arrangements;
- Housing reassignment;

Informal discussion with a person whose conduct, if not stopped, could rise to the level of discrimination or harassment;Advisory discussion with the respondent's supervisor or chair;

- "No contact" directive to the parties;
$\square$ Suspension.

Information obtained by the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator, in consultation with the relevant deputy or deputies, during the course of the informal complaint process will be shared only to the extent necessary to understand the conflict and protect the interest of the parties and the college community.

At any point during or following the informal process, the complainant and/or the respondent may end the informal process and request a formal process. The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator will inform, in writing, the complainant or respondent if the other party opts out of the informal process.

## B. Formal process

Before the formal investigation and adjudication begins, the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator, in consultation with the relevant deputy or deputies, will assign the complainant and the respondent each a different trained advisor from the college staff. Advisors will explain the formal process to their assigned advisee and will also serve as a resource for any questions or concerns.

The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator will provide to both the complainant and the respondent a written statement of their rights and responsibilities and a description of these processes, including the requirements of confidentiality and the rules forbidding retaliation.

The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator will make available at any time before, during or after the hearing process, and whether or not the complainant participates in the investigation and adjudication, reasonable and appropriate accommodations to increase the complainant's safety and well-being on campus. These may include no-contact orders with the respondent and/or other parties, changes of housing accommodations, and academic accommodations such as extensions, tutors, and changes of class schedule. Accommodations may also include changes of class modality (for example, switching to an independent study) if needed in order to ensure access to academic opportunity for the complainant in a class taught by a faculty member who is the respondent. The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator will
inform the complainant in writing of the college's obligation to provide these accommodations and resources as soon as the complaint comes forward; will work with relevant deputies to arrange any appropriate accommodations for the respondent; and will inform the respondent in writing of the college's readiness to provide these accommodations and resources.

## 1. Rights, including rights of non-participation

During all parts of the investigation and adjudication processes, both the complainant and respondent have the right to have an advisor of their choosing (either the trained college advisor or any other person, including an attorney) present with them. The advisor may speak to the complainant/respondent at any time during the process but may not speak for them to the investigator, to the relevant administrators, or to the adjudication panel.

If a student reports an incident but does not wish to participate in the investigation and adjudication process, the situation will be reviewed by a committee comprised of the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator, the relevant deputy or deputies, and a third member: in cases of sexual misconduct, the Director of Sexual Assault Prevention and Response; in other discrimination or harassment cases, the Associate Dean for Institutional Diversity and Equity. That committee will determine whether there is sufficient information to proceed with an investigation and adjudication without the participation of the complainant. If the committee determines that the case should proceed without the complainant, it will make every effort to protect their confidentiality (see Section II-S: NonDiscrimination, Harassment, and Sexual Misconduct Policy, "Confidentiality").

If it is determined that a process will go forward, the deputy relevant to the respondent will inform the respondent of the allegations in writing.

If a respondent chooses not to participate in the investigation and adjudication process, the process will proceed without their contribution to the determination of the facts of the case. The respondent should note that the appeal process based on the appearance of new information not available to the adjudication panel does not apply in cases of deliberate omission of information by the respondent, including refusal by the respondent to participate in the investigation.

## 2. Investigation

The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator, in consultation with the relevant deputy or deputies, will assign a person trained in discrimination investigations to determine the facts of the case as completely as possible. This investigator will hear statements from the complainant and respondent, ask follow up questions, reach out to
and collect statements from others who have evidence/information relevant to the question of violation of the college's Non-Discrimination, Harassment and Sexual Misconduct Policy, and ask follow-up questions as needed. The complainant and respondent may each direct the investigator toward people to interview and may frame questions to be asked of others. The investigator will respect these directives unless they violate standards of good practices for such investigations or are clearly redundant or irrelevant. If the investigator decides not to pursue a question or interviewee submitted by one of the parties in the case, they will so inform that party in writing of the decision. All of those contacted by the investigator will be required to maintain the confidentiality of the investigation. The investigator will also gather any additional evidence available (for example, health care records, with permission of the person to whom they refer, or evidence of patterns of discrimination). The investigator may consult with the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator and any relevant deputies in decisions regarding the investigation process. The statements of the complainant and respondent will be recorded (audio). The investigator will produce a report of the findings, which will include a list of those interviewed and copies of any additional material referenced.

The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator and relevant deputies will review the report and may request that additional information be gathered. They will also ensure that the report does not contain material that is inadmissible in the decision process, such as irrelevant prior sexual history.

The investigator's report will be shared with the complainant and respondent once it is complete. ${ }^{8}$ The complainant and respondent each have 10 days following the receipt of the report to write a response to it if they wish to do so. At that time, both may request that further information be gathered. Responses will be included in the official materials sent forward to the adjudication panel. If the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator agrees that further information should be gathered, the investigator will be charged with pursuing the additional information and, if appropriate, issuing an amendment or supplement to the report. The complainant and respondent will be given an additional 10 days to respond to any such additional or supplemental report.

The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator and each of the deputies relevant to the complainant and respondent will review the report and the responses of both parties and determine whether the alleged behavior of the respondent is

[^13]properly within the purview of the college's Non-Discrimination, Harassment, and Sexual Misconduct Policy.

If the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator and the relevant deputies determine that the respondent's alleged behavior is not within the purview of the college's Non-Discrimination, Harassment, and Sexual Misconduct Policy, they will so inform the complainant and respondent in writing and will direct the complainant to any other relevant college or legal processes that may address the behavior. The complainant may bring the investigator's report over into other relevant college processes.

If the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator and relevant deputies determine that the respondent's alleged behavior is within the purview of the college's Non-Discrimination, Harassment, and Sexual Misconduct Policy, the case will move forward to the adjudication process, described below. The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator will communicate this determination, in writing, to the complainant and respondent.

## 3. Adjudication Process

An adjudication panel of five trained members will make the decision about whether there has been a violation of the college's Non-Discrimination, Harassment, and Sexual Misconduct Policy. Four "yes" votes are necessary for a finding that there has been a violation. If such a violation is found to have taken place, then the same panel recommends an appropriate sanction. Sanctions are ultimately determined according to the procedures in the Staff and Faculty Handbooks as described and modified below.

For each case, the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator in consultation with the relevant deputy or deputies will appoint an adjudication panel and inform the complainant and respondent in writing. The panel will consist of a member of the office of the Dean of the College plus four additional members, drawn from the Standing Grievance Panel. If the respondent is a member of the faculty, at least two persons on the adjudication panel will be faculty. If the respondent is a member of the staff, at least two persons on the adjudication panel will be staff. The complainant and respondent will have the opportunity to state whether there are those they feel should not participate in the panel due to bias or any other reason which would prevent them from making a fair assessment of the evidence. The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator in consultation with the relevant deputy or deputies will make the final decision on any such requests for recusal and inform the complainant and respondent in writing. The Assistant Vice

President for Institutional Diversity and Equity/Title IX Coordinator will ensure that all members of the adjudication panel are trained.

The panel will start its deliberations by reading the investigator's report, along with the responses to the report (if any) from the complainant and respondent. After discussion, the panel will decide whether there are additional questions that need to be asked. If so, the investigator will go back to the parties to ask those questions. The panel may ask questions of the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator or other relevant college officials.

The panel will decide whether there is a preponderance of the evidence showing a violation of the college's Non-Discrimination, Harassment, and Sexual Misconduct Policy.

If the panel determines that there has been a violation of the college's policy, the complainant and respondent will each be so informed in writing, and each then will have the opportunity to briefly address the committee, either in person, by media communication, or in writing, before a sanction is considered. (The two parties will do this separately - neither one in the presence of the other. It is optional rather than required to make such a statement.) This opportunity is not one in which the facts of the case are discussed or questions are asked by the committee. Rather, it is an opportunity for both parties to present directly to the panel in their own "voices" any additional information, including information about the impact of the incident in question. This opportunity is limited to 15 minutes or the written equivalent thereof. Each party's trained college advisor will provide them with guidelines on what is and is not permitted in this part of the process.

The panel will then recommend a sanction to the relevant senior administrator (Dean of the Faculty for respondents who are members of the faculty, the Director of Human Resources for respondents who are members of the staff). The complainant and respondent will each be informed in writing of the recommended sanction. Final decisions as to sanctions are determined by the relevant procedures described in the Staff and Faculty Handbooks.

## 4. Appeal of the finding

Both parties have the right to appeal the finding made by the adjudication panel on whether or not there was a violation of the college's Non-Discrimination, Harassment and Sexual Misconduct Policy. This right to appeal of the finding is limited to (a) significant procedural lapses or (b) the appearance of substantive new evidence not available at the time of the original decision. Each party has 15 days following the receipt of the written decision to indicate their intention to appeal. Requests for appeal, with reasons, should be sent in writing to the

Vice President for Institutional Diversity and Equity. The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator will inform, in writing, the complainant or respondent if the other party chooses to appeal the finding.

If either the complainant or the respondent wishes to have other people interviewed to determine whether they have substantive new information pertinent to the case that was not available at the time of the original decision, the following process will be followed.

1. The person wishing to appeal will write to the Vice President for Institutional Diversity and Equity describing whom they wish to have interviewed and on what topic.
2. The Vice President or a designee will ask the person whether they do, in fact, have information on that topic.
3. If they do, the investigator will ask them questions or request a written statement. The appeal process will be suspended until the completion of these steps.

The Vice President for Institutional Diversity and Equity will grant appeals only in cases where the procedural problems or new evidence are considered substantive enough to have had a significant effect on the outcome of the initial hearing. If the appeal is granted, its disposition is determined by the Vice President for Institutional Diversity and Equity, who may affirm the decision of the adjudication panel, return the matter to the original adjudication panel, or summon a new adjudication panel, and who may task those panels with reviewing the decision either in whole or in part.

A decision by the Vice President for Institutional Diversity and Equity to affirm the original panel's decision shall be final. Subject to the scope of the instructions from the Vice President for Institutional Diversity and Equity, the review by a panel after referral from the Vice President for Institutional Diversity and Equity may result in a change in the decision as to whether or not a violation of the college's policy as regards non-discrimination, harassment, and sexual misconduct has occurred, or may result in an increase in sanction, a decrease in sanction, or no change in sanction. If the decision of the reviewing panel is to affirm the original decisions as to violation and as to sanction, that decision shall be final. If the decision of the reviewing panel is to change the original decision either as to violation or as to sanction, the reviewing panel's decision shall be subject to appeal in accordance with the foregoing procedures. The results of any such second appeal process shall be final, not subject to further appeal.

The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator will communicate the outcome of any appeal simultaneously and in writing to the complainant and the respondent.

## 5. Final determination of sanction in cases involving respondents who are members of the faculty

If the recommended sanction is termination of the respondent's appointment for cause, the Dean of the Faculty will initiate proceedings pursuant to Section II-V: Termination of Faculty Appointment for Cause of the Faculty Handbook. If the recommended sanction is a major sanction, such as suspension from service for a stated period, the Dean of the Faculty will initiate proceedings pursuant to Section II-W: Procedures for Imposition of Sanctions on Faculty other than Dismissal, "Major Sanctions," of the Faculty Handbook. If the recommended sanction is a minor sanction, the Dean of the Faculty will initiate proceedings in accordance with Section II-W., "Minor Sanctions," of the Faculty Handbook.

In all cases covered by this policy the sole determination to be made according to the processes described in Sections II-V: Termination of Faculty Appointment for Cause and II-W: Procedures for Imposition of Sanctions on Faculty other than Dismissal of the Faculty Handbook will be the final sanction to be imposed on the respondent. The determination by the adjudication panel that the respondent violated the college's Non-Discrimination, Harassment and Sexual Misconduct Policy shall be final and shall not be subject to review or reconsideration in the sanctions process.

The sanctions panel convened at this stage of the process will receive as evidence the letter of findings and recommended sanction from the adjudication panel described in sub-section II.B.3. above. The sanctions panel will also have access to the report of the investigator and to previous disciplinary records of the respondent, if any. The sanctions panel may request assistance from the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator, or deputy or duties.

The faculty member does not have the right to compel the complainant to appear before the sanctions panel. The complainant's testimony may be represented by the investigator's report.

Although the complainant cannot be compelled to appear before the sanctions panel, in all cases covered by this policy the complainant will have an equal right as the respondent to be heard by the Dean of the Faculty, any hearing committee convened pursuant to the provisions of Section II-V: Termination of Faculty Appointment for Cause or Section II-W: Procedures for Imposition of Sanctions on Faculty Other than Dismissal, and by the Board of Trustees.

Final decisions as to sanctions will be reported in writing simultaneously to the complainant and the respondent, as well as to the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator and relevant deputies.

## 6. Final determination of sanction in cases involving respondents who are members of the staff

Final determination of sanctions involving respondents who are members of the staff will be made by the Director of Human Resources, in conjunction with the Coordinator and relevant supervisor(s) of the staff member. They may take into account previous disciplinary records of the staff member in making their decision regarding sanction. Final decisions as to sanctions will be reported in writing simultaneously to the complainant and the respondent, as well as to the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator.

## Additional Matters

The complainant and respondent will each be assigned a trained college advisor to help them navigate the process. Each party can bring this advisor with them to all parts of the process, including the investigation. These trained college advisors may not be part of a hearing panel regarding the case. Both the complainant and respondent have the right to have another advisor of their choosing present with them for all parts of the process, including any meeting with campus officials, with the adjudication and/or sanctions panels, and with the investigator. However, the complainant and respondent may bring only one advisor with them-either the trained college advisor or the other advisor of their choosing-to any part of the process. Advisors may speak to the individual being advised, the complainant or respondent, at any time during the process but may not speak directly to the investigator or to the members of adjudication and/or sanctions panels.

Both parties have full access to the support services provided by the college throughout the process. For students, this includes the resources of the Health Center and Integrative Wellbeing Services; for faculty and staff, the Employee Assistance Program.

Retaliation of any kind against the complainant or any witness is strictly prohibited. Any retaliation will be treated as a new and additional violation of the college's Non-Discrimination, Harassment, and Sexual Misconduct Policy.

## III. Cases involving faculty and/or staff members only

A staff or faculty member who experiences conduct on the part of a staff or faculty member that potentially violates the college's Non-Discrimination, Harassment, and Sexual Misconduct Policy is encouraged to report that conduct to the Vice President for Institutional Diversity and

Equity or the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator. Reports may also be made to an appropriate deputy (for staff, the Director of Human Resources; for faculty, the Dean of the Faculty). The local police, state or federal officials may also be contacted. Normally, college investigations and hearings can occur simultaneously with external ones.

Once an incident is reported, the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator, in consultation with relevant deputy or deputies, will determine what immediate support and accommodations, if any, should be made available to the complainant. The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator will inform the respondent of the allegation(s) in writing

With some exceptions, a member of the college community reporting an incident of alleged discrimination may pursue either an informal or a formal process.

## A. Informal process

The informal process is an opportunity to bring resolution to a complaint through awareness, education, and/or a facilitated discussion. An informal resolution may be appropriate if the complainant, the respondent, the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator and the relevant deputy or deputies can all come to an agreement about the facts and desirable resolution to the case

The informal process is not appropriate for complaints of sexual misconduct, apart from certain instances of discriminatory harassment, or for any complaint involving behavior that potentially endangers members of the college community and/or is potentially criminal in nature. In other cases, if both the complainant and the respondent prefer an informal process, the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator, in consultation with the relevant deputy or deputies, will decide if an informal resolution is appropriate and advisable.

During an informal process, fact-finding occurs to the extent necessary to understand the conflict and protect the interest of the parties and the College community, but no determination is made of whether college policy has been violated.

Informal resolutions may include, but are not limited to:

- Training;
$\square$ Changes to work or academic arrangements;
$\square$ Housing reassignment;

Informal discussion with a person whose conduct, if not stopped, could rise to the level of discrimination or harassment;Advisory discussion with the respondent's supervisor or chair;

- "No contact" directive to the parties;
$\square$ Suspension.

Information obtained by the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator, in consultation with the relevant deputy or deputies, during the course of the informal complaint process will be shared only to the extent necessary to understand the conflict and protect the interest of the parties and the college community.

At any point during or following the informal process, the complainant and/or the respondent may end the informal process and request a formal process. The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator will inform, in writing, the complainant or respondent if the other opts out of the informal process.

## B. Formal process

Before the formal investigation and adjudication begins, the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator, in consultation with the relevant deputy or deputies, will assign the complainant and the respondent each a different trained advisor from the college staff. Advisors will explain the formal process to their assigned advisee and will also serve as a resource for any questions or concerns.

The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator will provide to both the complainant and the respondent a written statement of their rights and responsibilities, and a description of these processes, including the requirements of confidentiality and the rules forbidding retaliation.

The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator will make available at any time, before, during or after the hearing process, and whether or not the complainant participates in the investigation and adjudication, reasonable and appropriate accommodations to increase the complainant's safety and well-being on campus. These may include no-contact orders with the respondent and/or other parties, changes of housing if living in college housing, and changes of work duties if necessary to avoid conflict. The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator will work with the relevant deputy or deputies to arrange any appropriate accommodations for the respondent and will inform the respondent in writing of the College's readiness to provide these accommodations and resources.

## 1. Rights, including rights of non-participation

During all parts of the investigation and adjudication processes, both the complainant and respondent have the right to have an advisor of their choosing (either the trained college advisor or any other person, including an attorney) present with them. The advisor may speak to the complainant/respondent at any time during the process but may not speak for them to the investigator, to the relevant administrators, or to an adjudication panel.

If a faculty or staff member reports an incident but does not wish to participate in the investigation and adjudication process, the situation will be reviewed by a committee comprised of the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator, the relevant deputy or deputies, and the Director of Sexual Assault Prevention and Response if the case involves sexual misconduct, or the Associate Dean for Institutional Diversity and Equity in other discrimination or harassment cases. That committee will determine whether there is sufficient information to proceed with an investigation and adjudication without the participation of the complainant. If the committee determines that the case should proceed without the complainant, it will make every effort to protect their confidentiality (see Section II-S: Non-Discrimination, Harassment, and Sexual Misconduct Policy, "Confidentiality").

If it is determined that the process will go forward, the deputy relevant to the respondent will inform the respondent of the charges in writing.

If a respondent chooses not to participate in the investigation and adjudication process, the process will proceed without their contribution to the determination of the facts of the case. The respondent should note that the appeal process based on the appearance of new information not available to the adjudication panel does not apply in cases of deliberate omission of information by the respondent, including refusal by the respondent to participate in the investigation.

## 2. Investigation

The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator, in consultation with the relevant deputy or deputies, will assign a person trained in discrimination investigations to determine the facts of the case as completely as possible. This investigator will hear statements from the complainant and respondent, ask follow up questions, reach out to and collect statements from others who have evidence/information relevant to the question of violation of the college's Non-Discrimination, Harassment, and Sexual Misconduct Policy, and ask follow-up questions as needed. The complainant and respondent may each direct the
investigator toward people to interview and may frame questions to be asked of others. The investigator will respect these directives unless they violate standards of good practices for such investigations or are clearly redundant or irrelevant. If the investigator decides not to pursue a question or interviewee submitted by one of the parties in the case, they will so inform that party in writing of the decision. All of those contacted by the investigator will be required to maintain the privacy of the investigation. The investigator will also gather any additional evidence available (for example, health care records, with permission of the person to whom they refer, or evidence of patterns of discrimination). The investigator may consult with the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator and the relevant deputy or deputies in decisions regarding the investigation process. The statements of the complainant and respondent will be recorded (audio). The investigator will produce for the administrators and/or the adjudication panel a report of findings, which will include a list of those interviewed and copies of any additional material referenced.

The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator and the relevant deputy or deputies will review the report and may request that additional information be gathered. They will also ensure that the report does not contain material that is inadmissible in the decision process, such as irrelevant prior sexual history.

The investigator's report will be shared with the complainant and respondent once it is complete. ${ }^{9}$ The complainant and respondent each have 10 days following the receipt of the report to write a response to it if they wish to do so. At that time, both may request that further information be gathered. Responses will be included in the official materials sent forward to the relevant administrators (in the event of an administrative resolution) or the adjudication panel. If the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator agrees that further information should be gathered, the investigator will be charged with pursuing the additional information and, if appropriate, issuing an amendment or supplement to the report. The complainant and respondent will be given an additional 10 days to respond to any such additional or supplemental report.

The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator and the deputy or deputies relevant to the complainant and respondent will review the report and the responses of both parties and determine whether the alleged behavior of the respondent is properly within the purview of the college's Non-Discrimination, Harassment, and Sexual Misconduct Policy.

[^14]If the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator and the relevant deputy or deputies determine that the respondent's alleged behavior is not within the purview of the college's Non-Discrimination, Harassment, and Sexual Misconduct Policy, they will so inform the complainant and respondent in writing and will direct the complainant to any other relevant college or legal processes that may address the behavior. The complainant may bring the investigator's report over into other relevant College processes.

If the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator and relevant deputy or deputies determine that the respondent's alleged behavior is within the purview of the college's Non-Discrimination, Harassment, and Sexual Misconduct Policy, the case will move forward to the adjudication process, described below. The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator will communicate this determination, in writing, to the complainant and respondent.

## 3. Adjudication Process

After receiving the investigator's report, the complainant may choose to pursue an administrative resolution of the complaint or proceed straight to an adjudication panel. A complainant choosing the administrative resolution may end that process at any time and move instead to a hearing by an adjudication panel. The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator will inform the respondent in writing of the complainants decision to seek administrative resolution.

## 3a. Administrative Resolution

Two executive officers of the college will oversee the administrative resolution process for the complaint. Ordinarily, the two executive officers will be those to whom the complainant and respondent report (the Dean of the Faculty for faculty, and the executive officer to whom the staff member's department reports for staff). In cases where both complainant and respondent have the same executive officer, or in cases where the complainant or respondent believe their own executive officer cannot fairly adjudicate the complaint, the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator, after consultation with the complainant and respondent, will determine which two executive officers of the college will oversee the administrative resolution process and inform the complainant and respondent in writing. If it is an executive officer whose behavior is at issue in the complaint, the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator, in consultation with the President of the

College and after conversation with both complainant and respondent, will select two other executive officers to oversee the administrative resolution process. ${ }^{10}$

The executive officers, who will be trained by the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator or a designee, will read and consider the investigator's report, along with any responses to that report written by the complainant and respondent. If the executive officers decide that additional questions need to be asked, the investigator will go back to the parties to ask those questions. The executive officers may also ask questions of the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator or other relevant college officials.

The executive officers will reach a finding and report it to both the complainant and the respondent. If it is the judgment of the executive officers that the respondent committed the act(s) alleged by the complainant and thereby violated the college's Non-Discrimination, Harassment, and Sexual Misconduct Policy, they will seek a resolution of the complaint. They will also confer with the respondent's department supervisor. The complainant's executive officer will keep the complainant informed of any progress made in resolving the grievance, reporting to the complainant within one month of the filing of the complaint. This period may be extended beyond one month if the complainant and the complainant's executive officer agree that an extension is needed.

The executive officers will apprise the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator of the resolution that is proposed. To be successful, the terms of the resolution proposed by the executive officers must be acceptable to both the complainant and the respondent. The executive officers will put both the finding of responsibility and the terms of the proposed resolution in writing, giving a copy to the complainant and another to the respondent. Each party will have 10 days to indicate their acceptance of the terms as constituting a satisfactory resolution of the grievance by returning a signed copy to the executive officers. Upon receipt of both signed copies, the respondent's executive officer, as well as the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator, will place them in their file of complaints of discrimination, harassment, and sexual misconduct and take such actions as are called for in the resolution.

[^15]The executive officers' attempt at a resolution will have failed if either the complainant or the respondent chooses not to accept the terms proposed. If the complainant or the respondent does not accept the proposed resolution, either of them may, again within 10 days of receiving the proposed terms in writing, instruct the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator to convene an adjudication panel. The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator will inform the complainant and respondent that the complaint is proceeding to a hearing by an adjudication panel.

## 3b. Adjudication Panel

If the complainant decides to forgo administrative resolution or if administrative resolution is not acceptable to the complainant or respondent, the decision about whether there has been a violation of the college's Non-Discrimination, Harassment, and Sexual Misconduct Policy will be made by an adjudication panel of five trained members. Four "yes" votes are necessary for a finding that there has been a violation. If such a violation is found to have taken place, then the same panel recommends an appropriate sanction. Sanctions are ultimately determined according to the relevant procedures in the Staff and Faculty Handbooks as described and modified below.

For each case, the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator, in consultation with the relevant deputy or deputies, will appoint an adjudication panel and inform the complainant and respondent in writing. The adjudication panel will be drawn from the Standing Grievance Panel. If one party in the complaint is a member of the faculty and the other party is a member of the staff, the adjudication panel will consist of two members of the faculty, two members of the staff, and a chair. If the complainant and respondent are both faculty, then the panel will consist of five members of the faculty, one of whom will be chair. If the complainant and respondent are both staff, then the adjudication panel will consist of five members of the staff, one of whom will be chair. The complainant and respondent will have the opportunity to state whether there are those they feel should not participate in the adjudication panel due to bias or any other reason which would prevent them from making a fair assessment of the evidence. The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator, in consultation with the relevant deputy or deputies, will make final decisions on any such requests for recusal and inform the complainant and respondent in writing. The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator will ensure that all members of the adjudication panel are trained.

The panel will start its deliberations by reading the investigator's report, along with the responses to the report (if any) from the complainant and respondent. After discussion, the panel will decide whether there are additional questions that need to be asked. If so, the
investigator will go back to the parties to ask those questions. The adjudication panel may ask questions of the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator or other relevant College officials.

The panel will decide whether there is a preponderance of the evidence showing a violation of the college's Non-Discrimination, Harassment, and Sexual Misconduct Policy.

If the panel determines that there has been a violation of the college's Non-Discrimination, Harassment, and Sexual Misconduct Policy, the complainant and respondent will each be so informed in writing, and each then will have the opportunity to briefly address the committee, either in person, by media communication, or in writing, before the sanction is considered. (The two parties will do this separately - neither one in the presence of the other. It is optional rather than required to make such a statement.) This opportunity is not one in which the facts of the case are discussed or questions are asked by the committee. Rather, it is an opportunity for both parties to present directly to the panel in their own "voices" any additional information, including information about the impact of the incident in question. This opportunity is limited to 15 minutes or the written equivalent thereof. Each party's trained college advisor will provide them with guidelines on what is and is not permitted in this part of the process.

The panel will then recommend a sanction to the relevant senior administrator (Dean of the Faculty for respondents who are members of the faculty, the Director of Human Resources for respondents who are members of the staff.) The complainant and respondent will each be informed in writing of the recommended sanction. Final decisions as to sanctions are determined by the procedures described in the Staff and Faculty Handbooks.

## 4. Appeal of the finding

Both parties have the right to appeal the finding made by the adjudication panel on whether or not there was a violation of the college's Non-Discrimination, Harassment, and Sexual Misconduct Policy. This right to appeal of the finding is limited to (a) significant procedural lapses or (b) the appearance of substantive new evidence not available at the time of the original decision. Each party has 15 days following the receipt of the written decision to indicate their intention to appeal. Requests for appeal, with reasons, should be sent in writing to the Vice President for Institutional Diversity and Equity. The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator will inform, in writing, the complainant or respondent if the other party chooses to appeal the finding.

If either the complainant or the respondent wishes to have other people interviewed to determine whether they have substantive new information pertinent to the appeal that was not available at the time of the original decision, the following process will be followed:

1. The person wishing to appeal will write to the Vice President for Institutional Diversity and Equity describing whom they wish to have interviewed and on what topic.
2. The Vice President or a designee will ask the person whether they do, in fact, have information on that topic.
3. If they do, the investigator will ask them questions or request a written statement. The appeal process will be suspended until the completion of these steps.

The Vice President for Institutional Diversity and Equity will grant appeals only in cases where the procedural problems or new evidence are considered substantive enough to have had a significant effect on the outcome of the initial hearing. If the appeal is granted, its disposition is determined by the Vice President for Institutional Diversity and Equity who may affirm the decision of the adjudication panel, return the case to the original adjudication panel, or summon a new adjudication panel, and who may task those panels with reviewing the decision either in whole or in part.

A decision by the Vice President for Institutional Diversity and Equity to affirm the original panel's decision shall be final. Subject to the scope of the instructions from the Vice President for Institutional Diversity and Equity, the review by a panel after referral from the Vice President for Institutional Diversity and Equity may result in a change in the decision as to whether or not a violation of the college's policy as regards non-discrimination, harassment, and sexual misconduct has occurred, or may result in an increase in sanction, a decrease in sanction, or no change in sanction. If the decision of the reviewing panel is to affirm the original decisions as to violation and as to sanction, that decision shall be final. If the decision of the reviewing panel is to change the original decision either as to violation or as to sanction, the reviewing panel's decision shall be subject to appeal in accordance with the foregoing procedures. The results of any such second appeal process shall be final, not subject to further appeal.

The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator will communicate the outcome of any appeal simultaneously and in writing to the complainant and the respondent.

## 5. Final determination of sanction in cases involving respondents who are members of the faculty

If the recommended sanction is termination of the respondent's appointment for cause, the Dean of the Faculty will initiate proceedings pursuant to Section II-V: Termination of Faculty Appointment for Cause of the Faculty Handbook. If the recommended sanction is a major sanction, such as suspension from service for a stated period, the Dean of the Faculty will initiate proceedings pursuant to Section II-W: Procedures for Imposition of Sanctions on Faculty Other than Dismissal, "Major Sanctions," of the Faculty Handbook. If the recommended sanction is a minor sanction, the Dean of the Faculty will initiate proceedings in accordance with Section II-W., "Minor Sanctions," of the Faculty Handbook.

In all cases covered by this policy the sole determination to be made according to the processes described in Sections II-V: Termination of Faculty Appointment for Cause and II-W: Procedures for Imposition of Sanctions on Faculty Other than Dismissal of the Faculty Handbook will be the final sanction to be imposed on the respondent. The determination by the adjudication panel that the respondent violated the college's Non-Discrimination, Harassment and Sexual Misconduct Policy shall be final and shall not be subject to review or reconsideration in the sanctions process.

The sanctions panel convened at this stage of the process will receive as evidence the letter of findings and recommended sanction from the adjudication panel described in sub-section III.B.3b. above. The sanctions panel will also have access to the report of the investigator and responses written by either party to that report, and to previous disciplinary records of the respondent, if any. The sanctions panel may request assistance from the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator.

The faculty member does not have the right to compel the complainant to appear before the sanctions panel. The complainant's testimony may be represented by the investigator's report.

Although the complainant cannot be compelled to appear before the sanctions panel, in all cases covered by this policy the complainant will have an equal right as the respondent to be heard by the Dean of the Faculty, any hearing committee convened pursuant to the provisions of Section II-V: Termination of Faculty Appointment for Cause or II-W: Procedures for Imposition of Sanctions on Faculty Other than Dismissal, and by the Board of Trustees.

Final decisions as to sanctions will be reported in writing simultaneously to the complainant and the respondent, as well as to the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator.

## 6. Final determination of sanction in cases involving respondents who are members of the staff

Final determination of sanctions involving respondents who are members of the staff will be made by the Director of Human Resources, in conjunction with the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator and relevant supervisor(s) of the staff member. They may take into account previous disciplinary records of the staff member in making their decision regarding sanction. Final decisions as to sanctions will be reported in writing simultaneously to the complainant and the respondent, as well as to the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator.

## Additional matters

The complainant and respondent will each be assigned a trained college advisor to help them navigate the process. Each party can bring this advisor with them to all parts of the process, including the investigation. These trained college advisors will not be part of a hearing panel regarding the case. Both the complainant and respondent have the right to have another advisor of their choosing present with them for all parts of the process, including any meeting with campus officials, with the adjudication and/or sanctions panels, and with the investigator. However, the complainant and respondent may bring one advisor with them-either the trained college advisor or the other advisor of their choosing-to any part of the process. Advisors may speak to the complainant/respondent at any time during the process but may not speak directly to the investigator or to the adjudication and/or sanctions panels.

Both parties have full access to the support services, including the Employee Assistance Program, provided by the college throughout the process.

Retaliation of any kind against the complainant or any witness is strictly prohibited. Any retaliation will be treated as a new and additional violation of the college's Non-Discrimination, Harassment, and Sexual Misconduct Policy.

Appendix A. 1
Faculty \& Staff Title IX Sexual Harassment Investigation \& Adjudication Procedures

Introduction

The following procedures apply to all complaints of sexual harassment as defined under federal Title IX regulations that involve faculty or staff respondents. Policies for complaints that involve only students can be found here [LINK].

The College also prohibits and has established procedures to address claims of sexual discrimination that does not meet the definition of harassment under Title IX. Those policies and procedures can be found here [LINK].

If a complaint alleges conduct that constitutes sexual harassment under Title IX, the following practices and procedures shall apply:

1. After the college receives a report of Title IX sexual harassment, the Title IX Coordinator or the applicable Deputy Title IX Coordinator (referred to collectively here as "a Title IX coordinator") will promptly contact the person who was reported as having experienced the sexual harassment to discuss the availability of supportive measures and to explain the process for filing a formal complaint.
2. Supportive measures, which are available regardless of whether a formal complaint is filed, are non-disciplinary, non-punitive individualized services offered to either party, as appropriate and reasonably available, before or after the filing of a formal complaint or where no formal complaint has been filed. Supportive measures are designed to restore or preserve equal access to the college's education program or activity without unreasonably burdening the other party. They include measures designed to protect the safety of all parties or the college's educational environment, or deter sexual harassment. Supportive measures may include counseling, modifications of work schedules, mutual restrictions on contact between the parties, changes in work locations, leaves of absence (which may be paid or unpaid), increased security and monitoring of certain areas of the campus, and other similar measures. Williams will maintain as confidential any supportive measures provided to the complainant or respondent (including from the other party), to the extent that maintaining such confidentiality would not impair the ability of the college to provide the supportive measures. Both complainants and respondents are encouraged to speak with a Title IX coordinator about the availability of supportive measures at any point in the resolution process.
3. To initiate the process, the complainant must sign (digitally or physically) and submit a written document, called the "complaint," in paper or electronic format, to a Title IX coordinator. The complaint must contain sufficient information regarding the allegations of sexual harassment to permit the respondent to understand the allegations and be able to adequately respond, and for the College to initiate an investigation, including:
a. the name of the respondent, if known;
b. the date or approximate date of the alleged misconduct; and
c. a description of it, including the location.
4. If the investigation reveals other related allegations of instances of sexual misconduct or harassment not otherwise detailed in the complaint, the complainant will have the opportunity to amend the complaint to include allegations of these additional related instances.
5. The college may consolidate multiple complaints in situations that arise out of the same facts or circumstances and involve more than one complainant, more than one respondent, or what amount to counter-complaints by one party against the other. If there are multiple complainants and one respondent, the college may consolidate the complaints where the allegations of sexual harassment arise out of the same facts or circumstances. The requirement for the same facts and circumstances means that the multiple complainants' allegations are so intertwined that their allegations directly relate to all the parties.
6. In select circumstances, a Title IX coordinator may sign a formal complaint and initiate an investigation and adjudication process without the participation of the person alleged to have experienced the sexual harassment. In deciding that circumstances require an investigation, the Title IX coordinator may consider a variety of factors, including whether there is a pattern of alleged harassment by a particular respondent, or whether the allegations involved significant physical injuries, assault or battery, threats of violence, use of weapons, or similar factors. If a Title IX coordinator decides to sign a formal complaint themselves, the person alleged to have experienced sexual misconduct is invited but not required to participate in the investigation and adjudication process.
7. Other than a Title IX coordinator, no other third parties can file formal complaints, but they can report sexual harassment as described above.
8. Administrative leave / Other disciplinary action. Nothing in this policy limits the college's ability to put a party on paid or unpaid administrative leave pending the completion of this process, or take any other action, provided the college complies with the policies and procedures set forth in Section II-W of the Faculty Handbook for faculty or the Workplace Conduct Policies in the Staff Handbook for staff.
9. Informal Resolution. The College will not use an informal resolution process to resolve allegations that an employee, whether faculty or staff, sexually harassed a student. In all other cases under this process, informal resolution is an option under the following circumstances:
a. It must be completely voluntary, and the written consent of both parties will be required;
b. a formal complaint must have been filed; and
c. the Title IX coordinator must agree that the complaint is suitable for informal resolution.

If the complaint proceeds to informal resolution, a Title IX Coordinator will provide the parties with written notice disclosing the allegations and 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. 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, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared. Informal resolution occuring before the start of an investigation
will take the form of the informal process described in Section VII, Appendix A, III.A.
10. Before the investigation is initiated, a Title IX coordinator will provide the parties a notice of alleged violations for their review. The notice of alleged violations will list the policy violation(s) alleged by the complainant that will be investigated and will include the following:
a. A copy of these procedures.
b. The allegations of sexual harassment as defined in the Title IX regulations, with sufficient details to the extent known at the time and with sufficient time to prepare a response before any initial interview. It is important to note that complete details might not emerge until the investigation process is underway.
c. An explanation of the burden of proof and the presumption that respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
d. A request that the parties preserve any potentially relevant documents or other evidence in any format.
e. An explanation that the parties may have an advisor of their choice, who may be an attorney, and may inspect and review evidence.
f. An explanation that the college prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
g. An explanation of the college's prohibition against retaliation.
11. Throughout the process, parties will be given written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings that they are invited or expected to attend, with sufficient time for the party to prepare to participate.
12. If, in the course of an investigation, the college decides to investigate allegations about the complainant or respondent that are not included in the initial notice to parties, a Title IX coordinator will provide notice of the additional allegations to the parties whose identities are known.
13. All parties have the right to be assisted by an advisor throughout the investigation and adjudication process, including at any related meeting. An advisor may, but is not required to be, an attorney. Parties may choose to provide their own advisor, and if the party does not, the college will make an advisor available to the party at no charge. A party may choose to proceed through the investigation phase without an advisor, but each party must have an advisor present for any hearing involving allegations of Title IX sexual harassment. When choosing an advisor, parties should be mindful of the advisor's availability. While the college will make reasonable efforts to take into account the advisor's availability, the college will not allow the advisor's unavailability to unreasonably delay the process and will assign a replacement if necessary to ensure the process moves forward without undue delay.
14. The advisor can help guide the party through the process, and may accompany the party to any meeting with a college employee, any meeting with an investigator, and to the hearing, but does not function as the party's representative and does not participate directly in meetings or hearings related to investigation or adjudication, except for the purposes of questioning witnesses as is explained below. Advisors must follow these procedures and the rules of decorum [LINK]. They may consult with and advise the party they are assisting, but may not
disrupt an investigatory meeting, and may not speak directly to the investigator. As discussed further below, at a Title IX sexual harassment hearing, an advisor may ask relevant questions of the other party and any witness, in accordance with these procedures and provided the advisor complies with the college's rules of decorum [link]. Beyond their roles asking permitted questions and as an advisor to their party, advisors will not actively participate at the Title IX sexual harassment hearings.
15. Confidentiality. College personnel will take reasonable steps to protect the privacy of persons and information. Process participants, including parties and witnesses, should understand that disclosing information learned during the investigation may compromise the integrity of the investigation and could also be construed as retaliation prohibited by college policies and codes of conduct. The college expects that persons will not disclose or re-disclose information learned during the course of the investigation, and both the complainant and respondent will be asked to sign a simple agreement stating that they will not disclose information learned or documentation received during the adjudication process, except as may be required to be able to discuss the allegations under investigation or to gather and present relevant evidence. Persons are, of course, free to discuss their own personal experiences, and to gather information necessary or appropriate to prepare for their participation in the investigation and adjudication process. While the college will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence, the college prohibits conduct towards a witness that might constitute intimidation, retaliation, or "tampering" (for instance, by attempting to alter or prevent a witness's testimony).
16. Withdrawal of Complaint. Prior to a hearing, the complainant may withdraw the complaint. Withdrawal of the complaint may end the process, but in some cases the college may move forward with the investigation and complaint, even after the complainant withdraws it, in order to protect the interests and safety of the college community. The college will inform both parties in a timely manner of its decisions.
17. Acceptance of Responsibility. At any point in the process the respondent may choose to accept responsibility for the conduct alleged in the complaint. If the respondent does so, the process will likely proceed to informal resolution or to the determination of a recommended sanction by a hearing panel to determine the outcome. If both parties are interested in pursuing informal resolution following a respondent's acceptance of responsibility, that option is also available to them. Informal resolution is discussed above in Section 9.
18. Investigation Phase. A Title IX coordinator will designate an investigator to conduct an investigation of the alleged conduct. The designated investigator will have specific training and experience investigating allegations of sexual misconduct, including on how to determine issues of relevance, how to remain unbiased, the dynamics of sexual misconduct, the appropriate manner in which to receive and evaluate sensitive information, and the college's policies and procedures. A Title IX coordinator will oversee the investigation process.
19. The investigator will coordinate the gathering of information from the complainant, respondent, and other individuals or entities that may have relevant information regarding the allegations using any of the methods listed below. The investigator may share information and documentation considered relevant to the allegations with the complainant and respondent for their comment or rebuttal. Relevant information is information that may assist a hearing panel
in determining whether it is more likely than not that the respondent is responsible for the behaviors alleged in the complaint.
20. In addition to reviewing any documents submitted by the complainant and respondent, the investigator will determine whether to obtain other records that may be relevant to the investigation, including, but not limited to documents, police records, electronic or other records of communications between the parties or witnesses, or records of other potentially relevant information. In seeking to obtain such evidence, the investigator will comply with applicable laws and Williams College policies. The investigator may visit sites or locations of potential relevance to the allegations in the complaint and record observations through written or photographic documentation.
21. The complainant and the respondent will have the opportunity to be interviewed separately by the investigator. The investigator may offer the parties the opportunity to participate in more than one interview. The statements of the parties will be audio recorded.
22. The investigator will make a good faith effort to contact and interview any identified witnesses, including those persons no longer at the college or who may not have any affiliation with the college. The parties will have the opportunity to provide witness names to the investigator. The investigator may also interview any other individual believed to have relevant information. The investigator will inform each witness or other individuals interviewed that they are prohibited from retaliating against any participant in the process, including the complainant, respondent, and other witnesses. Final decisions about whom to talk to and what to ask will be made by the investigator, who may decline to interview witnesses whom the investigator believes have only irrelevant or cumulative information. The statements of witnesses will be audio recorded.
23. The investigator may contact any expert the investigator determines is necessary to ascertain the facts related to the complaint or other information the investigator determines is necessary to assist a hearing panel in determining whether it is more likely than not that the respondent is responsible for the allegations in the complaint.
24. The College will not require that parties disclose medical and counseling records, which are privileged and confidential documents; such records cannot be shared with anyone other than the treating professional unless the patient voluntarily agrees to disclosure. The investigator will review the records and will use discretion to determine what information, if any, is relevant to the adjudication of the complaint. Parties are reminded that while only records deemed to be relevant to the resolution of the complaint will be included in the investigation report, all evidence that is directly related to the allegations will be made available to the other party for inspection and review. Please also note that if a party decides to produce such records, the records must be produced in their entirety. The production of excerpts or selected documents will not be considered, though the investigator may redact portions of such records that are not relevant before including them in the investigative report or not directly related to the allegations before making them available for inspection and review by the other party. A party who does not wish to provide substantive medical records may decide to voluntarily provide a verification of therapeutic or medical services to the investigator, confirming simply that such treatment occurred, but not providing any details regarding the treatment.

## 25. Report and Responses

a. Content. The investigator will prepare an investigative report summarizing and analyzing the relevant information determined through the investigation and referencing any supporting documentation or statements. The investigative report may include: summaries of interviews with the complainant, respondent, third-party witnesses, experts, and any other individuals with relevant information; photographs of relevant sites or physical evidence; and electronic records and forensic evidence. The investigator may provide a summary of their impressions including context for the information. The investigator will not make a determination as to whether or not an alleged violation occurred; that decision is reserved for the hearing panel.
b. Distribution of Draft to Parties. The complainant and the respondent will receive a copy of the draft investigative report and will have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the complaint, including any inculpatory or exculpatory evidence whether obtained from a party or other source and any evidence that has not been included in the investigator's report. The draft report and evidence will also be shared with each party's advisor unless a party requests otherwise. The parties have 10 days from receipt of the draft report to submit a written response to the investigator, which the investigator will consider prior to completion of the investigative report. Parties may present arguments in disagreement with an investigator's determination about relevance, propose corrections, provide appropriate context, point out relevant evidence that seems to be missing, or identify additional witnesses that should be interviewed. The investigator has discretion to decide whether to incorporate the parties' requested changes, pursue additional evidence, or otherwise address the parties' submissions.
c. Final Report. The investigator will then create the final investigative report that fairly summarizes relevant evidence and, at least 10 days before the hearing or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

Each party will be permitted to write a response to the final investigative report to be shared with the hearing panel and must provide any such response within 7 days of receiving the final report. The complainant and respondent will each be given a copy of the other's written response prior to the hearing but will not have an opportunity to provide any additional written response.

Parties' written responses will be provided to the hearing panel along with the investigative report. Before presenting the responses to the panel, the hearing officer will review them for any irrelevant or impermissible material and either require that material be removed or redacted from the responses.
26. Administration Resolution. The parties may elect for administrative resolution after the completion of the investigative report, and if they do, the administrative resolution process described in Section VII, Appendix A III.B.3a. will be used. The administrative resolution process will not be used to resolve allegations that an employee, whether faculty or staff, sexually
harassed a student. In all other cases under this process, administrative resolution is an option under the following circumstances:
a. It must be completely voluntary, and the written consent of both parties will be required;
b. a formal complaint must have been filed; and
c. the Title IX coordinator must agree that the complaint is suitable for administrative resolution.

At any time prior to agreeing to a resolution, any party has the right to withdraw from the administrative resolution process and proceed to the hearing process.
27. Determination of Hearing Process / Mandatory Dismissal of Title IX Complaints. If the complaint is not resolved through an informal process, then the hearing process will be determined as follows:
a. If the conduct alleged in the complaint and revealed in the investigation falls within the definition of Title IX sexual harassment described here [LINK], the College will adjudicate the issue of responsibility for Title IX sexual harassment according to procedures set forth below in the following Sections.
b. If the alleged conduct would not constitute sexual harassment as defined under Title IX even if proven, or the conduct did not occur in the college's education program or activity, did not occur against a person in the United States, or did not occur against a member of the Williams College community, then a Title IX Coordinator will dismiss the complaint for purposes of Title IX. The complaint will be adjudicated using the procedures described in Section VII, Appendix A, II.B.3b or III.B.3b as applicable.
c. A Title IX coordinator will promptly send the parties simultaneous written notice of any Title IX dismissals, the basis for the decision, and which hearing process will be used to adjudicate the complaint. Such written notice will be provided as soon as it is clear to the Title IX coordinator that the alleged conduct falls outside the jurisdiction of Title IX and no later than two days following receipt of the parties' final written responses to the investigative report. A Title IX coordinator's decision to dismiss a complaint for purposes of Title IX may be appealed under certain circumstances, as discussed below in Section 37.
28. Title IX Sexual Harassment Hearing Process
a. Composition of Hearing Panel. Hearings to decide complaints of sexual harassment as defined under Title IX shall be conducted by a hearing panel. The hearing panel is composed of five persons that are drawn from the Standing Grievance Panel.

If a complainant is a student, the panel will usually consist of a member of the office of the Dean of the College plus four additional members, drawn from the Standing Grievance Panel. If the respondent is a member of the faculty, at least two persons on the adjudication panel will be faculty. If the respondent is a member of the staff, at least two persons on the adjudication panel will be staff.

If one party in the complaint is a member of the faculty and the other party is a member of the staff, the adjudication panel will consist of two members of the faculty, two members of the staff, and a chair. If the complainant and respondent are both faculty, then the panel will consist of five members of the faculty, one of whom will be chair. If the complainant and respondent are both staff, then the adjudication panel will consist of five members of the staff, one of whom will be chair.
b. All hearing panel members receive training as required under the Title IX regulations, including on the following topics: how to determine issues of relevance; how to remain unbiased in decision making; the dynamics of sexual misconduct; the factors relevant to a determination of credibility; the appropriate manner in which to receive and evaluate sensitive information; the manner of deliberation and the application of the preponderance of the evidence standard; and the College's policies and procedures.
c. Prior to issuing the notice of hearing described below, a Title IX coordinator will provide each party with the full list of potential panelists. Each party will have 24 hours to identify anyone on the list whom they believe cannot be objective in serving on the panel and must provide a brief explanation for that belief.
d. The college will appoint a non-voting hearing officer to conduct the hearing who will also be trained in accordance with the Title IX regulations as described above.
e. Notice of Hearing. A Title IX coordinator will issue a notice of hearing to the complainant and the respondent. The notice of hearing will identify the date, time, and place of the hearing and provide the names of the hearing panel members who have been chosen to serve on the panel for that particular matter. The notice of hearing will be sent at least 7 days prior to the hearing date unless the complainant and respondent agree to an earlier date All witnesses will also be given advance written notice of the date, time, and location of and participants in the hearing. The hearing will be conducted by the use of videoconferencing technology enabling participants simultaneously to see and hear each other. If both parties request an in-person hearing, a Title IX coordinator may grant that request upon a finding that there is a compelling reason for doing so.
f. Pre-Hearing Procedures.
i. Request to Reschedule Hearing. Either party may request to reschedule the hearing. Requests to re-schedule must come directly from the complainant or respondent, must be submitted to a Title IX coordinator as soon as possible and at least 4 business days prior to the scheduled start of the hearing, whenever possible, and must specify the reasons for the request. A Title IX coordinator will decide whether to grant such a request. Title IX coordinators retain the discretion to reschedule the hearing at any time for good cause.
ii. Request to Present Witnesses Not Included in Investigative Report. All witnesses whose testimony is included in the investigative report will automatically be given notice of the hearing with a request that they attend. The college will attempt to schedule the hearing at a time when all witnesses are available, but the hearing officer retains discretion to proceed with the
scheduled hearing if a witness is unavailable or to reschedule the hearing as appropriate in the circumstances. If a party seeks to call a witness whose testimony was considered by the investigator but not included in the investigative report, such a request must be made to a Title IX coordinator at least 4 days before the scheduled hearing and must include the following:

1. Name, e-mail address and phone number of witness the party would like to call;
2. A brief description of the relevant information the witness is expected to provide at the hearing; and
3. A summary of why the witness's presence is relevant to a decision on the complaint.
iii. The hearing officer will determine whether the proposed witness has relevant information to offer at the hearing and will inform the party of their decision at least 48 hours before the scheduled start of the hearing.
iv. If a party seeks to call a witness whose name was not previously given to the investigator, that party must make such a request to a Title IX coordinator as outlined above, and must also include in the request an explanation as to why the witness's name was not previously provided to the investigator. The hearing officer will permit such witnesses to testify at the hearing in rare cases where the party making the request has only learned the identity of the witness or the relevance of the witness's testimony following completion of the investigative report. The hearing officer retains discretion to postpone the hearing in light of such newly discovered witness testimony and to ask the investigator to interview the witness and amend the investigative report as appropriate.
v. Both parties and the hearing panel will learn, prior to the hearing, the list of witnesses expected to appear. All parties and witnesses called to participate in a hearing are encouraged but cannot be compelled to participate.
vi. Request to Present Evidence Not Included in Investigative Report. If a party wishes to present documents or other evidence that was made available to the investigator but not included in the investigative report, the requesting party must submit their request in writing (in advance of the hearing) together with an explanation of the following for each document or other piece of evidence:
4. Identification and description of the document or other evidence the party intends to present; and
5. A summary of why the document or other evidence is relevant to making a decision on the complaint.
vii. The hearing officer will determine if the additional documentation or other evidence is relevant, permitting its use at the hearing. If the additional documentation or evidence is approved, it will be shared with the parties and the hearing panel at least 48 hours prior to the hearing.
viii. If a party seeks to present evidence at the hearing that was not previously made available to the investigator, that party must make such a request to a Title IX coordinator as outlined above, and must also include in the request an explanation as to why the specific piece of evidence was not previously provided to the investigator. The hearing officer will permit use of such evidence at the hearing in rare cases where the party making the request has only learned of the existence of the evidence or its relevance following completion of the investigative report. The hearing officer retains discretion to postpone the hearing in light of such newly discovered evidence and to ask the investigator to consider the newly discovered evidence and amend the investigative report as appropriate.

## 29. Hearing Requirements

a. Participants. Those who may be present at the hearing are: the complainant, the respondent, each party's advisor, witnesses, the hearing officer, and the hearing panel. Witnesses may only be present at the hearing during the call to order and confidentiality portions of the hearing and when they are being questioned. The complainant and respondent may be present throughout the proceedings.
b. Attendance. If a party or any witness fails to attend a hearing, the hearing may be held in their absence, or it may be delayed as may be reasonably necessary to secure their participation. The decision whether to proceed or postpone the hearing will be made by the hearing officer in consultation with a Title IX coordinator. If a party or witness chooses not to participate in the hearing and make themselves available for cross-examination, the hearing panel cannot rely on that person's prior oral or written statements in reaching its decision about responsibility.
c. Standard of Evidence. The hearing panel will determine the respondent's responsibility by a preponderance of the evidence standard, which is whether the evidence supports a finding that it is "more likely than not" that the respondent is responsible for the alleged violation(s).
d. Relevance. Only relevant testimony and other evidence may be presented to the hearing panel and considered by the panel in making a determination of responsibility. Evidence is relevant if it tends to make a fact of consequence more or less likely to be true than it would be without the evidence. For purposes of clarity, the following information is deemed not relevant:
i. information protected by a legally recognized privilege unless the privilege has been waived;
ii. evidence about a complainant's prior sexual history, except as set forth below; and
iii. any party's medical, psychological, and similar records unless the party has given voluntary, written consent.
e. Questions and evidence about the complainant's prior sexual behavior or sexual predisposition are not relevant except in two narrow scenarios: (1) when evidence of
prior sexual behavior is offered to prove that someone other than the respondent committed the misconduct in question and (2) when the sexual history evidence concerns specific sexual incidents with the respondent and is offered to prove consent.
f. Relevance determinations related to a respondent's prior sexual history will be made on a case by case basis. In the case of either party, the hearing officer may direct the hearing panel to give less weight to evidence about that party's prior sexual history when determining whether it is more likely than not that the respondent is responsible for the allegations in the complaint.
g. Recording Proceedings. The college will make an audio or audiovisual recording of the hearing and will make it available: to the parties for inspection and review, for reference by the hearing panel or hearing officer during deliberations, and for review by the Vice President for Institutional Diversity, Equity and Inclusion during any appeal. The hearing panel's deliberations are not recorded.
30. Conducting the Hearing
a. Call to Order. The hearing officer will call the hearing to order. The hearing officer will describe the hearing process and provide an opportunity for all parties to ask procedural questions. The hearing officer will ask everyone to state their name and identify their role in the hearing.
b. Confidentiality. The Hearing Officer will inform parties that the proceedings are confidential as required under law and college policy and that information received at the hearing should not be shared outside the hearing room except as allowed by college policy and applicable law. The hearing officer will repeat a brief overview of the process and discussion of confidentiality for each witness at the start of their testimony.
c. Questioning. The hearing will then proceed directly to questioning. Questioning at the live hearing will be conducted directly, orally, and in real time by the hearing officer, hearing panel, or a party's advisor and never by a party personally. As discussed above, if a party does not have an advisor, the college will provide an advisor to ask questions on that party's behalf. Only relevant, noncumulative questions may be asked of a party or witness.
d. Before a complainant, respondent, or witness answers a question, the hearing officer must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Neither parties nor their advisors will be given an opportunity to challenge the hearing officer's relevance determinations during the hearing.
e. The advisor for each party may ask questions of any other party or witness but may not ask questions of their own party. The hearing officer will determine the order in which parties and witnesses are questioned. In the case of non-party witnesses, as between the parties' advisors, the advisor for the complainant will be given the opportunity to ask questions first, followed by the advisor for the respondent. The hearing officer and
hearing panel may ask questions of any witness at any time.
f. Questioning must adhere to the College's rules of decorum [LINK] at all times and failure to do so may, at the hearing officer's discretion, result in an advisor being barred from further participation in the hearing.
g. If a party or witness does not make themselves available for cross-examination at the live hearing, the hearing panel may not rely on any statement of that party or witness in reaching a determination regarding responsibility. However, the hearing panel also cannot draw an inference regarding the respondent's responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer crossexamination questions. If a party chooses not to participate in a hearing, their advisor may still participate for purposes of asking questions of the other party and witnesses. If a party's advisor also chooses not to participate, the college will appoint an advisor for the purpose of asking such questions.
31. Recall of Witnesses. The hearing panel reserves the right to ask the hearing officer to recall any party or witness during the hearing process for further questions and to seek additional information necessary to make a decision.
32. Discretion of the Hearing Officer. The hearing officer retains discretion to alter, at any time, the order of the hearing process or to call for a break during the course of the proceeding. A party may ask the hearing officer for a break at any point in the hearing, which request will be granted at the hearing officer's discretion. Parties may seek support from someone not participating in the hearing during any permitted break.
33. Dismissal. At the conclusion of all questioning, the hearing officer will conclude the hearing and dismiss all parties.
34. Deliberation, Finding of Responsibility, and Recommended Sanctions.
a. Deliberation and Finding of Responsibility. The hearing panel will deliberate and make a decision regarding responsibility. Four "yes" votes are required for a finding of responsibility. The panel's finding will be communicated simultaneously to the parties in writing.
b. Statements of the Parties. If the hearing panel's finding is that the respondent is responsible for some or all of the conduct described in the complaint, the complainant and respondent will each have the opportunity to briefly address the hearing panel, either in person, by phone or video conference call, or in writing, before a recommended sanction is considered. Any such presentation is optional and would not be made in the presence of the other party. This opportunity is not one in which the facts of the case are discussed or questions are asked by the panel. Rather, it is an opportunity for both parties to present directly to the hearing panel in their own "voice" any additional information, including information about the impact of the incident in question. This opportunity is limited to 15 minutes or the written equivalent thereof.
c. Recommended Sanctions. The panel will then recommend a sanction to the relevant senior administrator (Dean of the Faculty for respondents who are members of the faculty, the Director of Human Resources for respondents who are members of the staff.) The complainant and respondent will each be informed in writing of the recommended sanction.
35. Written Decision. The hearing panel will issue a written decision explaining the finding of responsibility and recommendation of any sanctions. The written decision will include the following:
a. Identification of the allegations potentially constituting sexual harassment;
b. A description of the procedural steps taken from the 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;
c. Findings of fact supporting the determination;
d. Conclusions regarding the application of the code of conduct to the facts
e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions recommended to be imposed 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
f. The procedures and permissible bases for the complainant and respondent to appeal.
36. Notice of Outcome. A Title IX officer will simultaneously distribute the written decision to the respondent and the complainant. Neither the complainant nor the respondent is prohibited from disclosing the outcome of the hearing, but the hearing panel's written decision is subject to the non-disclosure agreement signed by the parties.

## 37. Appeals

a. Request \& Timeline. Both parties have the right to request an appeal of the decision made by the hearing panel or any decision to dismiss a complaint or any allegations therein. The parties have 15 days following the receipt of the written decision to request an appeal. Requests for appeal, with reasons, should be sent in writing within the 15-day time limit to the Vice President for Institutional Diversity, Equity and Inclusion, Leticia Haynes.
b. Grounds for Appeal. The right of appeal is limited to the following grounds: (a) a procedural irregularity that affected the outcome of the matter, (b) newly discovered evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter (deliberate omission of information by the appealing party in the original investigation is not grounds for appeal); and (c) the fact that a Title IX coordinator, investigator(s), hearing officer, or member of the hearing panel had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
c. Procedures on Appeal. All parties will be notified of any written request for an appeal, and will have a 15 -day period to submit a written statement in support of, or challenging, the outcome. If either the complainant or respondent wishes to have other people interviewed to determine whether they have substantive new information pertinent to the appeal that was not available at the time of the original decision, the following process will be followed: (1) The complainant or respondent will write to a Title IX coordinator describing whom they wish to have interviewed and on what topic. (2) The Title IX coordinator or designee will ask the person whether they do, in fact, have information on that topic. (3) If they do, the investigator will ask them questions or request a written statement, and a live hearing will be reconvened to allow the witness to be cross-examined. The appeal process will be suspended until the completion of these steps.
d. If the appeal is granted, its disposition is determined by the Vice President for Institutional Diversity, Equity and Inclusion, who may affirm the decision of the panel, may return it to the original panel or may summon a new panel, and who may task those panels with reviewing the decision either in whole or in part. A decision by the Vice President for Institutional Diversity, Equity and Inclusion to affirm the original panel's decision shall be final.
e. Review by a panel after referral from the Vice President for Institutional Diversity, Equity and Inclusion may result in a change in the decision as to whether or not a violation occurred, or may result in an increase in the recommended sanction, a decrease in the recommended sanction, or no change in the recommended sanction. If the decision of the reviewing panel is to affirm the original decisions as to violation and as to recommended sanction, that decision shall be final. If the decision of the reviewing panel is to change the original decision either as to violation or as to sanction, the reviewing panel's decision shall be subject to appeal in accordance with the foregoing procedures. The results of any such second appeal process shall be final and not subject to further appeal.
f. The results of any appeal and the rationale for the result will be communicated simultaneously and in writing to the complainant and the respondent by a Title IX coordinator.
38. Time Frame for Adjudication. The college endeavors to conclude the adjudication process for all complaints of sexual misconduct within 90 days. This timeframe balances the desire for prompt resolution and finality for all parties with the need to conduct a thorough and fair process. Any of the deadlines contained in these procedures may be extended by the college on its own or at the request of a party. No delay or extension shall be made except for good cause and each such decision will be communicated in writing to the complainant and respondent along with the reason for the college's decision. Decisions not to grant an extension will be communicated to the requesting party in writing.
39. Final determination of sanction in cases involving respondents who are members of the faculty.
a. If the recommended sanction is termination of the respondent's appointment for cause, the Dean of the Faculty will initiate proceedings pursuant to Section II-V: Termination of

Faculty Appointment for Cause of the Faculty Handbook. If the recommended sanction is a major sanction, such as suspension from service for a stated period, the Dean of the Faculty will initiate proceedings pursuant to Section II-W: Procedures for Imposition of Sanctions on Faculty Other than Dismissal, "Major Sanctions," of the Faculty Handbook. If the recommended sanction is a minor sanction, the Dean of the Faculty will initiate proceedings in accordance with Section II-W., "Minor Sanctions," of the Faculty Handbook. In all cases covered by this policy the sole determination to be made according to the processes described in Sections II-V: Termination of Faculty Appointment for Cause and II-W: Procedures for Imposition of Sanctions on Faculty Other than Dismissal of the Faculty Handbook will be the final sanction to be imposed on the respondent. After any appeal, the determination by the adjudication panel that the respondent violated the college's Non-Discrimination, Harassment and Sexual Misconduct Policy shall be final and shall not be subject to review or reconsideration in the sanctions process.
b. The sanctions panel convened at this stage of the process will receive as evidence the letter of findings and recommended sanction from the adjudication panel described in sub-section III.B.3b. The sanctions panel will also have access to the report of the investigator and responses written by either party to that report, and to previous disciplinary records of the respondent, if any, as well as the recording of the hearing. The sanctions panel may request assistance from a Title IX coordinator.
c. The faculty member does not have the right to compel the complainant to appear before the sanctions panel. The complainant's testimony may be represented by the investigator's report and the recording of the hearing.
d. Although the complainant cannot be compelled to appear before the sanctions panel, in all cases covered by this policy the complainant will have an equal right as the respondent to be heard by the Dean of the Faculty, any hearing committee convened pursuant to the provisions of Section II-V: Termination of Faculty Appointment for Cause or II-W: Procedures for Imposition of Sanctions on Faculty Other than Dismissal, and by the Board of Trustees.
e. Final decisions as to sanctions will be reported in writing simultaneously to the complainant and the respondent, as well as to the Title IX Coordinator.
40. Final determination of sanction in cases involving respondents who are members of the staff.
a. Final determination of sanctions involving respondents who are members of the staff will be made by the Director of Human Resources, in conjunction with the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator and relevant supervisor(s) of the staff member. They may take into account previous disciplinary records of the staff member in making their decision regarding sanction. Final decisions as to sanctions will be reported in writing simultaneously to the complainant and the respondent, as well as to the Title IX Coordinator.
41. Additional Matters
a. Retaliation. Retaliation of any kind against the person who reports sexual misconduct or against any person who participates or chooses not to participate in the adjudication process is strictly prohibited. Any retaliation will be treated as a new and additional violation of the college's Non-Discrimination, Harassment, and Sexual Misconduct Policy.
b. Throughout the process parties will have access to support services provided by the college, including student support services for students and the Employee Assistance Program for employees.
c. In the event that a participant in the process raises a claim that a Title IX Coordinator, investigator(s), hearing officer, or member of the hearing panel has a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent, that might affect the outcome of the process, the Title IX Coordinator will review the claim, determine its validity, and if necessary appoint an alternate without such a conflict or bias. If the claim relates to a Title IX Coordinator, the President of the College, or her designee shall review the claim, determine its validity, and if necessary appoint an alternate without such a conflict or bias.

## Revision History for the Faculty Handbook

Revisions are made to the Faculty Handbook annually to reflect changes that were passed by a vote of the Faculty during the previous year, as well as smaller technical or editorial changes made in accordance with the procedure outlined in Section I-E.

Changes made in the 2020-2021 handbook from the 2019-2020 edition:

## 1. Technical changes to Sections II-V and Section II-W as described in the memorandum from the FSC accompanying the October 16, 2020 faculty meeting agenda.

These changes update the text of the handbook to reflect the dissolution of the Faculty Review Panel, which the faculty voted on in December 2018.

## FIRST REVISION:

The following text is taken from the 2019-2020 Handbook. Additions to the text are boldface and highlighted in gray. Deletions have been struck out.

## Section II-V: Termination of Faculty Appointment for Cause

Termination of an appointment with continuous tenure, or of a non-tenured appointment before the end of the specified term, may be effected by the College upon due notice but only for adequate cause. The burden of proof that adequate cause exists rests with the College and shall be satisfied only by clear and convincing evidence ${ }^{1}$ in the record considered as a whole.

Should the cause alleged be (a) bona fide financial exigency, (b) discontinuation of a program or department of instruction, or (c) mental or physical incapacity on the part of the appointee, the procedures followed will be those stipulated in Regulation 4 of the "Recommended Institutional Regulations on Academic Freedom and Tenure" formulated by the American Association of University Professors. ${ }^{2}$ The Faculty Steering Committee will discharge the tasks allotted to the faculty committees mentioned in Regulation 4 items (c) and (d).

Should the cause alleged be that of serious shortcomings on the part of a faculty member in the discharge of his or her professional duties (termination thus constituting dismissal), the dismissal must be preceded by the following procedures: (1) discussions between the faculty member and the President of the College with the aim of arriving at a mutual settlement; (2) an informal

1 "Clear and convincing evidence" means evidence that is positive, precise and explicit. It means evidence that makes a proposition at issue substantially more likely than not to be true. It requires greater certainty than is required to satisfy a "preponderance of evidence" standard, but not the level of certainty required to satisfy a "beyond a reasonable doubt" standard.
${ }^{2}$ See the AAUP's Policy Documents and Reports, 2006 ed., pp. 24-5.
inquiry by the Committee on Appointments and Promotions, which may, failing to effect an adjustment, determine whether in its opinion formal dismissal proceedings should be undertaken, without its opinion being binding upon the President; (3) a statement of charges, framed with reasonable particularity by the President.

NOTE: By federal law, cases involving charges of sexual misconduct are held to a preponderance of evidence standard. In such cases, if there is a question of the complainant in the original case being called as a witness, the Title IX Coordinator must also be brought in to provide alternative accommodations.

A dismissal (as defined above) will be preceded by a statement of reasons, and the faculty member concerned will have the right to be heard initially by a hearing committee that will consist of three members drawn from the Faculty Steering Committee and, if fewer than three members of that Committee are eligible, from previous Faculty Steering Committees. the Faculty Review Panel. Any member of the Faculty Steering Committee or the Faculty Review Panel potentially affected by bias or interest may be deemed ineligible at the member's own initiative. Either of the two parties to the case may also request that a proposed member of the hearing committee be deemed ineligible because of potential bias or interest. ${ }^{3}$ In addition, each party may without stated cause exclude a maximum of one person otherwise eligible for the hearing committee. Should these or other constraints make it impossible to convene a full hearing committee, the Faculty Steering Committee may draw hearing committee members from previous Steering Committees. or Faculty Review Panels.

The formal dismissal proceedings will follow a detailed set of guidelines, which are described in Section VII-B: Dismissal or Sanction Hearing Guidelines and are derived from Regulation 5.c.(1)-(16) and Regulation 6 of the "Recommended Institutional Regulations on Academic Freedom and Tenure" of the American Association of University Professors (AAUP Policy Documents and Reports, 2006 ed., pp. 26-27).

## SECOND REVISION:

The following text is taken from the 2019-20 Handbook. Additions to the text are boldface and highlighted in gray. Deletions have been struck out.

## Section II-W: Procedures for Imposition of Sanctions on Faculty Other Than Dismissal

These procedures are modeled on Regulation 6, "Recommended Institutional Regulations" of the AAUP (AAUP Policy Documents and Reports, 2006 ed., p. 27).

## Major Sanctions

NOTE: By federal law, cases involving charges of sexual misconduct are held to a preponderance of evidence standard. In such cases, if there is a question of the complainant in the original case being called as a witness, the Title IX Coordinator must also be brought in to

[^16]If the administration believes that the conduct of a faculty member, although not constituting adequate cause for dismissal, is sufficiently grave to justify the imposition of a major sanction such as suspension from service for a stated period, the administration may institute a proceeding to impose such a major sanction. The procedures for holding a formal hearing for a proposed major sanction and for constituting the hearing committee are described in Section II-V: Termination for Cause and Section VII-B: Dismissal or Sanction Hearing Guidelines.

## Minor Sanctions

If the administration believes that the conduct of a faculty member may justify the imposition of a minor sanction, such as a reprimand, warning, or restriction for a limited period of time on the kinds of teaching and advising roles in which the faculty member may serve, the Dean of the Faculty will undertake an inquiry into the allegations giving rise to such a belief, unless the allegations involve discriminatory behavior. In the latter case, the Discrimination Grievance Procedures apply. In all other cases, should the Dean of the Faculty decide to proceed to the imposition of such a minor sanction, he or she will provide the faculty member with an opportunity to present a case against its imposition. The Dean of the Faculty will consider the matter further and report his or her finding and proposed sanction(s), if any, to the faculty member in writing and within one week of hearing the faculty member's case.

## Appeal of Sanction

NOTE: By federal law, cases involving charges of sexual misconduct are held to a preponderance of evidence standard. In such cases, if there is a question of the complainant in the original case being called as a witness, the Title IX Coordinator must also be brought in to provide alternative accommodations.

Should the faculty member believe that the finding is unwarranted or that the sanction is unjust or that the sanction is major, and therefore should not be imposed without benefit of the type of procedures referred to in paragraph 1 above, he or she may appeal the Dean of the Faculty's ${ }^{4}$ decision to a hearing committee.

- The hearing committee shall be appointed by the Faculty Steering Committee and shall consist of three members drawn from the Steering Committee or, in the case that fewer than three members of the Steering Committee are eligible, from previous Faculty Steering Committees. the Faculty Review Panel. ${ }^{5}$ Any member of the Steering Committee or the Faculty Review Panel potentially affected by bias or conflict of interest will be deemed ineligible for the hearing committee, either by the member's own initiative or at the request of either party to the case.
- Prior to the hearing, the committee will receive from the Dean of the Faculty a copy of

[^17]the report of his or her finding(s) and proposed sanction(s). It will also receive, from the faculty member, a written statement of the grounds for the appeal. The committee will proceed with its hearing informally and in private, keeping its proceedings confidential and resolving by majority vote, if necessary, any issues relating to procedural matters or to its ultimate findings.

- The hearing committee shall report its decision within two weeks of the termination of its hearings. Should it reject the grounds for the appeal it will so inform the faculty member in writing, with a copy forwarded to the Dean of the Faculty. Should it find the grounds for the appeal compelling, it will make a formal recommendation to the President.
- The President's resolution of the case shall be final, and he or she shall report the final resolution, in writing, to the hearing committee, the Dean of the Faculty, and the faculty member.

2. Technical or editorial change: gendered pronouns were changed to the singular "they" throughout the handbook, as described in the memorandum accompanying the February 2020 faculty meeting agenda.

For purposes of illustration here are several instances of text as it appeared in the 2019-20 Handbook, followed by the text as it will appear in the 2020-21 Handbook. For those who wish to review every change, a pdf of the current Faculty Handbook with every edit highlighted is available in the "Faculty Steering Committee" folder within the shared Google drive "Faculty Governance Archives."

## Example 1, from the "Table of Contents":

## 2019-20 text:

## SECTION VII. APPENDICES

B. Guidelines for a Formal Hearing in the Case of Dismissal or Suspension of a Faculty Member Because of Serious Shortcomings in the Discharge of His or Her Professional Duties

## 2020-21 text:

## SECTION VII. APPENDICES

B. Guidelines for a Formal Hearing in the Case of Dismissal or Suspension of a Faculty Member Because of Serious Shortcomings in the Discharge of Their Professional Duties

Example 2, from "Committees Dealing with Faculty Governance":

## 2019-20 text:

## Election to the Faculty Steering Committee

...No member is eligible for re-election until at least one year after his or her full term has expired.

## 2020-21 text:

## Election to the Faculty Steering Committee

...No member is eligible for re-election until at least one year after their full term has expired.
Example 3, from Section II-L: Evaluation of Academic Faculty Teaching, Scholarship, and Service to the College Community:

## 2019-20 text:

## The Evaluation of Scholarship

...in submitting this list, the candidate shall specify what, if any, relationship he or she has had to each person on the list.

## 2020-21 text:

## The Evaluation of Scholarship

...in submitting this list, the candidate shall specify what, if any, relationship they have had to each person on the list.
3. New Section II-H on Evaluation Committees: changes as described in the memorandum from the CAP attached to the April 15, 2020 faculty meeting agenda.

The following language has been added to the Faculty Handbook after what is currently section II-G "Academic Program Governance" and be labeled section "II-H On Evaluation Committees." As a result, the subsequent numbering for subsections of section II will be altered to reflect this insertion.

## Proposed Evaluation Committee Language for the Faculty Handbook, as new Section II-H On Evaluation Committees:

At the time of hire, tenure-line faculty may be appointed with an evaluation committee in cases where evaluation by a single unit is not the most appropriate means of evaluation. Such cases include but are not limited to: appointment to an academic unit with fewer than three tenured faculty members, and appointment to more than one academic unit (a "joint" appointment between units). Under some circumstances, continuing, non-tenure-line faculty may also have evaluation committees (e.g., an insufficient number of eligible faculty in one's home unit to conduct assessment, or a joint appointment).

The Dean of the Faculty will appoint the members and chair of the evaluation committee in consultation with faculty members in the hiring unit(s) and those in related scholarly and curricular areas. If the hired faculty member does interdisciplinary work, the Dean of the Faculty will strive to appoint at least one member of the evaluation committee who also does interdisciplinary work in related fields. Ideally, the evaluation committee will be appointed before the beginning of the faculty member's start date. Members of the evaluation committee will also receive official notification at that time. Faculty members appointed with evaluation committees are full voting members of the unit(s) to which they are appointed.

## Composition:

Evaluation committees for tenure-line faculty should consist of no fewer than three tenured faculty members. There is no upper limit on their size, but typically they consist of four or five tenured faculty members. For tenure-line faculty jointly appointed into two or more units, the evaluation committee will typically have members representing those units and not exceed six members. The Dean of Faculty will strive to create consistency between the evaluation committees in units where more than one faculty member has an evaluation committee, while also recognizing the need to include evaluation committee members with appropriate expertise to evaluate the faculty member. The Dean of the Faculty appoints one faculty member as the chair of the evaluation committee.

The Dean of the Faculty strives to maintain consistency in the evaluation committee, especially during the faculty member's pre-tenure years. Any changes to the composition of the evaluation committee or its chair must be approved by the CAP and the Dean of the Faculty. The Dean of the Faculty communicates any changes in the chair or the composition of the evaluation committee to the faculty member with the evaluation committee at the time of the change. Chairs of evaluation committee may rotate with leaves patterns or for other reasons. In the event that an evaluation committee member departs from the college or can no longer serve, the CAP and the

Dean of Faculty may appoint a replacement member or elect to continue with an evaluation committee of reduced size.

When the faculty member is appointed in a small academic unit, the evaluation committee will expand to include faculty members in that unit as they become tenured, if they are senior to the faculty member with the evaluation committee. If the number of tenured members in that unit increases to three or more, the Dean of the Faculty and CAP may release the members of the evaluation committee from other units from service on the committee after the tenure decision. In cases of joint appointments, the expansion of the evaluation committee is determined on a case by case basis by the Dean of the Faculty and the CAP.

For Associate Professors with evaluation committees, the same evaluation committee ideally conducts the interim Associate Professor report and Promotion-to-Full report. The Dean of the Faculty and CAP will appoint additional Full Professors to the committee to assure a committee of at least three full professors, as needed to replace Associate Professors, those who have left the college or are unable to serve.

## Evaluative Work:

The members of the evaluation committee collect, discuss, and assess the performance and progress of the tenureline faculty member according to the general guidelines for evaluation of teaching, scholarship/creative work, and service in the Faculty Handbook. See Section II-
L Evaluation of Academic Faculty Teaching, Scholarship, and Service to the College Community (substantially revised July 1, 2017).

Consistent with evaluation in academic units generally, faculty are expected to remain members of an evaluation committee through the promotion to full process. All members of the evaluation committee are expected to participate in annual staffing reports even when on leave. Members of an evaluation committee may only recuse themselves from the committee if appointed to an administrative position with a college-level evaluative role such as Dean of the Faculty or Provost.

Evaluation committees develop and submit a "Statement of Methods of Evaluation" to the CAP for approval within the first two months of the faculty member's employment at the college, so that it is finalized no later than the end of the fall semester. The "Methods of Evaluation" will be modeled on others for the unit(s) of appointment (if there are any); however, differences in disciplinary and interdisciplinary areas may result in methods of evaluation for two pre-tenure faculty members in the same unit that are not identical.

The chair prepares and submits the annual staffing report in consultation with and with the approval of the committee members; arranges for the evaluation of teaching and scholarship, and advises the faculty member, including by communicating the views of the evaluation committee regarding their progress. All members of the evaluation committee participate in the evaluation of teaching. The chair, in consultation with the evaluated faculty member, may invite faculty members from relevant units who are not on the evaluation committee to conduct classroom observations. These faculty members write an observation report and discuss it with the
evaluated faculty member, but they do not participate in the discussions to prepare the annual staffing report and do not have a vote regarding recommendation for reappointment, or tenure.

## Relationship between Evaluation Committees and Units:

In appointing an evaluation committee, the Dean of Faculty strives for significant overlap between the members of the evaluation committee and the members of the academic unit(s)and/or advisory committee. Still, the chair of the academic unit(s) in which a faculty member with an evaluation committee is appointed may not be a member of that faculty member's evaluation committee. In this case, unit chairs remain responsible for unit-related business with the assistant professor such as curricular planning, timing for course offerings, programming for the unit, advising majors and/or concentrators. The unit chair does not participate in evaluative discussions leading to staffing reports. However, unit chairs provide a supplemental letter to the evaluation committee at the end of each academic year. This supplemental letter records the assessment of the tenured members of the unit following the process and criteria for affiliated faculty in section II-H of Faculty Handbook, attesting to the curricular and service contributions of the assistant professor to the unit. To that end, the unit chair receives SCS scores, as well as copies of the teaching and service sections of the annual staffing reports. The chair does not receive the staffing report section on the professor's research and creative work, or evaluative materials gathered for annual assessments or for reappointment, tenure, and promotion reviews.

The evaluation committee chair should have a clear picture of the unit's curricular needs and history, and the unit chair should understand what the evaluation committee is communicating in terms of teaching to the pre-tenure faculty member. To that end, evaluation committee chairs and unit chairs need to establish clear communication practices so that the pre-tenure faculty member receives consistent messages about their course offerings and the evaluation of their teaching. The evaluation chair and unit chair discuss the unit chair(s)'s supplemental letter at the beginning of each fall semester. Once the staffing report is completed, the evaluation committee chair shares the teaching and service section with the unit chair(s), and the chairs meet again to discuss the unit's curricular needs as they impact the pre-tenure faculty member, and the evaluation committee's recommendations regarding teaching and service for the pre-tenure faculty member.

## 4. Technical change to Section II-L as described in a memorandum accompanying the May 2020 faculty

 meeting agenda.
## REVISION:

The following text is taken from page 51 of the 2019-20 Handbook. Additions to the text are boldface and highlighted in gray. Deletions have been struck out.

The Dean of the Faculty should be notified when the review has been received so that a stipend can be sent to the reviewer. The standard stipend is $\mathbf{\$ 2 5 0 . 0 0} \$ 150.00$.
5. Technical or editorial changes made to Section III-G (Faculty and Administrative Staff Housing) as described in memoranda accompanying the May 2020 faculty meeting agenda.

Previous text of Section III-G, from the 2019-20 Handbook:

## Section III-G: Faculty and Administrative Staff Housing (p. 125)

Mortgage Benefit
Program

The College makes subsidized mortgages available to eligible faculty and administrative staff in order to assist them in acquiring homes in the Williamstown area. This benefit is intended to help these employees when first entering the Williamstown area housing market.

The mortgage benefit is available for houses in Williamstown and in a "double ring" of surrounding towns. In Massachusetts: Adams, Cheshire, Clarksburg, Florida, Hancock, Lanesboro, New Ashford, North Adams, Pittsfield, Richmond, and Savoy; in Vermont: Bennington, Pownal, and Stamford; in New York: Berlin, Canaan, Grafton, Hoosick, New Lebanon, Petersburg, Poestenkill, Sand Lake, and Stephentown.

The maximum amount of financing available under this program is currently $\$ 100,000$. This benefit is available as a first or second mortgage only. Total indebtedness on the property may not exceed $100 \%$ of the purchase price or appraised value, whichever is the lower of the two. The interest rate will be established at the time the mortgage is approved and will be one-half the prevailing rate at the Williamstown Savings Bank for a $70 \%$, fixed rate first mortgage of like term, but not less than a twenty- year term.

College mortgages will be approved for a maximum term of twenty-five years. The mortgage will be in effect until the borrower has reached the term of the loan or leaves the College for any reason, including retirement.

Only one College mortgage is available to each eligible employee during the course of employment at Williams, although that mortgage can be transferred to another property (see "Transferal" below). The College mortgage is intended to help finance a local. . If land is purchased with a College mortgage, the parcel financed cannot exceed five acres without special permission, and a home for the borrower must be built on the parcel within two years of the purchase date. No dwelling in which two or more faculty or administrative staff members cohabit may be mortgaged through the College for more than the maximum amount of one full mortgage.

The employee borrower must occupy the financed real estate as a local residence except (a) for any period that the borrower is on an approved leave from the College, (b) for any period when construction or repair work makes occupancy of the home impractical.

The property may not be rented / leased in excess of 60 days total for the academic year, except when the borrower is on an approved leave from the college. Borrower may rent / lease the property for the entire summer period (from June 1 through August 30) in addition to the 60 days during the academic year.

## Faculty Eligibility

Tenured faculty members with appointments at .75 FTE or greater are able to borrow up to the maximum amount of financing available at the time the initial mortgage is approved. Tenured faculty members with appointments of at least .5 but less than .75 FTE are able to borrow in proportion to the normal percentage of their full-time appointment.

Tenure track faculty who have not yet received tenure, with at least two years remaining on their contract and appointments at . 75 FTE or greater, may borrow up to the maximum available at the time on a matching equity basis. Tenure track faculty with appointments of at least .5 but less than .75 FTE are able to borrow in proportion to the normal percentage of their full-time appointment, again, on a matching equity basis. Upon promotion to tenure, the maximum amount of financing available at the time the initial mortgage was approved becomes available without the matching equity restriction (see "Refinancing" below).

Faculty not holding tenured or tenure-track appointments are eligible to borrow as outlined below, and in proportion to the normal percentage of their full-time appointment.

Senior Lecturers with appointments at .5 FTE or greater may borrow on a matching-equity basis during their first six years of service. After that they may borrow up to the maximum amount available at the time the initial mortgage was approved without the matching equity restriction.

Faculty in the Department of Physical Education with two years remaining on a three-year contract may borrow up to the maximum available at the time on a matching equity basis. Upon promotion to a five- year appointment,
faculty in the Department of Physical Education are eligible for the maximum amount available at the time the initial mortgage was approved without the matching equity restriction.

Artists-in-Residence with appointments at .75 FTE or greater may borrow on a matching-equity basis during their first six years of service. After that they may borrow up to the maximum amount available at the time the initial mortgage was approved without the matching equity restriction.

Lecturers and Instructors at . 5 FTE or greater who have completed three years of satisfactory service are able to borrow in proportion to the percentage of full-time appointment on a matching equity basis. Those who simultaneously hold more than one part-time appointment are eligible for the proportional benefit based on the sum total of their FTE allotments.

Eligibility for part-time faculty who hold primary appointments as administrative staff is governed by the regulations for staff eligibility.

## Staff Eligibility

All newly hired administrative staff who do not own a house in the defined College mortgage area are eligible, at any time during their first eight years of eligible employment at the College, for a College mortgage on a matching equity basis, up to the maximum amount of financing available at the time.

## Transferal and Refinancing

Employees with College mortgages may transfer their mortgage if they sell their home in order to purchase another home in the defined College mortgage area. The borrower must bear all the expenses associated with transferring the mortgage. The amount available for transfer to the new property is limited to the balance remaining on the original mortgage, regardless of the maximum amount of financing available under this benefit at the time of the transfer.

The holder of a matching equity mortgage who has earned eligibility for a mortgage free of this restriction may increase the College mortgage. Borrowers may increase their mortgage up to the difference between the original amount borrowed and the mortgage limit prevailing at the time of the original mortgage. The original matching equity mortgage will be consolidated with the additional amount borrowed into a new mortgage bearing a composite, weighted interest rate.

## Documents

The College's mortgage loan is contingent upon standard agreements as follows: a promissory note and mortgage; a life insurance proceeds agreement with the College in the amount of the loan, signed by the borrower and the life insurance beneficiary(ies); a wage-withholding agreement to allow mortgage payment deductions from paychecks; assignment of adequate insurance to Williams; and repurchase agreement on Williamstown area homes.

## Rental Housing Overlap

College employees may not take out a College mortgage and remain in rental housing for more than three months. The three-month period is to allow for work on the purchased home before moving in. A six- month overlap is allowed for employees building a new home. The six-month overlap is calculated from the point at which $75 \%$ of the College mortgage has been drawn down, but no later than 12 months from the closing date of the mortgage. If additional time is needed in rental housing, the rent will increase by $10 \%$ to compensate the College for the subsidized mortgage rate.

Employees with College mortgages are not eligible to apply for College rental housing until the mortgage is paid off, at which point they would be eligible under Group 2.

Those seeking more information should consult with the Mortgage Administrator in the office of the Vice President for Finance \& Administration.

## Pine Cobble Development

Eligible faculty and staff have the opportunity to purchase building lots from the College in the Pine Cobble subdivision for the construction of homes for their primary residence. Those eligible include non- visiting faculty of all ranks (as well as members of the staff as defined in the Administrative Staff Handbook) who do not already own a home in the Williamstown area and who have not purchased College land in the past.

The Pine Cobble subdivision, located in Williamstown within a few miles of the College campus, had sixty lots for sale at the initial offering in December 1991. It was designed under the principle of cluster zoning, which allows individual lot sizes to vary from the Williamstown Zoning Bylaw requirements in return for an equal or greater amount of open or public space.

The terms of purchase of a lot in the Pine Cobble subdivision allow the eligible faculty or staff member to purchase the land from the College without an initial cash outlay. At the time of resale of the property the employee pays the College for the land, including any appreciation in value. This arrangement allows the employee to defer the expense of the land purchase and provides for the sharing of the property's appreciation between the College and the employee. Purchase in the Pine Cobble subdivision has some attendant complexities related to tax issues, legal requirements and building restrictions. The importance of understanding these and other issues makes it essential for all employees who are interested in considering the purchase of a Pine Cobble lot to contact the Office of the Vice President for Finance \& Administration for more detailed information.

REVISED text of Section III-G, for the 2020-21 Handbook: Edited text is in red and also marked by italicizing new or emended text. Text that has been removed is struck out.

## Section III-G: Faculty and Administrative Staff Housing (p. 125):

## Mortgage Benefit

## Program

The College makes subsidized mortgages available to eligible faculty and administrative staff in order to assist them in acquiring homes in the Williamstown area. This benefit is intended to help these employees when first entering the Williamstown area housing market.

The mortgage benefit is available for houses in Williamstown and towns within a "double ring" 50 mile straight line radius of surrounding towns. In Williamstown. 880 Main Street, Williamstown Massachusetts: Adams, Cheshire, Clarksburg, Florida, Hancock, Lanesboro, New Ashford, North Adams, Pittsfield, Richmond, and Savoy; in Verment: Bennington, Pownal, and Stamford; in New York: Berlin, Canaan, Grafton, Hoosick, New Lebanon, Petersburg, Poestenkill, Sand Lake, and Stephentown-will be the address of record for measurement purposes. All properties within a town proper / zip code are considered eligible for the mortgage benefit as long as some portion of the town proper / zip code resides within the 50 mile radius, even if the property itself is slightly more than 50 miles from 880 Main Street.

The maximum amount of financing available under this program is currently $\$ 100,000$. This benefit is available as a first or second mortgage only. Total indebtedness on the property may not exceed $100 \%$ of the purchase price or appraised value, whichever is the lower of the two. The interest rate will be established at the time the mortgage is approved and will be one-half the prevailing rate at the Williamstown SavingsMountainOne Bank for a $70 \%$, fixed rate first mortgage of like term, but not less than a twenty-year term.

College mortgages will be approved for a maximum term of twenty-five years. The mortgage will be in effect until the borrower has reached the term of the loan or leaves the College for any reason, including retirement.

Only one College mortgage is available to each eligible employee during the course of employment at Williams, although that mortgage can be transferred to another property (see "Transferal" below).

No dwelling in which two or more faculty or administrative staff members cohabit may be mortgaged through the College for more than the maximum amount of one full mortgage.

If an eligible employee terminates employment at the College and returns at some point in the future, they may borrow again from the College, assuming they remain eligible for the program, but are limited to the balance on the original mortgage at the time it was paid off.

The College mortgage is intended to help finance a local. permanent residence. If land is purchased with a College mortgage, the parcel financed cannot exceed five acres without special permission, and a home for the borrower must be built on the parcel within two years of the purchase date. Ne dwelling in which two or more faculty or administrative staff members cohabit may be mortgaged through the College for more than the maximum amount of one full mortgage.

The employee borrower must occupy the financed real estate as a local residence except (a) for any period that the borrower is on an approved leave from the College, (b) for any period when construction or repair work makes occupancy of the home impractical, or (c) in the event of a divorce or separation, if the financed real estate will be occupied by an ex-spouse / partner with minor children and payroll deductions continue by the eligible employee.

The property may not be rented / leased in excess of 60 days total for the academic year, except when the borrower is on an approved leave from the college. Borrower may rent / lease the property for the entire summer period (from June 1 through August 30) in addition to the 60 days during the academic year.

## Faculty Eligibility

Tenured faculty members with appointments at .75 FTE or greater are able to borrow up to the maximum amount of financing available at the time the initial mortgage is approved. Tenured faculty members with appointments of at least .5 but less than .75 FTE are able to borrow in proportion to the normal percentage of their full-time appointment. Tenure track faculty who have not yet received tenure, with at least two years remaining on their contract and appointments at .75 FTE or greater, may borrow up to the maximum available at the time on a matching equity basis.

Tenure track faculty with appointments of at least .5 but less than .75 FTE are able to borrow in proportion to the normal percentage of their full-time appointment, again, on a matching equity basis. Upon promotion to tenure, the maximum amount of financing available at the time the initial mortgage was approved becomes available without the matching equity restriction (see "Refinancing" below).

Faculty not holding tenured or tenure-track appointments are eligible to borrow as outlined below, and in proportion to the normal percentage of their full-time appointment.

Senior Lecturers with appointments at .5 FTE or greater may borrow on a matching-equity basis during their first six years of service. After that they may borrow up to the maximum amount available at the time the initial mortgage was approved without the matching equity restriction.

Faculty in the Department of Physical Education with two years remaining on a three-year contract may borrow up to the maximum available at the time on a matching equity basis. Upon promotion to a five-year appointment, faculty in the Department of Physical Education are eligible for the maximum amount available at the time the initial mortgage was approved without the matching equity restriction.

Artists-in-Residence with appointments at .75 FTE or greater may borrow on a matching-equity basis during their first six years of service. After that they may borrow up to the maximum amount available at the time the initial mortgage was approved without the matching equity restriction.

Lecturers and Instructors at . 5 FTE or greater who have completed three years of satisfactory service are able to borrow in proportion to the percentage of full-time appointment on a matching equity basis.

Those who simultaneously hold more than one part-time appointment are eligible for the proportional benefit based on the sum total of their FTE allotments.

Eligibility for part-time faculty who hold primary appointments as administrative staff is governed by the regulations for staff eligibility.

## Staff Eligibility

All newly hired administrative staff, with appointments of .5 FTE or greater, who do not own a house in the defined College mortgage areawithin a 20 mile straight line radius of campus, are eligible, at any time during their first eight years of eligible employment at the College, for a College mortgage on a matching equity basis, up to the maximum amount of financing available at the time.

## Transferal and Refinancing

Employees with College mortgages may transfer their mortgage if they sell their home in order to purchase another home in the defined College mortgage area. The borrower must bear all the expenses associated with transferring the mortgage. The amount available for transfer to the new property is limited to the balance remaining on the original mortgage, regardless of the maximum amount of financing available under this benefit at the time of the transfer.

The holder of a matching equity mortgage who has earned eligibility for a mortgage free of this restriction may increase the College mortgage. Borrowers-Eligible faculty borrowers may increase their mortgage up to the difference between the original amount borrowed and the mortgage limit prevailing at the time of the original mortgage. The original matching equity mortgage will be consolidated with the additional amount borrowed into a new mortgage bearing a composite, weighted interest rate.

## Documents

The College's mortgage loan is contingent upon standard agreements as follows: a promissory note and mortgage; a life insurance proceeds agreement with the College in the amount of the loan, signed by the borrower and the life insurance beneficiary(ies); a wage-withholding agreement to allow mortgage payment deductions from paychecks; assignment of adequate insurance to Williams; and repurchase agreement on homes with a Williamstown area homes-mailing address.

## Rental Housing Overlap

College employees may not take out a College mortgage and remain in rental housing for more than three months. The three-month period is to allow for work on the purchased home before moving in. A six-month overlap is allowed for employees building a new home. The six-month overlap is calculated from the point at which $75 \%$ of the College mortgage has been drawn down, but no later than 12 months from the closing date of the mortgage. If additional time is needed in rental housing, the rent will increase by $10 \%$ annually to compensate the College for the subsidized mortgage rate.

Employees with College mortgages are not eligible to apply for College rental housing until the mortgage is paid off, at which point they would be eligible under Group 2.

Those seeking more information should consult with the Mortgage Administrator in the office of the Vice President for Finance \& Administration.

## Pine Cobble Development

Eligible faculty and staff have the opportunity to purchase building lots from the College in the Pine Cobble subdivision for the construction of homes for their primary residence. Those eligible include non-visiting faculty of all ranks (as well as members of the staff as defined in the Administrative Staff Handbook) who do not already own a home in the Williamstown area and who have not purchased College land in the past.

The Pine Cobble subdivision, located in Williamstown within a few miles of the College campus, had sixty lots for sale at the initial offering in December 1991. It was designed under the principle of cluster zoning, which allows individual lot sizes to vary from the Williamstown Zoning Bylaw requirements in
return for an equal or greater amount of open or public space.
The terms of purchase of a lot in the Pine Cobble subdivision allow the eligible faculty or staff member to purchase the land from the College without an initial cash outlay. At the time of resale of the property the employee pays the College for the land, including any appreciation in value. This arrangement allows the employee to defer the expense of the land purchase and provides for the sharing of the property's appreciation between the College and the employee. Purchase in the Pine Cobble subdivision has some attendant complexities related to tax issues, legal requirements and building restrictions. The importance of understanding these and other issues makes it essential for all employees who are interested in considering the purchase of a Pine Cobble lot to contact the Office of the Vice President for Finance \& Administration for more detailed information.
6. Technical or editorial changes made to Section ....remuneration of outside reviewers... described in the May 2020 Faculty Bulletin.

## Revision History for the Faculty Handbook

Revisions are made to the Faculty Handbook annually to reflect changes that were passed by a vote of the Faculty during the previous year, as well as smaller technical or editorial changes made in accordance with the procedure outlined in Section I-E.

Changes made in the 2019-2020 handbook from the 2018-2019 edition:

1. Section I-D (College and Faculty Governance and Administration: Administrative Advisory Groups); and Section I-C (College and Faculty Governance and Administration: Faculty Committees and Panels) were changed to reflect changes in the membership of CAFA and the status of CAFA as a standing committee that were voted in by the faculty in 2018 but were not reflected in the 18-19 Handbook.

Below is the deletion from Section I-D; the addition to Section I-C; and the correction to Section I-C.

## DELETION FROM: Section I-D

## The Committee on Admission and Financial Aid (CAFA)

The Committee on Admission and Financial Aid advises the Provest and the Dean of Admission and Financial Aid on admission strategies and financial aid. The Provost chairs the Committee, whose other members include the Dean of Admission and Financial Aid, the Dean of the College, the Director of Admission, the Director of Financial Aid, the Vice President for Institutional Diversity and Equity, the Director of Institutional Research, and four faculty members appointed by the Provest in consultation with the Faculty Steering Committee.

## ADDITION TO Section I-C (in italics):

## The Committee on Admission and Financial Aid (CAFA)

The Committee on Admission and Financial Aid is a standing committee that advises the Provost and the Dean of Admission and Financial Aid on admission strategies and financial aid. The Provost chairs the Committee, whose other members include the Dean of Admission and Financial Aid, the Dean of the College, the Director of Admission, the Director of Financial Aid, the Vice President for Institutional Diversity and Equity, the Director of Institutional Research, and four faculty members, one of whom must be from the Athletics Department, appointed by the Provost in consultation with the Faculty Steering Committee.

## CORRECTION TO: Section I-C (in italics):

The Committee on Admission and Financial Aid is a standing committee that advises the Provost and the Dean of Admission and Financial Aid on admission strategies and financial aid. The Provost chairs the Committee, whose other members include the Dean of Admission and Financial Aid, the Dean of the College, the Associate Dean of the College, the Director of Admission, the Director of Financial Aid, the Vice President for Institutional Diversity and Equity, the Director of Institutional Research, and four faculty members, one of whom must be from the Athletics Department, appointed by the Provost in consultation with the Faculty Steering Committee.
2. Changes to Section II-D and Section I-C based on motion dissolving Faculty Review Panel, passed at December Faculty Meeting (from December Motion Dissolving Faculty Review Panel)

Section II.D. of the Faculty handbook now reads (with cross-outs indicating what was eliminated):
Within two weeks of receipt of the petition, the Chair of the Faculty Steering Committee, in consultation with the other members of the Faculty Steering Committee, will appoint a Review Committee consisting of a chair and four
additional members chosen from the faculty Faculty Steering Committee and the Faculty Review Panel in such a way that at least one, and at most two, are non-tenured members of the faculty and at least one is a member of the Faculty Steering Committee. No member of the faculty-Faculty Steering Committee or Faculty Review Panet who has participated in making the decision being appealed, or who is a member of the petitioner's department or program, shall serve on the Review Committee. Nor shall any members of the current CAP, members of the current Standing Grievance Panel, or First Three Directors who served in that role while the appellant participated in First Three. Similarly, should-Should the Chair of the Faculty Steering Committee have participated in that decision or be a member of the petitioner's department or program, his or her function for the particular case shall be discharged by a member of the Faculty Steering Committee not so involved. That member will be designated by the remaining members of the Faculty Steering Committee.

Should these or other constraints make it impossible for the Faculty Steering Committee to appoint a full Review Committee, it may select members from previous Faculty Steering Committees or Faculty Review Panels. At the time the Review Committee is to be constituted, the petitioner and the Dean of the Faculty may express concerns about potential conflicts of interest for any of the candidates on the Faculty Steering Committee and/or the Faculty Review Panelfor the Review Committee. In addition, the Chair of the Faculty Steering Committee will ask candidates under consideration for the Review Committee whether there are any reasons they might not be able to render a fair judgment. The Faculty Steering Committee will consider this information when forming the Review Committee.

## The current description (below) of the Faculty Review Panel was removed from Section I: C (College and Faculty Governance and Administration) of the Faculty Handbook.

Faculty Review Panel (12-0-0)
The Faculty Review Panel is composed of 12 faculty, no staff, and no students ( $12-0-0$ ).
The Faculty Review Panel is composed of twelve faculty members who stand available to serve, at the request of the Chair of the Faculty Steering Committee, as members of a review committee or hearing committee in cases involving Appeals of Reappointment or Promotion Decisions, Termination for Cause, or Imposition of Sanctions other than Dismissal. The twelve members are also members of the standing panel from which the President appoints a grievance committee to hear cases of alleged diserimination (see Non-Diserimination Policy and Grievance Procedures).

## Election to the Faculty Review Panel

The Panel is elected in the same fashion as the Faculty Steering Committee. There are two tenured and two nontentred members from each division; members normally serve two year terms; and there is a two stage election process. Nominations oceur at the April meeting and the elections at the May meeting.

If an untenured faculty member on the Faculty Review Panel comes up for a tentre review during his or her term, he or she will be replaced on the Panel at the beginning of the academic year in which they are considered for tenure. These untentred slots will be filled following the regular two-stage election process. Nominations will oceur at the September faculty meeting and the elections at the October faculty meeting.

A faculty member may not be a member of the Faculty Steering Committee and the Faculty Review Panel at the same time. A faculty member sitting on or elected to the Faculty Steering Committee is not eligible to be elected to the Faculty Review Panel. If a member on the Faculty Review Panel is elected to the Faculty Steering Committee, he or she will be replaced on the Panel.

The Faculty Review Panel is replenished on a rolling basis when a member has completed service on a tenure review committee or other appeal or hearing committee as defined above. The member is released from the rest of his or her two year term on the Panel, and nominations and an election will be held over the next two faculty meetings to replace him or her with a faculty member of the same division and tenure status. The newly elected
member serves a two-year term from the time of his or her election.

## 3. Change to Section I-C based on motion on staffing committees that was passed at December Faculty Meeting

The following three sentences were inserted at the end of the introduction to Section I-C of the Faculty Handbook:

In the event that there are not enough eligible or willing people meeting the compositional requirements for a particular appointed committee, the Faculty Steering Committee will have the ability to appoint a faculty member from other divisions or ranks.

In the event that there are not enough eligible or willing people meeting the compositional requirements for a particular elected committee (excluding the Committee on Appointments and Promotions, the Faculty Steering Committee, and the Curricular Planning Committee) the Faculty Steering Committee will have the ability to nominate a faculty member from other divisions or ranks.

In the event that a committee member steps down from an elected committee (with the exception of the Committee on Appointments and Promotions, the Faculty Steering Committee, and the Curricular Planning Committee) mid-year (any time after July 1), the Faculty Steering Committee will appoint a replacement for the remainder of the year or term. The appointed replacement will satisfy the criteria of division and rank where necessary unless no such candidates are available.

## Revised Section I-C: Faculty Committees and Panels (with additions in italics)

Committees and panels composed largely of faculty (and, in some cases, staff and/or students) carry a considerable share of the responsibility for creating and implementing College policies. These committees and panels are listed below, arranged by the content of their work: faculty appointments and promotions, faculty governance, intellectual life and the curriculum, institutional policy and resources, student life and academic standing.

There are also two different types of committees listed below: standing and non-standing. Standing faculty committees are permanent committees created by a vote of the faculty. Change in their composition or charge requires faculty approval. Faculty are either elected or appointed to standing faculty committees. Non-standing committees are less permanent and can be created without a vote of the faculty.

At the beginning of each academic year faculty are asked if they are unwilling to serve on the Committee on Appointments and Promotions, Faculty Steering Committee, Curricular Planning Committee, and Faculty Review Panel respectively. The names of unwilling faculty will not appear on the respective nomination ballot for each of these committees during that academic year. Faculty members may, at any time, contact the Dean of the Faculty to reverse their current preference of service.

Each spring faculty are asked to indicate their preferences for assignments to committees. The President, acting through the Dean of the Faculty and in consultation with the Faculty Steering Committee, appoints faculty to nonelective committees. The at-large members of the Faculty Compensation Committee, however, are appointed directly by the Faculty Steering Committee.

The group composition of each committee is indicated by the three numbers that appear after the title: the first represents the number of faculty; the second the number of staff and ex officio administrators, the third the number of student members. Ex officio members, unless otherwise indicated, are voting members. (See Voting Membership for eligibility information.)

In the event that there are not enough eligible or willing people meeting the compositional requirements for a particular appointed committee, the Faculty Steering Committee will have the ability to appoint a faculty member from other divisions or ranks.

In the event that there are not enough eligible or willing people meeting the compositional requirements for a particular elected committee (excluding the Committee on Appointments and Promotions, the Faculty Steering Committee, and the Curricular Planning Committee) the Faculty Steering Committee will have the ability to nominate a faculty member from other divisions or ranks.

In the event that a committee member steps down from an elected committee (with the exception of the Committee on Appointments and Promotions, the Faculty Steering Committee, and the Curricular Planning Committee) mid-year (any time after July 1), the Faculty Steering Committee will appoint a replacement for the remainder of the year or term. The appointed replacement will satisfy the criteria of division and rank where necessary unless no such candidates are available.
4. Section I-C was changed based on motion limiting number of committees on which they are unwilling to serve, that was passed at the February Faculty Meeting.

The following sentence was added to the fourth paragraph of Section I-C (College and Faculty Governance and Administration: Faculty Committees and Panels):
"The Faculty Steering Committee shall allow faculty to specify a limited number of committees for which they are unwilling to serve."

The revised Handbook for 2019-2020 reads:
"Each Spring, faculty are asked to indicate their preferences for assignments to committees. The Faculty Steering Committee shall allow faculty to specify a limited number of committees for which they are unwilling to serve."
5. Section II: D of the Handbook was revised to allow a mechanism for the Faculty Steering Committee to get an extension on the deadline establishing a review committee.

The sentence in Section II:D in the 2018-2019 Handbook that currently reads "[s]hould the CAP or the Review Committee be unable to meet a given deadline, the petitioner will be formally notified of the reason for the delay,"
was revised to read:
"[s]hould the CAP, the Faculty Steering Committee, or the Review Committee be unable to meet a given deadline, the petitioner will be formally notified of the reason for the delay."
6. Technical or editorial change made to Section III-I (The College Tuition Grant Program) in accordance with the procedure outlined in Section I-E, and described in the September 2018 Faculty Bulletin.

The following two sentences were added to Section III-I (The College Tuition Grant Program):
Receipt of the Williams College Tuition Grant may affect the financial aid awarded by the college or university the child is attending. For specific information, contact the Financial Aid office at the dependent child's school.

## Final revised language for Section III-I: The College Tuition Grant Program:

## The Williams College Tuition Grant Plan Summary

...Currently these grants are not considered taxable income for federal or state purposes. However, if there is a change in the tax laws, or a need to restructure the College's benefit package for any reason, the nature and applicability of this benefit will be reviewed, and upon approval of the Board of Trustees, may be changed. The College cannot, in any case, guarantee the after-tax value of the tuition grants.

Receipt of the Williams College Tuition Grant may affect the financial aid awarded by the college or university the child is attending. For specific information, contact the Financial Aid office at the dependent child's school.

To obtain further details of the College Tuition Grant Program or to apply for the benefit, faculty and staff members should contact the Office of Human Resources at 4478.
7. Technical or editorial changes made to Section III-G (Faculty and Administrative Staff Housing), in order to allow eligible commuting faculty and staff to purchase real estate locally using the College's mortgage benefit, made in accordance with the procedure outlined in Section I-E, and described in the September 2018 Faculty Bulletin.

PREVIOUS Section III-G: Faculty and Administrative Staff Housing (with additions indicated by italics and deletions by cross-outs)

## Mortgage Benefit Program

The College makes subsidized mortgages available to eligible faculty and administrative staff...
...Only one College mortgage is available to each eligible employee during the course of employment at Williams, although that mortgage can be transferred to another property (see "Transferal" below). The College mortgage is intended to help finance a localprimary residence. and cannot be used to finance the purchase of a second home or rental property. If land is purchased with a College mortgage, the parcel financed cannot exceed five acres without special permission, and a home for the borrower must be built on the parcel within two years of the purchase date. No dwelling in which two or more faculty or administrative staff members cohabit may be mortgaged through the College for more than the maximum amount of one full mortgage.

The employee borrower must occupy the financed real estate as a localprimary residence except (a) for any period that the borrower is on an approved leave from the College, (b) for an aggregate of 150 days in any year (noneumulative from year to year), and (c) for any period when construction or repair work makes occupancy of the home impractical.

The property may not be rented / leased in excess of 60 days total for the academic year, except when the borrower is on an approved leave from the college. Borrower may rent / lease the property for the entire summer period (from June 1 through August 30) in addition to the 60 days during the academic year.

## Final Revised Language for Section III-G, "Faculty and Administrative Staff Housing": Mortgage Benefit Program

The College makes subsidized mortgages available to eligible faculty and administrative staff...
...Only one College mortgage is available to each eligible employee during the course of employment at Williams, although that mortgage can be transferred to another property (see "Transferal" below). The College mortgage is intended to help finance a local residence. If land is purchased with a College mortgage, the parcel financed cannot
exceed five acres without special permission, and a home for the borrower must be built on the parcel within two years of the purchase date. No dwelling in which two or more faculty or administrative staff members cohabit may be mortgaged through the College for more than the maximum amount of one full mortgage.

The employee borrower must occupy the financed real estate as a local residence except (a) for any period that the borrower is on an approved leave from the College, (b for any period when construction or repair work makes occupancy of the home impractical.

The property may not be rented / leased in excess of 60 days total for the academic year, except when the borrower is on an approved leave from the college. Borrower may rent / lease the property for the entire summer period (from June 1 through August 30) in addition to the 60 days during the academic year.

## 8. Technical or editorial changes made to Section III-I (The College Tuition Grant Program) in accordance with the procedure outlined in Section I-E, and described in the November 2018 Faculty Bulletin.

## Revised Section III-I: The College Tuition Grant Program, to replace the current Section III-I.

Dependent children of benefit-eligible faculty and staff at Williams College who are enrolled in accredited college programs leading to an academic degree (excluding secondary and graduate schools) are eligible for a grant that covers the tuition costs plus any fees normally covered under the Williams College tuition, up to an annual maximum dollar amount of one-half the prevailing tuition at Williams. Eligibility begins when the employee has completed five years of full-time service, and the tuition grant benefit is payable for a maximum of four years per dependent child. The program covers children of retired, deceased, or disabled employees, subject to the fiveyear service requirement. If the spouse of a deceased employee remarries, the eligibility for the benefit will be reviewed. The terms of the benefit are detailed on the tuition grant webpage maintained by the Benefits Office.

## Section III-I in the 2018-2018 Faculty Handbook, edited with proposed changes:

As part of the Williams College employee benefits package, eligible employee can receive tuition support for dependents to attend a college or university. This benefit is equal to the lesser of, the tuition amount at the college/university the employee's child is attending plus any fees normally covered under the Williams tuition amount or one half of Williams' tuition for 2016-2017, the maximum Tuition Grant Benefit amount will be $\$ 25,745$. If both parents work at the college, the benefit will apply to one parent.

If your dependent is planning on using the benefit during the $2016-2017$ academic year either for the FIRST TIME or is CURRENTLY receiving the benefit and plans on continuing to utilize it, please complete the Annual Tuition
Grant Benefit Request Form. If you have questions about this benefit, please call $597-4478$ or e-mail
kmaloney@williams.edu.

## The Williams College Tuition Grant Plan Summary

Dependent children of benefit-eligible faculty and staff at Williams College who are enrolled in accredited college programs leading to an academic degree (excluding secondary and graduate schools) are eligible for a grant that covers the tuition costs plus any fees normally covered under the Williams College tuition, up to an annual dollar amount of one-half the prevailing tuition at Williams. The Tuition Grant Benefit is payable for a maximum of four years per dependent child.Eligibility begins when the employee has completed five years of full-time service, and the tuition grant benefit is payable for a maximum of four years per dependent child. The program covers children of retired, deceased, or disabled employees, subject to the five-year service requirement. If the spouse of a deceased employee remarries, the eligibility for the benefit will be reviewed. The terms of the benefit are detailed on the tuition grant webpage maintained by the Benefits Office.

- -The employee must be benefit eligible in a regular faculty or staff position, and must have completed five years of full-time service at Williams. Faculty members with appointments other than full-time should refer to the Faculty Handbook for eligibility.
- The program covers children of retired, deceased, or disabled employees, subject to the five-year service requirement. If the spouse of a deceased employee remarries, the eligibility for the benefit will be reviewed.
- -In order for the child to be considered a dependent of the eligible employee, the child must meet the "qualifying child" criteria established by the IRS. The tests to determine dependency are explained in the IRS' instructions for completing Form 1040 U.S. Individual Income Tax Return. The College reserves the right to request documentation of a child's dependency at any time.
- The Tuition Grant Program is not applicable to secendary or graduate sehools.
- No more than four dependents per eligible employee family may use this benefit.
- The grant can be applied to tuition costs plus fees that are normally covered under Williams College fuition, for any aceredited college program leading to an academic degree. An itemized bill will be required each semester from all state institutions to determine the amount of the tuition grant payment.

The five-year service requirement is counted from the employee's date of hire in a fully benefited eligible position. If the service requirement is satisfied after the dependent child has started a semester, the grant will be available at the start of the next academic period.

New regular faculty and staff hired into benefit eligible positions will be credited with years of service and be eligible for the Tuition Grant Program if their employer immediately prior to Williams College had a tuition support program for which the employee was eligible. The College will request verifieation of such a program by requiring a copy of the prior employer's policy statement describing details of the benefit.

Each spring the Office of Human Resources will send a memo to all employees reminding them of the benefit and request that employees whe plan on using the benefit in the next academic year to indicate which sehool their ehild(ren) will be attending by completing a form above.

Futition checks are mailed by the Benefits Office directly to each college in early August for the fall semester and in December for the spring semester. If an instittion operates on a trimester sehedule, the third payment is sent in early March. The Benefits Office will notify the Bursar of dependent(s) who will attend Williams and the appropriate accounts will be credited. The employee should contact the benefits office if they resign from Williams after the tuition payment has been made.

Currently these grants are not considered taxable income for federal or state purposes. However, if there is a change in the tax laws, or a need to restructure the College's benefit package for any reason, the nature and applicability of this benefit will be reviewed, and upen approval of the Board of Trustees, may be changed. The College camnet, in any case, guarantee the after tax value of the tuition grants.

To obtain further details of the College Tuition Grant Program or to apply for the benefit, faculty and staff members should contact the Office of Human Resources at 4478.
9. Technical or editorial change to Section II-P (Terms of Service for Faculty in the Department of Physical Education) on tuition benefit for PE Faculty, in accordance with the procedure outlined in Section I-E and described in fthe April Faculty Bulletin

The following sentence will be added to Section II-P (Terms of Service for Faculty in the Department of Physical Education):
"PE faculty on three-year contracts are therefore eligible for the staff tuition benefit as described in the staff handbook."

## Final revised language for Section II-P: Terms of Service for Faculty in the Department of Physical Education, under the heading "Appointments, Reappointments and Promotions," (paragraph 4, added sentence in italics)

Faculty in the Department of Physical Education are appointed to the rank of assistant professor either as an initial appointment or as a promotion from the rank of lecturer following a national search. Normally in the fall of a faculty member's third year as an assistant professor, a decision will be made whether to reappoint him or her to a second three-year term. If the decision is positive, the assistant professor will, in the fall of his or her sixth year in rank, become eligible for reappointment to a five-year term. A Master's degree is required for promotion to a five-year term, except in exceptional circumstances. PE faculty on three-year contracts are therefore eligible for the staff tuition benefit as described in the staff handbook. Once promoted, assistant professors on five-year terms hold the most senior rank in the Department of Physical Education, and though these are term appointments and not tenured positions, further reappointments for terms of five years may take place thereafter. All assistant professors in PE are voting members of the faculty.
10. Technical or editorial change to Appendix C: Safety and Public Health: Committees and Policies: Nonsmoking Policy, made in accordance with the procedure outlined in Section I-E and described in the MayFaculty Bulletin

Below is a revision to Appendix C: Safety and Public Health: Committees and Policies: Non-smoking Policy

## Current Handbook Language:

All members of the community and visitors are expected to comply with the College's regulations on smoking. Because both smoking, and its secondary effects, are known to be health concerns, the College prohibits smoking in all buildings, offices, and indoor facilities of the College. The two exceptions are in College-owned faculty/staff rental housing and in the individual student rooms of College-owned student housing. In student housing, smoking is not permitted in any common space (common rooms, living rooms, kitchens, entries, stairwells, etc.). In individual student rooms, students may smoke as long as it does not infringe on the rights of others to a smoke-free environment. The College Council urges students to designate their smoking preferences in the annual room draw, particularly if they play to live in a suite, or double room. In faculty/staff rental housing, in apartments and/or duplexes, smoking is not permitted in any shared areas (hallways, entries, etc.) of the facility, nor in fire or safety hazard exits. Smoking is not permitted in College vehicles. Members of the community are asked to comply with and to enforce these policies. Complaints or questions should be directed to the appropriate Senior Staff member: for faculty, the Dean of the Faculty; for students, the Dean of the College; for any and all others, the Vice President for Finance \& Administration and Treasurer.

## Revised Handbook Language replaces the above paragraph with the following three sentences:

All members of the community and visitors are expected to comply with the College's regulations on smoking.
Because both smoking, and its secondary effects, are known to be health concerns, the College prohibits smoking in all buildings, offices, and indoor facilities of the College. The College's policy on smoking may be found here: https://sec.williams.edu/health-policies/smoking-policy/

## Revision History for the Faculty Handbook

Revisions are made to the Faculty Handbook annually to reflect changes that were passed by a vote of the Faculty during the previous year, as well as smaller technical or editorial changes made in accordance with the procedure outlined in Section I-E.

## Changes made in the 2018-19 edition from the 2017-18 edition:

1. The lists of Departments and Interdisciplinary Programs in the "Undergraduate Divisions, Departments, and Programs" subheading I-B on pages $4-5$ were updated to reflect the new status of Arabic Studies and African Studies as departments.
2. The following text of Section II-S was deleted from pages 62-63 of the 2017-18 Handbook:

## Section II-S: Sexual Harassment Policy

Nothing in this policy statement should be taken to supersede the College's commitment to academic freedom, which it hereby re-affirms. The College follows the American Association of University Professors" "1970 Interpretive Comments" of the "1940 Statement of Principles on Academic Freedom and Tenure, with 1970 Interpretive Comments," which state that "controversy is at the heart of ... free academic inquiry" but simultaneously "underscore the need for teachers to avoid persistently intruding material which has no relation to their subject" (AAUP Policy Documents and Reports, Ninth ed., 2001, p. 5).

Policies and procedures, approved by the Faculty on December 5, 1990 and by the Board of Trustees on January 19, 1991, effective as of May 6, 1991. See accompanying Non-Discrimination Policy and Grievance Procedures. Policies and Procedures are also available in the Student Handbook, the Faculty Handbook, the Support Staff Handbook, and the Administrative Staff Handbook.

A healthy and productive educational community is one in which students, faculty, and staff treat each other with mutual respect. Such a community requires an atmosphere free of discrimination. Williams College, in compliance with state and federal law, does not discriminate in admission, employment, or administration of its programs and activities on the basis of sex, sexual orientation, gender identity, gender expression, national or ethnic origin, race, color, religion or creed, age, or disability. Sexual harassment, a form of discrimination based on sex or sexual orientation, clearly endangers such an atmosphere and is not tolerated at Williams College. Behavior that constitutes sexual harassment is also prohibited by both state and federal law.

The College's definition of sexual harassment, which is based on the definition formulated by the federal Equal Employment Opportunity Commission and state legislation, is as follows:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment, instruction, or participation in other College activities, or submission to or rejection of such conduct by an individual is used as a basis for making academic, employment, or personnel decisions affecting that individual, or such conduct has the purpose or effect of unreasonably interfering with an individual's performance by creating an intimidating or hostile educational or working environment.

Sexual harassment breaches the trust that should exist among members of an educational community. Sexual harassment can have an impact on any member of the college community regardless of sex or sexual orientation. It can occur between people whether or not they are in a relationship where one has power over the other, or are of different sexes or gender identities. Victims can be anyone - students or members of the faculty or staff, superiors, subordinates, or peers. Sexual harassment can disturb the climate in classroom, residence, or workplace, and alter the course of one's education or career, presenting obstacles to the free and full development of an individual. It can, moreover, cause serious and lasting harm to an individual. The College is committed, therefore, to taking whatever action may be needed to prevent, correct, and, if necessary, discipline behavior that constitutes sexual harassment. Officers of the College and advisors who are conversant with the definitions of sexual harassment and the procedures the College uses to prevent and remedy discriminatory behavior are available to all members of the community for consultation. (See Section VII-A: Discrimination Grievance Procedures, Advising Procedure for definition of the officers and advisors.)

The term sexual harassment covers a broad range of behavior. Examples of the forms it can take include sexually offensive remarks or conduct; repeated or persistent remarks, jokes, or other actions that are demeaning to one's sex, gender identity, gender expression, or sexual orientation; unwanted physical contact; requests or demands for sexual favors accompanied by implicitly or explicitly promised rewards or threatened punishment; attempted or completed physical sexual assault. Behavior that constitutes sexual harassment is actionable under the College's discrimination grievance procedures.

Sexual harassment may also be at issue in relationships that begin as consensual ones. Anyone in a position of institutional authority over other persons should be sensitive to the potential for coercion in sexual relationships that also involve professional relationships. These problematic relationships may involve persons in a position of authority over their institutional subordinates (e.g., tenured faculty and non-tenured faculty; administrators and staff), or they may involve those who teach and counsel students. Sexual harassment, when it exploits the authority the institution gives to its faculty and staff, or otherwise compromises the boundary between personal and professional roles, is an abuse of the power the College entrusts to its faculty and staff. Anyone who willingly enters into a sexual relationship is, of course, in some measure personally responsible for the consequences of having done so. In cases, however, where a sexual relationship between a faculty member and a student, or a supervisor and a subordinate, occurs during a period of instructional or supervisory responsibility, the person in the position of authority will be held accountable, by virtue of his or her professional responsibility, should a claim of sexual harassment be lodged against him or her. The recommendations and requirements described in sections 1 and 2 below are designed to protect the integrity of the College's instructional, counseling, and supervisory responsibilities by separating sexual relationships from professional ones where instruction or supervision is involved.

## 1. Potentially Coercive Relationships Between Students and Faculty or Staff

All faculty are in a position of power with regard to students; hence, sexual relationships between faculty and students are almost always inappropriate. Sexual relationships between faculty and students put claims of consent in question. It is difficult for a student to be certain of the motives of a member of the faculty. A person in a position of authority cannot be certain that the student's consent is genuine, rather than motivated by an unspoken fear of the consequences of not consenting. In addition, a sexual relationship with a student may raise questions of unfair academic advantage or of unwarranted negative evaluation. These questions may adversely affect the educational environment of other students as well as the student directly involved. Should any of these questions arise, sexual discrimination is at issue.

A sexual relationship between a faculty member and a student violates the College's Sexual Misconduct Policy_when a faculty member has teaching, evaluative, formal advising, or supervisory responsibilities for
that student, even if the parties involved view the relationship as consensual. A member of the faculty cannot initiate or agree to a relationship with a student with whom he or she has any teaching, evaluative, formal advising, or supervisory roles. To protect the integrity of the educational process, the College also requires a faculty member to refrain, except under unusual circumstances and with the permission of the appropriate executive officer ${ }^{1}$, from taking on any teaching, evaluative, formal advising, or supervisory roles involving a student with whom he or she has had a sexual relationship in the past. If the College receives a complaint that a member of the faculty violated this policy, the College shall follow the procedures laid out in Appendix B of the Faculty Handbook to investigate and adjudicate this complaint. If the complaint is found to be valid, the faculty member will be subject to disciplinary action. A faculty member who has questions about this policy should consult the Dean of the Faculty.

## 2. Potentially Coercive Relationships Involving Faculty and/or Staff

A sexual relationship with a member of the faculty or staff for whom one has professional responsibilities may similarly put claims of consent into question or raise questions of unfair evaluation. To protect the integrity of the working relationships among employees, the College requires anyone in a position of authority a) to refrain from any supervisory, evaluative or counseling role involving a subordinate with whom he or she has had a sexual relationship in the past, unless the circumstances warrant a waiver. The College also requires a faculty or staff person b) to remove him or herself from any supervisory, evaluative, or counseling role involving a subordinate employee with whom he or she currently has a sexual relationship. The parties involved should consult with either party's executive officer or department chair/director concerning the need for a waiver or a removal. That person shall grant or deny the waiver or arrange for the removal, and the parties involved shall abide by the administrator's decision. A faculty or staff person who does not abide by rules (a) and (b) is at substantial risk under College policy to complaints of coercion, or of preferential or prejudicial treatment. ${ }^{2}$ Should the complaint be found valid, the faculty or staff member will also be subject to disciplinary action.

Williams College takes seriously any allegation of sexual harassment and will investigate all such charges promptly. In deciding whether alleged conduct constitutes sexual harassment, and in determining the degree of seriousness of the harassment, the College will look at the record as a whole and at the totality of the circumstances, such as the nature of the sexual conduct and the context in which the alleged incidents occurred. The College's actions, which are designed primarily to remedy any harm done to those who have been subjected to sexual harassment and to protect other members of the community, may range from a warning to suspension or expulsion, when the offender is a student. When the offender is a faculty or staff member, the disciplinary action may range from a reprimand to non-reappointment or the initiation of proceedings for dismissal for cause. They may also include warnings regarding the consequences of future misconduct, removal from certain teaching, advising, or supervisory roles, and other restrictions on the person's professional role at the College. Students and employees who believe they have been sexually harassed may use the discrimination grievance procedures in the Student Handbook, Faculty Handbook, Administrative Staff Handbook, and Support Staff Handbook. Questions of confidentiality are addressed in the discrimination grievance procedures, Section II-T: Non-Discrimination Policy and Section VII-A: Discrimination Grievance Procedures).
(Revised July 31, 2015)

[^18]The following text was added in place of the deleted material on pages 69-75 of the 2018-19 Handbook:

## Section II-S: Non-Discrimination, Harassment, and Sexual Misconduct Policy ${ }^{1}$

Williams College is committed to maintaining a fair and respectful environment for all members of its community. In compliance with state and federal law and as a matter of its own principles, the college prohibits discrimination against any person on the basis of race, sex, ethnicity or national origin, religion, age, disability, marital status, sexual orientation, gender identity, or veteran status. These factors may not hinder employment or study, nor be permitted to have an adverse influence upon decisions regarding students, employees, applicants for admission, applicants for employment, or members of the community. In addition, the college prohibits harassment, that is, behavior that creates an intimidating, hostile, or offensive work or learning environment for any member of the community. The college also prohibits sexual misconduct by any member of the college community. Members of the Williams College community are expected to uphold these principles as a matter of mutual respect and fairness.

Discrimination breaches the trust that should exist among members of an educational community. Discriminatory behavior or patterns can disturb the climate in the classroom, residence, or workplace, and alter the course of an education or career, presenting obstacles to the free and full development of an individual. It can, moreover, cause serious and lasting harm to an individual and to the college community. Williams College is committed, therefore, to taking whatever action may be needed to prevent and, if necessary, correct acts of discrimination and to prevent, correct, and if necessary, discipline behavior that constitutes discrimination or discriminatory harassment.

Members of the college community who believe they have been subjected to discrimination, harassment, or sexual misconduct are encouraged to bring these concerns forward. Concerns may be brought directly to the Vice President for Institutional Diversity and Equity or the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator. Reports may also be made to appropriate deputies (for students, the Dean of the College; for staff, the Director of Human Resources; for Faculty, the Dean of the Faculty) or relevant American with Disabilities Act (ADA) officer, who will then work with the Office of Institutional Diversity and Equity to resolve the concern. Campus Safety and Security, local police, state and/or federal agencies may also be contacted, either immediately or at any point during a college investigation. Normally, college investigations and hearings can occur simultaneously with external ones.

When a report is made the college will treat the identities of the parties and the substance of the claims as confidential, except as is reasonably necessary to carry out the investigative process and to ensure the safety of the community. Williams College policy explicitly prohibits retaliation, academic or otherwise, against employees or students for bringing complaints of discrimination, harassment, or sexual misconduct forward.

Possible sanctions if a student or employee of the college is found to have violated the college's NonDiscrimination, Harassment, and Sexual Misconduct Policy include the full range of disciplinary sanctions available at the college, up to and including suspension from the college for one or more semesters and expulsion, in the case of a student, or dismissal in the case of a College employee.

## I. Definitions

## A. Discrimination

${ }^{1}$ This policy may also be followed in cases involving complaints of discrimination, harassment or sexual misconduct brought against college employees or students by persons who are not members of the college community, e.g. visitors to the campus or participants in college programs or activities.

Discrimination is defined as the denial of rights, benefits, equitable treatment, or access to facilities available to all others, to an individual or group of people because of their race, sex, ethnicity or national origin, religion, age, disability, marital status, sexual orientation, gender identity, or veteran status. Discrimination can take the form of isolated or repeated behaviors directed against an individual or a group (see "Discriminatory Harassment," "Sexual Harassment," and "Sexual Misconduct") or of patterns of inequitable treatment in a workplace or learning environment.

## B. Harassment/Bullying

Harassment is unwelcome verbal, non-verbal, or physical conduct that:
has the purpose or effect of unreasonably interfering with the individual's work or educational performance;
creates or has the intention of creating an intimidating, hostile, or offensive working and/or learning environment; or
unreasonably interferes with or limits one's ability to participate in or benefit from an educational program or activity.

Harassment may involve isolated or continuing acts of intimidation, coercion, bullying, and/or verbal, nonverbal, or physical abuse. Examples of the forms it can take include targeted remarks or jokes, threats, ostracism, public humiliation, and physical actions, including unwanted touching and physical assault.

The targets of harassment can be anyone: students or members of the faculty or staff, superiors, subordinates, or peers.

## C. Discriminatory Harassment

Discriminatory harassment is harassment targeted at and demeaning to one's race, color, sex, national origin, religion, age, disability, marital status, sexual orientation, gender identity or expression, ancestry, or military service.

## D. Sexual Harassment

Sexual harassment is a form of discriminatory harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment, instruction, or participation in other college activities,
- submission to or rejection of such conduct by an individual is used as a basis for making academic, employment, or personnel decisions affecting that individual, or
- such conduct has the purpose or effect of unreasonably interfering with an individual's performance by creating an intimidating or hostile educational or working environment.

Sexual harassment may also be at issue in relationships that begin as consensual ones. Anyone in a position of institutional authority over other persons should be sensitive to the potential for coercion in sexual relationships that also involve professional relationships. The recommendations and requirements described in sub-sections I.D.1. and I.D.2. below are designed to protect the integrity of the college's instructional, counseling, and supervisory responsibilities by separating sexual relationships from professional ones where instruction or supervision is involved.

## D.1. Potentially Coercive Relationships Between Students and Faculty

All faculty are in a position of power with regard to undergraduate students; hence, sexual relationships between faculty and undergraduate students are prohibited. Sexual relationships between faculty and undergraduate students put claims of consent in question. It is difficult for a student to be certain of the motives of a member of the faculty. A person in a position of authority cannot be certain that the student's consent is genuine, rather than motivated by an unspoken fear of the consequences of not consenting. In addition, a sexual relationship with a student may raise questions of unfair academic advantage or of unwarranted negative evaluation. These questions may adversely affect the educational environment of other students, as well as the student directly involved. Should any of these questions arise, sexual discrimination is at issue.

A sexual relationship between a faculty member and a graduate student violates the college's NonDiscrimination, Harassment, and Sexual Misconduct policy when a faculty member has teaching, evaluative, formal advising, or supervisory responsibilities for that student, even if the parties involved view the relationship as consensual. A member of the faculty may not initiate or agree to a relationship with a graduate student with whom they have any teaching, evaluative, formal advising, or supervisory roles. To protect the integrity of the educational process, the college also requires a faculty member to refrain, except under unusual circumstances and with the permission of the Dean of the Faculty, from taking on any teaching, evaluative, formal advising, or supervisory roles involving a graduate student with whom they have had a sexual relationship in the past.

If the college receives a complaint that a member of the faculty has violated any part of this policy, the college shall follow the procedures laid out in Appendix A: Non-Discrimination, Harassment, and Sexual Misconduct Grievance Procedures of the Faculty Handbook to investigate and adjudicate this complaint. If the complaint is found to be valid, the faculty member will be subject to disciplinary action.

The Dean of the Faculty may grant exemptions to this policy in reasonable cases of pre-existing relationships. Any faculty member who wishes to request such an exemption should submit a written statement to the Dean of the Faculty explaining the reasons for the request. The Dean of the Faculty shall provide a response in writing to the faculty member and the Assistant Vice President for Institutional Diversity and Equity/Title IX coordinator.

A faculty member who has questions about this policy should consult the Dean of the Faculty.

## D.2. Potentially Coercive Relationships Involving Faculty and/or Staff

A sexual relationship with a member of the faculty or staff for whom one has professional responsibilities may similarly put claims of consent into question or raise questions of unfair evaluation. To protect the integrity of the working relationships among employees, the college requires anyone in a position of authority to a) refrain from any supervisory, evaluative or counseling role involving a subordinate with whom they have had a sexual relationship in the past, unless the circumstances warrant a waiver. ${ }^{2}$ The College also requires a faculty or staff person to b) remove themself from any supervisory, evaluative, or counseling role involving a subordinate employee with whom they currently have a sexual relationship. The parties involved should consult with either party's executive officer or department chair/director concerning the need for a waiver or a removal. The executive officer or department chair/director shall grant or deny the waiver or arrange for the removal, and the parties involved shall abide by the administrator's decision. A faculty or staff person who does not abide by rules (a) and (b) is at substantial risk under college policy to complaints of coercion, or of preferential or prejudicial treatment. ${ }^{3}$ Should the complaint be found valid, the faculty or staff member will also be subject to disciplinary action.

## E. Sexual Misconduct

Sexual misconduct means any form of sexual assault, sexual harassment, sexual exploitation, dating or domestic violence, or stalking as described on the college's Title IX site
(http://titleix.williams.edu/definition-of-terms/). Sexual misconduct is prohibited under the college's NonDiscrimination, Harassment, and Sexual Misconduct Policy. Sexual misconduct can occur regardless of the
${ }^{2}$ Requests for waivers should be sent to the Dean of the Faculty (for faculty) or the Director of Human Resources (for staff), who communicate their decision in writing to the faculty or staff member and the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator.
${ }^{3}$ Failure to abide by rules (a) and (b) may also subject a faculty or staff member to charges of conflict of interest. It should be noted that a removal policy is also in place for family and other special relationships (see Conflict of Interest).
relationship, position or respective genders of the parties. Same gender harassment violates this Policy, as does harassment by a student of a faculty member or a subordinate employee of their supervisor.

## F. Ordinary Workplace Grievances

For ordinary workplace grievances outside of I.A, I.B, I.C, I.D, I.D.1, I.D.2, and I.E above see the relevant sections of the Staff and Faculty Handbooks.

## II. Rights and Responsibilities

## A. The College grievance process and outside investigations

The college grievance processes (outlined in Appendix A: Non-Discrimination, Harassment, and Sexual Misconduct Grievance Procedures) are used to investigate complaints or reports of discrimination, harassment, and sexual misconduct, to end any discrimination, harassment, or sexual misconduct found, to remedy its effects, and to prevent any recurrence. Its processes do not replace the right to file complaints or seek remedies available under state or federal law. In most instances, internal college and local police, state or federal investigations can proceed simultaneously.

## B. Confidentiality

When a report is made the college will treat the identity of the parties and the substance of the claims as confidential, except as is reasonably necessary to carry out the investigative process and to ensure the safety of everyone at Williams College.

In support of an individual's request for confidentiality and the college's interest in learning about incidents of discrimination, Williams College provides confidential advising: for students, the College Health Center and Integrative Well-being Services, the Chaplain's office, and the Director of Sexual Assault Prevention and Response; for faculty and staff, the Employee Assistance Program. These advisors must still comply with anonymous reporting under federal and state law.

## C. Reporting

Any person wishing to report discrimination, harassment, or sexual misconduct, is encouraged to bring concerns forward in a timely fashion, as soon as possible and preferably within a month of occurrence, since prolonged delay may complicate the ability to investigate.

Reports of discrimination, harassment, or sexual misconduct may be brought directly to the Vice President for Institutional Diversity and Equity or the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator. Reports may also be made to an appropriate deputy of the office (for students, the Dean of the College; for staff, the Director of Human Resources; for Faculty, the Dean of the Faculty) or relevant American with Disabilities Act (ADA) officer, who will then work with the Office of Institutional Diversity and Equity to resolve the concern. Campus Safety and Security, local police, and state and/or federal agencies may also be contacted, either immediately or at any point during a college investigation. Normally, College investigations and hearings can occur simultaneously with external ones.

An administrator, supervisor, faculty member, or other person in a position of authority who is not a confidential resource as defined above and who becomes aware of, or receives a complaint of discrimination, harassment, or sexual misconduct must promptly and fully report the information or complaint to the Vice President for Institutional Diversity and Equity, the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator, relevant deputy, (for students, the Dean of the College; for staff, the Director of Human Resources; for Faculty, the Dean of the Faculty), or relevant American with Disabilities Act (ADA) officer. No member of the community should assume that a college administrator knows about a situation involving discrimination, harassment, or sexual misconduct.

If a complainant reports to a person in authority who is not a confidential resource and wishes to maintain confidentiality, the one who reports must relay the request for confidentiality, which will be respected to the extent possible, as outlined above.

## D. Retaliation

Williams College policy explicitly prohibits retaliation, academic or otherwise, against employees or students for bringing complaints of discriminatory behavior. Any retaliation by the respondent or bystanders against the complainant or any witness is strictly prohibited, and will be treated as a new and additional violation of the college's Non-Discrimination, Harassment, and Sexual Misconduct Policy. During an active case under this policy, changes to the work hours/conditions of either the complainant and/or the respondent are made in consultation with the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator.

## E. Prompt and Fair Resolution

The college's procedures for cases of discrimination, harassment, and sexual misconduct seek to ensure a prompt, fair, and impartial investigation and resolution. College officials who receive training on issues related to the college's Non-Discrimination, Harassment, and Sexual Misconduct Policy, as well as on conducting a hearing process that protects victim safety and promotes accountability will conduct these procedures.

## F. Academic Freedom and Freedom of Expression

Williams College is committed to both freedom of expression and full academic freedom of inquiry, teaching and research. Academic freedom and freedom of expression will be strongly considered in investigating complaints of discrimination and harassment, but will not excuse behavior that constitutes a violation of the law or college policy.

## G. Right to be Accompanied by an Advisor or Support Person

During the investigation, the complainant and respondent may be accompanied by an advisor or support person of their choosing, including legal counsel, at meetings and interviews. However, no advisor or support person may actively participate in the investigation and/or adjudication process.

In the case of complaints that enter a formal resolution process, both the complainant and the respondent will be assigned a college advisor trained in non-discrimination, harassment, and sexual misconduct policy and processes. This advisor may, but need not, function as the advisor/support person who accompanies the complainant or respondent through the process.

## H. Standard of Proof

The standard of proof used in the adjudication of all cases involving alleged violation of the college's NonDiscrimination, Harassment, and Sexual Misconduct Policy will be preponderance of the evidence. The preponderance of the evidence standard requires a determination of whether it is more likely than not that the person committed the alleged act(s).

## I. The Standing Grievance Panel

The Faculty Steering Committee and the Director of Human Resources will jointly convene a Standing Grievance Panel (SGP) each year whose members stand available to serve as members of an adjudication panel in cases of alleged discrimination, harassment or sexual misconduct. The SGP will consist of 12 staff appointed by the Director of Human Resources and 12 faculty, 6 faculty (one tenured and one non- tenured from each division) are elected by the faculty from a slate of two persons nominated by the Faculty Steering Committee from each category and another 6 to be appointed by the Faculty Steering Committee. In choosing members of the SGP, consideration will be given to the diversity (sex, race, ethnic, disability, sexual orientation, and gender identity or expression) of the staff and faculty at the college. The 12 faculty on the SGP will also consist of at least one faculty member from the Department of Physical Education. Once constituted, members of the SGP will be trained, as necessary, on issues related to the college's NonDiscrimination, Harassment, and Sexual Misconduct Policy, as well as on conducting a hearing process that protects victim safety and promotes accountability.

## LIST OF CONTACTS

Leticia S. E. Haynes
Vice President for Institutional Diversity
and
Equity
Office of Institutional Diversity and Equity
Hopkins Hall
413-597-4376
lseh1@williams.edu
Leticia.S.E.Haynes@williams.edu
Toya C. Camacho
Assistant Vice President for Institutional
Diversity
and Equity/Title IX Coordinator
ADA Officer for Faculty and Staff
Office of Institutional Diversity and Equity
Hopkins Hall
413-597-3301
tcc2@williams.edu
Toya.C.Camacho@williams.edu
Deputy Title IX Coordinators
For faculty:
Denise Buell
Dean of the Faculty
Dean of Faculty's Office
Hopkins Hall
413-597-4351
dbuell@williams.edu
Denise.K.Buell@williams.edu
For students:
Marlene Sandstrom
Dean of the College
Dean's Office
Hopkins Hall
413-597-4261
msandstr@williams.edu
Marlene.J.Sandstrom@williams.edu

For staff:
Martha Tetrault
Director of Human Resources
Human Resources
B\&L Building, Suite 201
413-597-2058
mtetraul@williams.edu
Martha.R.Tetrault@williams.edu
Title 504 (ADA) Officer
For students:
G. L. M. Wallace

Director of Accessible Education

Academic Resources
Paresky Center, Rm 202A
413-5974978
glw3@williams.edu
G.L.M.Wallace@williams.edu

Confidential Resources
On Campus:

- Sexual Assault Survivor Services
(SASS)
597-3000 (on call 24/7 during the academic year)
- Williams College Health Center

597-2206

- Williams College Psychological

Counseling 597-2353 (or on call 24/7
through Campus Safety at 597-4444)
Meg Bossong, Director of Sexual
Assault
Prevention and Response 597-4977

- Donna Denelli-Hess (Health

Educator)
597-3013

## Off Campus:

- Elizabeth Freeman Center 499-

2425

- National Sexual Assault Hotline 1-

800-
656-HOPE

- National Sexual Assault Online

Hotline -
https://ohl.rainn.org/online/
For a list of regional and national resources with particular focus on the needs of LGBTQ survivors,
see
http://barcc.org/information/resourcesonlin el
glbt

- For regional and national
resources with a
particular focus on the needs of male survivors, see malesurvivor.org.

To report a sexual assault to the police contact:

- 911
- Williamstown Police Department at 413-

458-5733
Campus Safety and Security at 413-5974444
3. The following text of Section II-T was deleted from pages 64-65 of the 2017-18 Handbook:

## Section II-T: Non-Discrimination Policy and Outline of Discrimination Grievance Procedures

## Non-Discrimination Policy

Williams College, in compliance with state and federal law, does not discriminate in admission, employment, or administration of its programs and activities on the basis of race, color, sex, national origin, religion, age, disability, marital status, sexual orientation, gender identity or expression, ancestry, or military service. Any member of the College community who on any of these grounds feels discriminated against by another member of the community should take action. The complainant ${ }^{6}$ should report the incident as soon as possible and preferably within a month of its occurrence, since prolonged delay may complicate the presentation of evidence in the grievance procedures. Complainants have, however, up to two years to report alleged discriminatory behavior, and even this period may be extended with the approval of the appropriate executive officer. Complainants are free to withdraw or proceed at any stage of the process. The College will treat the identity of the parties and the substance of the claims as confidential throughout, except as is reasonably necessary to carrying out the procedures and to ensuring the safety of everyone at the College. College policy explicitly prohibits retaliation, academic or otherwise, against employees or students for bringing complaints of discriminatory behavior.

Should the allegation of discriminatory behavior involve a faculty appointment renewal decision, the range of appropriate action and the type of further redress open to the complainant are those described in Section II-D: Appointment Appeals. Cases of sexual misconduct involving a student and a faculty or staff member are governed by the Sexual Misconduct Investigation and Adjudication Process in Section VII-B. In all other cases, the complainant should use the discrimination grievance procedures that are described in detail in Section VII-A: Discrimination Grievance Procedures. These procedures have four parts: advising, informal grievance, formal grievance, and appeal.

## Outline of the Sequence of Options and Events in the Discrimination Grievance Procedures

## Advising Procedure

The person who believes he or she may have been subjected to discriminatory behavior may but need not discuss the incident(s) with a College advisor. College advisors are also available to persons against whom a complaint has been filed.

## Informal Procedure

The person who believes he or she may have been subjected to discriminatory behavior may discuss the incident(s) with the appropriate administrator.
The person may but need not file a complaint at the informal stage.
To file a complaint the person submits a statement of allegations to his or her executive officer. The executive officers will then conduct an investigation and reach a finding. If they find the complaint unwarranted, the complainant may but need not request formal grievance proceedings. If the respondent is judged to have violated College policy, the executive officers attempt a resolution. Either party may refuse to accept the terms proposed.
If both parties accept the terms, the resolution is successful and the case is settled. If the resolution fails,

[^19]the complainant may ask for formal grievance proceedings or withdraw the complaint.
If the complainant withdraws, the executive officers may decide to take action against the respondent on their own. The respondent may appeal the executive officers' decision.

## Formal Procedure

The grievance committee conducts a hearing and reaches a finding, reporting its finding and its recommendations to the executive officers, the complainant, and the respondent.
The executive officers reach their own finding. If it differs from the committee's, they so inform the committee and provide it with an opportunity to reply.
If the executive officers then find the respondent not to have violated the College's anti-discrimination policy, or if they find the evidence insufficient, the case is dismissed.
If, on the other hand, the executive officers find that the respondent violated the College's policy, they will report their finding and the actions they propose to take to the committee, the complainant, and the respondent. The respondent may appeal their finding and their proposed actions.

## Appeal Procedure

The formal grievance proceedings constitute the complainant's appeal.
The respondent may appeal at the conclusion of the informal proceedings if the complainant has withdrawn and the executive officers have proposed disciplinary action, or at the end of the formal grievance proceedings if the complainant has taken the complaint to a grievance committee.
If the respondent is a student or staff member, the appeal will be heard by the President. If the respondent is a faculty member, the appeal will be heard by a faculty hearing committee.

The following text was added in place of the deleted material on pages 76-79 of the 2018-19 Handbook:

## Section II-T: Outline of the Discrimination, Harassment, and Sexual Misconduct Grievance Procedures ${ }^{1}$

NOTE: In cases involving only students or student respondents, the investigation and adjudication procedures will be those outlined in the college's policies relating to student misconduct: https://dean.williams.edu/policies/

A member of the Williams College community who believes they have been discriminated against is encouraged to report these concerns to the Vice President for Institutional Diversity and Equity or the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator. Reports may also be made to appropriate deputies: for students, the Dean of the College; for faculty, the Dean of the Faculty; and for staff, the Director of Human Resources.

If a complaint goes forward, the review, investigation and adjudication process is overseen by the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator.

In the following summary of the college grievance procedures, the person alleging discrimination is called the "complainant"; the party accused of violating the non-discrimination, harassment, and sexual misconduct policy is called the "respondent."

With some exceptions, a member of the college community reporting an incident of alleged discrimination may decide to pursue either an informal or a formal process. Both are summarized here and outlined in more detail in Appendix A: Discrimination, Harassment, and Sexual Misconduct
${ }^{1}$ These procedures may also be followed in cases involving complaints of discrimination, harassment or sexual misconduct brought against college employees or students by persons who are not members of the college community, e.g. visitors to the campus or participants in college programs or activities.

Grievance Procedures.

## A. Informal process

The informal process is an opportunity to bring resolution to a complaint through awareness, education, and/or a facilitated discussion. An informal resolution may be appropriate if the complainant, the respondent, the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator and the relevant deputy or deputies can all come to an agreement about the facts and desirable resolution to the case.

The informal process is not appropriate for most cases that involve a student and a member of the faculty or staff; for complaints of sexual misconduct, apart from certain instances of discriminatory harassment; and for any complaint involving behavior that potentially endangers members of the college community and/or is potentially criminal in nature. In other cases, if both the complainant and the respondent prefer an informal process, the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator, in consultation with the relevant deputy or deputies, will decide if an informal resolution is appropriate and advisable.

During an informal process, fact-finding occurs to the extent necessary to understand the conflict and protect the interest of the parties and the Williams College community, but no determination is made of whether college policy has been violated.

Information obtained during the course of the informal complaint process will be shared only to the extent necessary to understand the conflict and protect the interest of the parties and the Williams College community.

At any point during or following the informal process, the complainant and/or the respondent may end the informal process and request a formal process.

## B. Formal process

## 1. Before the process of investigation and adjudication starts, the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator, in consultation with relevant deputies, will:

- Assign the complainant and the respondent each a trained advisor from the college staff;
- Provide both the complainant and the respondent a written statement of their rights and responsibilities;
- Provide each with a description of the adjudication processes, including requirements of confidentiality and non-retaliation;
- If necessary, arrange reasonable and appropriate accommodations to increase the complainant's safety and well-being on campus;
- If necessary, arrange appropriate accommodations for the respondent.


## 2. Investigation

The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator, in consultation with the relevant deputies, will:

- Assign an investigator to gather information about the case and produce a report;
- Review the investigator's report;
- Share the report with both the complainant and the respondent 2 , who each have 10 days to respond and to request that further information be gathered;
- Review the completed report and any responses to determine if the respondent's alleged action(s) is within the purview of the college's Non-discrimination, Harassment, and Sexual Misconduct Policy.

If the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator and the relevant deputies determine that the respondent's alleged behavior is within the purview of the college's NonDiscrimination, Harassment, and Sexual Misconduct Policy, the case will move forward to the primary adjudication process. The Assistant Vice President for Institutional Diversity and Equity/Title IX

Coordinator will communicate this determination in writing to the complainant and respondent.
After receiving the investigator's report the complainant may choose to pursue an administrative resolution of the complaint or proceed straight to an adjudication panel. At any point during the administrative resolution process the complainant is free to end the process and request an adjudication panel.

3A. Administrative resolution (for cases involving faculty and/or staff only)
In consultation with the complainant and the respondent, the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator will appoint two executive officers to oversee the administrative resolution. After receiving training from the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator or a designee, these executive officers will:

- Read and consider the investigator's report, along with any responses from the complainant and respondent;
- Reach a finding and report it to the complainant and respondent.

If in the judgment of the executive officers the respondent has violated the college's Non-Discrimination, Harassment, and Sexual Misconduct Policy, they will:

- Seek a resolution of the complaint, working with the respondent's supervisor if applicable and, within one month, reporting to the complainant any progress made;
- Produce a proposed resolution, and submit it to the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator for approval;
- Communicate both the findings and the proposed resolution in writing to both the complainant and respondent.

The complainant and the respondent have 10 days to sign the proposed resolution. The attempt will have failed if either party chooses not to accept the terms proposed. At this point, either party may instruct the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator to convene an adjudication panel.

## 3b. Adjudication Panel

The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator will constitute an adjudication panel of five members from the SGP according to the policy's guidelines in consultation with the relevant deputy or deputies and inform the complainant and respondent in writing.

The adjudication panel:

- Reads and discusses the investigator's report along with any responses, and may decide on additional questions to ask of the parties or administrative officials;
- Decides whether there is a preponderance of the evidence showing violation of the college's nondiscrimination, harassment, and sexual misconduct policy;
- If the adjudication panel decides there has been a violation, it will inform both parties in writing and give both an opportunity to address the committee; and will
- Recommend a sanction.


## 4. Appeal

Both parties have the right to appeal the finding on two grounds:

- Significant procedural lapses;
- The appearance of substantive new evidence not available at the time of the original decision.

The Vice President in the Office of Institutional Diversity and Equity hears the appeal and determines its disposition.
5. Final determination of sanction in cases involving respondents who are members of the faculty If the recommended sanction is termination of the respondent's appointment for cause, the Dean of the Faculty will initiate proceedings pursuant to Section II-V: Termination of Faculty Appointment for Cause of the Faculty Handbook. If the recommended sanction is a major sanction, the Dean of the Faculty will initiate proceedings pursuant to Section II-W: Procedures for Imposition of Sanctions on Faculty Other

Than Dismissal, "Major Sanctions," of the Faculty Handbook. If the recommended sanction is a minor sanction, the Dean of the Faculty will initiate proceedings in accordance with Section II-W., "Minor Sanctions," of the Faculty Handbook. Final decisions as to sanctions will be reported in writing simultaneously to the complainant and the respondent, as well as the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator.

## 6. Final determination of sanction in cases involving respondents who are members of the staff

Final determination of sanctions involving respondents who are members of staff will be made by the Director of Human Resources, in conjunction with the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator and relevant supervisor(s) of the staff member. Final decisions as to sanctions will be reported in writing simultaneously to the complainant and the respondent, as well as the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator.
4. The following text of Section VII: Appendices A and B were deleted from pages 146-65 of the 2017-18 Handbook:

## Appendix A: Discrimination Grievance Procedures

This appendix describes in detail the discrimination grievance procedures that accompany the Williams College Non-Discrimination Policy. A statement of that policy and a brief outline of the most important stages in the discrimination grievance procedures appear in Section II-T: Non-Discrimination Policy. See also Section II-S: Sexual Harassment Policy.

Because Federal law has changed due to the reauthorization of the Violence Against Women Act, the College must, effective October 1, 2014, comply with new federal regulations regarding sexual misconduct. The College's Sexual Misconduct Investigation and Adjudication Process is marked by notes added below.

NOTE: Cases that involve a student and College employee and a potential case of domestic or dating violence, sexual assault, or sexual exploitation, do not fall under the discrimination procedures outlined below: see the Title IX website for definitions of these terms, the College's Sexual Misconduct Policies, and the Sexual Misconduct Investigation and Adjudication Process to follow in these cases. If a College employee experiences conduct on the part of another College employee that may violate the College's Sexual Misconduct Policies, the Title IX Coordinator or a deputy will be charged with ensuring that the employee considering or making a claim is afforded the resources and accommodations described on the College's Title IX Sexual Misconduct website, throughout the grievance process outlined below.

Please note that while the discrimination grievance procedures have four components - advisory, informal, formal, and appeal - the advisory phase is not part of the actual grievance procedures. Unlike the components that are part of that process, it does not require the filing of an official complaint.

Incidents of alleged discriminatory behavior should be reported as soon as possible. Only if an official complaint is filed is the matter certain to come to the attention of the appropriate administrators. $A$ complainant is free to withdraw or proceed at any stage of the process. The identity of the parties and the substance of the claims are treated by the College as confidential throughout, except as is reasonably necessary to carrying out the procedures and to ensuring the safety of everyone at the College. Retaliation, academic or otherwise, against employees or students for bringing complaints of discriminatory behavior is explicitly prohibited by College policy.

## Advising Procedure

Whenever someone has experienced an incident that could be a form of discrimination, talking about the incident soon thereafter with a trusted advisor or friend can be helpful. Members of the College community such as health staff and counselors, assistant and associate deans, human resources officers, chaplains, and the Affirmative Action Officer are available for consultation. Among them are a number of people who have training in sexual harassment counseling. This group includes also two faculty, two staff, and two student advisors appointed yearly by the President, who invites nominations from the community. The
names of the College advisors are listed in print and online in the Student Handbook; Williams College Bulletin, Catalog edition; The Williams Directory; the pamphlet on sexual discrimination, Understanding Sexual Harassment; and the websites of the Dean of the College and the Vice President for Institutional Diversity and Equity. Their names are also published semi-annually online in the Daily Messages and printed in the Daily Advisor.

A student, faculty, or staff member who seeks advice on matters related to discrimination is free to consult with any of the College's advisors. Depending on the wishes of the advisee, the advisor's role may include any of the following informational or supportive activities: listening to and discussing the incident with the advisee; helping the advisee decide whether to try to resolve the situation on her or his own; helping the advisee understand the College's discrimination grievance procedures. The advisee may choose at any point not to pursue the matter any further, and the College is not required to take any further action during the advising phase, except when in its judgment the circumstances present a danger to the individual or to others. Advising activities of this kind are not part of the actual discrimination grievance procedures, which require that a complaint be officially filed, as described in the Informal Grievance Procedure below. Only complaints that do proceed to the informal stage are certain to come to the attention of the appropriate authorities. The advisor keeps no record of the consultation. A person who feels discriminated against may proceed directly to the informal grievance procedure, whether or not he or she has consulted an advisor.

Should the advisee decide to proceed, the advisor's role may also include accompanying the advisee (now the complainant) through any subsequent College discrimination grievance procedures, should he or she want the advisor present. The respondent may also consult with any of the College advisors, except the one chosen by the complainant. The advisor's role continues to be that of a facilitator who provides information and support. The complainant may bring a draft of the statement of allegations (see Informal Grievance Procedure below, paragraph 2) to the advisor to consult about how to express clearly what he or she wishes to say. The respondent, should he or she proceed to the appeal stage, may similarly consult with a College advisor about the statement of reasons for the appeal. The advisor may discuss procedural matters with the executive officers involved in the case, but may not investigate, or attempt to mediate or resolve the complaint. Like all other participants, the advisor is expected to respect the confidentiality of the proceedings.

## Informal Grievance Procedure

A person who is considering filing a complaint regarding discriminatory behavior should meet as soon as possible with the appropriate administrator (i.e., either the pertinent executive officer or affiliated staff). ${ }^{2}$ The administrator will, if so requested, help the person decide whether the allegation falls within the scope of these grievance procedures, answer any questions regarding the procedures themselves, or provide any information that might help the person decide whether to file a complaint and thereby initiate an investigation.

If the person then chooses to file a complaint, he or she will send to his or her executive officer a written statement of allegations. The complainant's executive officer will provide the complainant with a written set of guidelines ${ }^{3}$ indicating the kinds of information that the statement should contain. The respondent's executive officer will be responsible for giving the respondent a copy of the statement of allegations and for answering any questions regarding the procedures themselves. The complainant's executive officer and the executive officer of the person charged with the offense will oversee the entire informal stage. ${ }^{4}$ In doing so

[^20]they may need to confer with and delegate responsibilities to members of their staffs. They will also inform the Affirmative Action Officer that a complaint has been filed. In conducting the investigation, the respondent's executive officer should consult his or her file of complaints of discrimination to determine whether it contains any information about the respondent that is relevant to a judgment concerning the present case or to the terms of its resolution. ${ }^{5}$

After the investigation has been concluded the executive officers will reach a finding and report it to both the complainant and the respondent. If the finding indicates that the respondent did not violate the College's policy, or that the evidence is inconclusive, the complainant may, if dissatisfied with the finding, instruct his or her executive officer to begin formal grievance proceedings. If the complainant chooses not to request formal proceedings, the case is dismissed. If, on the other hand, it is the judgment of the executive officers that the respondent committed the act(s) alleged by the complainant and thereby violated College policy, they will seek an informal resolution of the complaint. They will also, if the respondent is a faculty or staff member, confer with his or her department supervisor. The complainant's executive officer will keep the complainant informed of any progress made in resolving the grievance, reporting to the complainant within one month of the filing of one the complaint. This period may be extended beyond one month if the complainant and his or her executive officer agree that an extension is needed.

To be successful, the terms of the resolution proposed by the executive officers must be acceptable to both the complainant and the respondent. The executive officers will put those terms in writing, giving a copy to the complainant and another to the respondent. Each party will have one week to indicate his or her acceptance of the terms as constituting a satisfactory resolution of the grievance by returning a signed copy to the executive officers. Upon receipt of both signed copies, the respondent's executive officer will place them in his or her file of complaints of discrimination and take such actions as are called for in the resolution.

The executive officers' attempt at an informal resolution will have failed if either the complainant or the respondent chooses not to accept the terms proposed. If the complainant does not accept them, he or she may, again within a week of receiving the proposed terms in writing, instruct the complainant's executive officer to begin formal grievance proceedings, and the grievance committee will hear the case following the regulations stipulated (see Formal Grievance Procedure). In cases where the respondent is a faculty member and the finding is extremely serious, the complainant may waive his or her right to have the case heard before a formal grievance committee to enable the executive officers, if they so recommend, to initiate proceedings for the imposition of a major sanction (dismissal or suspension), see Section II-V: Termination for Cause and Section II-W: Sanctions Other than Dismissal). Should the complainant choose to withdraw the complaint, the executive officers may, depending on their findings, decide nevertheless to impose sanctions on the respondent. If the executive officers so decide, and the respondent believes that their findings are unwarranted or their proposed sanctions unjust, he or she may appeal the executive officers' decision as specified in the Appeal Procedure below.

## Formal Discrimination Grievance Procedure

The committee that hears cases of alleged discrimination is the Discipline Committee when both parties are students (see Student Handbook, Discipline and Disciplinary Proceedings). The formal mechanism for hearing all other allegations of discriminatory behavior, except those involving faculty appointment renewal decisions (which are handled by the Committee on Appointments and Promotions and by the faculty Steering Committee), is a grievance committee constituted for each particular case. This committee is drawn from a Standing Panel of thirty-two people, which the President appoints annually, whose members stand ready to serve in this capacity. The membership of the Standing Panel is constituted as follows:
One minority faculty member and one minority staff member appointed annually by the President. The twelve faculty members elected by the faculty to serve on the Faculty Review Panel.

[^21]Those staff members who are appointed annually to two similar panels by the Provost and the Vice President for Finance \& Administration and Treasurer, each of which has six members.
Six students, appointed by the College Council, two of whom shall be the minority representatives to the College Council.

The President shall also annually appoint, from among the membership of the Standing Panel, one faculty member and one staff member, who will stand ready to chair the grievance committee constituted to hear a particular case. The chair will vote only to break a tie.

The grievance committee appointed by the President to hear a particular case shall be constituted from the membership of the Standing Panel as follows. If one of the parties is a student and the other faculty or staff, the committee shall have seven members, three from the same College category (student, faculty, staff) as the complainant, three from that of the respondent, and a chair. If one of the parties is a member of the faculty and the other a member of the staff, the committee shall likewise have seven members: a chair, three faculty members, and three staff members, at least one of whom shall be from the same job category as the staff member who is a party to the case. If both parties are faculty, the committee shall have five members, four from the Faculty Review Committee and a chair. If both parties are staff, the committee shall similarly have five members, a chair, and four members drawn from one or both of the panels appointed by the Provost and Vice President for Finance \& Administration and Treasurer. At least one of those members shall be from the same job category as each of the parties involved. When the case involves faculty, both non-tenured and tenured faculty shall be included in the membership of the grievance committee. The faculty chair of the Standing Panel will preside in all cases involving faculty, and the staff chair in all cases involving staff, unless the case involves faculty and staff, when the chair shall be from the same College category as that of the complainant. The President shall strive to represent the diversity of the Williams community in appointing a committee to hear a particular case. Depending on the nature of the allegation, the President shall also strive to assure representation of the relevant groups protected by the College's non-discrimination statement (see Section II-T: Non-Discrimination Policy). If unable to convene a committee with appropriate representation from among the members of the Standing Panel, the President may appoint up to two members not on the Standing Panel.

At or before the first meeting of the grievance committee constituted to hear a particular case, the chair, or any member of the committee may, at his or her own initiative, excuse himself or herself from the case because of potential bias or conflict of interest. If the chair asks to be excused, the President appoints for that case a chair pro tempore. Either party to the case may request members of the committee to withdraw from hearing a case on grounds of potential bias or conflict of interest. Should disagreement arise about a request for the disqualification of a particular member, the other members of the committee shall resolve the matter by majority vote. In the event that a member withdraws or is disqualified, the President shall appoint a replacement.

The grievance committee will conduct its hearings in private, keeping its proceedings, findings, and recommendations strictly confidential. A member of the grievance committee shall be designated by its chair to maintain minutes of its proceedings. Neither party to the case may mechanically record or stenographically transcribe the hearings. All decisions of the committee shall be made by majority vote, with the chair voting only to break a tie.

The committee will proceed as follows in order to protect the rights of both parties to the case and to assure the fairness of the College's procedures:
The respondent will receive a copy of the complainant's statement of allegations in advance of the first meeting of the committee, if he or she has not already received one. Both parties will receive sufficient notice of the time and place of the hearing to allow for preparation of the case.
Both parties have the right to be present when the case is heard.
Both parties have the right to present evidence and to call a reasonable number of witnesses. Witnesses may be present only when they are actually testifying or being questioned.
Both parties have a right to question all witnesses.

The only sexual history that is admissible as evidence is that which exists between the two parties, and then only if the case involves sexual discrimination.
The grievance committee may request the executive officer of the respondent to testify whether the file of complaints of discrimination that he or she maintains contains information concerning the respondent that is relevant to a judgment concerning the present case or to its disposition.
Each party has the right to an advisor of his or her choice from the student body, faculty or staff of the College, who may help with the preparation of the case, who may be present when the case is heard, and who may confer with the advisee during the hearing. The advisor, however, may not address the grievance committee or question witnesses. The advisor may, but need not, be chosen from among the College advisors (see Advising Procedure above). Neither party may be represented at the hearing by legal counsel.

The committee makes a finding as to whether or not the act alleged in the complaint, should it have taken place, would be a violation of the College's policies against discrimination. If so, the committee also makes a finding as to whether the accused faculty or staff person actually committed the alleged act. The committee then reports its finding(s) and a summary of the reasons for its judgments in a written statement sent to the complainant, the respondent, and their executive officers no later than two weeks after the hearings conclude. In the event that both of the findings are affirmative, the committee also sends to the executive officers a recommendation of appropriate courses of action to remedy the harm done to the complainant and to protect other members of the College community, including a recommendation, if necessary, of any disciplinary action to be taken against the respondent. When the committee's decisions are not unanimous, the report shall record both majority and minority opinions. The report shall be signed by all members of the committee.

If the complaint of discrimination involves grading, the grievance committee shall, at its discretion, call upon appropriate members of the Williams faculty for advice and shall have access to any information, including student records, it deems necessary. The laws governing access to individually identifiable student records require, however, that such information come to the committee through an officer of the College, i.e., the Dean of the College. If the committee judges an assigned grade to be the result of discrimination, the committee will recommend to the executive officers either a revised grade or a procedure for assigning a new grade. Nothing in these procedures shall infringe upon an instructor's responsibility for his or her own grading so long as that grading does not violate the College's nondiscrimination policy.

The executive officers shall consider the grievance committee's finding(s), report, and recommendations (if any). The executive officers shall also consider any information about the respondent in the file of complaints of discrimination, to which the executive officer of the respondent has access that is relevant to a judgment concerning the present case or to its disposition. If the executive officers reach conclusions that differ from those of the grievance committee, they will state their reasons for having done so, in writing, to the committee, providing the committee with an opportunity to reply before taking action. If, after considering the grievance committee's reply, the executive officers conclude that the respondent did not violate the College's non-discrimination policy, or that the evidence is not sufficient to substantiate the allegation, the case shall be dismissed. If they conclude that a violation has occurred, they will, normally within a period of one month after receiving the committee's report, submit a written statement of their finding(s), and of the actions they plan to take, to the committee, the complainant, the respondent, and the respondent's department supervisor.

The complainant will have exhausted the College's discrimination grievance procedures at the close of the formal stage. The respondent has the right to appeal the executive officers' proposed disposition of the case, unless the executive officers have instituted proceedings to suspend or dismiss a faculty member, as the Appeal Procedure below explains. If the respondent chooses not to appeal, the executive officers shall then act to remedy the harm done to the complainant, to protect the College community, and to take appropriate disciplinary action against the respondent. Copies of the executive officers' written reports will be placed in the file of complaints of discrimination maintained by the Respondent's executive officer.

## Appeal Procedure

The formal grievance procedure constitutes the complainant's appeal. The respondent may appeal the executive officers' disposition of the case in the manner described below, unless the executive officers have initiated proceedings for the dismissal or suspension of a faculty member, in which case the matter shall be referred to the President and the Committee on Appointments and Promotions in accordance with the procedure governing the imposition of a major sanction, as described in the Faculty Handbook, Section IIV: Termination for Cause. This procedure includes an appeal option of its own. In all other cases, a respondent who is dissatisfied with the executive officers' finding of discriminatory behavior and/or the actions they have proposed may appeal at one of two points: at the conclusion of the informal proceedings, if the complainant has withdrawn; or at the conclusion of the formal proceedings, if the complainant has taken the case to a grievance committee. Should the respondent (hereafter the appellant) choose to appeal, he or she must submit a written statement explaining the reasons for the appeal within one month of receiving the executive officers'statement of the findings and the action proposed. The complainant is no longer party to the case but may be called upon as a witness.

When the appellant is a student, and the complainant who had filed the charge of discriminatory behavior is a member of the faculty or staff, the statement explaining the reasons for the appeal should be sent to the President, whose resolution of the case shall be final. When the appellant is a staff member, the statement of the reasons for the appeal should in all cases be sent to the President, whose resolution of the case shall again be final. The President shall report his or her decision(s), in writing, to the appellant and to the executive officers involved in the case. If during the formal stage the case had been brought before a grievance committee, the President shall send to the grievance committee and to the original complainant the statement of reasons for the appeal and report to the committee his or her findings and final resolution of the case. The executive officer of the appellant shall place the statement of reasons for the appeal and the President's report to the appellant and the executive officers in the file of complaints of discrimination he or she maintains, providing a full record of the final disposition of the case.

When the appellant is a member of the faculty, he or she should send the statement explaining the reasons for the appeal to a faculty hearing committee, which shall be constituted and conduct its business according to the procedures described in the Faculty Handbook in Section II-V. Upon the conclusion of those procedures, however, the following reporting mechanisms shall be added to those stipulated in Section II-V. In cases that had come before a grievance committee at the formal stage, the hearing committee and, where applicable, the President, shall report to the grievance committee and the original complainant the following: the statement of reasons for the appeal; the hearing committee's findings and its recommendation, if any, to the President; the final resolution of the case. In all cases, the Dean of the Faculty shall place in his or her file of complaints of discrimination the statement of reasons for the appeal and the report(s) to the faculty member from the hearing committee and, where applicable, the President, providing a full record of the final disposition of the case.

## A Summary of the Sequence of Events and Options in the Discrimination Grievance Procedures

## Advising

The person who believes he or she may have been subjected to discriminatory behavior may but need not discuss the incident(s) with a College advisor. College advisors are also available to persons against whom a complaint has been filed.

## Informal

The person who believes he or she may have been subjected to discriminatory behavior may discuss the incident(s) with the appropriate administrator.
The person may but need not file a complaint at the informal stage.
To file a complaint the person submits a statement of allegations to his or her executive officer. The executive officers will then conduct an investigation and reach a finding. If they find the complaint unwarranted, the complainant may but need not request formal grievance proceedings. If the respondent is judged to have violated College policy, the executive officers attempt a resolution. Either party may refuse to accept the terms proposed.

If both parties accept the terms, the resolution is successful and the case is settled. If the resolution fails, the complainant may ask for formal grievance proceedings or withdraw the complaint.
If the complainant withdraws, the executive officers may decide to take action against the respondent on their own. The respondent may appeal the executive officers' decision.

## Formal

The grievance committee conducts a hearing and reaches a finding, reporting its finding and its recommendations to the executive officers, the complainant, and the respondent.
The executive officers reach their own finding. If it differs from the committee's, they so inform the committee and provide it with an opportunity to reply.
If the executive officers then find the respondent not to have violated the College's anti-discrimination policy, or if they find the evidence insufficient, the case is dismissed.
If, on the other hand, the executive officers find that the respondent violated the College's policy, they will report their finding and the actions they propose to take to the committee, the complainant, and the respondent. The respondent may appeal their finding and their proposed actions.

## Appeal

The formal grievance proceedings constitute the complainant's appeal.
The respondent may appeal at the conclusion of the informal proceedings if the complainant has withdrawn and the executive officers have proposed disciplinary action; or at the end of the formal grievance proceedings if the complainant has taken the complaint to a grievance committee.
If the respondent is a student or staff member, the appeal will be heard by the President. If the respondent is a faculty member, the appeal will be heard by a faculty hearing committee.

## Regulations Governing the Use of the Executive Officer's File of Prior Complaints Brought Against the Respondent

If a complaint of discriminatory behavior has been lodged against the respondent in the past, the following rules govern the use of the record of the prior case in the case under consideration:
The executive officers may use information from the record in conducting the investigation. Nothing from the record, however, may be used as evidence in support of a finding as to whether the respondent in fact committed the act(s) currently being alleged. That determination must be based solely on the established facts of the case under consideration.
If the respondent is found to have committed the alleged act(s), and is judged to have violated the College's anti-discrimination policy, a prior finding of discriminatory behavior, a prior warning, or prior instructions about what constitutes discriminatory behavior, may be used in determining the appropriate penalties or sanctions.

## Advisory Conversations and the College's Non-Discrimination Policy

The following guidelines are for persons who have advising functions related to the College's Nondiscrimination Policy. As with all parts of the advising procedure, they are not part of the actual discrimination grievance procedures, which require that a complaint be officially filed. An "advisory conversation" is merely one of the options that College-designated advisors or other persons whose positions carry advising functions, such as chairs or managers of department or programs, might want to describe to an advisee whose situation resembles the following:

The advisee does not wish to file a complaint but does want the person whose behavior is at issue to be advised that he or she should be careful to avoid actions that could very well be innocent but could be misinterpreted.

An advisory conversation might be appropriate, in other words, when the advisee perceives the conduct to be ambiguous or innocent but nonetheless finds it dislocating. The guidelines are as follows:

## Guidelines for Advisory Conversation

The advisee requests the conversation and the executive officer makes the decision as to whether an advisory conversation shall take place. The advisee, before deciding to recommend such a conversation,
should be made aware of the following. His or her name will need to be made known to the executive officer. Depending on the circumstance of the case, the executive officer might also need to talk to the advisee, and the advisee's identity might need to be made known to the person whose behavior is at issue.

If the advisee wishes the conversation to take place, either the advisor and/or the advisee should discuss the matter with the executive officer of the person whose behavior is at issue. If the executive officer decides that an advisory conversation would be useful, the executive officer may choose to conduct it, or may delegate the responsibility to a member of his or her staff, or to another member of the faculty or staff, depending on who is likely to be the most appropriate and effective person. If the responsibility is delegated, the executive officer shall discuss what is to be said with the person who conducts the conversation and shall receive notice of its having taken place.

The executive officer or the delegated person shall inform the advisee that the conversation has taken place. Nothing else shall be conveyed to the advisee without the explicit permission of the person whose behavior is at issue. No record shall be kept of the conversation, unless the person whose behavior is at issue requests one, in which case he or she shall be given a copy. Such a record would have no "probative value" (i.e., it would provide no "proof" or "evidence" of discriminatory behavior concerning either the present situation or any future allegations of discriminatory behavior, should such be made).

Both the conversation, and the written record, if there is any, must make clear the following: That no charges of discriminatory behavior have been filed nor are any such allegations currently being made.
That the case has not been investigated.
That the behavior at issue may be entirely innocent.
That the sole purpose of the conversation is to discuss for the sake of all concerned, the need to be careful about the impressions that even well-intentioned comments or contacts with students, faculty, or staff can have

## Appendix B: Sexual Misconduct

Anyone who experiences conduct that he or she believes violates the College's Sexual Misconduct Policies is encouraged to report that conduct to Campus Safety and Security, the Office of the Dean of the College (in the case of a student), or to the College's Title IX Coordinator of any of the Title IX deputies. He or she is also encouraged to make a report to the police for legal action. Both of these processes can happen simultaneously. College processes are outlined below.

The College's procedures seek to ensure a prompt, fair, and impartial investigation and resolution. Procedures will be conducted by College officials who receive annual training on issues related to domestic violence, dating violence, stalking, sexual exploitation and sexual assault, as well as on conducting a hearing process that protects victim safety and promotes accountability.

The standard of proof used in adjudication of cases of sexual misconduct, including sexual harassment, sexual assault, dating violence, domestic violence and stalking, will be preponderance of evidence, as required by Federal regulation. Possible sanctions if a student or employee of the College is found responsible for violation of the College's Sexual Misconduct Policies include the full range of disciplinary sanctions available at the college, up to and including suspension from the college for one or more semesters and expulsion, in the case of a student, or dismissal in the case of a College employee.

## 1. Cases involving student respondents

A staff or faculty member who experiences conduct on the part of a student that he or she believes violates the College's Sexual Misconduct Policies should contact the Dean of the College or the Title IX Coordinator. The Title IX Coordinator will ensure that the staff or faculty member is provided the information and support stipulated by the College's Title IX policies. The investigation and adjudication processes will be those outlined in the College's Sexual Misconduct Policy relating to student sexual misconduct.

## 2. Cases involving a student and a faculty or staff member

A student who experiences conduct on the part of a staff or faculty member that the student believes violates the College's Sexual Misconduct Policies is encouraged to report that conduct to Campus Safety and Security, the College's Title IX Coordinator, or the Dean of the College. A student who reports an experience of sexual assault or other sexual misconduct is called the "complainant." The staff or faculty member who is accused of committing sexual assault or sexual misconduct is called the "respondent." Both the complainant and the respondent are encouraged to participate in the process of investigation and adjudication.

## A. Before the process of investigation and adjudication starts, several steps are taken

The Title IX Coordinator, in consultation with the relevant Title IX deputy or deputies (for students, the Dean of the College; for faculty, the Dean of the Faculty; for staff, the Director of Human Resources) will assign the complainant and the respondent each to a different trained advisor from the College staff (the "trained College advisor"). This advisor will explain to them the process and will also serve as a resource for any questions or concerns.

The Title IX Coordinator will provide to both the complainant and the respondent a written statement of their rights and responsibilities, and a description of these processes, including the requirements of confidentiality and the rules forbidding retaliation.

The Title IX Coordinator will make available at any time, before, during or after the hearing process, and whether or not the complainant participates in the investigation and adjudication, reasonable and appropriate accommodations to increase the complainant's safety and wellbeing on campus. These may include no-contact orders with the respondent and/or other parties, changes of housing accommodations, and academic accommodations such as extensions, tutors, and changes of class schedule. Accommodations may also include changes of class modality (for example, switching to an independent study) if needed in order to ensure access to academic opportunity for the complainant in a class taught by a faculty member who is the respondent. The Title IX Coordinator will inform the complainant in writing of the College's obligation to provide these accommodations and resources as soon as the complainant comes forward. The Title IX Coordinator will work with the relevant Title IX deputy or deputies to arrange any appropriate accommodations for the respondent and will inform the respondent in writing of the College's readiness to provide these accommodations and resources.

## B. Investigation

Both the complainant and respondent have the right to have an advisor of their choosing (either the trained College advisor or any other person, including an attorney) present with them for all parts of the process. The advisor can speak to the complainant/respondent at any time during the process but cannot speak for them to the investigator or to the hearing panel.

If a student reports an incident but does not wish to participate in the investigation and adjudication process, the situation will be reviewed by a committee comprised of the Title IX Coordinator, the relevant Title IX deputy or deputies, and the Director of Sexual Assault Prevention and Response. That committee will determine whether there is sufficient information to proceed with an investigation and adjudication without the participation of the complainant. If the committee determines that the case should proceed without the complainant, it will make every effort to protect confidentiality (see Title IX Confidentiality and Privacy).

If it is determined that a process will go forward, the Title IX deputy relevant to the respondent will inform the respondent of the charges in writing.

If a respondent chooses not to participate in the investigation and adjudication process, the process will proceed without their contribution to the determination of the facts of the case. The respondent should note that the appeal process based on appearance of new information not available to the hearing panel does not apply in cases of deliberate omission of information by the respondent, including refusal by the respondent to participate in the investigation.

The Title IX Coordinator, in consultation with the relevant Title IX deputy or deputies, will assign a person trained in sexual misconduct investigations to determine the facts of the case as completely as possible. This investigator will hear statements from the complainant and respondent, ask follow up questions, reach out to and collect statements from others who have evidence/information relevant to the question of violation of the Sexual Misconduct Policies, and ask follow-up questions as needed. The complainant and respondent may each direct the investigator toward people to interview and may frame questions to be asked of others. The investigator will respect these directives unless they violate standards of good practices for sexual misconduct investigations or are clearly redundant or irrelevant. If the investigator decides not to pursue a question or interviewee submitted by one of the parties in the case, he or she will so inform that party in writing of the decision. All of those contacted by the investigator will be required to maintain the privacy of the investigation. The investigator will also gather any additional evidence available (for example, health care records, with permission of the person to whom they refer). The investigator may consult with the Title IX Coordinator and relevant deputies in decisions regarding the investigation process. The statements of the complainant and respondent will be recorded (audio). The investigator will produce for the hearing panel a report of his/her findings, which will include a list of those interviewed and copies of any additional material referenced.

The Title IX Coordinator, in consultation with the relevant Title IX deputy or deputies, will review the report and may request that additional information be gathered. These Title IX officers will also ensure that the report does not contain material that is inadmissible in the decision process, such as irrelevant prior sexual history.

The investigator's report will be shared with the complainant and respondent once it is complete. The complainant and respondent each have 10 days following the receipt of the report to write a response to it if they wish to do so; at that time, both may request that further information be gathered. Responses will be included in the official materials sent forward to the hearing panel for adjudication. If the Title IX Coordinator agrees that further information should be gathered, the investigator will be charged with pursuing the additional information and, if appropriate, issuing an amendment or supplement to the report. The complainant and respondent will be given an additional ten days to respond to any such additional or supplemental report.

The Title IX Coordinator and each of the deputies relevant to the complainant and respondent will review the report and the responses of both parties, and determine whether the alleged behavior of the respondent is properly within the purview of the sexual misconduct policies. If the Title IX Coordinator and deputies determine that the respondent's alleged behavior is not within the purview of the college's sexual misconduct policies, the Title IX Coordinator or relevant deputy will so inform the complainant and respondent in writing, and will direct the complainant to any other relevant college or legal processes that may address the behavior. The complainant may bring the investigator's report over into other relevant college processes (such as the discrimination grievance process).

If the Title IX committee determines that the respondent's alleged behavior is within the purview of the college's sexual misconduct policies, the case will move forward to the primary adjudication process, described below.

## C. Primary Adjudication

The decision about whether there has been a violation of the College's Sexual Misconduct Policies will be made by a hearing panel of five trained members. Four "yes" votes are necessary for a finding that there has been a violation. If such a violation is found to have taken place, then the same panel recommends an appropriate sanction. Sanctions are ultimately determined according to the rules in the Staff and Faculty Handbooks as described and modified below.

For each case the panel will be appointed by the Title IX Coordinator in consultation with the relevant Title IX deputy or deputies. The panel will ordinarily consist of a member of the office of the Dean of the College plus four additional members, drawn from the President's Standing Panel. If the respondent is a member of the faculty, at least two persons on the panel shall be faculty. If the respondent is staff, at least
two persons on the panel shall be staff. The complainant and respondent will have the opportunity to state whether there are those they feel should not participate in the panel due to bias or any other reason which would prevent them from making a fair assessment of the evidence. The final decision on any such requests for recusal will be made by the Title IX Coordinator in consultation with the relevant Title IX deputy or deputies.

The panel will start its deliberations by reading the investigator's report, along with the responses to the report (if any) from the complainant and respondent. The hearing panel also may request statements gathered by the investigator if they believe it is important to read the transcripts of the interviews. If the hearing panel draws substantive new information from review of the raw transcripts that was not already in the investigator's report, it will inform the complainant and respondent and allow them an opportunity to respond. After discussion, the panel will decide whether there are additional questions that need to be asked. If so, the investigator will go back to the parties to ask those questions. The panel may ask questions of the Title IX Coordinator or other relevant college officials.

The panel will decide whether there is a preponderance of evidence showing a violation of the College's Sexual Misconduct Policies.
If the panel determines that there has been a violation of the College's Sexual Misconduct Policies, the complainant and respondent will each be so informed in writing, and each then will have the opportunity to briefly address the committee, either in person, by media communication, or in writing, before the sanction is considered. (The two parties would do this separately - neither one in the presence of the other. It is optional rather than required to make such a statement.) This opportunity is not one in which the facts of the case are discussed or questions are asked by the committee. Rather, it is an opportunity for both parties to present directly to the panel in their own "voice" any additional information, including information about the impact of the incident in question. This opportunity is limited to 15 minutes or the written equivalent thereof. Each party's trained College advisor will provide them with guidelines on what is and is not permitted in this part of the process.

The panel will then recommend a sanction to the relevant senior officer (Dean of the Faculty for respondents who are members of the faculty, the Director of Human Resources for respondents who are members of the staff.) The complainant and respondent will each be informed in writing of the recommended sanction. Sanctions are ultimately determined by the processes described in the Staff and Faculty Handbooks, modified as described below.

## D. Appeal of the Finding of the Hearing Panel

Both parties have the right to request an appeal of the finding made by the hearing panel on whether or not there was a violation of the College's policy on Sexual Misconduct. This right to appeal of the finding is limited to (a) significant procedural lapses or (b) the appearance of substantive new evidence not available at the time of the original decision. Each party has 15 days following the receipt of the written decision to indicate their intention to appeal. Requests for appeal, with reasons, should be sent in writing to the Vice President for Institutional Diversity and Equity. ${ }^{12}$

If either the complainant or the respondent wishes to have other people interviewed to determine whether they have substantive new information pertinent to the appeal that was not available at the time of the original decision, the following process will be followed. (1) The person wishing to appeal will write to the Vice President for Institutional Diversity and Equity describing whom they wish to have interviewed and on what topic. (2) The Vice President or a designee will ask the person whether they do, in fact, have information on that topic. (3) If they do, the investigator will ask them questions or request a written statement. The appeal process will be suspended until the completion of these steps.

The Vice President for Institutional Diversity and Equity and will grant appeals only in cases where the procedural problems or new evidence are considered substantive enough to have had a significant effect on the outcome of the initial hearing. If the appeal is granted, its disposition is determined by the Vice

[^22]President for Institutional Diversity and Equity who may affirm the decision of the panel, return it to the original committee or summon a new committee, and who may task those committees with reviewing the decision either in whole or in part.

The results of any appeal will be communicated simultaneously and in writing to the complainant and the respondent by the Title IX Coordinator.

## E. Final Determination of Sanction in Cases Involving Respondents who are Members of the Faculty

 If the recommended sanction is termination of the respondent's appointment for cause, the Dean of the Faculty will initiate proceedings pursuant to Section II-V: Termination for Cause, of the Faculty Handbook. If the recommended sanction is a major sanction, such as suspension from service for a stated period, the Dean of the Faculty will initiate proceedings pursuant to Section II-W, "Major Sanctions, " of the Faculty Handbook. If the recommended sanction is a minor sanction, the Dean of the Faculty will initiate proceedings in accordance with Section II-W, "Minor Sanctions," of the Faculty Handbook. In order to comply with federal law, regulations, and guidance regarding Title IX, Sections II-V and II-W of the Faculty Handbook must be changed in some ways for cases involving sexual misconduct. Those changes are delineated below.In all cases covered by this policy the sole determination to be made according to the processes described in Sections II-V and II-W of the Faculty Handbook will be the final sanction to be imposed on the respondent. The determination by the hearing panel that the respondent committed a violation of the college's Sexual Misconduct Policies shall be final and shall not be subject to review or reconsideration in the sanctions process.

The hearing panel convened at this stage of the process will receive as evidence the letter of findings and recommended sanction from the original hearing panel described in section C. They will also have access to the report of the investigator and to previous disciplinary records of the respondent, if any. The hearing panel may request assistance from the Title IX Coordinator or other college officials.

The faculty member does not have the right to compel the complainant to appear before the panel. The complainant's testimony may be represented by the investigator's report.

Although the complainant cannot be compelled to appear before the hearing panel, in all cases covered by this policy the complainant will have an equal right with the respondent to be heard by the Dean of the Faculty, any hearing committee convened pursuant to the provisions of Section II-V or II-W and by the Board of Trustees.

Final decisions as to sanctions will be reported in writing simultaneously to the complainant and the respondent, as well as to the Title IX officer.

## F. Final Determination of Sanction in Cases Involving Respondents who are Members of the Staff

 Final determination of sanctions involving respondents who are members of the staff will be made by the Director of Human Resources, in consultation with the Title IX officer and relevant supervisor(s) of the staff member. The Director of Human Resources may take into account previous disciplinary records of the staff member in making his/her decision regarding sanction. Final decisions as to sanctions will be reported in writing simultaneously to the complainant and the respondent, as well as to the Title IX officer.
## Appendix: Additional Matters

The complainant and respondent will each be assigned a trained College advisor to help them navigate the process. Each party can bring this advisor with them for all parts of the process, including the investigation. These trained College advisors will not be part of a hearing panel regarding the case. Both the complainant and respondent have the right to have another advisor of their choosing present with them for all parts of the process, including any meeting with campus officials, with the hearing panel, and with the investigator. This advisor can speak to the complainant/respondent at any time during the process but cannot speak directly to the investigator or to the hearing panel. The complainant and respondent may bring one advisor with them-either the trained College advisor or the other advisor of their choosing-to
any part of the process.
Both parties have full access to the support services provided by the College throughout the process. For students, this includes the resources of the Health Center and Psychological Counseling Services; for faculty and staff, the employee assistance program.

Retaliation of any kind against the complainant or any witness is strictly prohibited. Any retaliation will be treated as a new and additional violation of the Sexual Misconduct Policy.

## 3. Cases Involving Faculty and/or Staff Members Only

A staff or faculty member who experiences conduct on the part of a staff or faculty member that he or she believes violates the College's Sexual Misconduct Policies is encouraged to report that conduct to the Dean of the Faculty, the Director of Human Resources, the College's Title IX Coordinator, or Campus Safety and Security. A staff or faculty member who reports an experience of sexual misconduct is called the "complainant." The staff or faculty member who is accused of committing sexual misconduct is called the "respondent." Both the complainant and the respondent are encouraged to participate in the process of investigation and adjudication.

## A. Before the process of investigation and adjudication starts, several steps are taken

The Title IX Coordinator, in consultation with the relevant Title IX deputy or deputies (for faculty, the Dean of the Faculty; for staff, the Director of Human Resources) will assign the complainant and the respondent each to a different trained advisor from the College staff (the "trained College advisor"). This advisor will explain to them the process and will also serve as a resource for any questions or concerns.

The Title IX Coordinator will provide to both the complainant and the respondent a written statement of their rights and responsibilities, and a description of these processes, including the requirements of confidentiality and the rules forbidding retaliation.

The Title IX Coordinator will make available at any time, before, during or after the administrative resolution or hearing process, and whether or not the complainant participates in the investigation and adjudication, reasonable and appropriate accommodations to increase the complainant's safety and wellbeing on campus. These may include no-contact orders with the respondent and/or other parties, changes of housing if living in College housing, and changes of work duties if necessary to avoid conflict. The Title IX Coordinator will inform the complainant in writing of the College's obligation to provide these accommodations and resources as soon as the complainant comes forward. The Title IX Coordinator will work with the relevant Title IX deputy or deputies to arrange any appropriate accommodations for the respondent and will inform the respondent in writing of the College's readiness to provide these accommodations and resources.

## B. Investigation

Both the complainant and respondent have the right to have an advisor of their choosing (either the trained College advisor or any other person, including an attorney) present with them for all parts of the process. The advisor can speak to the complainant/respondent at any time during the process but cannot speak for them to the investigator, to the relevant administrators, or to the hearing panel.

If a faculty or staff member reports an incident but does not wish to participate in the investigation and adjudication process, the situation will be reviewed by a committee comprised of the Title IX Coordinator, the relevant Title IX deputy or deputies, and the Director of Sexual Assault Prevention and Response. That committee will determine whether there is sufficient information to proceed with an investigation and adjudication without the participation of the complainant. If the committee determines that the case should proceed without the complainant, it will make every effort to protect confidentiality (see Title IX Confidentiality and Privacy).

If it is determined that a process will go forward, the Title IX deputy relevant to the respondent will inform the respondent of the charges in writing.

If a respondent chooses not to participate in the investigation and adjudication process, the process will proceed without their contribution to the determination of the facts of the case. The respondent should note that the appeal process based on appearance of new information not available to the hearing panel does not apply in cases of deliberate omission of information by the respondent, including refusal by the respondent to participate in the investigation.
The Title IX Coordinator, in consultation with the relevant Title IX deputy or deputies, will assign a person trained in sexual misconduct investigations to determine the facts of the case as completely as possible. This investigator will hear statements from the complainant and respondent, ask follow up questions, reach out to and collect statements from others who have evidence/information relevant to the question of violation of the Sexual Misconduct Policies, and ask follow-up questions as needed. The complainant and respondent may each direct the investigator toward people to interview and may frame questions to be asked of others. The investigator will respect these directives unless they violate standards of good practices for sexual misconduct investigations or are clearly redundant or irrelevant. If the investigator decides not to pursue a question or interviewee submitted by one of the parties in the case, he or she will so inform that party in writing of the decision. All of those contacted by the investigator will be required to maintain the privacy of the investigation. The investigator will also gather any additional evidence available (for example, health care records, with permission of the person to whom they refer). The investigator may consult with the Title IX Coordinator and relevant deputies in decisions regarding the investigation process. The statements of the complainant and respondent will be recorded (audio). The investigator will produce for the administrators and/or the hearing panel a report of his/her findings, which will include a list of those interviewed and copies of any additional material referenced.

The Title IX Coordinator, in consultation with the relevant Title IX deputy or deputies, will review the report and may request that additional information be gathered. These Title IX officers will also ensure that the report does not contain material that is inadmissible in the decision process, such as irrelevant prior sexual history.

The investigator's report will be shared with the complainant and respondent once it is complete. The complainant and respondent each have 10 days following the receipt of the report to write a response to it if they wish to do so; at that time, both may request that further information be gathered. Responses will be included in the official materials sent forward to the hearing panel for adjudication. If the Title $I X$ Coordinator agrees that further information should be gathered, the investigator will be charged with pursuing the additional information and, if appropriate, issuing an amendment or supplement to the report. The complainant and respondent will be given an additional 10 days to respond to any such additional or supplemental report.

The Title IX Coordinator and each of the deputies relevant to the complainant and respondent will review the report and the responses of both parties, and determine whether the alleged behavior of the respondent is properly within the purview of the sexual misconduct policies.

If the Title IX Coordinator and deputies determine that the respondent's alleged behavior is not within the purview of the college's sexual misconduct policies, the Title IX Coordinator or relevant deputy will so inform the complainant and respondent in writing, and will direct the complainant to any other relevant college or legal processes that may address the behavior. The complainant may bring the investigator's report over into other relevant college processes (such as the discrimination grievance process).

If the Title IX committee determines that the respondent's alleged behavior is within the purview of the college's sexual misconduct policies, the case will move forward to the primary adjudication process, described below.

## C. Primary Adjudication

After receiving the investigator's report, the complainant may choose to pursue an administrative resolution of the complaint or proceed straight to a hearing panel. If the complainant chooses the administrative resolution, he or she may end that process at any time and move instead to a hearing by the hearing panel.

## I. Administrative Resolution

Two executive officers of the college will oversee the administrative resolution process for the complaint. Ordinarily, the two executive officers will be those to whom the complainant and respondent report (the Dean of the Faculty for the faculty, and the executive officer to whom the staff member's department reports for staff.) In cases where both complainant and respondent have the same executive officer, or in cases where the complainant or respondent believe their own executive officer cannot fairly adjudicate the complaint, the Title IX coordinator, after consultation with the complainant and respondent, will determine which two executive officers of the College will oversee the administrative resolution process. If it is an executive officer whose behavior is at issue in the complaint, the Title IX Coordinator, in consultation with the President and after conversation with both complainant and respondent, shall select two other executive officers to oversee the administrative resolution process.

The executive officers will read and consider the investigator's report, along with any responses to that report written by the complainant and respondent. The executive officers may request statements gathered by the investigator if they believe it is important to read the transcripts of the interviews. If the executive officers draw substantive new information from review of the raw transcripts that was not already in the investigator's report, they will inform the complainant and respondent and allow them an opportunity to respond. If the executive officers decide that additional questions need to be asked, the investigator will go back to the parties to ask those questions. The executive officers may also ask questions of the Title IX Coordinator or other relevant college officials.

The executive officers will reach a finding and report it to both the complainant and the respondent. If it is the judgment of the executive officers that the respondent committed the act(s) alleged by the complainant and thereby violated College sexual misconduct policy, they will seek a resolution of the complaint. They will also, if the respondent is a faculty or staff member, confer with his or her department supervisor. The complainant's executive officer will keep the complainant informed of any progress made in resolving the grievance, reporting to the complainant within one month of the filing of the complaint. This period may be extended beyond one month if the complainant and his or her executive officer agree that an extension is needed.

To be successful, the terms of the resolution proposed by the executive officers must be acceptable to both the complainant and the respondent. The executive officers will put both the finding of responsibility and the terms of the proposed resolution in writing, giving a copy to the complainant and another to the respondent. Each party will have 10 days to indicate his or her acceptance of the terms as constituting a satisfactory resolution of the grievance by returning a signed copy to the executive officers. Upon receipt of both signed copies, the respondent's executive officer, as well as the Title IX Coordinator, will place them in his or her file of complaints of discrimination and take such actions as are called for in the resolution.

The executive officers' attempt at a resolution will have failed if either the complainant or the respondent chooses not to accept the terms proposed. If the complainant or the respondent does not accept them, either of them may, again within 10 days of receiving the proposed terms in writing, instruct the Title IX Coordinator to convene a hearing panel.

## II. Hearing Panel

If the complainant decides to forgo administrative resolution or if administrative resolution is not acceptable to the complainant or respondent, the decision about whether there has been a violation of the College's Sexual Misconduct Policies will be made by a hearing panel of five trained members. Four "yes" votes are necessary for a finding that there has been a violation. If such a violation is found to have taken place, then the same panel recommends an appropriate sanction. Sanctions are ultimately determined according to the rules in the Staff and Faculty Handbooks as described and modified below.

For each case the panel will be appointed by the Title IX Coordinator in consultation with the relevant Title IX deputy or deputies. The panel will be drawn from the President's Standing Panel. If one party is a member of the faculty and the other party is a member of the staff, the panel will consist of two members of the faculty, two members of the staff, and a chair. If the complainant and respondent are both faculty, then
the panel will consist of five members of the faculty, one of whom will be chair. If the complainant and respondent are both staff, then the hearing panel will consist of five members of the staff, one of whom will be chair. The complainant and respondent will have the opportunity to state whether there are those they feel should not participate in the panel due to bias or any other reason which would prevent them from making a fair assessment of the evidence. The final decision on any such requests for recusal will be made by the Title IX Coordinator in consultation with the relevant Title IX deputy or deputies.

The panel will start its deliberations by reading the investigator's report, along with the responses to the report (if any) from the complainant and respondent. The hearing panel may request statements gathered by the investigator if they believe it is important to read the transcripts of the interviews. If the hearing panel draws substantive new information from review of the raw transcripts that was not already in the investigator's report, it will inform the complainant and respondent and allow them an opportunity to respond. After discussion, the panel will decide whether there are additional questions that need to be asked. If so, the investigator will go back to the parties to ask those questions. The panel may ask questions of the Title IX Coordinator or other relevant college officials.

The panel will decide whether there is a preponderance of evidence showing a violation of the College's Sexual Misconduct Policies.

If the panel determines that there has been a violation of the College's Sexual Misconduct Policies, the complainant and respondent will each be so informed in writing, and each then will have the opportunity to briefly address the committee, either in person, by media communication, or in writing, before the sanction is considered. (The two parties would do this separately - neither one in the presence of the other. It is optional rather than required to make such a statement.) This opportunity is not one in which the facts of the case are discussed or questions are asked by the committee. Rather, it is an opportunity for both parties to present directly to the panel in their own "voice" any additional information, including information about the impact of the incident in question. This opportunity is limited to 15 minutes or the written equivalent thereof. Each party's trained College advisor will provide them with guidelines on what is and is not permitted in this part of the process.

The panel will then recommend a sanction to the relevant senior officer (Dean of the Faculty for respondents who are members of the faculty, the Director of Human Resources for respondents who are members of the staff.) The complainant and respondent will each be informed in writing of the recommended sanction. Sanctions are ultimately determined by the processes described in the Staff and Faculty Handbooks, modified as described below.

## D. Appeal of the Finding of the Hearing Panel

Both parties have the right to request an appeal of the finding made by the hearing panel on whether or not there was a violation of the College's policy on Sexual Misconduct. This right to appeal of the finding is limited to (a) significant procedural lapses or (b) the appearance of substantive new evidence not available at the time of the original decision. Each party has 15 days following the receipt of the written decision to indicate their intention to appeal. Requests for appeal, with reasons, should be sent in writing to the Vice President for Institutional Diversity and Equity. ${ }^{1{ }^{1}}$

If either the complainant or the respondent wishes to have other people interviewed to determine whether they have substantive new information pertinent to the appeal that was not available at the time of the original decision, the following process will be followed. (1) The person wishing to appeal will write to the Vice President for Institutional Diversity and Equity describing whom they wish to have interviewed and on what topic. (2) The Vice President or a designee will ask the person whether they do, in fact, have information on that topic. (3) If they do, the investigator will ask them questions or request a written statement. The appeal process will be suspended until the completion of these steps.

The Vice President for Institutional Diversity and Equity will grant appeals only in cases where the

[^23]procedural problems or new evidence are considered substantive enough to have had a significant effect on the outcome of the initial hearing. If the appeal is granted, its disposition is determined by the Vice President for Institutional Diversity and Equity who may affirm the decision of the panel, return it to the original committee or summon a new committee, and who may task those committees with reviewing the decision either in whole or in part.

The results of any appeal will be communicated simultaneously and in writing to the complainant and the respondent by the Title IX Coordinator. If this position is empty, this role will be filled by the Vice President for Finance \& Administration and Treasurer.

## E. Final determination of sanction in cases involving respondents who are members of the faculty

 If the recommended sanction is termination of the respondent's appointment for cause, the Dean of the Faculty will initiate proceedings pursuant to Section II-V: Termination for Cause of the Faculty Handbook. If the recommended sanction is a major sanction, such as suspension from service for a stated period, the Dean of the Faculty will initiate proceedings pursuant to Section II-W, "Major Sanctions," of the Faculty Handbook. If the recommended sanction is a minor sanction, the Dean of the Faculty will initiate proceedings in accordance with Section II-W, "Minor Sanctions," of the Faculty Handbook. In order to comply with federal law, regulations, and guidance regarding Title IX, Sections II-V and II-W of the Faculty Handbook must be changed in some ways for cases involving sexual misconduct. Those changes are delineated below.In all cases covered by this policy the sole determination to be made according to the processes described in Sections II-V and II-W of the Faculty Handbook will be the final sanction to be imposed on the respondent. The determination by the hearing panel that the respondent committed a violation of the College's Sexual Misconduct Policies shall be final and shall not be subject to review or reconsideration in the sanctions process.

The hearing panel convened at this stage of the process will receive as evidence the letter of findings and recommended sanction from the original hearing panel described in section $C$. They will also have access to the report of the investigator and responses written by either party to that report, and to previous disciplinary records of the respondent, if any. The hearing panel may request assistance from the Title IX Coordinator or other college officials.

The faculty member does not have the right to compel the complainant to appear before the panel. The complainant's testimony may be represented by the investigator's report.

Although the complainant cannot be compelled to appear before the hearing panel, in all cases covered by this policy the complainant will have an equal right with the respondent to be heard by the Dean of the Faculty, any hearing committee convened pursuant to the provisions of Sections II-V or II-W and by the Board of Trustees.

Final decisions as to sanctions will be reported in writing simultaneously to the complainant and the respondent, as well as to the Title IX Coordinator.

## F. Final Determination of Sanction in Cases Involving Respondents who are Members of the Staff

Final determination of sanctions involving respondents who are members of the staff will be made by the Director of Human Resources, in consultation with the Title IX Coordinator and relevant supervisor(s) of the staff member. The Director of Human Resources may take into account previous disciplinary records of the staff member in making his/her decision regarding sanction.
Final decisions as to sanctions will be reported in writing simultaneously to the complainant and the respondent, as well as to the Title IX Coordinator.

## Appendix: Additional matters

The complainant and respondent will each be assigned a trained College advisor to help them navigate the process. Each party can bring this advisor with them for all parts of the process, including the investigation. These trained College advisors will not be part of a hearing panel regarding the case. Both
the complainant and respondent have the right to have another advisor of their choosing present with them for all parts of the process, including any meeting with campus officials, with the hearing panel, and with the investigator. This advisor can speak to the complainant/respondent at any time during the process but cannot speak directly to the investigator or to the hearing panel. The complainant and respondent may bring one advisor with them-either the trained College advisor or the other advisor of their choosing-to any part of the process.

Both parties have full access to the support services, including the employee assistance program, provided by the College throughout the process.

Retaliation of any kind against the complainant or any witness is strictly prohibited. Any retaliation will be treated as a new and additional violation of the Sexual Misconduct Policy.

The following text was added in place of the deleted material on pages 160-74 of the 2018-19 Handbook:

## Appendix A: Discrimination, Harassment, and Sexual Misconduct Grievance Procedures ${ }^{14}$

NOTE: In cases involving only students or student respondents, the investigation and adjudication procedures will be those outlined in the college's policies relating to student misconduct: https://dean.williams.edu/policies/

Members of the Williams College community who believe they have been subjected to discrimination, harassment, or sexual misconduct are encouraged to bring these concerns forward. Concerns may be brought directly to the Office of Institutional Diversity and Equity (to the Vice President, the Assistant Vice President/Title IX Coordinator). Reports may also be made to an appropriate deputy of the office (for students, the Dean of the College; for staff, the Director of Human Resources; for Faculty, the Dean of the Faculty) or relevant American with Disabilities Act (ADA) officer, who will then work with the Office of Institutional Diversity and Equity to resolve the concern. Campus Safety and Security, local police, and state and/or federal agencies may also be contacted, either immediately or at any point during a college investigation. Normally, college investigations and hearings can occur simultaneously with external ones.

The college's procedures seek to ensure a prompt, fair, and impartial investigation and resolution. College officials who receive training on issues related to discrimination, harassment, and sexual misconduct, as well as on conducting a hearing process that protects the rights and safety of aggrieved parties and promotes accountability will conduct these procedures.

The standard of proof used in adjudicating of cases of alleged discrimination, harassment, and sexual misconduct will be preponderance of the evidence. ${ }^{15}$ Possible sanctions if a student or employee of the college is found responsible for violation of the college's Non-Discrimination, Harassment and Sexual Misconduct Policy include the full range of disciplinary sanctions available at the college, up to and including suspension from the college for one or more semesters and expulsion, in the case of a student, or dismissal in the case of a college employee.

In cases of sexual misconduct, the investigation and adjudication process is overseen by the Title IX Coordinator; in all other discrimination and harassment cases, the Assistant Vice President for Institutional Diversity and Equity has oversight.

The person alleging discrimination is here called the "complainant"; the party accused of violating college

[^24]policy is called the "respondent." Both the complainant and the respondent are encouraged to participate in the process of investigation and adjudication.

## I. Cases involving student respondents

A staff or faculty member who experiences conduct on the part of a student that they believe violates the college's Non-Discrimination, Harassment and Sexual Misconduct Policy should contact the Dean of the College, the Vice President for Institutional Diversity and Equity or the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator. The local police, state or federal officials may also be contacted. Normally, college investigations and hearings can occur simultaneously with external ones. The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator will ensure that the staff or faculty member is provided the information and support stipulated by the college's NonDiscrimination, Harassment and Sexual Misconduct Policy.

The investigation and adjudication processes will be those outlined in the college's policies relating to student misconduct: https://dean.williams.edu/policies/.

## II. Cases involving a student complainant and a faculty or staff member

A student who experiences conduct on the part of a staff or faculty member that the student believes violates the college's Non-Discrimination, Harassment, and Sexual Misconduct Policy is encouraged to report that conduct to the Dean of the College, the Vice President for Institutional Diversity and Equity or the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator, or to Campus Safety and Security. The local police, state or federal officials may also be contacted. Normally, college investigations and hearings can occur simultaneously with external ones.

Once an incident is reported, the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator, in consultation with relevant deputy or deputies, will determine what support and accommodations, if any, should be made immediately available to the complainant. The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator will inform the respondent of the allegation(s) in writing.

In some cases, a student alleging discrimination or harassment may pursue either an informal or a formal process.

## A. Informal process

The informal process is an opportunity to bring resolution to a complaint through awareness, education, and/or a facilitated discussion. An informal resolution may be appropriate if the complainant, the respondent, and the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator and the relevant deputy or deputies can all come to an agreement about the facts and desirable resolution to the case.

The informal process is not appropriate for most cases that involve a student and a member of the faculty or staff; for complaints of sexual misconduct apart from certain instances of discriminatory harassment; and for any complaint involving behavior that potentially endangers members of the college community and/or is potentially criminal in nature. In other cases, if both the complainant and the respondent prefer an informal process, the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator, in consultation with the relevant deputy or deputies, will decide if an informal resolution is appropriate and advisable.

During an informal process, fact-finding occurs to the extent necessary to understand the conflict and protect the interest of the parties and the college community, but no determination is made of whether college policy has been violated.

Informal resolutions may include, but are not limited to:

- Training;
- Changes to work or academic arrangements;
- Housing reassignment;
- Informal discussion with a person whose conduct, if not stopped, could rise to the level of discrimination or harassment;
- Advisory discussion with the respondent's supervisor or chair;
- "No contact" directive to the parties;
- Suspension.

Information obtained by the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator, in consultation with the relevant deputy or deputies, during the course of the informal complaint process will be shared only to the extent necessary to understand the conflict and protect the interest of the parties and the college community.

At any point during or following the informal process, the complainant and/or the respondent may end the informal process and request a formal process. The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator will inform, in writing, the complainant or respondent if the other party opts out of the informal process.

## B. Formal process

Before the formal investigation and adjudication begins, the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator, in consultation with relevant deputy or deputies, will assign the complainant and the respondent each a different trained advisor from the college staff. Advisors will explain the formal process to their assigned advisee and will also serve as a resource for any questions or concerns.

The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator will provide to both the complainant and the respondent a written statement of their rights and responsibilities and a description of these processes, including the requirements of confidentiality and the rules forbidding retaliation.

The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator will make available at any time before, during or after the hearing process, and whether or not the complainant participates in the investigation and adjudication, reasonable and appropriate accommodations to increase the complainant's safety and well-being on campus. These may include no-contact orders with the respondent and/or other parties, changes of housing accommodations, and academic accommodations such as extensions, tutors, and changes of class schedule. Accommodations may also include changes of class modality (for example, switching to an independent study) if needed in order to ensure access to academic opportunity for the complainant in a class taught by a faculty member who is the respondent. The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator will inform the complainant in writing of the college's obligation to provide these accommodations and resources as soon as the complaint comes forward; will work with relevant deputies to arrange any appropriate accommodations for the respondent; and will inform the respondent in writing of the college's readiness to provide these accommodations and resources.

## 1. Rights, including rights of non-participation

During all parts of the investigation and adjudication processes, both the complainant and respondent have the right to have an advisor of their choosing (either the trained college advisor or any other person, including an attorney) present with them. The advisor may speak to the complainant/respondent at any time during the process but may not speak for them to the investigator, to the relevant administrators, or to the adjudication panel.

If a student reports an incident but does not wish to participate in the investigation and adjudication process, the situation will be reviewed by a committee comprised of the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator, the relevant deputy or deputies, and a third member: in cases of sexual misconduct, the Director of Sexual Assault Prevention and Response; in other discrimination or harassment cases, the Associate Dean for Institutional Diversity and Equity. That committee will determine whether there is sufficient information to proceed with an investigation and adjudication without the participation of the complainant. If the committee determines that the case should
proceed without the complainant, it will make every effort to protect their confidentiality (see Section II-S: Non-Discrimination, Harassment, and Sexual Misconduct Policy, "Confidentiality").

If it is determined that a process will go forward, the deputy relevant to the respondent will inform the respondent of the allegations in writing.

If a respondent chooses not to participate in the investigation and adjudication process, the process will proceed without their contribution to the determination of the facts of the case. The respondent should note that the appeal process based on the appearance of new information not available to the adjudication panel does not apply in cases of deliberate omission of information by the respondent, including refusal by the respondent to participate in the investigation.

## 2. Investigation

The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator, in consultation with the relevant deputy or deputies, will assign a person trained in discrimination investigations to determine the facts of the case as completely as possible. This investigator will hear statements from the complainant and respondent, ask follow up questions, reach out to and collect statements from others who have evidence/information relevant to the question of violation of the college's Non-Discrimination, Harassment and Sexual Misconduct Policy, and ask follow-up questions as needed. The complainant and respondent may each direct the investigator toward people to interview and may frame questions to be asked of others. The investigator will respect these directives unless they violate standards of good practices for such investigations or are clearly redundant or irrelevant. If the investigator decides not to pursue a question or interviewee submitted by one of the parties in the case, they will so inform that party in writing of the decision. All of those contacted by the investigator will be required to maintain the confidentiality of the investigation. The investigator will also gather any additional evidence available (for example, health care records, with permission of the person to whom they refer, or evidence of patterns of discrimination). The investigator may consult with the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator and any relevant deputies in decisions regarding the investigation process. The statements of the complainant and respondent will be recorded (audio). The investigator will produce a report of the findings, which will include a list of those interviewed and copies of any additional material referenced.

The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator and relevant deputies will review the report and may request that additional information be gathered. They will also ensure that the report does not contain material that is inadmissible in the decision process, such as irrelevant prior sexual history.

The investigator's report will be shared with the complainant and respondent once it is complete. ${ }^{16}$ The complainant and respondent each have 10 days following the receipt of the report to write a response to it if they wish to do so. At that time, both may request that further information be gathered. Responses will be included in the official materials sent forward to the adjudication panel. If the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator agrees that further information should be gathered, the investigator will be charged with pursuing the additional information and, if appropriate, issuing an amendment or supplement to the report. The complainant and respondent will be given an additional 10 days to respond to any such additional or supplemental report.

The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator and each of the deputies relevant to the complainant and respondent will review the report and the responses of both parties, and determine whether the alleged behavior of the respondent is properly within the purview of the college's Non-Discrimination, Harassment, and Sexual Misconduct Policy.

If the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator and the relevant

[^25]deputies determine that the respondent's alleged behavior is not within the purview of the college's NonDiscrimination, Harassment, and Sexual Misconduct Policy, they will so inform the complainant and respondent in writing and will direct the complainant to any other relevant college or legal processes that may address the behavior. The complainant may bring the investigator's report over into other relevant college processes.

If the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator and relevant deputies determine that the respondent's alleged behavior is within the purview of the college's NonDiscrimination, Harassment, and Sexual Misconduct Policy, the case will move forward to the adjudication process, described below. The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator will communicate this determination, in writing, to the complainant and respondent.

## 3. Adjudication Process

An adjudication panel of five trained members will make the decision about whether there has been a violation of the college's Non-Discrimination, Harassment, and Sexual Misconduct Policy. Four "yes" votes are necessary for a finding that there has been a violation. If such a violation is found to have taken place, then the same panel recommends an appropriate sanction. Sanctions are ultimately determined according to the procedures in the Staff and Faculty Handbooks as described and modified below.

For each case, the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator in consultation with the relevant deputy or deputies will appoint an adjudication panel and inform the complainant and respondent in writing. The panel will consist of a member of the office of the Dean of the College plus four additional members, drawn from the Standing Grievance Panel. If the respondent is a member of the faculty, at least two persons on the adjudication panel will be faculty. If the respondent is a member of the staff, at least two persons on the adjudication panel will be staff. The complainant and respondent will have the opportunity to state whether there are those they feel should not participate in the panel due to bias or any other reason which would prevent them from making a fair assessment of the evidence. The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator in consultation with the relevant deputy or deputies will make the final decision on any such requests for recusal and inform the complainant and respondent in writing. The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator will ensure that all members of the adjudication panel are trained.

The panel will start its deliberations by reading the investigator's report, along with the responses to the report (if any) from the complainant and respondent. After discussion, the panel will decide whether there are additional questions that need to be asked. If so, the investigator will go back to the parties to ask those questions. The panel may ask questions of the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator or other relevant college officials.

The panel will decide whether there is a preponderance of the evidence showing a violation of the college's Non-Discrimination, Harassment, and Sexual Misconduct Policy.

If the panel determines that there has been a violation of the college's policy, the complainant and respondent will each be so informed in writing, and each then will have the opportunity to briefly address the committee, either in person, by media communication, or in writing, before a sanction is considered. (The two parties will do this separately - neither one in the presence of the other. It is optional rather than required to make such a statement.) This opportunity is not one in which the facts of the case are discussed or questions are asked by the committee. Rather, it is an opportunity for both parties to present directly to the panel in their own "voices" any additional information, including information about the impact of the incident in question. This opportunity is limited to 15 minutes or the written equivalent thereof. Each party's trained college advisor will provide them with guidelines on what is and is not permitted in this part of the process.

The panel will then recommend a sanction to the relevant senior administrator (Dean of the Faculty for respondents who are members of the faculty, the Director of Human Resources for respondents who are members of the staff). The complainant and respondent will each be informed in writing of the
recommended sanction. Final decisions as to sanctions are determined by the relevant procedures described in the Staff and Faculty Handbooks.

## 4. Appeal of the finding

Both parties have the right to appeal the finding made by the adjudication panel on whether or not there was a violation of the college's Non-Discrimination, Harassment and Sexual Misconduct Policy. This right to appeal of the finding is limited to (a) significant procedural lapses or (b) the appearance of substantive new evidence not available at the time of the original decision. Each party has 15 days following the receipt of the written decision to indicate their intention to appeal. Requests for appeal, with reasons, should be sent in writing to the Vice President for Institutional Diversity and Equity. The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator will inform, in writing, the complainant or respondent if the other party chooses to appeal the finding.

If either the complainant or the respondent wishes to have other people interviewed to determine whether they have substantive new information pertinent to the case that was not available at the time of the original decision, the following process will be followed:
(1) The person wishing to appeal will write to the Vice President for Institutional Diversity and Equity describing whom they wish to have interviewed and on what topic.
(2) The Vice President or a designee will ask the person whether they do, in fact, have information on that topic.
(3) If they do, the investigator will ask them questions or request a written statement. The appeal process will be suspended until the completion of these steps.

The Vice President for Institutional Diversity and Equity will grant appeals only in cases where the procedural problems or new evidence are considered substantive enough to have had a significant effect on the outcome of the initial hearing. If the appeal is granted, its disposition is determined by the Vice President for Institutional Diversity and Equity, who may affirm the decision of the adjudication panel, return the matter to the original adjudication panel, or summon a new adjudication panel, and who may task those panels with reviewing the decision either in whole or in part.

A decision by the Vice President for Institutional Diversity and Equity to affirm the original panel's decision shall be final. Subject to the scope of the instructions from the Vice President for Institutional Diversity and Equity, the review by a panel after referral from the Vice President for Institutional Diversity and Equity may result in a change in the decision as to whether or not a violation of the college's policy as regards non-discrimination, harassment, and sexual misconduct has occurred, or may result in an increase in sanction, a decrease in sanction, or no change in sanction. If the decision of the reviewing panel is to affirm the original decisions as to violation and as to sanction, that decision shall be final. If the decision of the reviewing panel is to change the original decision either as to violation or as to sanction, the reviewing panel's decision shall be subject to appeal in accordance with the foregoing procedures. The results of any such second appeal process shall be final, not subject to further appeal.

The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator will communicate the outcome of any appeal simultaneously and in writing to the complainant and the respondent.

## 5. Final determination of sanction in cases involving respondents who are members of the faculty

 If the recommended sanction is termination of the respondent's appointment for cause, the Dean of the Faculty will initiate proceedings pursuant to Section II-V: Termination of Faculty Appointment for Cause of the Faculty Handbook. If the recommended sanction is a major sanction, such as suspension from service for a stated period, the Dean of the Faculty will initiate proceedings pursuant to Section II-W: Procedures for Imposition of Sanctions on Faculty other than Dismissal, "Major Sanctions," of the Faculty Handbook. If the recommended sanction is a minor sanction, the Dean of the Faculty will initiate proceedings in accordance with Section II-W., "Minor Sanctions," of the Faculty Handbook. In all cases covered by this policy the sole determination to be made according to the processes described in Sections II-V: Termination of Faculty Appointment for Cause and II-W: Procedures for Imposition of Sanctions on Faculty other than Dismissal of the Faculty Handbook will be the final sanction to be imposed on the respondent. The determination by the adjudication panel that the respondent violated the college's Non-Discrimination, Harassment and Sexual Misconduct Policy shall be final and shall not be subject to review or reconsideration in the sanctions process.

The sanctions panel convened at this stage of the process will receive as evidence the letter of findings and recommended sanction from the adjudication panel described in sub-section II.B.3. above. The sanctions panel will also have access to the report of the investigator and to previous disciplinary records of the respondent, if any. The sanctions panel may request assistance from the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator, or deputy or duties.

The faculty member does not have the right to compel the complainant to appear before the sanctions panel. The complainant's testimony may be represented by the investigator's report.

Although the complainant cannot be compelled to appear before the sanctions panel, in all cases covered by this policy the complainant will have an equal right as the respondent to be heard by the Dean of the Faculty, any hearing committee convened pursuant to the provisions of Section II-V: Termination of Faculty Appointment for Cause or Section II-W: Procedures for Imposition of Sanctions on Faculty Other than Dismissal, and by the Board of Trustees.

Final decisions as to sanctions will be reported in writing simultaneously to the complainant and the respondent, as well as to the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator and relevant deputies.

## 6. Final determination of sanction in cases involving respondents who are members of the staff

 Final determination of sanctions involving respondents who are members of the staff will be made by the Director of Human Resources, in conjunction with the Coordinator and relevant supervisor(s) of the staff member. They may take into account previous disciplinary records of the staff member in making their decision regarding sanction. Final decisions as to sanctions will be reported in writing simultaneously to the complainant and the respondent, as well as to the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator.
## Additional Matters

The complainant and respondent will each be assigned a trained college advisor to help them navigate the process. Each party can bring this advisor with them to all parts of the process, including the investigation. These trained college advisors may not be part of a hearing panel regarding the case. Both the complainant and respondent have the right to have another advisor of their choosing present with them for all parts of the process, including any meeting with campus officials, with the adjudication and/or sanctions panels, and with the investigator. However, the complainant and respondent may bring only one advisor with them-either the trained college advisor or the other advisor of their choosing-to any part of the process. Advisors may speak to the individual being advised, the complainant or respondent, at any time during the process but may not speak directly to the investigator or to the members of adjudication and/or sanctions panels.

Both parties have full access to the support services provided by the college throughout the process. For students, this includes the resources of the Health Center and Integrative Well-being Services; for faculty and staff, the Employee Assistance Program.

Retaliation of any kind against the complainant or any witness is strictly prohibited. Any retaliation will be treated as a new and additional violation of the college's Non-Discrimination, Harassment, and Sexual Misconduct Policy.

## III. Cases involving faculty and/or staff members only

A staff or faculty member who experiences conduct on the part of a staff or faculty member that potentially violates the college's Non-Discrimination, Harassment, and Sexual Misconduct Policy is encouraged to report that conduct to the Vice President for Institutional Diversity and Equity or the Assistant Vice President for Institutional Diversity and Equity/Tittle IX Coordinator. Reports may also be made to an appropriate deputy (for staff, the Director of Human Resources; for faculty, the Dean of the Faculty). The
local police, state or federal officials may also be contacted. Normally, college investigations and hearings can occur simultaneously with external ones.

Once an incident is reported, the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator, in consultation with relevant deputy or deputies, will determine what immediate support and accommodations, if any, should be made available to the complainant. The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator will inform the respondent of the allegation(s) in writing.

With some exceptions, a member of the college community reporting an incident of alleged discrimination may pursue either an informal or a formal process.

## A. Informal process

The informal process is an opportunity to bring resolution to a complaint through awareness, education, and/or a facilitated discussion. An informal resolution may be appropriate if the complainant, the respondent, the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator and the relevant deputy or deputies can all come to an agreement about the facts and desirable resolution to the case.

The informal process is not appropriate for complaints of sexual misconduct, apart from certain instances of discriminatory harassment, or for any complaint involving behavior that potentially endangers members of the college community and/or is potentially criminal in nature. In other cases, if both the complainant and the respondent prefer an informal process, the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator, in consultation with the relevant deputy or deputies, will decide if an informal resolution is appropriate and advisable.

During an informal process, fact-finding occurs to the extent necessary to understand the conflict and protect the interest of the parties and the College community, but no determination is made of whether college policy has been violated.

Informal resolutions may include, but are not limited to:

- Training;
- Changes to work or academic arrangements;
- Housing reassignment;
- Informal discussion with a person whose conduct, if not stopped, could rise to the level of discrimination or harassment;
- Advisory discussion with the respondent's supervisor or chair;
- "No contact" directive to the parties;
- Suspension.

Information obtained by the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator, in consultation with the relevant deputy or deputies, during the course of the informal complaint process will be shared only to the extent necessary to understand the conflict and protect the interest of the parties and the college community.

At any point during or following the informal process, the complainant and/or the respondent may end the informal process and request a formal process. The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator will inform, in writing, the complainant or respondent if the other opts out of the informal process.

## B. Formal process

Before the formal investigation and adjudication begins, the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator, in consultation with the relevant deputy or deputies, will assign the complainant and the respondent each a different trained advisor from the college staff. Advisors will explain the formal process to their assigned advisee and will also serve as a resource for any questions or concerns.

The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator will provide to both the complainant and the respondent a written statement of their rights and responsibilities, and a description of these processes, including the requirements of confidentiality and the rules forbidding retaliation.

The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator will make available at any time, before, during or after the hearing process, and whether or not the complainant participates in the investigation and adjudication, reasonable and appropriate accommodations to increase the complainant's safety and well-being on campus. These may include no-contact orders with the respondent and/or other parties, changes of housing if living in college housing, and changes of work duties if necessary to avoid conflict. The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator will work with the relevant deputy or deputies to arrange any appropriate accommodations for the respondent and will inform the respondent in writing of the College's readiness to provide these accommodations and resources.

## 1. Rights, including rights of non-participation

During all parts of the investigation and adjudication processes, both the complainant and respondent have the right to have an advisor of their choosing (either the trained college advisor or any other person, including an attorney) present with them. The advisor may speak to the complainant/respondent at any time during the process but may not speak for them to the investigator, to the relevant administrators, or to an adjudication panel.

If a faculty or staff member reports an incident but does not wish to participate in the investigation and adjudication process, the situation will be reviewed by a committee comprised of the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator, the relevant deputy or deputies, and the Director of Sexual Assault Prevention and Response if the case involves sexual misconduct, or the Associate Dean for Institutional Diversity and Equity in other discrimination or harassment cases. That committee will determine whether there is sufficient information to proceed with an investigation and adjudication without the participation of the complainant. If the committee determines that the case should proceed without the complainant, it will make every effort to protect their confidentiality (see Section II-S: Non-Discrimination, Harassment, and Sexual Misconduct Policy, "Confidentiality").

If it is determined that the process will go forward, the deputy relevant to the respondent will inform the respondent of the charges in writing.

If a respondent chooses not to participate in the investigation and adjudication process, the process will proceed without their contribution to the determination of the facts of the case. The respondent should note that the appeal process based on the appearance of new information not available to the adjudication panel does not apply in cases of deliberate omission of information by the respondent, including refusal by the respondent to participate in the investigation.

## 2. Investigation

The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator, in consultation with the relevant deputy or deputies, will assign a person trained in discrimination investigations to determine the facts of the case as completely as possible. This investigator will hear statements from the complainant and respondent, ask follow up questions, reach out to and collect statements from others who have evidence/information relevant to the question of violation of the college's Non-Discrimination, Harassment, and Sexual Misconduct Policy, and ask follow-up questions as needed. The complainant and respondent may each direct the investigator toward people to interview and may frame questions to be asked of others. The investigator will respect these directives unless they violate standards of good practices for such investigations or are clearly redundant or irrelevant. If the investigator decides not to pursue a question or interviewee submitted by one of the parties in the case, they will so inform that party in writing of the decision. All of those contacted by the investigator will be required to maintain the privacy of the investigation. The investigator will also gather any additional evidence available (for example, health care records, with permission of the person to whom they refer, or evidence of patterns of
discrimination). The investigator may consult with the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator and the relevant deputy or deputies in decisions regarding the investigation process. The statements of the complainant and respondent will be recorded (audio). The investigator will produce for the administrators and/or the adjudication panel a report of findings, which will include a list of those interviewed and copies of any additional material referenced.

The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator and the relevant deputy or deputies will review the report and may request that additional information be gathered. They will also ensure that the report does not contain material that is inadmissible in the decision process, such as irrelevant prior sexual history.

The investigator's report will be shared with the complainant and respondent once it is complete. ${ }^{17}$ The complainant and respondent each have 10 days following the receipt of the report to write a response to it if they wish to do so. At that time, both may request that further information be gathered. Responses will be included in the official materials sent forward to the relevant administrators (in the event of an administrative resolution) or the adjudication panel. If the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator agrees that further information should be gathered, the investigator will be charged with pursuing the additional information and, if appropriate, issuing an amendment or supplement to the report. The complainant and respondent will be given an additional 10 days to respond to any such additional or supplemental report.

The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator and the deputy or deputies relevant to the complainant and respondent will review the report and the responses of both parties, and determine whether the alleged behavior of the respondent is properly within the purview of the college's Non-Discrimination, Harassment, and Sexual Misconduct Policy.

If the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator and the relevant deputy or deputies determine that the respondent's alleged behavior is not within the purview of the college's Non-Discrimination, Harassment, and Sexual Misconduct Policy, they will so inform the complainant and respondent in writing, and will direct the complainant to any other relevant college or legal processes that may address the behavior. The complainant may bring the investigator's report over into other relevant College processes.

If the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator and relevant deputy or deputies determine that the respondent's alleged behavior is within the purview of the college's Non-Discrimination, Harassment, and Sexual Misconduct Policy, the case will move forward to the adjudication process, described below. The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator will communicate this determination, in writing, to the complainant and respondent.

## 3. Adjudication Process

After receiving the investigator's report, the complainant may choose to pursue an administrative resolution of the complaint or proceed straight to an adjudication panel. A complainant choosing the administrative resolution may end that process at any time and move instead to a hearing by an adjudication panel. The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator will inform the respondent in writing of the complainants' decision to seek administrative resolution.

## 3a. Administrative Resolution

Two executive officers of the college will oversee the administrative resolution process for the complaint. Ordinarily, the two executive officers will be those to whom the complainant and respondent report (the Dean of the Faculty for faculty, and the executive officer to whom the staff member's department reports for staff). In cases where both complainant and respondent have the same executive officer, or in cases where the complainant or respondent believe their own executive officer cannot fairly adjudicate the

[^26]complaint, the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator, after consultation with the complainant and respondent, will determine which two executive officers of the college will oversee the administrative resolution process and inform the complainant and respondent in writing. If it is an executive officer whose behavior is at issue in the complaint, the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator, in consultation with the President of the College and after conversation with both complainant and respondent, will select two other executive officers to oversee the administrative resolution process. ${ }^{18}$

The executive officers, who will be trained by the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator or a designee, will read and consider the investigator's report, along with any responses to that report written by the complainant and respondent. If the executive officers decide that additional questions need to be asked, the investigator will go back to the parties to ask those questions. The executive officers may also ask questions of the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator or other relevant college officials.

The executive officers will reach a finding and report it to both the complainant and the respondent. If it is the judgment of the executive officers that the respondent committed the act(s) alleged by the complainant and thereby violated the college's Non-Discrimination, Harassment, and Sexual Misconduct Policy, they will seek a resolution of the complaint. They will also confer with the respondent's department supervisor. The complainant's executive officer will keep the complainant informed of any progress made in resolving the grievance, reporting to the complainant within one month of the filing of the complaint. This period may be extended beyond one month if the complainant and the complainant's executive officer agree that an extension is needed.

The executive officers will apprise the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator of the resolution that is proposed. To be successful, the terms of the resolution proposed by the executive officers must be acceptable to both the complainant and the respondent. The executive officers will put both the finding of responsibility and the terms of the proposed resolution in writing, giving a copy to the complainant and another to the respondent. Each party will have 10 days to indicate their acceptance of the terms as constituting a satisfactory resolution of the grievance by returning a signed copy to the executive officers. Upon receipt of both signed copies, the respondent's executive officer, as well as the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator, will place them in their file of complaints of discrimination, harassment, and sexual misconduct and take such actions as are called for in the resolution.

The executive officers' attempt at a resolution will have failed if either the complainant or the respondent chooses not to accept the terms proposed. If the complainant or the respondent does not accept the proposed resolution, either of them may, again within 10 days of receiving the proposed terms in writing, instruct the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator to convene an adjudication panel. The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator will inform the complainant and respondent that the complaint is proceeding to a hearing by an adjudication panel.

## 3b. Adjudication Panel

If the complainant decides to forgo administrative resolution or if administrative resolution is not acceptable to the complainant or respondent, the decision about whether there has been a violation of the college's Non-Discrimination, Harassment, and Sexual Misconduct Policy will be made by an adjudication panel of five trained members. Four "yes" votes are necessary for a finding that there has been a violation. If such a violation is found to have taken place, then the same panel recommends an appropriate sanction. Sanctions are ultimately determined according to the relevant procedures in the Staff and Faculty
${ }^{18}$ Executive officers of the college are: The President of the College, the Dean of the Faculty, the Provost, the Dean of the College, the Vice President for Campus Life, the Vice President for Finance \& Administration and Treasurer, the Vice President for College Relations, the Vice President of Institutional Diversity and Equity, the Chief Investment Officer, the Chief Communications Officer, and the Assistant to the President and Secretary of the Board of Trustees.

Handbooks as described and modified below.
For each case, the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator, in consultation with the relevant deputy or deputies, will appoint an adjudication panel and inform the complainant and respondent in writing. The adjudication panel will be drawn from the Standing Grievance Panel. If one party in the complaint is a member of the faculty and the other party is a member of the staff, the adjudication panel will consist of two members of the faculty, two members of the staff, and a chair. If the complainant and respondent are both faculty, then the panel will consist of five members of the faculty, one of whom will be chair. If the complainant and respondent are both staff, then the adjudication panel will consist of five members of the staff, one of whom will be chair. The complainant and respondent will have the opportunity to state whether there are those they feel should not participate in the adjudication panel due to bias or any other reason which would prevent them from making a fair assessment of the evidence. The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator, in consultation with the relevant deputy or deputies, will make final decisions on any such requests for recusal and inform the complainant and respondent in writing. The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator will ensure that all members of the adjudication panel are trained.

The panel will start its deliberations by reading the investigator's report, along with the responses to the report (if any) from the complainant and respondent. After discussion, the panel will decide whether there are additional questions that need to be asked. If so, the investigator will go back to the parties to ask those questions. The adjudication panel may ask questions of the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator or other relevant College officials.

The panel will decide whether there is a preponderance of the evidence showing a violation of the college's Non-Discrimination, Harassment, and Sexual Misconduct Policy.

If the panel determines that there has been a violation of the college's Non-Discrimination, Harassment, and Sexual Misconduct Policy, the complainant and respondent will each be so informed in writing, and each then will have the opportunity to briefly address the committee, either in person, by media communication, or in writing, before the sanction is considered. (The two parties will do this separately neither one in the presence of the other. It is optional rather than required to make such a statement.) This opportunity is not one in which the facts of the case are discussed or questions are asked by the committee. Rather, it is an opportunity for both parties to present directly to the panel in their own "voices" any additional information, including information about the impact of the incident in question. This opportunity is limited to 15 minutes or the written equivalent thereof. Each party's trained college advisor will provide them with guidelines on what is and is not permitted in this part of the process.

The panel will then recommend a sanction to the relevant senior administrator (Dean of the Faculty for respondents who are members of the faculty, the Director of Human Resources for respondents who are members of the staff.) The complainant and respondent will each be informed in writing of the recommended sanction. Final decisions as to sanctions are determined by the procedures described in the Staff and Faculty Handbooks.

## 4. Appeal of the finding

Both parties have the right to appeal the finding made by the adjudication panel on whether or not there was a violation of the college's Non-Discrimination, Harassment, and Sexual Misconduct Policy. This right to appeal of the finding is limited to (a) significant procedural lapses or (b) the appearance of substantive new evidence not available at the time of the original decision. Each party has 15 days following the receipt of the written decision to indicate their intention to appeal. Requests for appeal, with reasons, should be sent in writing to the Vice President for Institutional Diversity and Equity. The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator will inform, in writing, the complainant or respondent if the other party chooses to appeal the finding.

If either the complainant or the respondent wishes to have other people interviewed to determine whether they have substantive new information pertinent to the appeal that was not available at the time of the
original decision, the following process will be followed:
(1) The person wishing to appeal will write to the Vice President for Institutional Diversity and Equity describing whom they wish to have interviewed and on what topic.
(2) The Vice President or a designee will ask the person whether they do, in fact, have information on that topic.
(3) If they do, the investigator will ask them questions or request a written statement. The appeal process will be suspended until the completion of these steps.

The Vice President for Institutional Diversity and Equity will grant appeals only in cases where the procedural problems or new evidence are considered substantive enough to have had a significant effect on the outcome of the initial hearing. If the appeal is granted, its disposition is determined by the Vice President for Institutional Diversity and Equity who may affirm the decision of the adjudication panel, return the case to the original adjudication panel, or summon a new adjudication panel, and who may task those panels with reviewing the decision either in whole or in part.

A decision by the Vice President for Institutional Diversity and Equity to affirm the original panel's decision shall be final. Subject to the scope of the instructions from the Vice President for Institutional Diversity and Equity, the review by a panel after referral from the Vice President for Institutional Diversity and Equity may result in a change in the decision as to whether or not a violation of the college's policy as regards non-discrimination, harassment, and sexual misconduct has occurred, or may result in an increase in sanction, a decrease in sanction, or no change in sanction. If the decision of the reviewing panel is to affirm the original decisions as to violation and as to sanction, that decision shall be final. If the decision of the reviewing panel is to change the original decision either as to violation or as to sanction, the reviewing panel's decision shall be subject to appeal in accordance with the foregoing procedures. The results of any such second appeal process shall be final, not subject to further appeal.

The Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator will communicate the outcome of any appeal simultaneously and in writing to the complainant and the respondent.

## 5. Final determination of sanction in cases involving respondents who are members of the faculty

 If the recommended sanction is termination of the respondent's appointment for cause, the Dean of the Faculty will initiate proceedings pursuant to Section II-V: Termination of Faculty Appointment for Cause of the Faculty Handbook. If the recommended sanction is a major sanction, such as suspension from service for a stated period, the Dean of the Faculty will initiate proceedings pursuant to Section II-W: Procedures for Imposition of Sanctions on Faculty Other than Dismissal, "Major Sanctions," of the Faculty Handbook. If the recommended sanction is a minor sanction, the Dean of the Faculty will initiate proceedings in accordance with Section II-W., "Minor Sanctions," of the Faculty Handbook.In all cases covered by this policy the sole determination to be made according to the processes described in Sections II-V: Termination of Faculty Appointment for Cause and II-W: Procedures for Imposition of Sanctions on Faculty Other than Dismissal of the Faculty Handbook will be the final sanction to be imposed on the respondent. The determination by the adjudication panel that the respondent violated the college's Non-Discrimination, Harassment and Sexual Misconduct Policy shall be final and shall not be subject to review or reconsideration in the sanctions process.

The sanctions panel convened at this stage of the process will receive as evidence the letter of findings and recommended sanction from the adjudication panel described in sub-section III.B.3b. above. The sanctions panel will also have access to the report of the investigator and responses written by either party to that report, and to previous disciplinary records of the respondent, if any. The sanctions panel may request assistance from the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator.

The faculty member does not have the right to compel the complainant to appear before the sanctions panel. The complainant's testimony may be represented by the investigator's report.

Although the complainant cannot be compelled to appear before the sanctions panel, in all cases covered by this policy the complainant will have an equal right as the respondent to be heard by the Dean of the

Faculty, any hearing committee convened pursuant to the provisions of Section II-V: Termination of Faculty Appointment for Cause or II-W: Procedures for Imposition of Sanctions on Faculty Other than Dismissal, and by the Board of Trustees.

Final decisions as to sanctions will be reported in writing simultaneously to the complainant and the respondent, as well as to the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator.

## 6. Final determination of sanction in cases involving respondents who are members of the staff

 Final determination of sanctions involving respondents who are members of the staff will be made by the Director of Human Resources, in conjunction with the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator and relevant supervisor(s) of the staff member. They may take into account previous disciplinary records of the staff member in making their decision regarding sanction. Final decisions as to sanctions will be reported in writing simultaneously to the complainant and the respondent, as well as to the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator.
## Additional matters

The complainant and respondent will each be assigned a trained college advisor to help them navigate the process. Each party can bring this advisor with them to all parts of the process, including the investigation. These trained college advisors will not be part of a hearing panel regarding the case. Both the complainant and respondent have the right to have another advisor of their choosing present with them for all parts of the process, including any meeting with campus officials, with the adjudication and/or sanctions panels, and with the investigator. However, the complainant and respondent may bring one advisor with themeither the trained college advisor or the other advisor of their choosing-to any part of the process. Advisors may speak to the complainant/respondent at any time during the process but may not speak directly to the investigator or to the adjudication and/or sanctions panels.

Both parties have full access to the support services, including the Employee Assistance Program, provided by the college throughout the process.

Retaliation of any kind against the complainant or any witness is strictly prohibited. Any retaliation will be treated as a new and additional violation of the college's Non-Discrimination, Harassment, and Sexual Misconduct Policy.

To accommodate the merger of Appendices A and B, Appendices C through G have been renamed accordingly, and all references to those appendices in the body of the Handbook have likewise been corrected.
5. The following text was added to the "Committees Dealing with Institutional Policies and Resources" subheading of Section I-C on page 14:

## Standing Grievance Panel (12-12-0)

The Standing Grievance Panel (SGP) is composed of 12 faculty, 12 staff, and no students (12-12-0).

Members of the SGP are available to serve on adjudication panels in cases of alleged discrimination, harassment or sexual misconduct. Once constituted, members of the SGP will be trained, as necessary, on issues related to the college's Non-Discrimination, Harassment, and Sexual Misconduct Policies, as well as on conducting a hearing process that protects victim safety and promotes accountability.

Six faculty members of the Standing Grievance Panel (one tenured and one non-tenured from each division) are elected by the faculty from a slate of two persons nominated by the Faculty Steering Committee from each category. In addition, six members of the SGP are appointed by the Faculty Steering Committee to ensure that the SGP is representative of the diversity (sex, race, ethnic, disability, sexual orientation, and gender identity or expression) of the faculty at the college. The twelve faculty on the SGP will also consist of at least one faculty member from the Department of Physical Education. Members of
the faculty Steering Committee and the Faculty Review Panel are not eligible to serve on the SGP.
6. The following text was added to the description of the Committee on Appointments and Promotions under the subheading "Committees Dealing with Faculty Appointments and Promotions" of Section I-C on pages 7-8:

The Committee on Appointments and Promotions (CAP) is composed of 3 faculty, 3 staff, and no students (3-3-0).

The CAP advises the President and Trustees on appointment and advancement of faculty, allocation of faculty positions to departments and programs, granting of sabbatical and assistant professor leaves, and on College policies governing such matters. The CAP also serves as the nominating committee for various national fellowships. The CAP also reviews new curricular initiatives for their staffing implications before the CEA brings them to the faculty for a vote.

The CAP consists of three tenured full professors, one of whom is elected from each of the three divisions. The President, the Provost, and the Dean of the Faculty are members of the Committee. The Dean of the Faculty serves as chair.

Members of the Faculty Interview Panel join the CAP to interview candidates for faculty positions.

## Election to the CAP

Terms for the elected members of the CAP are for three years on a staggered basis. A full professor elected for the first time must commit to serving for a minimum of two years. Members are eligible for re-election. First 3 coordinators are not eligible to serve on the CAP for a period of six years following their service in this role. When a vacancy occurs, the eligible members of the faculty vote for two persons in the appropriate category. The three receiving the highest number of votes are then nominees for a run-off ballot where each eligible member of the faculty votes for each nominee ranked in order of preference. If any one of the three receives a majority of first-place votes, that candidate is appointed. If no candidate receives a majority of first-place votes, then the candidate with the fewest first-place votes is dropped. The second-place votes on the ballots of the dropped candidate are then added to the first-place vote totals of the remaining two candidates. The candidate receiving the highest number of first-place votes after this redistribution is then appointed. If a vacancy occurs before the three-year term expires, a replacement is elected for a new term, except in cases of a mid-year election, in which case the term is two and one-half years.
7. The following text was removed from the "Committees Dealing with Intellectual Life and the Curriculum" subheading of Section I-C on page 7 of the 2017-18 Handbook:

Chapin Library Committee (3-2-0)
The following text was added in place of the deleted material on page 11 of the 2018-19 Handbook:

## Special Collections Committee (3-3-0)

The Special Collections Committee is composed of 3 faculty, 3 staff, and no students (3-3-0)
The Special Collections Committee reviews and recommends policies for Special Collections and advises on budget priorities, new initiatives, and academic programming. The committee reviews purchases by and gifts to Special Collections and is responsible for approving single purchases over a specified dollar
amount, as well as larger gifts. The committee works to foster alignment between Special Collections and the needs of the College community. The committee addresses the specific structures and requirements of the Chapin Library and Special Collections, while working together with the Library Committee on broader issues that affect the Libraries as a whole.

The Special Collections Committee includes three faculty members who represent the three divisions, one of whom serves as chair of the committee. These three members serve concurrently on the Library Committee, with the same faculty member as chair. The Head of Special Collections, Chapin Librarian, and Director of Libraries are ex officio members.
8. The following text was added to the description of the Library Committee under the "Committees Dealing with Intellectual Life and the Curriculum" subheading of Section I-C on page 11:

Library Committee (3-4-4)
The Library Committee is composed of 3 faculty, 4 staff, and 4 students (3-4-4)

The Library Committee reviews and recommends policies for the Library, with particular attention to the collection budget and to the distribution of resources among academic divisions and units. The Library Committee provides a channel of communication between the Library and the faculty, staff, and students, while also assisting in the assessment and promotion of the Library's alignment with the needs of the College community.

The Library Committee includes three faculty members who represent the three divisions, one of whom serves as chair of the committee. These three members serve concurrently on the Special Collections Committee, with the same faculty member as chair. The Director of Libraries, Head of Special Collections, Chief Technology Officer, and the Provost or a designated representative are ex officio members.
9. The following text was removed from the "Committees Dealing with Intellectual Life and the Curriculum" subheading of Section I-C on page 7 of the 2017-18 Handbook:

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Faculty Lecture Series Committee(3-0-0)
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10. The following text was added to the description of the Lecture Committee under the "Committees Dealing with Intellectual Life and the Curriculum" subheading of Section I-C on pages 10-11:

Lecture Committee (3-1-3)
The Lecture Committee is composed of 3 faculty, 1 staff, and 3 students (3-1-3)

The Lecture Committee selects, schedules, and makes arrangements for visiting lecturers who would be of interest to the College community. The committee frequently works in conjunction with departments, programs, and administrative offices of the College to co-sponsor appearances. While the Lecture Committee is not the only source of funds for this purpose, it is an important one. The Director of Commencement and Academic Events serves as an ex officio voting member.

The Lecture Committee, through a subcommittee composed only of its faculty members, also invites Williams faculty colleagues to present public lectures in the annual Faculty Lecture Series, which occur each Thursday in the first half of the spring semester. The chair of the subcommittee need not be the same
as the chair of the main committee.
11. The following text was removed from the "Committees Dealing with Student Life and the Academic Standing" subheading of Section I-C on page 8 of the 2017-18 Handbook:
Committee on Undergraduate Life (CUL) (5-3-6)

The following text was added in place of the deleted material on page 15 of the 2018-19 Handbook:
Committee on Student Life (3-3-6)
The Committee on Student Life is composed of 3 faculty, 3 staff, and 6 students (3-3-6)

The Committee on Student Life reviews and recommends policy on all non-academic aspects of undergraduate life at the College. The three appointed faculty members, one of whom chairs the committee, include a representative from the Athletics Department. The Dean of the College, The Vice President for Campus Life, and the Vice President for Institutional Diversity and Equity are ex officio members.
12. The following text was removed from the "Committees Dealing with Institutional Policies and Resources" subheading of Section I-C on page 8 of the 2017-18 Handbook:
Committee on Admission and Financial Aid (CAFA) (4-10-0)
13. The following text was deleted from the description of the Committee on Admission and Financial Aid in Section I-D on page 9 of the 2017-18 Handbook:

CAFA advises the Provost on financial aid policy, admissions research, and the development of admissions strategies. The Provost chairs the Committee, whose other members include the Dean and the Associate Dean of the College, the Associate Dean for Academic Programs and Registrar, the Director of Admission, the Director of Financial Aid, the Associate Provost, the Vice President for Institutional Diversity and Equity, the Chief Communications Officer, the Vice President for College Relations, the Director of Institutional Research, and four faculty members appointed by the Provost in consultation with the Faculty Steering Committee.

The following text was added in place of the deleted material on page 16 of the 2018-19 Handbook:
The Committee on Admission and Financial Aid advises the Provost and the Dean of Admission and Financial Aid on admission strategies and financial aid. The Provost chairs the Committee, whose other members include the Dean of Admission and Financial Aid, the Dean of the College, the Director of Admission, the Director of Financial Aid, the Vice President for Institutional Diversity and Equity, the Director of Institutional Research, and four faculty members appointed by the Provost in consultation with the Faculty Steering Committee.
14. The following text was removed from the "Committees Dealing with Institutional Policies and Resources" subheading of Section I-C on page 8 of the 2017-18 Handbook:

Advisory Committee on Shareholder Responsibility (ACSR) (2-2-2 and Alumni)
15. The following text was deleted from the description of the Advisory Committee on Shareholder Responsibility in Section I-D on page 9 of the 2017-18 Handbook:

The Advisory Committee on Shareholder Responsibility advises the Finance Committee of the Board of Trustees on matters pertaining to the College as a stockholder. Chaired by one of its faculty members, the Committee consists of two students, two faculty, two alumni, the Vice President for Finance \& Administration and Treasurer, the Provost, and the Chief Investment Officer. Student members are elected by the student body at large; faculty and alumni members are appointed by the President.

The following text was added in place of the deleted material on pages 16 of the 2018-19 Handbook:
The Advisory Committee on Shareholder Responsibility (ACSR) is a non-standing committee composed of two faculty, two staff, two students, and two alumni. When requested by a member of the College community, the ACSR provides advice to the Investment Committee of the Board of Trustees on matters relating to non-financial aspects of the investment portfolio. The ACSR stands ready to respond to requests from the College community concerning socially responsible investment of the endowment, and as a result of an evaluation it may decide to recommend action to the Investment Committee. In making recommendations, the ACSR seeks to carry out its responsibilities in a manner consistent with College policies and values. It recognizes the importance of combining strong financial performance with social and environmental commitment.

Periodically, the ACSR has played a role in providing comment on other matters, including recommending investment vehicles for the Williams Social Choice Fund - an alumni giving option that both helps the College fulfill its mission and contributes to positive social and environmental change.

Please contact the Chair of the ACSR if you have an issue for this committee's consideration.

For more information on the College's investment program, please see https://investment.williams.edu/
16. The following text was added to the description of the Faculty Interview Panel under the "Committees Dealing with Faculty Appointments and Promotions" subheading of Section I-C on page 8:

The Faculty Interview Panel is composed of 9 faculty, no staff and no students (9-0-0).

Members of the Faculty Interview Panel join the Committee on Appointments and Promotions (CAP) to interview candidates for faculty positions. The panel consists of nine tenured professors, three from each of the divisions. The members are chosen yearly by joint consultation with the Faculty Steering Committee and the elected members of the CAP, and the invitation to join the panel is extended by the Dean of the Faculty.
17. The following text was added to the description of the Faculty Review Panel under the "Committees Dealing with Faculty Appointments and Promotions" subheading of Section I-C on page 8:

The Faculty Review Panel is composed of 12 faculty, no staff, and no students (12-0-0).

The Faculty Review Panel is composed of twelve faculty members who stand available to serve, at the request of the Chair of the Faculty Steering Committee, as members of a review committee or hearing committee in cases involving Appeals of Reappointment or Promotion Decisions, Termination for Cause, or Imposition of Sanctions other than Dismissal. The twelve members are also members of the standing
panel from which the President appoints a grievance committee to hear cases of alleged discrimination (see Non-Discrimination Policy and Grievance Procedures).

Election to the Faculty Review Panel
The Panel is elected in the same fashion as the Faculty Steering Committee. There are two tenured and two non-tenured members from each division; members normally serve two-year terms; and there is a twostage election process. Nominations occur at the April meeting and the elections at the May meeting.

If an untenured faculty member on the Faculty Review Panel comes up for a tenure review during his or her term, he or she will be replaced on the Panel at the beginning of the academic year in which they are considered for tenure. These untenured slots will be filled following the regular two-stage election process. Nominations will occur at the September faculty meeting and the elections at the October faculty meeting.

A faculty member may not be a member of the Faculty Steering Committee and the Faculty Review Panel at the same time. A faculty member sitting on or elected to the Faculty Steering Committee is not eligible to be elected to the Faculty Review Panel. If a member on the Faculty Review Panel is elected to the Faculty Steering Committee, he or she will be replaced on the Panel.

The Faculty Review Panel is replenished on a rolling basis when a member has completed service on a tenure review committee or other appeal or hearing committee as defined above. The member is released from the rest of his or her two-year term on the Panel, and nominations and an election will be held over the next two faculty meetings to replace him or her with a faculty member of the same division and tenure status. The newly elected member serves a two-year term from the time of his or her election.
18. The following text was added to the description of the Faculty Steering Committee under the "Committees Dealing with Faculty Governance" subheading of Section I-C on page 9:

The Faculty Steering Committee is composed of 6 faculty, no staff, and no students (6-0-0).

The Faculty Steering Committee is the committee most broadly and directly responsible for representing faculty concerns. An elected committee, its principal goal is to facilitate effective participation by the faculty in the conduct of College business and to bring issues of faculty concern to the attention of other committees.

More specifically, the Faculty Steering Committee and the President jointly have the power to convene faculty meetings and to set their agenda. The Committee, in consultation with the Dean of the Faculty, advises the President on the appointment of faculty to standing committees, nominates candidates for election to the Committee on Educational Affairs, Curricular Planning Committee and the Faculty Compensation Committee, and it also appoints the at-large members of the latter committee. The Committee acts, in addition, as a liaison between other faculty committees and the faculty as a whole. The President consults with the Committee on appointments to the administrative positions of Dean of the Faculty, Provost, Dean of the College, and other administrative positions. The Committee also meets periodically with the Executive Committee of the Board of Trustees. It is available to the President, other administrative officers, and the Board of Trustees for consultation on any matter of interest to the faculty.

The Committee plays a major role in appeals procedures.

The Committee has six members, one tenured and one non-tenured elected from each of the three divisions.


#### Abstract

Election to the Faculty Steering Committee Balloting for the nominations for the tenured and non-tenured divisional elected members normally occurs during the February faculty meeting, and the election during the March meeting. Terms are ordinarily for two years. The Committee designates its own chair from among its members. Assistant professors who have been reappointed to a position with tenure are eligible for election to the tenured positions. Should a member resign at the end of one year, the vacated position will revert to a two-year position. Should a member resign more than three months prior to balloting time, the newly-elected member will serve out the year plus one additional year. No member is eligible for re-election until at least one year after his or her full term has expired.


19. The following text was added to the description of the Committee on Educational Affairs under the "Committees Dealing with Intellectual Life and the Curriculum" subheading of Section I-C on pages 9-10:

The Committee on Educational Affairs is composed of 7 faculty, 5 staff, and 6 students (7-5-6).
The Committee on Educational Affairs evaluates and implements changes in the curriculum of the College, graduate and undergraduate. It recommends educational policy to the faculty and maintains college-wide oversight of the curriculum on an annual basis. All additions or deletions of courses, majors, and programs, all substantial changes in course descriptions, and all changes in major requirements are reviewed by the CEA. The CEA assesses these and other new curricular initiatives and solicits the input of both the CPC and the CAP before bringing them to the faculty for approval.

Six faculty members of the CEA (one tenured and one non-tenured from each division) are elected by the faculty from a slate of two persons nominated by the Steering Committee from each category; one member is selected by the President, who also names the faculty chair. The President, the Dean of the Faculty, the Dean of the College, an Associate Dean of the Faculty, and the Registrar are non-voting ex officio members of the CEA. Elected faculty serve two-year terms.
20. The following text was added to the description of the Curricular Planning Committee under the "Committees Dealing with Intellectual Life and the Curriculum" subheading of Section I-C on page 10:

The Curricular Planning Committee is composed of 6 faculty, 3 staff, and no students (6-3-0).

The Curricular Planning Committee analyzes the college-wide curriculum, investigating changes over time and exploring questions about its future. The CPC coordinates conversations among academic units as they make curricular plans and staffing requests. It assesses all new curricular initiatives for their longterm curricular and staffing implications and communicates its views to the CEA before they are brought to the faculty for discussion and a vote. The CPC makes its analysis of the curriculum available for faculty discussion. In light of its analysis and faculty input, the CPC makes recommendations to the CAP on the allocation of faculty positions to departments and programs; a summary of these recommendations is made available to the faculty. After the CAP completes its allocation of faculty positions, the CPC and CAP analyze the staffing decisions for the faculty.

The six faculty members of the CPC (one from the assistant or associate ranks and one from the full professor rank from each division) are elected by the faculty; the committee members designate one member to serve as the faculty chair. The President, the Dean of the Faculty, and the Provost are members of the Committee. Elected faculty serve a three-year term on the committee, with a minimum of two years.
21. The following text was added to the description of the Dively Committee for Human Sexuality and Diversity under the "Committees Dealing with Intellectual Life and the Curriculum" subheading of Section I-C on page 10:

> Founded in 1991 with a generous gift from Mike Dively (Class of 1961), The Dively Committee for Human Sexuality and Diversity is a non-standing committee composed of students, staff, and faculty who plan and fund events on campus that focus on gender, sexuality, and queer identities. In the past, the committee has funded and organized visits by feminist artists, bisexual activists, lesbian writers, gay athletes, transgender performers, queer filmmakers, and a broad range of other events that focus on gender, sexuality, and BGLTQ people at Williams.
22. The following text was added to the description of the Honorary Degrees Advisory Committee under the "Committees Dealing with Intellectual Life and the Curriculum" subheading of Section I-C on page 10:

The Honorary Degrees Advisory Committee is a non-standing committee that seeks the names of suitable candidates for honorary degrees and presents those nominations to the President and Committee on Degrees of the Board of Trustees. The Committee is co-chaired by the chair of the Trustee Committee on Degrees and by the College Marshal. The Committee includes the Chaplain to the College, one faculty member from each division, 10 students (3 seniors, 3 juniors, 3 sophomores, and the College Council Vice President for Community and Diversity), and as staffing support, the College VP for Institutional Diversity and Equity.
23. The following text was added to the description of the Information Technology Committee under the "Committees Dealing with Intellectual Life and the Curriculum" subheading of Section I-C on page 10:

The Information Technology Committee is composed of 4 faculty, 5 administrators, and 3 students (4-5-3).

The Committee on Information Technology monitors and recommends policies for faculty, staff, and student use of information technology throughout the college. It meets regularly to review and provide feedback to the college on plans for developing technology-related policies and resources. The committee is chaired by a faculty member, with the other three faculty members representing each of the three divisions. The Provost, the Chief Information Officer, and the Librarian are ex officio members. The Provost and Chief Information Officer are non-voting members. Two administrative staff members are appointed by the Provost. The committee regularly invites other members of the community to participate as non-voting consultants on particular issues.
24. The following text was added to the description of the Winter Study Program Committee under the "Committees Dealing with Intellectual Life and the Curriculum" subheading of Section I-C on page 11:

The Winter Study Program Committee is composed of 5 faculty, 4 staff, and 4 students (5-4-4).

The Winter Study Program Committee recommends policy on the Winter Study Program and assists in the administration of the Program. It reviews all faculty and student projects for approval and allocates the budget provided for the Winter Study Program.

Faculty membership includes at least one representative from each division. The four non-voting ex officio
members will be the Associate Dean of the College and Registrar or designee, one librarian, the Coordinator of Experiential Education or designee, and the Director of Instructional Technology or designee.
25. The following text was added to the description of the Calendar and Scheduling Committee under the "Committees Dealing with Institutional Policy and Resources" subheading of Section I-C on page 12:

The Calendar and Schedule Committee is composed of 3 faculty, 2 staff, and 3 students (3-2-3).

The Calendar and Schedule Committee submits to the faculty for consideration and approval a calendar that will allow for orderly planning of College events two years in advance, and it works with the Associate Dean for Academic Programs and Registrar to prepare departmental and program schedules of classes, hours, and rooms, distributing fairly the class hours and rooms among all members of the faculty. The committee also has responsibility for monitoring the stock of classrooms, and for providing input whenever decisions are considered that would affect the stock of classrooms. A request to schedule a course or a required class outside of regular class hours must be approved by the Calendar and Schedule Committee. Such requests should be made well in advance of the start of the term.

Three faculty members represent each of the three divisions; the ex officio members are the Registrar or designee, and the Director of Athletics or designee. Three students also serve on the committee. Three students also serve on the committee.
26. The following text was added to the description of the Campus Environmental Advisory Committee under the "Committees Dealing with Institutional Policy and Resources" subheading of Section I-C on page 12:

The Campus Environmental Advisory Committee (3 Faculty-6 ex officio-3 Students) acts as a forum for communication among students, faculty, staff, and administrators on environmental matters; advises and works to develop policy on matters of environmental stewardship in the operation of the College; assists in developing relevant environmental resources and strategies for Williams; and fosters a sense of shared environmental responsibility among various constituencies and individuals on campus.

Appointed faculty membership includes the chair of the committee and two other faculty members, appointed by the Dean of the Faculty. Student membership consists of three students appointed by the College Council. The committee's ex officio members are the Director of Facilities Management, the Director of Design and Construction, the Director of Dining Services, the Director of the Zilkha Center for Environmental Initiatives, the Chief Technology Officer, and the Director of the Center for Environmental Studies.

The committee reports to the President of the College and to the college community as a whole. In keeping with the committee's mission, members of the college community may attend meetings at the discretion of the chair.
27. The following text was added to the description of the College and Community Advisory Committee under the "Committees Dealing with Institutional Policy and Resources" subheading of Section I-C on page 12:

The College and Community Advisory Committee is a non-standing committee comprised of 3 faculty, 5 staff, and 3 students (3-5-3).

The College and Community Advisory Committee advises senior staff on issues that grow from the college and community's interdependence, with the primary goal of identifying and encouraging efforts of mutual benefit. Three faculty members are appointed to staggered two-year terms on the committee, as are three students. The ex-officio members of the committee are the Assistant to the President for Community and Government Affairs (who serves as chair of the committee), Director of Real Estate and Legal Affairs, Associate Provost, the Chaplain to the College, and the Director of the Center for Learning in Action.
28. The following text was added to the description of the Committee on Diversity and Community under the "Committees Dealing with Institutional Policy and Resources" subheading of Section I-C on pages 12-13:

The Committee on Diversity and Community (CDC), formerly the Commission on Campus Race Relations (CCRR), is a non-standing committee that focuses on issues of diversity and community on campus and makes recommendations on both curricular and extracurricular matters with the intention of promoting better understanding between and among groups on campus. The Committee, comprising faculty, staff, and students, is charged with examining the health of our Williams community with respect to diversity and inclusion. In addition, the CDC discusses problems and proposes initiatives with regard to the College's commitment to educate students for engagement with our increasingly diverse world.

The Vice President for Strategic Planning and Institutional Diversity solicits faculty nominations from the Faculty Steering Committee, student self-nominations through the College Council, and selfnominations from staff. The two ex officio members are the Vice President for Strategic Planning and Institutional Diversity and the Associate Dean for Institutional Diversity.

Over the years, the CDC has reviewed topics such as staff and faculty recruitment and retention, discrimination and sexual harassment/misconduct grievance procedures, admission and financial aid policies and practices, student orientation and advising training, and student retention and academic success. More recently, the Committee sponsored the Williams Reads project during Winter Study and hosted numerous discussion group sessions. The Committee will continue to explore the intellectual, cultural, and social experiences of the many diverse communities within the wider College community of students, faculty, and staff.
29. The following text was added to the description of the Committee on Priorities and Resources under the "Committees Dealing with Institutional Policy and Resources" subheading of Section I-C on page 13:

Committee on Priorities and Resources (CPR) (4-6-3)
The Committee on Priorities and Resources (CPR) is composed of 4 faculty, 6 staff, and 3 students (4-6-3).

The Committee on Priorities and Resources advises the President on the allocation of the College's fiscal and tangible resources and on long-range financial planning and also considers trends in the annual College budget and other matters relating to priorities in fund raising and resources for capital expenditures. Each division is represented by at least one faculty member. Faculty members appointed to the CPR serve staggered two-year terms. Students appointed to the Committee likewise serve staggered two-year terms beginning as juniors. The Provost, Associate Provost, Vice President for Campus Life, Vice President for Finance and Administration, Vice President for Alumni Relations and Development, Associate Vice President for Finance and Administration, and Associate Vice President for Facilities and Auxiliary Services, serve as ex officio, non-voting members. The faculty chair of the CPR normally serves a two-year term.
30. The following text was added to the description of the Faculty Compensation Committee under the "Committees Dealing with Institutional Policy and Resources" subheading of Section I-C on page 13:

The Faculty Compensation Committee is composed of 8-10 faculty, no staff, and no students (8 to 10-0-0).

The Faculty Compensation Committee advises the Provost, Vice President for Finance and Administration, and Dean of the Faculty on policies and procedures affecting faculty compensation. The Committee represents the interests of both full-time and part-time faculty. Areas of primary concern are salary schedules, leave pay, and benefits (such as health insurance, life insurance, retirement benefits, mortgage assistance, rental housing, child-care assistance, and children's tuition benefits).

## Election to the Compensation Committee

The six faculty members of the Faculty Compensation Committee (one tenured and one non-tenured from each division) are elected by the faculty from a slate of two persons nominated by the Steering Committee from each category. The Committee designates its own chair from among it members. The elected members ordinarily serve two-year terms. The election usually occurs at the April faculty meeting. In addition, two to four at-large members are appointed by the Steering Committee to ensure that disparate faculty interests and viewpoints on matters of compensation are adequately represented (e.g., part-time or retirement benefit concerns).
31. The following text was added to the description of the Science Executive Committee under the "Committees Dealing with Institutional Policy and Resources" subheading of Section I-C on pages 13-14:

The Science Executive Committee (SEC) is the representative body that discusses issues of policy and planning that concern Division III and Psychology. This non-standing Committee makes recommendations to the Administration, the CAP, and other College Committees. The SEC oversees the Research Funding Committee for Division III and Psychology (see Research Support) and other Science Center committees, which consult with the SEC on questions of policy. The SEC also oversees the allocation of space in the Science Center and serves as a general forum for discussion of Division III and Psychology space policy.

Membership consists of the chair of each department in Division III and Psychology, the Coordinator of the Science Facilities, the Director of the Science Center, who serves as chair of the SEC, the science librarian, the Associate Provost, Director of Instructional Technology, and two rotating non-tenured faculty members, drawn from the participating departments.
32. The following text was added to the description of the Athletics Committee under the "Committees Dealing with Student Life and Academic Standing" subheading of Section I-C on page 14:

The Athletics Committee is composed of 6 faculty, no staff, and no students (6-0-0).

The Athletics Committee oversees the relationship between athletics and the intellectual and social life of the College. It evaluates and makes recommendations on issues concerning the intersection of academics and athletics. It works to promote communication between academic and athletic faculty and staff. It also works to promote discussion regarding athletics with other NESCAC schools. Each of the three academic divisions is represented by at least one faculty member, and two members represent the Athletics Department. The chair also serves as the faculty representative to the NCAA and NESCAC.
33. The following text was added to the description of the Committee on Academic Standing under the "Committees Dealing with Student Life and Academic Standing" subheading of Section I-C on pages 14-15:

The Committee on Academic Standing is composed of 6 faculty, 4 staff, and no students (6-4-0).

The Committee on Academic Standing is responsible to the faculty for maintaining the academic standards of students of the College through its review of inadequate academic performance, petitions for unusual academic activities, and some requests for readmission. The ex officio members are the Dean of the College, the Associate Dean for Academic Programs, the Registrar, and the Director of Admission. The Registrar serves as an ex officio, non-voting member.
34. The following text was added to the description of the Honor System Committee under the "Committees Dealing with Student Life and Academic Standing" subheading of Section I-C on page 15:

On March 17, 1896, Williams students voted 247 to 42 in favor of inaugurating a campus-wide Honor Code. While it has evolved over time, this Honor Code remains, to this day, a critical component of our academic community. The Honor Code is only ratified by Williams students, and as such, only student members of the Honor and Discipline Committee can vote on cases.
35. The following text was added to the description of the Discipline Committee under the "Committees Dealing with Student Life and Academic Standing" subheading of Section I-C on page 15:

The Discipline Committee is composed of 8 faculty, 1 staff, and 8 students (8-1-8)

The Discipline Committee hears and decides, either on direct referral by the Dean of the College or on appeal of the Dean's decision, cases that involve violations of individual rights or the rules of student conduct. It also hears cases of alleged discrimination when both parties are students. The faculty member who chairs the Discipline Committee serves also as one of the four faculty advisors to the Honor System Committee. The Dean of the College is an ex officio member, who votes only when there is a tie in cases referred directly to the Discipline Committee by the Dean. (See Student Handbook, "Discipline and Disciplinary Proceedings" and "Non-Discrimination Policy and Grievance Procedures, III.")
36. The following paragraph was added to the "Maternity Leave" subheading of Section III-S on page 141:

If an individual takes a maternity leave or a combined maternity and parental leave for one semester, she will be expected to teach the equivalent of three courses during Winter Study and the non-leave semester. Finally, if a member of the faculty takes one or two maternity leaves prior to a tenure decision, she may elect to delay the tenure decision by one year. The person who wishes to delay the tenure decision should inform her department chair and the Dean of the Faculty of this as soon as possible. Normally, she should notify the college of her decision to delay the tenure process no later than September 1 of the calendar year prior to the originally scheduled time for the tenure decision. Should the maternity leave occur prior to the reappointment decision, she may delay the reappointment decision as well. In this instance, she should notify the college by May 1 of the calendar year of her reappointment decision. Whether the faculty member takes one maternity leave or two, and whether or not she delays the reappointment decision, the total by which the tenure decision can be delayed for maternity leaves is one year.
37. The following paragraph was added to the "Faculty Parental Leave" subheading of Section III-S on page 142:

If a member of the faculty takes more than one parental leave prior to a tenure decision, he or she may elect to delay the tenure decision by one year. The person who wishes to delay the tenure decision should inform his or her department chair and the Dean of the Faculty of this as soon as possible. Normally, the faculty member should notify the college of his or her decision to delay the tenure process no later than September 1 of the calendar year prior to the originally scheduled time for the tenure decision. Should more than one parental leave accrue prior to the reappointment decision, the faculty member may opt to delay the reappointment decision. Regardless of the timing of the parental leaves, the total by which the tenure decision can be delayed for parental leaves is one year.

## Changes made in the 2017-18 edition from the 2016-17 edition:

1. The following paragraph was added to Section I-C after the second paragraph on page 7:

At the beginning of each academic year faculty are asked if they are unwilling to serve on the Committee on Appointments and Promotions, Faculty Steering Committee, Curricular Planning Committee, and Faculty Review Panel respectively. The names of unwilling faculty will not appear on the respective nomination ballot for each of these committees during that academic year. Faculty members may, at any time, contact the Dean of the Faculty to reverse their current preference of service.
2. The bold-faced phrase was removed from the third paragraph of the "Tenure Review Process" subheading of Section II-C on page 16:

This redacted version does not explicitly state the unit's recommendation for or against tenure, nor does it convey the academic unit(s) vote or degree of consensus. However, the redaction should not obscure other arguments, evaluative statements, or judgments made in the report.
3. The bold-faced sentence was added to the "Request for Reconsideration" subheading of Section II-D at the end of the fourth full paragraph on page 19:

The faculty member may also request to receive a redacted version of the department or program evaluation report that was submitted to the CAP. If the faculty member requests the report, the chair of the department or program that submitted the report, working in conjunction with the senior staff of the department or program, the Dean of the Faculty and the CAP, creates the redacted version. This version should be as close as possible to the original report. However, any confidential information, such as information that identifies individuals within the department or program, or comparisons with other identifiable faculty members at Williams or elsewhere, is removed. In addition, any information identifying outside reviewers or information that could be used to infer the identities of the outside reviewers is also removed. However, the typical and, circumstances permitting, most desirable form of redaction is to remove merely those details (name, institutional affiliation, etc.) that identify those quoted, while preserving the substantive remarks verbatim. If a letter or letters from faculty on leave are appended to the end of the department/program report, the import of those letters, if it diverges from that of the rest of the report, will be conveyed in a synopsis incorporated into the redacted version of the report, in a manner that does not divulge the identities of the letter writers. Unlike the redacted report produced during tenure review (see Section II-C: Tenure Review Process), this version should explicitly state the unit's recommendation for or against tenure, and convey the academic unit(s) vote or degree of consensus.
4. The bold-faced phrase was deleted in the "Request for Reconsideration" subheading of Section II-D in the middle of the second full paragraph on page 20:

Should the faculty member believe that the decision not to reappoint and/or promote to tenure resulted from improper consideration (as defined above), and/or inadequate consideration (as defined above) under the relevant standards of the College, the faculty member may ask the CAP through the Dean of the Faculty for reconsideration of the decision. The request for reconsideration must be made in writing no later than one month following the date on the CAP explanatory letter. That request must specify the factors that the faculty member believes warrant such a reconsideration. The decision by the CAP whether to reconsider must be communicated in writing to the faculty member by the Dean of the Faculty within six weeks of the receipt of the request.

It was replaced with the following phrase:
after receipt of both the CAP Explanatory Letter and the redacted report
5. The following sections of Section II-L were deleted from pages 40-42 of the 2016-17 Handbook:

## Evaluation of Teaching

The following means for the evaluation of teaching include both required procedures and procedures that provide departments with certain options. The evaluation procedures used within a department must in any case be uniform for all untenured department members within a given year. Decisions about which of the non-mandated procedures to use (if any) are made by each department following its usual modes of decision-making.

## The Student Course Survey (SCS)

Use of the Student Course Survey (SCS) is required in all courses taught in the College. The SCS consists of a page of questions to which students give numerical ratings and a page inviting descriptive commentary ("blue sheets") primarily for the benefit of the instructor. The numerical ratings are computed by the Director of Institutional Research, who also produces detailed comparisons of individual results with divisional, departmental, course level, peer group and all College results. Each faculty member receives the analysis of his or her own results. Results for all departmental members are sent to the chair. Tenured members collectively make their own interpretations of the results of untenured members of their department. The data and the numerical comparisons for all faculty members are made available to the CAP. Untenured members may wish to share their "blue sheets" with chairs, but this is not required.

## Procedures for Gathering Individual Student Opinion

Departments choose which procedure for gathering individual student opinion best suits their needs, so long as the same procedure is used for all untenured members in a given year. The alternatives are: a) interviews, b) letters, c) departmental questionnaire (administered in class or through the mail), or d) either bor c with follow-up interviews. (If interviews are chosen, see following protocols.) Whatever procedure is selected, it will have a standard format devised in consultation with the untenured members of the department.

Departments should make a good faith effort to gather at least ten individual student responses per year for each untenured member, with proportional adjustment for those teaching less than a full load. They should be gathered as late in the term as possible. In any event they should be completed in time for the results to be included in the next departmental staffing report.

The students selected should fairly reflect the range of the untenured member's experience during the academic year with majors and non-majors, large and small classes, lecture and discussion classes, and introductory versus advanced level classes. The grade of each respondent will be noted.

A good faith effort should be made to select roughly half the students from a list provided by the untenured faculty member; the rest will be chosen by the department.
The department should have a written record of each student's responses. All materials will be confidential.
Departments' evaluations of these responses will be communicated annually to untenured members by department chairs in accordance with existing procedures governing communication between departments and untenured faculty (see Section II-F: Departmental Governance: Communication).

Optional senior exit interviews or questionnaires and letters solicited from alumni or alumnae will be in addition to the minimum of ten timely student responses collected over the course of the year in which the classes being evaluated were taught.

## Protocols for Conducting Interviews

- Students coming to an interview will have received either a letter of invitation explaining the purpose of the interview and the general areas to be reviewed or a copy of the questionnaire which the department uses.
- Only one student will be interviewed at a time. There will be no group interviews.
- Interviews will be conducted by one or more tenured members, two tenured members being the preferred number. The interviewer(s) will be any tenured member(s) of the department. If a department has only one or two senior members, the chair may request the Dean of the Faculty to assemble an advisory committee of tenured members from other departments to assist in these interviews.
- If possible, interviews pertaining to a given untenured member in a particular year will not all be conducted by the same person; as many tenured members of a department as possible are expected to take part over the course of the untenured members' years at the College.
- Students who have taken courses from more than one untenured instructor in a department can be asked to comment on each one of them. Comparative comments may be elicited. Students may be asked about all the courses they have taken from a given instructor, including those within the preceding year. Although all interviewers should raise the same questions, the departments' procedures should allow interviewers flexibility in pursuing issues raised by students' responses to specific questions.


## Peer Reviews and Class Visits

Although no common form of direct faculty assessment has been mandated, each department is required in its annual staffing report to give an interpretation of all available data on the teaching effectiveness of its untenured members. Many departments maintain programs of class visits, and, in some, tenured and untenured faculty regularly exchange visits to each other's classes. Other departments have opportunities for team-teaching or departmental colloquia in addition to regular opportunities for interaction at departmental meetings. By such means the departments have a context for interpreting student opinions.

Guidelines for Class Visits (for departments that have chosen this option):

- Visits for the purpose of evaluation may begin in either the first or second year of an assistant professor's time at Williams, continuing each semester until, but not including, the semester of the tenure decision.
- Each semester the chair should designate a tenured faculty member to visit each untenured faculty member's classes after consulting with the untenured member as to which tenured faculty member would be the most appropriate visitor in a given semester and which course would be the most appropriate to visit. The final decision on the visitor and the course to be visited should be the chair's.
- To the extent possible, different tenured members should visit each untenured member's classes in different semesters. That is, over time as many tenured faculty as possible should visit each untenured person's classes.
- Typically, tenured faculty visit two or three classes taught by the untenured faculty member. The untenured faculty member should suggest two or three classes, normally consecutive, which would be appropriate for the tenured faculty member to visit. Before the visits, the two should discuss the relation of the classes to the aims and structure of the course as a whole. Students should be told that the visits are a routine vehicle for evaluation and constructive feedback.
- The visitor should discuss his or her observations with the untenured faculty member after the set of visits. A written statement of the strengths and weaknesses of the classes observed and suggestions for improvement should be given to the untenured faculty member and to the chair.
- Departments' evaluations of classes visited during the year, based on visitors' written statements and departments' discussion of them, will be communicated to untenured faculty members by department chairs in accordance with existing procedures governing communication between departments and untenured faculty (see Communication under Section II-F: Academic Department Governance).

The following sections were added in place of the deleted material on pages 40-42 of the 2017-18 Handbook:

## The Evaluation of Teaching

Units must use three different methods to evaluate the teaching of untenured faculty members. 1) The Student Course Survey (SCS). 2) A method, other than the SCS, for gathering individual student opinion. 3) A method of peer review that involves observation of the untenured faculty member's teaching.

The evaluation procedures used within a unit must be uniform for all untenured unit members within a given year. Each year, the unit must provide an explanation of their evaluation procedures to the CAP. Although a unit must use the SCS, a method other than the SCS for gathering student opinion, and a method of peer review that involves observation of the untenured faculty member's teaching, if a unit choses to deviate from any other aspect of the required evaluation procedures outlined in the Faculty Handbook, such deviations must be submitted to the CAP for its approval.

## The Student Course Survey (SCS)

Use of the Student Course Survey (SCS) is required in regular-semester courses taught in the College, with the exception of those with the EXPR prefix. The SCS consists of a form and a separate page inviting descriptive commentary ("blue sheets") primarily for the benefit of the instructor.

The responses from the form are compiled by Institutional Research, who provides analyses of individual quantitative results and comparisons with various group results. Aggregated responses and analyses of quantitative results for all unit members are sent to the chair. Tenured members collectively make their own interpretations of the responses and analyses for untenured members in their unit, in conjunction with information from the other methods of evaluation used. The responses for all faculty members are made available to the CAP.

Untenured members may wish to share their "blue sheets" with chairs, but this is not required.

## Methods for Gathering Individual Student Opinion

Units choose which method for gathering individual student opinion best suits their needs, so long as the same procedure is used for all untenured members in a given year. The options include: interviews or unit questionnaire. Whatever procedure is selected, it will have a standard format.

Units' evaluations of the student opinion gathered will be communicated annually to untenured members by unit chairs in accordance with existing procedures governing communication between units and untenured faculty (see Section II-F: Departmental Governance: Communication).

Protocols for Conducting Interviews
Units should make every possible effort to gather at least ten individual student responses per year for each untenured member, with proportional adjustment for those teaching less than a full load. They should be gathered as late in the term as possible. In any event they should be completed in time for the results to be included in the next unit staffing report.

The students selected should fairly reflect the range of the untenured member's experience during the academic year with majors and non-majors, large and small classes, lecture and discussion classes, and introductory versus advanced level classes. The grade of each respondent will be noted.

A good faith effort should be made to select roughly half the students from a list provided by the untenured faculty member; the rest will be chosen by the unit. The untenured faculty member may also suggest, and to the extent possible should explain why, certain students should not be interviewed.

Students coming to an interview will have received either a letter of invitation explaining the purpose of the interview and the general areas to be reviewed or a copy of the questionnaire which the unit uses.

Only one student will be interviewed at a time. There will be no group interviews.
Interviews will be conducted by one or more tenured members, two tenured members being the preferred number. The interviewer(s) will be any tenured member(s) of the unit. If a unit has only one or two tenured members, the chair may request the Dean of the Faculty to assemble an advisory committee of tenured members from other units to assist in these interviews.

If possible, interviews pertaining to a given untenured member in a particular year will not all be conducted by the same person; as many tenured members of a unit as possible are expected to take part over the course of the untenured members' years at the College.

Students who have taken courses in a particular unit from more than one untenured instructor can be asked to comment on each one of them. Comparative comments may be elicited. Students may be asked about all the courses they have taken from a given instructor, including those within the preceding year. Although all interviewers should raise the same questions, the units' procedures should allow interviewers flexibility in pursuing issues raised by students' responses to specific questions.

A written statement summarizing the students' responses should be given to the untenured faculty member and to the chair, and should preserve each student's anonymity.

## Protocols for Questionnaires

Unit questionnaires should solicit primarily qualitative responses from students.

Questionnaires should be administered for every semester for every course taught by the untenured faculty member. Units should administer the questionnaire to as many of the students in the untenured faculty member's courses as possible. In any case, units should make every possible effort to gather at least ten individual student responses per year for each untenured member, with proportional adjustment for those teaching less than a full load.

Student responses to questionnaires should be given to the untenured faculty member and to the chair, and should preserve each student's anonymity.

## Methods of Peer Review

Units choose which method of direct faculty assessment best suits their needs, so long as the same procedure is used for all untenured members in a given year. The options include: class visits or observation of video-recorded classes.

## Protocols for Class Visits

Visits for the purpose of evaluation may begin in either the first or second year of an assistant professor's time at Williams, continuing each semester until, but not including, the semester of the tenure decision.

Each semester the chair should designate a tenured faculty member to visit each untenured faculty member's classes after consulting with the untenured member as to which tenured faculty member would be the most appropriate visitor in a given semester and which course would be the most appropriate to visit. The final decision on the visitor and the course to be visited should be the chair's.

To the extent possible, different tenured members should visit each untenured member's classes in different semesters. That is, over time as many tenured faculty as possible should visit each untenured person's classes. If a unit has only one or two tenured members, the chair may request the Dean of the Faculty to assemble an advisory committee of tenured members from other units to assist in these visits.

Tenured faculty must visit at least two classes taught by the untenured faculty member. The untenured faculty member should suggest classes which would be appropriate for the tenured faculty member to visit. Before the visits, the two should discuss the relation of the classes to the aims and structure of the course as a whole. A discussion of initial observations might take place between the first and last visit. Students should be told that the visits are a routine vehicle for evaluation and constructive feedback.

The visitor should discuss his or her observations with the untenured faculty member after the set of visits. A written statement of the strengths and weaknesses of the classes visited and suggestions for improvement should be given to the untenured faculty member and to the chair.

A unit may also decide to conduct reciprocal class visits, whereby the untenured faculty member is encouraged to visit a class taught by the tenured faculty member.

Units' evaluations of classes visited during the year, based on visitors' written statements and units' discussion of them, will be communicated to untenured faculty members by unit chairs in accordance with existing procedures governing communication between units and untenured faculty (see Communication under Section II-F: Academic Department Governance).

Protocols for Observation of Video-Recorded Classes
Observations of video-recorded classes for the purpose of evaluation may begin in either the first or second year of an assistant professor's time at Williams, continuing each semester until, but not including, the semester of the tenure decision.

Each semester the chair should designate a tenured faculty member to observe the video recording of each untenured faculty member's classes after consulting with the untenured member as to which tenured faculty member would be the most appropriate observer in a given semester and which course would be the most appropriate to observe. The final decision on the observer and the course to be observed should be the chair's.

To the extent possible, different tenured members should observe each untenured member's videorecorded classes in different semesters. That is, over time as many tenured faculty as possible should observe each untenured person's classes. If a unit has only one or two tenured members, the chair may request the Dean of the Faculty to assemble an advisory committee of tenured members from other units to assist in these observations.

Tenured faculty must observe at least two video-recorded classes taught by the untenured faculty member. The untenured faculty member should suggest classes which would be appropriate for video recording and observation. Before the video recording and observations, the two should discuss the relation of the classes to the aims and structure of the course as a whole. A discussion of initial observations might take place between the first and last video-recorded classes. Students should be notified in advance that a class will be video recorded.

The video recording of the class should be viewed only by the designated observer, and should be destroyed after viewing.

The visitor should discuss his or her observations with the untenured faculty member after the set of videorecorded classes. A written statement of the strengths and weaknesses of the classes observed and suggestions for improvement should be given to the untenured faculty member and to the chair.

Units' evaluations of video-recorded classes observed during the year, based on observers' written statements and units' discussion of them, will be communicated to untenured faculty members by unit chairs in accordance with existing procedures governing communication between units and untenured faculty (see Communication under Section II-F: Academic Department Governance).

## Optional Methods of Evaluation

In addition to the three required methods of evaluation, a unit may choose to use other methods to gather information about an untenured faculty member's teaching. These methods might include: senior exit interviews; letters solicited from alumni. The use of any such additional methods of evaluation must be explained in the unit's evaluation procedures.
6. The following paragraph was deleted from the Group 1 subheading of Section III-G on page 107 of the 2016-17 Handbook:

Administrative Staff are eligible to live in College rental housing for three years from the date of hire until June 15 after their 3 rd anniversary.
7. The following subsection entitled "AIDS Policy" under Appendix D was deleted in its entirety from pages 168-69 of the 2016-17 Handbook:

## AIDS Policy

The College policy, when Acquired Immune Deficiency Syndrome (AIDS) or infection with the HIV virus (as indicated by a positive antibody test) has been diagnosed in an employee, is that standard medical rules of confidentiality will apply; i.e., the privacy of the employee will be protected in accordance with the procedures stated below. This policy applies also to any external requests for information about an employee, such as applications for health insurance, references, et al.

Prospective and present employees are not required to report diseases to the College. Should the fact that an employee has AIDS or is HIV-positive come to the attention of the Director of Health, the Director will confer with the employee to make sure that an appropriate medical care plan has been established with the employee's primary physician, but the College will ordinarily take no administrative action regarding the employee. Should the employee wish to have his or her medical condition known to others, the employee may do so. Since AIDS is a reportable disease, the Director of Health must confirm that the Massachusetts Public Health Service has been informed.

A diagnosis of AIDS/HIV-positive by itself is not a clinical cause for termination or for a change in conditions of employment, including location of employment. The concern of the College shall be for the employee and his/her risk of exposure to primary and secondary infections. In cases of requests by fellow employees for changes in jobs for fear of acquiring AIDS, the person with AIDS or HIV-positive diagnosis will not be displaced, and the fellow employee(s) will be provided with education and counseling about the disease. No transfer should be assumed.

Any judgment about an employee's continuation at the College based on his/her health or risk to others will be made by the Director of Health in consultation with the appropriate supervisor, Director of Human Resources, members of the President's Senior Staff, and legal counsel.

Ordinarily, information about an employee with AIDS or who is HIV-positive will be given to no other person or office at the College without the employee's permission. Should the Director of Health feel that others need to be informed, he/she will work with the employee in a confidential manner to encourage the employee to inform that person or office.

The medical staff of the College Health Service is available to answer questions from any member of the Williams community about AIDS/HIV and to discuss antibody testing. The Health Service will provide medical treatment to students and will refer employees to other primary care physicians with whom they may develop a medical care plan. Area physicians and dentists are available for referral and treatment. Other area medical services available to those with AIDS or who are HIV-positive are the Visiting Nurse Association and Hospice of Northern Berkshire, the North Adams Regional Hospital, and the Berkshire Medical Center. Additional referral and counseling services include the American Red Cross in Pittsfield and the Bennington AIDS Project.

Individuals with questions or concerns should feel free to contact the Director of Health, the Health Educator, the Director of Human Resources, the Dean of the College, the Vice President for Finance \& Administration and Treasurer, the Dean of the Faculty, or the Vice President for Institutional Diversity and Equity. Additional information can be obtained by referring to "What Everyone Should Know about AIDS," which is available through the College Health Service.


[^0]:    ${ }^{2}$ This policy may also be followed in cases involving complaints of discrimination, harassment or sexual misconduct
    brought against college employees by persons who are not members of the college community, e.g. visitors to the campus or participants in college programs or activities.
    ${ }^{3}$ For students, the Dean of the College; for staff, the Director of Human Resources; for Faculty, the Dean of the Faculty.
    ${ }^{4}$ An initial report may be either oral or in writing, but a written complaint is required before formal investigation and adjudication may begin. Detailed information about how to file a written complaint and the process that follows can be found in Appendix A and A.1.

[^1]:    ${ }^{5}$ Requests for an exemption should be sent to the Dean of the Faculty (for faculty) or the Director of Human Resources (for staff), who will communicate their decision in writing to the faculty or staff member and the Office of Institutional Diversity, Equity, and Inclusion.
    ${ }^{6}$ Failure to abide by rules (a) and (b) may also subject a faculty or staff member to charges of conflict of interest. It should be noted that a removal policy is also in place for family and other special relationships (see Conflict of Interest).

[^2]:    ${ }^{5}$ Fact-finding is not the same as a formal investigation. Typically, fact-finding is carried-out by someone in the Office of Institutional Diversity, Equity, and Inclusion or a designee and may not produce a written report.

[^3]:    ${ }^{6}$ In extraordinary circumstances, a complainant may be allowed to make an oral report that is then transcribed and signed by the complainant.

[^4]:    ${ }^{8}$ The AVP may redact or remove inadmissible information from responses submitted by either party. If the AVP determines that there are portions of a party's response that are inadmissible, they will inform the party in writing.
    ${ }^{9}$ The preponderance of the evidence standard requires a determination of whether it is more likely than not that the person committed the alleged acts.

[^5]:    ${ }^{1}$ This policy may also be followed in cases involving complaints of discrimination, harassment or sexual misconduct brought against college employees or students by persons who are not members of the college community, e.g. visitors to the campus or participants in college programs or activities.

[^6]:    ${ }^{2}$ Requests for waivers should be sent to the Dean of the Faculty (for faculty) or the Director of Human Resources (for staff), who communicate their decision in writing to the faculty or staff member and the Assistant Vice President for Institutional Diversity and Equity/Title IX Coordinator.
    ${ }^{3}$ Failure to abide by rules (a) and (b) may also subject a faculty or staff member to charges of conflict of interest. It should be noted that a removal policy is also in place for family and other special relationships (see Conflict of Interest).

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[^8]:    ${ }^{4}$ These procedures may also be followed in cases involving complaints of discrimination, harassment or sexual misconduct brought against college employees or students by persons who are not members of the college community, e.g. visitors to the campus or participants in college programs or activities.

[^9]:    ${ }^{5}$ The information shared at this point will include the alleged incident(s) being considered and a summary of interviews.

[^10]:    ${ }^{6}$ These procedures may also be followed in cases involving complaints of discrimination, harassment or sexual misconduct brought against college employees or students by persons who are not members of the college community, e.g. visitors to the campus or participants in college programs or activities.

[^11]:    Deleted: https://dean.williams.edu/policies/

[^12]:    ${ }^{7}$ The preponderance of the evidence standard requires a determination of whether it is more likely than not that the person committed the alleged act(s).

[^13]:    ${ }^{8}$ The information shared at this point will include the alleged incident(s) being considered and a summary of interviews.

[^14]:    ${ }^{9}$ The information shared at this point will include the alleged incident(s) being considered and a summary of interviews.

[^15]:    ${ }^{10}$ Executive officers of the college are: The President of the College, the Dean of the Faculty, the Provost, the Dean of the College, the Vice President for Campus Life, the Vice President for Finance \& Administration and Treasurer, the Vice President for College Relations, the Vice President of Institutional Diversity and Equity, the Chief Investment Officer, the Chief Communications Officer, and the Assistant to the President and Secretary of the Board of Trustees.

[^16]:    ${ }^{3}$ In cases involving discrimination, persons who served on the formal Grievance Committee are ineligible for the Hearing Committee.

[^17]:    ${ }^{4}$ In cases involving discrimination, the phrase "the Dean of the Faculty," both here and in the paragraphs that follow, should be taken to mean "the executive officers."

    5 In cases involving discrimination, members of the Faculty Review Panel faculty who served on the grievance committee are not eligible to serve on the hearing committee.

[^18]:    ${ }^{1}$ For the purposes of the discrimination grievance procedures, the executive officer for students is the Dean of the College; and for faculty, the Dean of the Faculty.
    ${ }^{2}$ Failure to abide by rules (a) and (b) may also subject a faculty or staff member to charges of conflict of interest. It should be noted that a removal policy is also in place for family and other special relationships (see Conflict of Interest).

[^19]:    ${ }^{6}$ Throughout these procedures, a "complainant" is the person who has filed a complaint; the person against whom a complaint is filed is the "respondent."

[^20]:    ${ }^{2}$ For the Dean of the College the other administrators include the Associate and Assistant Deans; for the Dean of the Faculty they include the Provost and the Vice President for Institutional Diversity and Equity; for the Vice President for Finance \& Administration and Treasurer they include the Director of Human Resources and the Vice President for Institutional Diversity and Equity. If it is an executive officer whose behavior may be at issue, the person should discuss the alleged discriminatory behavior with the President, who will appoint a formal grievance committee, which will proceed as stipulated below, except that the committee will in this case make its report and recommendation to the President.
    ${ }^{3}$ See Appendix B for the guidelines.
    ${ }^{4}$ When both the complainant and the respondent belong to the same category (i.e., students, faculty, or staff) their executive officer and an affiliated staff member will oversee the proceedings.

[^21]:    ${ }^{5}$ Only the respondent's executive officer has access to the file, which contains information pertaining both to dismissed and to settled cases. See Appendix C for regulations governing the use of the file.

[^22]:    ${ }^{12}$ If this position is empty, this role will be filled by the Vice President for Finance \& Administration and Treasurer.

[^23]:    ${ }^{13}$ If this position is empty, this role will be filled by the Vice President for Finance \& Administration and Treasurer.

[^24]:    ${ }^{14}$ These procedures may also be followed in cases involving complaints of discrimination, harassment or sexual misconduct brought against college employees or students by persons who are not members of the college community, e.g. visitors to the campus or participants in college programs or activities.
    ${ }^{15}$ These procedures may also be followed in cases involving complaints of discrimination, harassment or sexual misconduct brought against college employees or students by persons who are not members of the college community, e.g. visitors to the campus or participants in college programs or activities.

[^25]:    ${ }^{16}$ The information shared at this point will include the alleged incident(s) being considered and a summary of interviews.

[^26]:    ${ }^{17}$ The information shared at this point will include the alleged incident(s) being considered and a summary of interviews.

