



If you are in immediate danger, call 911 and Campus Safety at 937.382.0100

Written Notification

For survivors of sexual assault, domestic violence, dating violence, and stalking

If you or someone you know has experienced dating violence, domestic violence, sexual assault, or stalking, know that you are a part of a campus community that cares and wants to help. You have the right to live, learn, and/or work in a safe and welcoming environment. Violence is unacceptable and prohibited by Wilmington College's student conduct, faculty, and staff policies. This document outlines steps to take depending on what services you want or need. Each person's experience is unique and numerous options are available for support and reporting at Wilmington College. It is important to note there is no correct response, simply different options to access support and/or different reporting options. **Your immediate and long-term safety is what is most important.**

Before you read any further, let's be very clear, this document will focus on the campus disciplinary process as a reporting option because this document seeks to outline what rights and resources you have and what the College would do should you decide to report on-campus; key word is option. **However, per the Title IX law, you have the RIGHT to report on and/or off-campus.** Both investigations can be done simultaneously, or you can choose to only report to Title IX, or you can choose to only report to Wilmington Police Department. And obviously you have the right to do none of the above.

Now, let's define sexual assault, domestic violence, dating violence, and stalking; these crimes/conduct violations are classified as sexual harassment in Wilmington College's "Sexual Discrimination & Sexual Harassment Policy". This policy can be found in all handbooks (i.e., student handbook, faculty handbook, and administrative & support staff handbook) and can provide more thorough details of each violation. Here is a brief description below:

- Sexual assault: sexual contact or behavior that occurs without explicit consent of the victim (e.g., attempted rape, fondling, unwanted touching, forcing a victim to perform sexual acts, penetrating someone without permission)
- Domestic violence: violent or aggressive behavior within the home, typically involving the violent abuse of a spouse or partner
- Dating violence: violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim/survivor
- Stalking: a crime of engaging in a course of conduct directed at a specific person that would reasonably cause them to fear for their safety or suffer substantial emotional distress

Force doesn't necessarily mean physical pressure, perpetrators may use emotional coercion, psychological force, manipulation, threat, intimidation tactics, etc. Keep in mind that the above forms of misconduct may look different in the virtual world, but they can certainly occur in the virtual world. An example of cyberstalking could be if someone is harassing you through social media or text. An example of sexual assault in the virtual world could be if someone shares a sexual video of you without your consent.



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On-Campus Confidential Support

If you are currently overwhelmed by this document or your trauma or you just prefer to discuss your experience, rights, and options with a confidential resource, please consider one of the following options:

- Schedule an appointment with an advocate. The advocate is in the Support Services Office (Pyle Center, Room 2), but should be contacted prior to a survivor visiting the office to ensure the space is ready for them (i.e., they may be sharing the office with non-confidential support staff or seeing another survivor).
 - Email advocate@wilmington.edu
 - Call the Prevention & Education Office at 937.481.2325 if you need help contacting an advocate

- Schedule an appointment with a campus counselor. Counseling is in the Health and Wellness Center across from the CSS turf area. Both counselors are state independently licensed Professional Clinical Counselors (PC), and services are free. Also, keep in mind, your counseling record is not part of your academic record.
 - Schedule appointment via Setmore wchealthandcounselingappointments.setmore.com
 - Call Kazi McDowell at 937.481.2272
 - Call Ana Lopez at 937.481.2509

- Schedule an appointment with a pastoral counselor.
 - Call Nancy McCormick at 937.481.2239
 - Email Nancy McCormick at nancy_mccormick@wilmington.edu

Pastoral and mental health counseling have privileged confidentiality, meaning their confidentiality is not only recognized by the College, but it is recognized legally, and they do not have to disclose information in the court of law. The advocate is recognized as confidential only by the College, meaning they have no obligation to report to Title IX, but would have to disclose information in the court of law (if the survivor/victim were to go to court and the advocate were subpoenaed). Do not confuse this obligation with a requirement to disclose to law enforcement, the College is legally not allowed to share information with law enforcement unless given permission by the survivor/victim. However, the exemption to this privacy policy for all employees (confidential and non-confidential) is cases where there is an imminent threat (i.e., plans to attempt suicide or violence to others) or abuse of a minor, at which point they must share "need-to-know" info with the appropriate authorities.

Do You Need Medical Attention?

You can receive medical attention at any medical facility; however, only Clinton Memorial Hospital has the resources to offer a sexual assault forensic exam (SAFE) in Wilmington. A SAFE can be a tough experience for someone who was assaulted, but the exam is not just for preserving evidence, it can also address other physical needs or trauma and assess for sexually transmitted infections or pregnancy. Things to expect:

- **You can stop or pause at any time if you feel uncomfortable or no longer wish to proceed.**



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- You can have a friend, family member, or an advocate accompany you into the exam. Just remember they may be subject to appearing in court as a witness if you decide to press charges.
- Completing a forensic exam does not require you to file a police report or report to the College.
- **SAFEs are 100% free**, but you may get billed if you need services that are not included in a SAFE (e.g., rays are not included in SAFE but you may need one depending on the nature of your assault). Feel free to inquire about cost to make sure you are clear on what is covered under the exam.
- **Treatment.** If you have any injuries that need immediate attention, those will be taken care of first.
- **History.** You will be asked about your medical history and recent consensual sexual activity to distinguish perpetrator from a sexual partner.
- **Exam.** You will get examined head-to-toe and it may be less or more thorough depending on your responses to medical history and recent consensual sexual activity. The nurse may collect blood, urine, and/or hair sample. The nurse may take pictures to document injuries. With your permission, they could also collect clothing and undergarments.
- **Follow-up.** You may be offered prevention treatment for STIs and other forms of medical care that may require a follow-up appointment.

Exam will most likely take more than an hour. Specific length of time depends on the specific circumstances of the assault. You can utilize the following resources to get a SAFE done:

- **Go to the hospital ER on your own.** They will notify police, but you are not required to make a report. They will also ask for your clothes if you still have on the clothes you were assaulted in so bring a change of clothes or bring the clothes you were wearing when assaulted to the hospital in a bag.
- **Since the on-campus advocate is not a full-time employee and does not have a set schedule, you can contact the Director of Violence Prevention and Education (937.481.2325);** director can connect you with the advocate if they are in office or call ahead to the hospital for you and help you plan out transportation and support based on your needs.
- **Call Alternatives to Violence 24-hour crisis line (888.816.1146).** The crisis line is a pager system so you will call and leave a message and an advocate will be available within 1 hour after the request is made to accompany you to the hospital.
- **Wilmington Police Department** can provide transportation if you feel comfortable with this option and need transportation.

Preservation of Evidence

The evidence collection window in sexual violence crimes is small and varies depending on the act. Even if you are not sure you want to file a report with local law enforcement or take any action against the perpetrator, it may be helpful to preserve evidence in case you want to obtain a protection order, proceed with a criminal investigation, or a disciplinary process later. Things to keep in mind:

- Evidence must be collected within 24–96 hours of the assault depending on the type of assault. For example, evidence of oral assault would need to be collected within 24 hours.
- If you think you may be at risk of HIV, the HIV prophylaxis must be started within 72 hours.
- If you believe you were drugged, toxicology tests can only be collected within 96 hours.



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- If you think you may be pregnant or have an STI, a pregnancy prophylaxis and STI prophylaxis can be administered within 120 hours.
- Even if you feel the evidence collection window has closed, please get a check-up from a primary care physician to make sure any medical needs are addressed.

If you are still on the fence about getting evidence collected, then you can do the following on your own until you decide:

- do not bathe
- do not douche
- do not smoke
- do not use the toilet or clean the location where the incident occurred
- save items you were wearing, sheets, or towels in a paper bag
- save text messages, record of phone calls, emails, pictures, notes, and gifts that could be helpful in a report of sexual assault, domestic violence, dating violence, or stalking

Emotional and Physical Impact

Sexual assault, domestic violence, dating violence, and stalking are significant and can be traumatizing. Though each person’s experience is unique, there are a wide range of emotions that may be felt over the days, weeks, months and even years following. These reactions may change over time, and it may be helpful to address them with the assistance of a trained counselor or therapist. Please identify your support system (e.g., friend, family member, mentor, therapist, advocate, etc.) and normalize the various phases of your healing process.

Physical effects may include:	Emotional effects may include:
❖ pain	❖ impaired memory
❖ soreness	❖ shock or denial
❖ injuries	❖ irritability
❖ nausea	❖ anger
❖ vomiting	❖ sadness or grief
❖ headaches	❖ social withdrawal
❖ panic attacks	❖ detachment or loss of caring
❖ sleep pattern disturbances	❖ hypervigilance (i.e., always on guard)
❖ insomnia	❖ flashbacks
❖ loss of appetite or change in eating habits	❖ difficulty concentrating
	❖ difficulty trusting others
	❖ guilt or shame
	❖ suicidal ideations
	❖ diminished interest in sex
	❖ increased interest in sex

Campus Disciplinary Process

First, let’s briefly discuss the difference in Title IX and Conduct (i.e., student conduct, faculty conduct, staff conduct) for campus disciplinary processes. Why are there two different processes? This doesn’t make sense!

Essentially, Title IX prohibits sex discrimination in educational institutions that receive federal funding (majority of schools). The provisions for Title IX are set forth by law and the Title IX process may alter as those laws change. There are certain things the College is required to do if it is a Title IX case (e.g., we currently have to have live



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hearings and cross examinations). Check out www.knowyourix.org for more information on your rights through Title IX.

The Code of Conduct is policies set forth by the school and outlines expectations of conduct while you are a part of this campus community. The Code of Conduct is usually a more comprehensive effort to maintain campus safety than Title IX, covering gaps that may exist in Title IX policies. For example, the jurisdiction for Title IX may be within the United States, meaning that if you study abroad and are sexually violated by another student then this would not be a Title IX violation. However, this situation would still violate the Code of Conduct and there would still be a disciplinary process if this information were reported.

So basically, regardless of what the incident classifies as (i.e., Title IX violation and/or Conduct violation), any form of violence or abuse is unacceptable and will be addressed by the appropriate authorities through the appropriate process. The Title IX Coordinator will ultimately decide what your case classifies as and can explain in more detail what that will mean moving forward. Below is what the process would ideally look like from beginning to end if it is a Title IX case. **Please use handbook to confirm the below information reflects the most update college policies, contacts, and timelines.**

Making a Title IX Report

Any person may report sexual harassment in person, by mail, by telephone, or email, using the contact information listed below. The Title IX Coordinator will decide if a situation is a Title IX case or conduct case; so, do not be confused about who to report to if you do not think the incident falls under Title IX. The Title IX Coordinator is the designated agent of the College with primary responsibility for receiving reports and formal complaints of sexual harassment, overseeing the College’s response to reports and formal complaints of sexual harassment, and coordinating supportive measures. Below is the contact information for the Title IX Coordinator and Alternate Title IX Coordinator in the case the Title IX Coordinator cannot be reached or they have a conflict of interest:

Title IX Coordinator	Alternate Title IX Coordinator
<p>Libby Hayes <i>Director of Human Resources</i></p> <p>1870 Quaker Way Pyle Center Box 1186 Wilmington, Ohio 45177</p> <p>Tel: (937) 481-2282 (Ext. 282) E-mail: libby_hayes@wilmington.edu</p>	<p><i>Refer to "Sexual Discrimination & Sexual Harassment Policy" in student/faculty/staff handbook to identify the appropriate alternate coordinator.</i></p>

Offering and Providing Supportive Measures

When the Title IX Coordinator receives a report of an incident or allegation of sexual harassment from any individual, the Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures and inform the complainant of the availability of such supportive measures with or without filing of a formal complaint. In the case that you would feel more comfortable requesting these measures through a confidential resource, then schedule a meeting with an on-campus advocate.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Supportive measures may include, but are not limited to, the following:



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- Extensions of deadlines or other course-related adjustments;
- Modifications of work or class schedules;
- Campus escort services;
- Mutual restrictions on contact between parties (e.g., a no-contact order);
- Changes in work or housing locations;
- Increased security and monitoring of certain areas of campus; and
- Other similar measures.

The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures and will consider the complainant's wishes with respect to supportive measures.

The College will maintain the confidentiality of any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures. To the extent an individual chooses to report an incident or allegation of sexual harassment anonymously or without disclosing the identity of the complainant and/or the respondent, the College will be unable to provide supportive measures to the complainant and/or consider whether to initiate the grievance process against a respondent in response.

Emergency Removal & Administrative Leave

In addition to implementing supportive measures, in emergency situations that arise out of allegations of conduct that could constitute sexual harassment, the College may elect to remove the respondent from the College's education programs or activities. Removal may be made only after the College conducts an individualized safety and risk analysis and concludes that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal. Removal may take place before an investigation into sexual harassment allegations concludes or where no grievance process is pending. The Title IX Coordinator may make removal decisions on behalf of the College and may periodically reassess whether an immediate threat to physical health or safety is ongoing or has dissipated such that removal is no longer warranted.

Making a Title IX Formal Complaint

A formal complaint is made the same way you make a report, but it includes a signed document saying that you want an investigation. While the College will promptly and meaningfully respond to reports, only a formal complaint will prompt an investigation and grievance process. Keep in mind:

- Third parties are not permitted to file formal complaints
- Formal complaints cannot be filed anonymously.
- In rare cases, the grievance process may proceed if the Title IX Coordinator determines it is necessary to sign a formal complaint without complainant, but the College will respect the complainant's wishes regarding whether to participate or not in the grievance process.
- At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in an educational program or activity of the College.

Confidentiality of Reports and Formal Complaints

To the extent possible, disclosure of any information relating to a report or formal complaint will be limited to the individuals conducting the College's investigation or resolving the complaint. Individuals who may be involved to provide supportive measures will only know what is needed to provide the supportive measure.



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The College must weigh requests for confidentiality and/or requests that no action be taken against the College's obligation to provide a safe, non-discriminatory environment for all members of the College community, including the complainant. The College will likely be unable to honor a request for confidentiality or a request that no action be taken in cases indicating pattern, predation, weapons, violence, or if a minor is involved.

Title IX Grievance Process for Formal Complaints of Sexual Harassment

The grievance process treats complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent and by following the grievance process before the imposition of any disciplinary sanctions or other actions that are not supportive measures. Respondents are presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. All parties involved in the grievance process must not have a conflict of interest. The brief outline of the grievance process is below:

❖ **Written Notice of Allegations**

Upon receipt of a formal complaint, the Title IX Coordinator will provide written notice to known parties that includes details of the grievance process, details of allegations, rights, and options.

❖ **Dismissal of Formal Complaint**

While the College will investigate the allegations in formal complaints of sexual harassment, it will dismiss a formal complaint where the conduct alleged:

- a) would not constitute sexual harassment, even if proven;
- b) did not occur in the College's education program or activity—i.e., locations or events, or under circumstances over which the College exercises substantial control over both the respondent and the context in which the sexual harassment occurs, including any building owned or controlled by a student organization that is officially recognized by the College; or
- c) did not occur against a person in the United States.

Such mandatory dismissal, however, does not preclude action under another provision of the College's code of conduct. In other words, as mentioned already, if something does not qualify as a Title IX case it can be addressed through the conduct process. Of course, there are qualifications for the conduct process too. Please review the handbook for more info on conduct as this resource focuses primarily on Title IX.

The College may dismiss a formal complaint or any allegation therein, if at any time during the investigation or hearing:

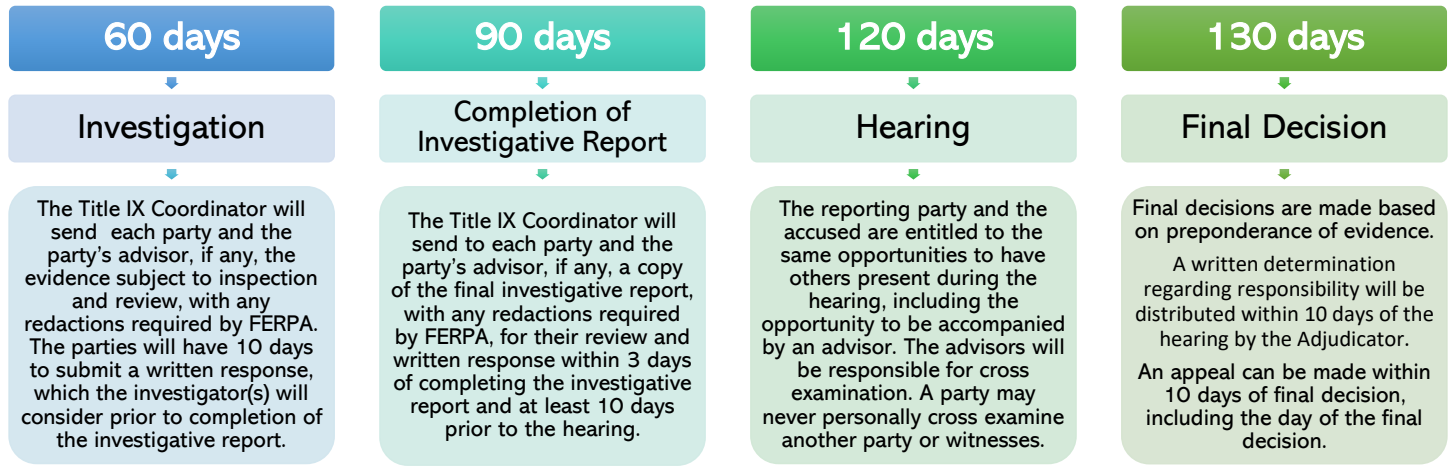
- a) a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
- b) the respondent is no longer enrolled or employed by the College; or
- c) specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

The Title IX Coordinator will make determinations regarding the dismissal and will promptly notify the parties in writing of any dismissal and the reasons for this dismissal.



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❖ **Once a Title IX formal complaint has been made, within....**



A temporary delay of the grievance process or a limited extension of time frames may be permitted for good cause. Good cause may include, but is not limited to, the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. The Title IX Coordinator will provide written notice to the complainant and the respondent of any temporary delay or limited extension and the reasons for such action.

❖ **Wait! I don't want to do this!**

At any point in time, if you are the complainant, you can withdraw the complaint and remove yourself from the process. You can also handle it informally; an informal resolution process is only granted if both parties have received written notice of allegations, the requirements of the informal resolution process to satisfy both parties, and any consequences that may arise due to participation in an informal resolution process. And of course, both parties must provide voluntary, written consent to the informal resolution process. Keep in mind:

- An informal resolution process may not be utilized to resolve allegations that an employee sexually harassed a student.
- At any time prior to agreeing to a resolution under this process, any party may withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint. In addition, any party can resume the grievance process where the party is dissatisfied with a proposed informal resolution.

❖ **Appealing a decision**

The appeal must be made in writing to the Title IX Coordinator within ten (10) days from when the party receives the final decision, including the day on which the party receives the final decision.

❖ **Retaliation**

The College strictly prohibits retaliation—i.e., intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX or the College's policies. Retaliation does not include the exercise of First Amendment rights, or a code of conduct violation charge for making a materially false statement in bad faith during a grievance proceeding.



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Quick Guide: Available Resources

This is not a full list of resources; this table is meant to be a quick guide to some available resources. Please contact the Title IX Coordinator (libby_hayes@wilmington.edu or call 937.481.2282), or the Director of Violence Prevention and Education (prevention@wilmington.edu or call 937.481.2325) for more information on resources.

On-Campus Resource	Off-Campus Resource	Support Service
<p>Support Services Support Services Office (Pyle Center, Room 2)</p> <p><i>Hours will vary</i></p> <p>advocate@wilmington.edu 937.481.2325 (x325)</p>	<p>Alternatives to Violence Center 94 N. South Street, 3rd floor Wilmington, OH 45177 Monday- Friday 9AM-4PM</p> <p>Office Phone 937.383.3285 24hr Crisis Line 888.816.1146</p>	Advocacy
<p>Counseling Services Health and Wellness Center (across from CSS turf area)</p> <p>Schedule appointment via Setmore</p>	<p><i>On-campus and off-campus advocates can help survivors access off-campus mental health resources</i></p>	Counseling & Mental Health
<p>Campus Health Services Health and Wellness Center (across from CSS turf area)</p> <p>Schedule appointment via Setmore</p>	<p>Clinton Memorial Hospital 610 W. Main Street Wilmington, OH 45177</p> <p>ER Phone 937.382.9257</p>	Health
<p><i>On-campus and off-campus advocates can help survivors access legal assistance resources</i></p>	<p>Ohio Crime Victim Justice Center Offices located in Cleveland, Cincinnati, and Columbus Monday-Friday 8AM-4PM</p> <p>Main Office 614.848.8500</p>	Legal Assistance
<p>Student One Stop Pyle Center</p> <p>sos@wilmington.edu 937.382.6661 (x600)</p>	<p><i>On-campus and off-campus advocates can help survivors access financial resources</i></p>	Student Financial Aid
<p>International Enrollment Executive Kelly House (107 College Street)</p> <p>Bud Lewis bud_lewis@wilmington.edu 937.481.2341(x341)</p>	<p><i>On-campus and off-campus advocates can help survivors access visa & immigration resources</i></p>	Visa & Immigration Assistance
<p>Disability Services Robinson Communications Center 120</p> <p>accessibility@wilmington.edu 937.481.2444 (x244)</p>	<p><i>On-campus and off-campus advocates can help survivors access resources for survivors with disabilities</i></p>	Disability Services

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