



Sex Discrimination & Sexual Harassment Policy

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Sex Discrimination & Sexual Harassment Policy

1.0 Statement of Policy

Consistent with Wilmington College’s testimony, “I will respect the dignity of all persons,” Wilmington College (or the “College”) is committed to providing a learning, working, and living environment free of discrimination, including discrimination on the basis of sex and gender by employees, students, and third parties.

Pursuant to Title IX of the Education Amendments of 1972 (Title IX), Wilmington College prohibits discrimination based on sex (including gender identity, gender expression, and sexual orientation) in its educational, extracurricular, athletic, or other programs or activities that it operates, or in the context of admissions or employment. Specifically, Title IX provides, “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

Wilmington College considers sex and gender discrimination in all its forms, including sexual harassment, to be a serious offense. Consistent with Wilmington College’s commitment to compliance with Title IX, the College will promptly and equitably respond to all reports and formal complaints under this Sex Discrimination & Sexual Harassment Policy (the “Policy”) in order to end the conduct, prevent its recurrence, and address its effects on individuals and the community.

Inquiries regarding the application of this Policy may be directed to the Title IX Coordinator, the Assistant Secretary of the Office for Civil Rights of the Department of Education, or both.

2.0 Policy Scope

This Policy applies to sexual harassment in the College’s education programs or activities—i.e., on campus or at 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, and includes any building owned or controlled by a student organization that is officially recognized by the College. It applies to face-to-face encounters, social media, and other forms of electronic communication.



This Policy applies to allegations of sexual harassment made against any person in the United States, including any member of the College community, by a member of the College community in connection with any education program or activity, including any person participating in or attempting to participate in the College’s education programs or activities.

Any person may report sex discrimination and sexual harassment in accordance with this Policy (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sexual harassment—i.e., the complainant). Any person participating in or attempting to participate in the College’s education programs or activities may file a formal complaint of sexual harassment in accordance with this Policy.

This Policy applies regardless of gender or sexual orientation, as complainants and respondents—i.e., the individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment—may be female, male, non-binary, straight, gay, lesbian, bisexual or transgendered students.¹ For example, both male and female students can be complainants of sexual harassment, and the complainant and respondent can be of the same sex.

3.0 Definitions

3.1 Sex Discrimination

Conduct that denies or limits an individual’s ability to benefit from or fully participate in educational programs, activities, co-curricular programs including athletics, or employment opportunities because of an individual’s sex, gender, gender identity, gender expression or sexual orientation, and discrimination based on an individual’s pregnancy.

3.2 Sexual Harassment

Sexual harassment is a form of sex discrimination and means conduct on the basis of sex that satisfies one or more of the following:

¹ The terms complainant and respondent apply where a report has been made or formal complaint filed and include situations in which a parent or guardian has the legal right to act on behalf of the individual.



- a. 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—i.e., quid pro quo sexual harassment;
- b. 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
- c. Sexual assault, dating violence, domestic violence, or stalking.

3.2.1 Sexual Conduct

Examples of sexual conduct include, but are not limited to:

- Making sexual propositions or pressuring an individual for sexual favors;
- Touching of a sexual nature;
- Writing graffiti of a sexual nature;
- Displaying or distributing sexually explicit drawings, pictures, or written materials;
- Performing sexual gestures or touching oneself sexually in front of others;
- Telling sexual or dirty jokes;
- Spreading sexual rumors or rating other students as to sexual activity or performance; or
- Circulating or showing e-mails or websites of a sexual nature.

Example: A College official sends a student a text message to arrange a time to meet for a sexual encounter. Sending such a text message would constitute sexual conduct.

Not all physical contact is sexual in nature. Legitimate nonsexual touching or conduct generally will not be considered sexual harassment. However, it may rise to that level if it takes on sexual connotations.



Example: A coach hugs a student who makes a goal. This by itself is not considered sexual conduct. However, a coach's hugging of a student could be considered sexual conduct if it is unwelcome and occurs under inappropriate circumstances.

Sexual harassment encompasses both unwelcome conduct of a sexual nature, as well as other forms of unwelcome conduct on the basis of sex.

3.2.2 Unwelcome Conduct v. Consent

The "conditioning" or "bargain" proposed in quid pro quo harassment may be express or implied from the circumstances. The inquiry into whether sexual conduct is unwelcome does not equate to whether an individual consented to the sexual conduct. When a complainant acquiesces to unwelcome conduct to avoid potential negative consequences, such "consent" does not necessarily mean that the sexual conduct was not "unwelcome" or that quid pro quo harassment did not occur. Whether conduct is considered to be "unwelcome" is a subjective inquiry (i.e., whether the complainant viewed the conduct as unwelcome).

3.2.3 Consent

For purposes of this Policy, consent is defined as the act of knowingly and willingly agreeing verbally or non-verbally to engage in sexual activity.

An individual cannot consent if he/she/they

- a. Is incapacitated;
- b. Is impaired by any drug or intoxicant;
- c. Has been purposely compelled by force, including threats, intimidation, or coercion;
- d. Is unaware that the act is being committed;
- e. Is impaired because of a mental or physical condition; or
- f. Pursuant to Ohio law, is under the age of sixteen (16).

Consent must exist throughout a sexual encounter and can be withdrawn at any time.



3.2.4 Incapacity

Incapacity means a state in which rational or reasonable decision-making and the ability to consent is rendered impossible because of a person's temporary or permanent physical or mental impairment including, but not limited to, physical or mental impairment resulting from drugs or alcohol, disability, sleep, unconsciousness, involuntary physical restraint, or illness.

- a. An incapacitated person cannot give consent.
- b. Sexual activity with someone who one knows or should know to be incapacitated is not consented sexual activity and, therefore, is a violation of this policy.
- c. Incapacitation may result from taking "rape drugs." A rape drug is any drug intentionally used to incapacitate another victim to assist in the execution of drug-facilitated sexual assault. Possession, use and/or distribution of any so-called "rape drug" is prohibited, and administering these drugs to another person is a violation of this policy.
- d. Being under the influence of alcohol or other drugs will not excuse behavior that violates this policy.

3.2.5 Force

Force means the use of physical violence or physical imposition to gain sexual access, including the use of threat, intimidation (implied threats), or coercion to overcome a person's free will or resistance.

3.2.6 Threat or intimidation

Threat or intimidation mean actual or implied declarations to inflict physical or psychological harm, to cause damage, or to commit other hostile actions to obtain sexual activity from an unwilling participant.

3.2.7 Coercion

Coercion means unreasonable pressure for sexual activity from an unwilling participant.



3.2.8 Severe, Pervasive, and Objectively Offensive

Elements of severity, pervasiveness, and objective offensiveness are evaluated in light of the known circumstances and depend upon the facts of each situation and are determined from the perspective of a reasonable person standing in the shoes of the complainant. Whether conduct is so severe, pervasive, and objectively offensive depends upon the surrounding circumstances, expectations, and relationships, including, but not limited to, the ages, number, disability status, and positions of authority of the individuals involved, among other factors.

3.3 Sexual Assault

Sexual assault is defined under the Clery Act as an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation (“UCR”).

UCR defines a forcible sex offense as a sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent, and includes the following:

3.3.1 Forcible rape – the carnal knowledge of a person, forcibly and/or against that person’s will or not forcibly or against the person’s will in instances where the victim is incapable of giving consent because of his/her/their temporary or permanent mental or physical incapacity.

3.3.2 Forcible sodomy – oral or anal sexual intercourse with another person, forcibly and/or against that person’s will or not forcibly or against the person’s will in instances where the victim is incapable of giving consent because of his/her/their youth or because of his/her/their temporary or permanent mental or physical incapacity.

3.3.3 Sexual assault with an object – to use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person’s will or not forcibly or against the person’s will in instances where the victim is incapable of giving consent because of his/her/their youth or because of his/her/their temporary or permanent mental or physical incapacity.



3.3.4 Forcible fondling – the touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person’s will or not forcibly or against the person’s will in instances where the victim is incapable of giving consent because of his/her/their youth or because of his/her/their temporary or permanent mental or physical incapacity.

UCR defines a nonforcible sex offense as unlawful, nonforcible sexual intercourse and includes the following:

3.3.5 Incest – nonforcible sexual intercourse between two persons who are related to each other within the degrees wherein marriage is prohibited by law.

3.3.6 Statutory rape – nonforcible sexual intercourse with a person who is under the statutory age of consent.

3.4 Dating Violence

Consistent with the Violence Against Women Act (“VAWA”), Dating Violence is defined as:

- a. Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim/survivor; and
- b. Where the existence of such a relationship shall be determined based on 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.

3.5 Domestic Violence

Consistent with the VAWA, Domestic violence is defined as:



- a. Felony or misdemeanor offenses of violence (as set forth in Ohio Revised Code 2901.01(A)(9))² committed:
 - i. by a current or former spouse or intimate partner of the victim/survivor;
 - ii. by a person with whom the victim/survivor shares a child in common;
 - iii. by a person who is cohabitating with or has cohabitated with the victim/survivor as a spouse or intimate partner;
 - iv. by a person similarly situated to a spouse of the victim/survivor;
 - v. by any other person against an adult or youth victim/survivor who is protected from that person's acts under 's domestic or family violence laws.

3.6 Stalking

Consistent with the VAWA, Stalking is defined as:

- a. Engaging in a course of conduct,
- b. Directed at a specific person,
- c. That would cause a reasonable person to
 - i. fear for his or her safety or the safety of others, or
 - ii. to suffer substantial emotional distress.

Stalking includes the concept of cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion.

Sexual assault, dating violence, domestic violence, or stalking are inherently serious sex-based offenses. However, stalking may not always be "on the basis of sex"—e.g., when a

² For ease of reference, please see <https://www.ohioattorneygeneral.gov/Files/Forms/Forms-for-Law-Enforcement/Offenses-of-Violence>.



student stalks an athlete due to celebrity worship rather than sex. When stalking is “on the basis of sex”—e.g., when the stalker desires to date the victim—stalking constitutes sexual harassment. Stalking that does not constitute sexual harassment may still be prohibited under the College’s student code of conduct.

4.0 Reports & Formal Complaints of Sex Discrimination & Sexual Harassment

Individuals who have questions about Title IX or this Policy, or feel that they have been discriminated against based on sex, sexually harassed, or retaliated against for their involvement in such a report or adjudication, are strongly encouraged to directly contact the Title IX Coordinator or the Alternate Title IX Coordinator.

The College’s duty to respond under this Policy is triggered upon the College’s actual knowledge of sexual harassment or alleged sexual harassment that occurred within its education program or activity against a person within the United States. Actual knowledge is notice of sexual harassment or allegations of sexual harassment to the College’s Title IX Coordinator or any College official with authority to institute corrective measures on behalf of the College.

A formal complaint, as defined in Section 4.6 below, is not required to make a report of sexual harassment and initiate a response by the College, including the offering and providing of supportive measures, as defined in Section 4.4 below. However, only a formal complaint of sexual harassment will prompt an investigation and grievance process outlined in Section 5.0 below.

4.1 Officials with Authority

An official with authority is a College official who has authority to institute corrective measures on behalf of the College.

For reports involving only students, the College has designated the following individuals as officials who have authority to institute corrective measures on behalf of the College:

- a. President
- b. Vice President, Chief Student Affairs Officer/Dean of Students
- c. Vice President, Chief Academic Officer/ Dean of Faculty



- d. Vice President for Community and Business Development (where the complainant or respondent participates in the College's online programs)
- e. Senior Director of Diversity and Inclusion

For reports involving an employee, the College has designated the following individuals as officials with authority who have authority to institute corrective measures on behalf of the College:

- a. President
- b. Director of Human Resources
- c. Vice President, Chief Academic Officer/Dean of Faculty
- d. Vice President Community and Business Development (where the complainant or respondent participates in the College's online programs)

Officials with authority who receives notice of sexual harassment or allegations of sexual harassment in one of the College's education programs or activities, directly or indirectly, are required to promptly report such sexual harassment or allegations of sexual harassment to the Title IX Coordinator or Alternate Title IX Coordinator.

Reporting allows complainants to receive supportive measures and helps to maintain a safe campus environment.

4.2 Reporting Sex Discrimination & Sexual Harassment

Any person may report sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report, including reporting to the Alternate Title IX Coordinator listed in Section 4.3 below. A report may be made at any time



(including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.³

Officials with authority are required to promptly report incidents or allegations of sexual harassment to the College's Title IX Coordinator or Alternate Title IX Coordinator. Where an official with authority is the complainant, you are strongly encouraged to report the misconduct to the College's Title IX Coordinator or Alternate Title IX Coordinator.

Any person who is not an official with authority, including students and members of the College community, are strongly encouraged to promptly report incidents or allegations of sex discrimination and sexual harassment to the College's Title IX Coordinator or Alternate Title IX Coordinator.

4.3 Title IX Coordinators

The Title IX Coordinator is the designated agent of the College with primary responsibility for receiving reports and formal complaints of sexual harassment, signing formal complaints, and generally coordinating the College's compliance with Title IX. The Title IX Coordinator's responsibilities include overseeing the College's response to reports and formal complaints of sexual harassment, including supportive measures, as well as overseeing the College's documentation and recordkeeping set forth in Section 7.0. The Title IX coordinator provides educational materials and training on Title IX, and generally provides guidance and ensures a fair process for individuals involved in Title IX complaints.

Title IX Coordinator

Nathan Flack
Academic Resource Center Manager
Robinson Communication Center, Room 103
712 Elm Street

³ For students, reports and complaints of sex discrimination that do not constitute sexual harassment under this Policy will follow the grievance procedure contained in the Student Code of Conduct in the Student Handbook. For faculty, reports and complaints of sex discrimination that do not constitute sexual harassment under this Policy will follow the procedure for grievances contained in the Faculty Handbook. For staff, reports and complaints of sex discrimination that do not constitute sexual harassment under this Policy will follow the procedure for grievances contained in the Administrative and Support Staff Handbook.



Wilmington, Ohio 45177
(937) 481-2208 (Ext. 208)
nathan.flack@wilmington.edu

If the Title IX Coordinator has a conflict of interest or is otherwise unable to handle the Title IX matter at issue, the Alternate Title IX Coordinator will be appointed to handle the matter.

Alternate Title IX Coordinator

Brittany Chrisman
Assistant Director of Annual Fund
Galvin Alumni House, 2nd Floor, Room 103
113 College Street
Wilmington, Ohio 45177
(937) 481-2401 (Ext. 401)
brittany.v.chrisman@wilmington.edu

4.4 Offering and Providing Supportive Measures

Where the Title IX Coordinator receives a report of an incident or allegation of sexual harassment from any individual, including an official with authority or complainant, 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. The Title IX Coordinator will also provide to the complainant a copy of this Policy and explain to the complainant their right to file a formal complaint and the process for filing a formal complaint, as outlined in Section 4.6 below.

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. Such measures are designed to restore or preserve equal access to the College's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment, or deter sexual harassment. Supportive measures may include, but are not limited to, the following:



- a. Extensions of deadlines or other course-related adjustments;
- b. Modifications of work or class schedules;
- c. Campus escort services;
- d. Mutual restrictions on contact between parties—e.g., a no-contact order;
- e. Changes in work or housing locations;
- f. Leaves of absence;
- g. Increased security and monitoring of certain areas of campus; and
- h. 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.

4.5 Emergency Removal & Administrative Leave

In addition to implementing supportive measures set forth in Section 4.4 above, 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.

Where the College elects to remove a respondent from its education programs or activities, it will provide the respondent with notice and an opportunity to challenge the decision immediately following removal. The respondent must make any challenge to the Title IX Coordinator.

Where a respondent is a non-student employee, the College may also elect to place the respondent on administrative leave with pay during the pendency of a grievance process under Section 5.0. The Director of Human Resources may make administrative leave decisions on behalf of the College and may periodically reassess whether administrative leave is warranted during the grievance process.

Where the respondent is a student employee, the College may also elect to place the respondent on administrative leave with pay during the pendency of the grievance process under Section 5.0 where the College determines that administrative leave is an appropriate supportive measure for a complainant or is necessary as part of the College's obligation to respond in a manner that is not deliberately indifferent to sexually harassment.

4.6 Formal Complaints of Sex Discrimination & Sexual Harassment

While the College will promptly and meaningfully respond to reports of sexual harassment as outlined in Section 4.4 above, only a formal complaint of sexual harassment will prompt an investigation and grievance process outlined in Section 5.0 below. A formal complaint is a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the College investigate the allegation of sexual harassment. A document filed by a complainant is a document or electronic submission—i.e., electronic mail—that contains the complainant's physical or digital signature, or otherwise indicated that the complainant is the person filing the formal complaint.⁴

⁴ Parents or legal guardians may also act on behalf of a complainant, respondent, or other party, including with respect to filing formal complaints.



Third parties are not permitted to file formal complaints and formal complaints cannot be filed anonymously. However, where the complainant's identity is unknown—e.g., where a third party has made a report—the grievance process may proceed if the Title IX Coordinator determines it is necessary to sign a formal complaint.⁵ Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party. Where the Title IX Coordinator signs a formal complaint knowing that the complainant did not wish to do so, the College will respect the complainant's wishes regarding whether to participate or not in the grievance process.

Filing of a formal complaint with the Title IX Coordinator may be accomplished in person, by mail, or by electronic mail, by using the contact information of the Title IX Coordinator listed in Section 4.3 above.

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.

4.7 Confidentiality of Reports & Formal Complaints

The College will keep confidential the identity of any individual who has made a report or formal complaint of sex discrimination or sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination or sexual harassment, any respondent, and any witness, except under the following circumstances:

- As may be permitted by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99;
- As required by law; or
- To carry out the purposes of the Title IX regulations, 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

While consent from a complainant is not required, the Title IX Coordinator or alternate Title IX Coordinator will seek consent from the complainant before the Title IX Coordinator signs

⁵ The Title IX Coordinator may sign a formal complaint and a formal complaint may proceed without the consent of the complainant to initiate an investigation and adjudication of sexual harassment in order to protect the College community or otherwise avoid being deliberately indifferent to known sexual harassment.



a formal complaint and pursues the grievance process. To the extent possible and consistent with the above exceptions, disclosure of any information relating to a formal complaint will be limited to the individuals conducting the College's investigation or resolving the complaint.

If the complainant requests confidentiality or asks that the complaint not be pursued or that the College stop the investigation process, the College will inform the complainant that its ability to respond may be limited as a result, but that it will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or the request not to pursue an investigation. The College will also inform the complainant that Title IX prohibits retaliation and that it will take actions to prevent retaliation and take strong action against anyone who engages in retaliation, as well as the complainant's right not to participate in the grievance process.

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 may not be deliberately indifferent to known sexual harassment. 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.

There are some sources to whom students may report sexual harassment who may maintain complete confidentiality. These sources include:

- **Professional Counselor.** A professional counselor is an individual employed or contacted by the College who is responsible for providing mental health counseling to members of the College's community and acting within the scope of his or her license or certification. This includes professional counselors at the Wilmington College Health Center, which can be reached at (937) 481-2272 (x272).
- **Pastoral Counselor.** A pastoral counselor is an individual associated with a religious order or denomination and recognized as someone who provides confidential counseling by such religious order or denomination. This person must function within the scope of that recognition in order to keep confidentiality.
- **Doctors and Nurses.** A doctor or nurse is an individual employed or contracted by the College who is responsible for providing medical health services to members of



the College's community and acting within the scope of his or her license or certification. This includes doctors and nurses at the Wilmington College Health Center, which can be reached at (937) 481-2217 (x217).

- Victim or Survivor Advocates. Victim or survivor advocate. An advocate's role is to help the victim/survivor consider their options and provide them with the information necessary to make informed decisions. Once a decision is made, the advocate is responsible for supporting the victim/survivor in the implementation of that decision. The Campus Advocate at the College is employed through the Office on Violence Against Women (OVW) grant program and is located in the Support Services Office (Pyle Center, Room 2). However, the advocate shares this space with the other support staff and is not a full-time employee, so they should be directly contacted via email at advocate@wilmington.edu or through the Violence Prevention & Education office at (937) 481-2325 (x325).

Please note that while the Campus Advocate is a confidential resource for survivors of sexual assault, domestic violence, dating violence, and stalking, they do not have privileged confidentiality as the other confidential resources do; meaning they are confidential per campus policy but not in the court of law.

Nothing in this Policy prohibits or restricts the ability of either party to discuss the allegations under investigation.

5.0 Grievance Process for Formal Complaints of Sexual Harassment

5.1 Equity in the Grievance Process

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.

The Title IX Coordinator, Alternate Title IX Coordinator, investigator(s), any decision-maker(s), including any Adjudicator and the Appeal Board member, and any person designated



to facilitate an information resolution process may not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

5.2 Written Notice of Allegations

Upon receipt of a formal complaint, the Title IX Coordinator will provide written notice to known parties that includes the following:

- a. notice of this grievance process;
- b. notice of the allegations of sexual harassment with sufficient details known at the time, including,
 - i. the identities of the known parties involved in the incident,
 - ii. the conduct allegedly constituting sexual harassment, and
 - iii. the date and location of the alleged incident, if known;
- c. a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- d. notice that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney consistent with Section 5.7.2 below;
- e. notice that the parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint consistent with Section 5.7.5 below;
- f. notice of any provision in the College's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process; and
- g. notice that making a good faith formal complaint that is not later substantiated does not constitute providing false or misleading information.



Written notice will be provided with sufficient time to prepare a response before any initial interview.

If, in the course of the investigation, the College decides to investigate allegations about the complainant or respondent that were not included in the written notice provided above, the Title IX Coordinator will provide written notice of the additional allegations to known parties.

5.3 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 proved;
- 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.

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.

For example, where the identity of a complainant is not disclosed, the College may not be able to gather evidence necessary to establish the elements of sexual harassment, such as



whether the alleged conduct was unwelcome or without consent. In such instances, discretionary dismissal may be appropriate.

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

5.4 Time Frame & Temporary Delays

Upon receipt of a sexual harassment complaint, the College will exercise good faith to investigate and conclude the grievance process in a reasonably prompt time frame.

- a. Once a formal complaint of sexual harassment has been made, an investigation into the complaint will be conducted by the investigator(s) within sixty (60) days of the complaint being made.
- b. Consistent with Section 5.7.5, prior to the completion of the investigative report (see Section 5.7.6), the Title IX Coordinator will send to each party and the party's advisor, if any, the evidence subject to inspection and review in electronic format or hard copy, with any redactions required by the Family Educational Rights and Privacy Act ("FERPA"). The parties will have ten (10) days to submit a written response, which the investigator(s) will consider prior to completion of the investigative report.
- c. Consistent with Section 5.7.6, the investigator(s) will create an investigative report that fairly summarizes relevant evidence within ninety (90) days of the complaint being made.
- d. The Title IX Coordinator will send to each party and the party's advisor, if any, a copy of the final investigative report, in electronic format or hard copy, with any redactions required by FERPA, for their review and written response within three (3) days of completing the investigative report and at least ten (10) days prior to the hearing.
- e. A hearing before the Adjudicator will be held within one hundred and twenty (120) days of the complaint being made.



- f. The Adjudicator will issue a written determination regarding responsibility within fourteen (14) days of the hearing.

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.

5.5 Evidentiary Standard & Evidence

Determinations regarding responsibility for all formal complaints of sexual harassment, whether against a student or employee, will be made using the preponderance of the evidence standard.

Parties are provided an equal opportunity to participate fully and robustly in the investigation process by gathering and presenting evidence, including fact and expert witnesses and other evidence, reviewing the evidence gathered, responding to the investigative report that summarizes relevant evidence, and asking questions of other parties and witnesses before the Adjudicator has reached a determination regarding responsibility.

However, while not a party to the proceedings, the College bears the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility provided that the College cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the College obtains that party's voluntary, written consent to do so.

This Policy also does not require, allow, rely upon or otherwise use questions or evidence that constitute or seek disclosure of information protected under legally recognized privilege, such as the attorney-client privilege or the doctor-patient privilege, unless the person holding such privilege waives it.



Investigator(s) must objectively and impartially gather and present any relevant evidence to the Adjudicator in an investigative report, who, in turn, must objectively and impartially evaluate relevant evidence and reach a determination regarding responsibility.

All relevant evidence discovered during this grievance process, including inculpatory and exculpatory evidence, will be evaluated on an objective basis. All credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

5.6 Consolidation of Formal Complaints

The College may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

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

5.7 Investigation of a Formal Complaint

5.7.1 Investigators

Following the receipt of a formal complaint of sexual harassment, the Title IX Coordinator will designate one or more investigators to conduct the investigation. Eligible investigators include faculty or staff who have been trained in this Policy and the role of an investigator. When the complaint is made against an employee, at least one of the designated investigators will be a member of the Office of Human Resources.

Investigators are responsible for objectively and impartially gathering evidence and presenting any relevant evidence to the Adjudicator in an investigative report as set forth in Section 5.7.6 below.

5.7.2 Choice of Advisor

In any related meeting or grievance proceeding, the parties have an equal opportunity to be accompanied by the advisor of their choice, who may be, but is not required to be, an attorney. An advisor may be a member of the College community, an attorney, or another individual not



affiliated with the College. During any related meeting or proceeding, however, an advisor's role is limited. Except as permitted during hearings as set forth in Section 5.8 below, an advisor is not permitted to engage in the grievance process on the party's behalf or participate directly in any related meeting or proceeding. An advisor may quietly consult with his or her advisee during a related meeting or proceeding in a manner that does not disrupt or interfere with the meeting or proceeding. If an advisor fails to act in accordance with these procedures, he/she/they may be asked to leave the meeting or proceeding.

5.7.3 Gathering of Evidence

During the investigation, both the complainant and the respondent may present written and oral statements, names of witnesses, and other evidence to the investigators. The complainant, respondent, and witnesses may be interviewed as part of the investigation. The interviews will be supplemented by the gathering of any physical, documentary, or other evidence, as appropriate and available. Follow-up interviews will be conducted by the investigators as needed.

All parties and witnesses are expected to provide truthful information. Knowingly providing false or misleading information is a violation of the College's policy and can subject a student or employee to disciplinary action. Making a good faith report to the College that is not later substantiated does not constitute providing false or misleading information.

Any employee respondent is expected to participate and cooperate in the investigation, including submitting to any requested interview by the investigators. If an employee refuses to participate or cooperate in the investigation, that person will be subject to discipline, up to and including termination. Consistent with Section 4.7, the investigation may still go forward if a respondent, whether an employee or a student, refuses to participate or cooperate.

5.7.4 Notice of Interviews & Hearings

The College will provide written notice of the date, time, location, participants, and purposes of all investigative interviews, hearings, or other meetings, to a party whose participation is invited or expected. Such notice will be provided with sufficient time for the party to prepare to participate.



5.7.5 Inspection & Review of Evidence

All parties shall 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 a formal complaint, including the evidence upon which the recipient does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

Prior to completion of the investigative report set forth in Section 5.7.6 below, the Title IX Coordinator will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, with any redactions required by FERPA. The parties will have at least ten (10) days to submit a written response, which the investigator(s) will consider prior to completion of the investigative report.

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

5.7.6 Investigative Report

The investigator(s) will create an investigative report that fairly summarizes relevant evidence. Within three (3) days of the completion of the final investigative report and at least ten (10) days prior to the hearing or other time of determination regarding responsibility, the Title IX Coordinator will send to each party and the party's advisor, if any, the final investigative report in electronic format or hard copy, with any redactions required by FERPA, for their review and written response.

The final investigative report will include all the written responses provided by the parties involved, with any redactions required by FERPA.

5.8 Decision Making of Formal Complaints

5.8.1 Adjudicator

Prior to the finalization of the investigative report, the Title IX Coordinator will designate a third-party decision-maker trained in this Policy ("Adjudicator") to conduct the live hearing and make a determination regarding responsibility.



The Title IX Coordinator shall provide the investigative report to the Adjudicator. The Adjudicator is responsible for reviewing the investigative report, conducting the live hearings set forth in Section 5.8.2, making a determination regarding responsibility, and determining remedies and sanctions. In reaching a determination, the Adjudicator will apply the preponderance of the evidence standard as set forth in Section 5.5. The Adjudicator will determine, based on the complete record and applying a preponderance of the evidence standard, whether or not the evidence is sufficient to support a conclusion that the conduct occurred and that there was a violation of this Policy. Following the close of the hearing, if the Adjudicator determines that there was a violation, the Adjudicator will also determine the appropriate remedies and sanctions that should be imposed consistent with Section 5.12. In doing so, the Adjudicator may consult with the Title IX Coordinator to obtain information about College precedent for such remedies and sanctions.

5.8.2 Live Hearing

Consistent with Section 5.4, a live hearing before the Adjudicator will be held within one hundred and twenty (120) days of the formal complaint being made.

The reporting party and the accused are entitled to the same opportunities to have others present during the hearing, including the opportunity to be accompanied by an advisor pursuant to Section 5.7.2.

5.8.3 Cross Examination

Both parties have an equal opportunity to cross examine the other party and any witnesses—i.e., to ask relevant questions and follow-up questions, including those challenging credibility—through his/her/their advisor. Cross examination must be conducted directly, orally, and in real time by the party's advisor. A party may never personally cross examine another party or witnesses.

If a party does not have an advisor present at the live hearing, the College will provide an advisor of the College's choice, who may or may not be an attorney, without fee or charge, to conduct cross examination on behalf of the party.

Only relevant cross examination and other questions may be asked of a party or witness. As such, before a party or witness answers a cross examination or other question, the Adjudicator must first determine whether the question is relevant and explain any decision to



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

Where a party or witness does not submit to cross examination at the live hearing, the Adjudicator may consider a prior statement of that party or witness in reaching a determination so long as the prior statement is relevant. A prior statement may include a statement made during the investigation, as well as e-mails or text messages from the parties or witnesses prior to the investigation.

The Adjudicator cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross examination or other questions.

Cross-examination that may reveal faulty memory, mistaken beliefs, or inaccurate facts about allegations does not mean that the party answering questions is necessarily lying or making intentionally false statements. The degree to which any inaccuracy, inconsistency, or implausibility in a narrative provided by a party or witness should affect a determination regarding responsibility is a matter to be decided by the Adjudicator, after having the opportunity to ask questions of parties and witnesses, and to observe how parties and witnesses answer the questions posed by the other party.

5.8.4 Virtual & Remote Hearings

Live hearings may be conducted with all parties physically present in the same geographic location or, at the College's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.

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



5.8.5 Record of Hearing

All live hearings, whether they occur in person or virtually, will be recorded via audio or audiovisual recording or transcribed. The record shall be the property of the College. Such recording or transcript will be made available to the parties for inspection and review.

5.9 Informal Resolution

5.9.1 Use of Informal Resolution

Where a formal complaint is filed, and at any time prior to reaching a determination regarding responsibility, the College may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. An informal resolution process may not be utilized unless:

- a. The parties are provided written notice that discloses the following:
 - i. the allegations,
 - ii. the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and
 - iii. any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
- b. The parties provide voluntary, written consent to the informal resolution process.

An informal resolution process may not be utilized to resolve allegations that an employee sexually harassed a student.

5.9.2 Informal Resolution Process

Where an informal resolution process may be utilized in accordance with Section 5.9.1 above, such process will be overseen by The Title IX Coordinator or Alternate Title IX Coordinator.



The complainant and respondent have the right to an advisor as set forth in Section 5.7.2 above.

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.

As described in Section 4.7 above, the College may elect to pursue a formal resolution process even if the complainant does not wish to pursue a formal resolution.

5.10 Determination Regarding Responsibility

5.10.1 Written Determination Regarding Responsibility

The Adjudicator must issue a written determination regarding responsibility to be provided simultaneously to the parties that must 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 College's 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 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 to the complainant; and
- f. The College's procedures and permissible bases for the complainant and respondent to appeal.



The Title IX Coordinator is responsible for effective implementation of any remedies herein.

The Adjudicator will issue the written determination regarding responsibility, which will be provided simultaneously to the parties by the Title IX Coordinator within fourteen (14) days of the hearing. The complainant will be informed of any specific sanctions imposed on respondent directly relating to the complainant in a manner consistent with the requirements of FERPA. The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

5.11 Appeal to the Appeal Board

Either the complainant or the respondent may appeal any determination and/or sanction of the Adjudicator or any dismissal of a formal complaint or any allegations therein to the Appeal Board on any of the following bases:

- a. Procedural irregularity that affected the outcome of the matter;
- b. New 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; and
- c. The Title IX Coordinator, Alternate Title IX Coordinator, investigator(s), or the decision maker, including the Adjudicator, 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.

5.11.1 Appeal Board

Upon receipt of a written request for appeal under Section 5.11.2, the Title IX Coordinator will designate an Appeal Board to conduct an appeal. The Appeal Board shall include three (3) members comprised of faculty and administration/support staff, all of whom have received training on this Policy. The Appeal Board may not include the investigator(s), the Title IX Coordinator, or the Adjudicator involved in the grievance process at issue.



The Appeal Board is responsible for reviewing the complete record of the investigation, the live hearing, and the determination of the Adjudicator

5.11.2 Filing the Appeal

The appeal must be made in writing to the Title IX Coordinator within ten (10) days from when the party receives the written decision of the Adjudicator, including the day on which the party receives the written decision. The written appeal must include the bases for the appeal, as set forth in Section 5.11 above, and all relevant information and arguments in support. The Title IX Coordinator will promptly notify the other party in writing when an appeal is filed.

If an appeal is not filed within this time frame, the right to appeal is waived and the determination and/or sanction of the Adjudicator or any dismissal of a formal complaint or any allegations therein becomes final.

5.11.3 Review & Approval of Appeal

The Appeal Board will review the written appeal for scope and determine permissibility of the appeal, which will be limited to the bases set forth in Section 5.11 above, and notify the parties regarding whether the appeal is permitted or denied within ten (10) days of the written appeal.

5.11.4 Appeal Procedure

Upon notification that an appeal is permitted, the appellee will be provided with the written appeal and shall have ten (10) days, including the date of receipt, to respond in writing to the statement of the appellant.

The Appeal Board will determine the merit of the appeal, based on its review of the complete record and applying a preponderance of the evidence standard. Such determination shall be made by a majority vote of the Appeal Board. The Appeal Board may affirm, reverse, or modify the determination and/or sanction of the Adjudicator, or remand the matter for further investigation and/or analysis. If the matter is remanded, the process will repeat, generally beginning at the appropriate stage of the investigation or grievance process as indicated by the Appeal Board's remand.



The written decision of the Appeal Board describing the result of the appeal and the rationale for the result will be sent simultaneously to both parties, typically within five (5) days following the Appeal Board's determination and no more than thirty (30) days after approval of the written appeal under Section 5.11.3. The complainant will be informed of any specific sanctions imposed on respondent directly relating to the complainant in a manner consistent with the requirements of FERPA.

5.12 Remedies & Disciplinary Sanctions

This 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 a grievance process prior to the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.

The College is committed to taking action to eliminate all sex discrimination and sexual harassment. Where a determination of responsibility for sexual harassment has been made against the respondent, remedies are designed to restore or preserve equal access to the College's education programs or activities, to stop the conduct, prevent its recurrence, and address its effects. Such remedies may include the same individualized services that constitute supportive measures in Section 4.4 above, but may also be disciplinary or punitive and need not avoid burdening the respondent. To that end, when determining the appropriate remedies or sanctions to be imposed, consideration shall be given to the principle that the sanctions should be proportionate to the offense and seek to provide a remedy to the complainant and to prevent recurrence of the offense for the protection of the campus community. Any student or employee determined to be responsible for violation of this Policy should expect the imposition of remedies and/or sanctions.

Remedies and sanctions for students may include any of those set forth in the Student Handbook and Student Code of Conduct, including modification of living arrangements, dismissal, suspension, reporting to the local police, and other remedies and sanctions determined by the College to be appropriate.

Remedies and sanctions for employees may include any of those set forth in the Faculty Handbook or Staff Handbook, including termination, suspension, removal from campus,



cancellation of contract, written reprimand, oral reprimand, and other remedies and sanctions determined by the College to be appropriate

6.0 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, its regulations, or this Policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for Code of Conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, its regulations, or this Policy, constitutes retaliation.

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 in the course of a grievance proceeding.⁶

Any person who violates this policy will be subject to discipline, up to and including termination if they are an employee, and/or dismissal if they are a student.

7.0 Documentation & Recordkeeping

Where the Title IX Coordinator receives a report of an incident or allegation of sexual harassment or a formal complaint is filed, the College will create records of any actions, including any supportive measures, taken in response to a report or formal complaint. In each instance, the College will document the basis for its conclusion that its response was not deliberately indifferent and document that it has taken measures designed to restore or preserve equal access to the College's education program or activity. Deliberate indifference occurs only where a response to sexual harassment is clearly unreasonable in light of the known circumstances. Where supportive measures are not provided to a complainant, the

⁶ A determination regarding responsibility alone is not sufficient to conclude that any party made a materially false statement in bad faith.



College will document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

The foregoing documentation, as well as the following, will be maintained by the College for a period of seven years:

- a. Each sexual harassment investigation, including any determination regarding responsibility and any audio or audiovisual recording or transcript;
- b. Any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the College's education program or activity;
- c. Any appeal and the result therefrom;
- d. Any informal resolution and the result therefrom; and
- e. All materials used to train Title IX Coordinators, investigators, decision-makers, including Adjudicators and Appeal Board members, and any person who facilitates an informal resolution process. The College will make these training materials publicly available on its website.

8.0 Education & Training

Wilmington College is committed to taking steps to prevent discrimination based on sex, including all forms of sex discrimination and sexual harassment, and to address its impact upon any victims. Efforts to address these issues are made by a variety of programs, departments and services available on campus. For example, the College provides new student orientation and employee training programs addressing topics such as (1) the provisions of this Policy; (2) safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of sexual harassment; and (3) information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks. The College also provides education on these topics on an ongoing basis for students and faculty.



Title IX Coordinators, investigators, any person who facilitates an informal resolution process, Adjudicators, and Appeal Board members will receive training on this Policy and the proper handling of cases of sexual harassment, including, but not limited to the following:

- a. the definition of sexual harassment,
- b. the scope of the College's education programs and activities,
- c. how to conduct an investigation and grievance process, including hearings, appeals, and informal resolution processes, and
- d. how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Adjudicators will also receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, as set forth in Section 5.8.1 above.

Investigators and Adjudicators will also receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence, as set forth Section 5.7.6 above, and make relevancy determinations during live hearings, as set forth in Section 5.8.3 above.

Training materials will not rely on sex stereotypes and will promote impartial investigations and adjudications of formal complaints of sexual harassment.

9.0 Guidance on Taking Immediate Action in Cases of Sexual Harassment

In the event that a sex offense (including sexual assault or stalking) has occurred, do everything possible to preserve evidence by making certain that the crime scene is not disturbed. (The decision to press charges does not have to be made at this time. However, following these procedures will help preserve this option for the future and will help in obtaining a protective order, if necessary.) Victims/survivors should not bathe, urinate, douche, brush teeth, or drink liquids. Clothes should not be changed, but if they are bring all original clothing to the hospital in a paper bag. (Plastic bags damage evidence.)



When necessary seek immediate medical attention at an area hospital and take a full change of clothing, including shoes, for use after a medical examination.

In addition to the above College resources, there are also independent resources available to victims of sexual assault. The Alternatives to Violence Center serves any person who is a survivor of sexual assault, including providing court advocacy, counseling, support groups, temporary shelter, education, and a 24-hour crisis line. The Center is located at 94 N South St, 3rd Floor Suite D, Wilmington, OH 45177. The telephone number for the Center is (937) 383-3285 and the crisis line number is (888) 816-1146.

Though the College will undertake its own investigation of any report of sexual harassment, you may also: (1) notify law enforcement authorities, including the Wilmington Police Department; (2) be assisted by campus authorities in notifying law enforcement; or (3) decline to notify such authorities.

10.0 Additional Resources

10.1 College Resources

As listed in Section 4.3 above, students (including the reporting party or accused) may contact the Title IX Coordinator for information on the College's process for responding to reports and formal complaints of sexual harassment and for assistance through that process. In addition, students may contact the following, all of whom have been trained on the College's sex discrimination policies and procedures and who are available 24 hours per day. The following College resources may be able to provide assistance, but do not necessarily constitute officials with authority under this Policy:

Wilmington College Counseling Center

Health & Wellness Center

(937) 481-2272

kazi_mcdowell@wilmington.edu (Kazi McDowell, Director of Counseling Services)

ana_lopez@wilmington.edu (Ana Lopez, Licensed Professional Counselor)

Housing and Professional Staff

1870 Quaker Way

Wilmington, OH 45177

Business Hours: (937) 481-2369



After Hours: (937) 283-5158

housing@wilmington.edu

nick_hoover@wilmington.edu (Nick Hoover, Director, Housing and Residence Life)

Campus Safety

1870 Quaker Way

Wilmington, OH 45177

(937) 382-0100

campussafety@wilmington.edu

Local Law Enforcement

The city of Wilmington, Ohio is served by two local law enforcement agencies: the Wilmington Police Department and the Clinton County Sheriff's Office.

Wilmington Police Department

69 North South Street

Wilmington, OH 45177

(937) 382-3833

Clinton County Sheriff's Office

1645 Davids Drive

Wilmington, OH 45177

(937) 382-1611

11.0 Options Outside the College for Resolution of Discrimination Based on Sex

Students may file complaints under Title IX with the Office for Civil Rights, U.S. Department of Education, or with the State Department of Fair Employment and Housing. Contact the campus Title IX Coordinator or the U.S. Department of Education, Office for Civil Rights for current information. The Office for Civil Rights is not a party to the College's internal grievance process and a complaint may be filed with the Office of Civil Rights at any time.

Staff and faculty may file complaints under Title IX under certain conditions, as outlined above; under Title VII, with the Equal Employment Opportunity Commission; or with the State Department of Fair Employment and Housing.



The time limits for filing complaints with State or Federal agencies vary. Contact the relevant State or Federal agency for further information.

12.0 Accommodations for Disabilities

The Office of Accessibility and Disability Services works with students and faculty to ensure that a disability will not be a barrier to equal opportunity and access to educational programs and services. If a reporting party, accused, or witness needs an accommodation for a disability in order to participate in the investigation and/or grievance procedure, he/she/they should make the request for an accommodation to the Academic Services Director, whose contact information is below:

Accessibility & Disability Services

Robinson Communication Center, Room 114

(937) 481-2444 (Ext. 444)

amber_walters@wilmigon.edu (Amber Walters, Director of Accessibility & Disability Services)

The Accessibility and Disability Services Handbook provides additional information about policies, procedures, and resources available at Wilmington College for students with disabilities.