

## Title IX Sexual Misconduct Prevention and Response Information

### Emergency Contacts:

Campus Police-(937) 708-5780

Local Police-911

### Confidential Campus Resources:

Counseling Services, Ms. Khara Scott-Bey (937) 708-5443,

[kbey@wilberforce.edu](mailto:kbey@wilberforce.edu)

Health Services (937) 708-5506

Greene County Memorial Hospital (937) 352-2000

Soin Medical Center (937) 702-4000

Miami Valley Hospital (937) 208-8000

Family Violence Prevention (24-hours) (937) 372-4552

Greene County Prosecutor Office Victim Witness Division (937) 563-5087

### To report or for more information Contact:

Dr. Tashia L. Bradley

Title IX Coordinator

[tbradley@wilberforce.edu](mailto:tbradley@wilberforce.edu)

937-708-5706

Anita Jefferson-Gomez

Title IX Deputy Coordinator

[agomez@wilberforce.edu](mailto:agomez@wilberforce.edu)

This guide provides the basis for our policy, a summary of our definitions, sexual misconduct policy, and response procedures.

### **What is Title IX?**

“Title IX is not just about sports; it is a prohibition against sex-based discrimination in education. It addresses discrimination against pregnant and parenting students and women in STEM (science, technology, engineering, and math) programs. It also addresses sexual harassment, gender-based discrimination, and sexual violence. Sexual violence includes attempted or completed rape or sexual assault, as well as sexual harassment, stalking, voyeurism, exhibitionism, verbal or physical sexually-based threats or abuse, and intimate partner violence.”- Know Your Rights At Wilberforce University we are committed to maintaining a safe environment where students are free to learn. Your health and safety is one of our greatest priorities. Our commitment to your safety includes preventing sexual misconduct and harassment. Through education, prevention and response efforts, we strive to eradicate sexual violence.

### **CONSENT and DEFINITIONS**

Our policy is based on consent. Sexual Consent is clear, knowing, and voluntary permission by words or actions for specific sexual activity or contact. Consent may be withdrawn at any time during sexual activity. Silence or absence of resistance alone is not consent. A current or prior relationship is not sufficient to constitute consent.

- Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in activity.
- A person can withdraw consent at any time during sexual activity by expressing in words or actions that he or she no longer wants the act to continue, and, if that happens, the other person must stop immediately. Continued pressure can be coercive, and is also a violation of this policy.
- Silence or the absence of resistance alone is not consent.

- Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse).
- A current or previous dating relationship is not sufficient to constitute consent.
- In the State of Ohio, the age of consent is 16 years old.

Wilberforce University will not tolerate sexual assault/misconduct of any kind. Therefore, any unwelcome sexual advance, request for a sexual favor, obscene phone call, indecent exposure, act of date or courtship violence, sexual harassment, or other sexual misconduct that is against another's will or that substantially interferes with another's academic efforts, employment, participation in university-sponsored programs or activities is a violation of accepted standards of the University. Sexual offenses on the part of any member of the University community, students, faculty or staff are prohibited and subject to institutional disciplinary action and/or criminal prosecution.

**Sexual Misconduct** is an umbrella term that includes a full range of prohibited behaviors of a sexual nature. The category denotes behaviors that can be adjudicated at Wilberforce University. Sexual Misconduct includes sexual harassment, nonconsensual sexual contact, sexual coercion, sexual exploitation, stalking, domestic and dating violence, and other acts of misconduct of a sexual nature.

**Sexual Harassment** is unwelcome conduct of a sexual nature. It can include sexual advances, requests for sexual favors, sexual violence, and other verbal or physical conduct of a sexual nature when this conduct is unwelcome.

**Nonconsensual sexual contact** is any non-accidental sexual touching, however slight, by any person upon any person that is without consent and/or by force. Incapacitation refers to the inability of an individual to make an informed and rational decision to engage in sexual activity.

**Retaliation** refers to behaviors taken as an adverse reaction to a person alleging harassment, supporting a party bringing a grievance, or for assisting in providing information relevant to a claim of harassment.

**Nonconsensual sexual intercourse** is any sexual intercourse, however slight, by any person upon any person that is without consent and/or by force.

**Sexual Exploitation** occurs when an individual takes nonconsensual or abusive sexual advantage of another for one's own advantage or benefit, or to benefit or advantage anyone other than the one being exploited.

**Dating Violence/Domestic Violence** is misdemeanor or felony crimes committed by a current or former spouse; by persons whom the victim shares a child in common; by a person co-habiting, or has cohabitated with, the victim as a spouse or intimate partner; or by a person similarly situated to a spouse or intimate partner.

**Stalking** is engaging in behavior that is directed at a specific person that would cause a reasonable person to fear for her, his, others' safety or to suffer substantial emotional distress.

**Sexual Coercion** is the improper use of pressure to compel another individual to initiate or continue sexual activity against their will.

## **REPORTING and RESPONDING**

Reporting of Sexual Misconduct Students, Faculty, and Staff may report instances of sexual misconduct relating to students to the Community Standards Officer, and/or the campus police. Upon receiving a report from the campus police, community standards officer, student, faculty or staff member, the Title IX Sexual Misconduct Coordinator (Dr. Tashia Bradley) will contact the student to share resources, and inform the student of their options through the Wilberforce Student Code of Conduct. Please note that a report is made when a student notifies any faculty or staff member. In these instances, staff and faculty members must report to the Title IX Sexual Misconduct Coordinator the incident. Students always also have the option to

report such offenses as harassment, sexual assault, stalking, sexual exploitation, intimate partner violence, dating violence to the police. Wilberforce University Campus Police can be contacted at (937) 313-9049. Students will also be provided with referral to resources and support in addition to information about the University processes for these matters.

**PLEASE NOTE: FACULTY AND STAFF are mandated reporters. Please report an incident to the Title IX coordinator immediately.**

**RESPONSE PROCEDURE:**

Once an incident is reported to the Title IX Coordinator, the following procedure(s) are implemented:

The Title IX Sexual Misconduct Coordinator or designee will meet with person(s) making the report to explain conduct procedures, criminal and/or administrative proceedings, no contact directives and remedial action, and confidentiality and privacy. Students will be informed of their options for proceeding and may choose from the following:

- 1). A student may report, and request a non- disciplinary process. This process is facilitated by the Title IX Sexual Misconduct Coordinator and is a communication about the alleged incident and its impact, safety measures, and possible sanctions.
- 2). A student may report, and request disciplinary action. This process involves a formal investigation in preparation for a sexual misconduct hearing. Students found responsible through the hearing process will receive sanctions based upon the Wilberforce University Code of Student Conduct.
- 3). A student may report, and request that the University take no further action. The Title IX Sexual Misconduct coordinator will then assess the incident, while considering the institutions obligation to maintain a safe campus community. If the request of non-action can't be implemented, the Title IX Sexual Misconduct coordinator will notify the student before they proceed.

**SEXUAL MISCONDUCT HEARING:**

In cases requesting discipline action, a trained staff member will complete an investigation prior to the hearing. This will include gathering information through interviews, review of documents, and other acts in order to perform an investigation. The investigator will prepare a summary report with recommended sanctions to the hearing panel, after students review. The hearing panel will generally question the investigator and accept or reject the recommendations.

Accusing and Accused students may make opening and closing statements and supply witnesses. The process for a hearing as outlined in the Code of Student Conduct is implemented with the exception of the hearing board constitution. Due to the nature of these hearings, students do not serve on the sexual misconduct hearing board.

Wilberforce University standard of evidence refers to as a “preponderance of the evidence,” asking decision-makers to consider whether it is more likely than not that a violation occurred.

Accused and accusing students are notified, in writing, of all outcomes. A student may appeal a decision within five days.

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