WSU Tech is committed to the elimination of sexual misconduct, relationship violence, and stalking within the College community. These incidents may interfere with or limit an individual’s ability to benefit from or fully participate in the College’s educational programs. Additionally, these incidents may cause serious physical and/or psychological harm. WSU Tech maintains a comprehensive program to prevent these behaviors, provides resources to assist and support those who are involved in such incidents, and will respond promptly and equitably to reports of sexual misconduct, relationship violence, and stalking. The College has a responsibility to eliminate the behavior, prevent its recurrence, and address its effects on any individual and/or the community. Retaliatory actions against any individual involved in reporting or participating in the investigation of a complaint will not be tolerated.

I. Purpose:
This policy provides information regarding the College’s prevention and education efforts related to sexual misconduct, relationship violence, and stalking by students. The policy also explains how the College will proceed once it is made aware of possible sexual misconduct, relationship violence, and stalking by a student Respondent in keeping with institutional values and to meet the College’s legal obligations under Title IX and other applicable laws. This process will be used to resolve alleged sexual misconduct, relationship violence, and stalking violations in a prompt, fair, and impartial manner.

II. Awareness and Crime Prevention Programs
In an effort to encourage students, faculty, and staff to be aware of their own security and the safety of others, WSU TECH provides ongoing crime prevention and security awareness programs throughout the year. WSU Tech utilizes a range of campaigns, workshops, and initiatives to promote awareness, educational, risk reduction, bystander intervention, and prevention programming. Incoming first-year students and new employees will be enrolled in a Primary Prevention Program which consists of an online Sexual Misconduct/Campus Safety course within the college’s learning management system. Returning students and employees will receive ongoing training on a periodic basis and will have access to the
online course available in the LMS while they are an enrolled student at WSU TECH. In-service days typically include training from WSU TECH administration on campus safety & security policies, accident procedures, and sexual misconduct. WSU TECH’s Title IX coordinator, in conjunction with the Safety & Security staff, oversees the education and prevention calendar and tailors programming to campus needs and climate. All educational programs include a review of resources and reporting options available for students, faculty, and staff. Programs and other campaigns offered throughout the year to all students and employees include Active Shooter training, Dealing with Hostile Individuals, and Self-Defense trainings.

III. Jurisdiction
This policy applies to sexual misconduct, relationship violence, and/or stalking that is committed by a College student or by a participant in a College program at the time the behavior occurs:

A. On College property;
B. Off campus, if:
   i. In connection with a College or College-recognized program or activity; or
   ii. In a manner that may pose an obvious and serious threat of harm to, or that may have the effect of creating a hostile learning or working environment for, any member(s) of the College community.

Additional alleged violations of the Student Code of Conduct that occur in connection with an alleged incident of sexual misconduct, relationship violence, and/or stalking will be resolved through this policy.

IV. Definitions
For purposes of this policy, the following terms have the definitions provided below. Please note that some of these terms may have different meanings in other contexts.

A. Sexual Misconduct - unwelcome conduct of a sexual nature that is committed without consent between people regardless of sex or gender. Sexual misconduct can include both intentional conduct and conduct that results in negative effects, even if those negative effects were unintended.
   i. Sexual Harassment - unwelcome conduct of a sexual nature. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature. Sexual harassment can take two forms: quid pro quo and hostile environment.
   1. Quid Pro Quo Sexual Harassment occurs when submission to unwelcome conduct of a sexual nature is made explicitly or implicitly a term or condition of employment or participation in an academic program; or submission to or rejection of unwelcome conduct of a sexual nature by an individual is used as the basis for employment decisions or academic decisions affecting that individual, including but not limited to grades, pay, promotion, and transfers.
   2. Hostile Environment Sexual Harassment occurs when unwelcome conduct of a sexual nature has the purpose or effect of unreasonably interfering with a person's work or academic performance or creates an intimidating, hostile, or offensive environment for working, learning, or in connection to an institutional
program. The determination for whether an environment is “hostile” is often contextual and must be based on the circumstances.

ii. **Non-consensual Sexual Intercourse** - vaginal or anal penetration by any body part or foreign object or oral copulation (mouth to genital contact or genital to mouth contact), however slight, by a person upon another person without consent.

iii. **Non-consensual Sexual Contact** - any intentional contact with the breasts, buttocks, groin, or genitals of another person without consent, including, but not limited to, touching another person or making another person touch you or themselves with any of these body parts.

iv. **Sexual Exploitation** - taking non-consensual or abusive sexual advantage of another person for one’s own advantage or benefit, or to benefit or provide advantage to anyone other than the person being exploited, when that behavior does not otherwise constitute one of the other aforementioned sexual misconduct violations. Examples of sexual exploitation include, but are not limited to, invasion of sexual privacy; prostituting another individual; non-consensual video or audio recording of sexual activity; distributing video or audio recordings or photographs of sexual activity without consent of the subject of the media; possession of child pornography; engaging in voyeurism; knowingly transmitting a sexually transmitted infection (STI) or the human immunodeficiency virus (HIV) to another individual; exposing one’s breasts, buttocks, or genitals in non-consensual circumstances; inducing another to expose one’s breasts, buttocks, or genitals; or soliciting sexual acts with a minor whether in person or electronically.

B. **Relationship Violence**

i. **Dating Violence** - violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant’s statement, and with consideration of the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship. Dating Violence does not include behaviors covered under the definition of Domestic Violence.

ii. **Domestic Violence** - violence committed by a current or former spouse or intimate partner of the Complainant; by a person with whom the Complainant shares a child; by a person cohabitating with the Complainant; or by a family or household member (i.e., parent, child, or other persons related by blood, marriage, or prior marriage; or roommates or former roommates).

C. **Stalking** - engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for one’s own safety or the safety of others; or suffer substantial emotional distress. “Reasonable person” refers to a person under similar circumstances and with similar identities to the Complainant. “Substantial emotional distress” is defined as significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. Except in situations where the Respondent has been served with or notified of a protective or no contact order prohibiting contact with the Complainant, “course of conduct” is defined as two or more incidents over a period of time. Stalking includes, but is not limited to:
i. acts in which the Respondent directly, indirectly, or through third parties;
ii. by any action, method, device, or means;
iii. follows, monitors, observes, surveils, threatens, or communicates to or about a person; or
iv. interferes with a person’s property.

D. Consent - informed, knowing, and voluntary agreement to engage in a specific behavior. Consent must be clear and unambiguous for each person for the duration of any sexual contact. Consent to one sexual act does not imply consent to any other sexual act, nor does past consent to a sexual act imply ongoing or future consent. Silence or an absence of resistance does not in and of itself constitute consent. Consent can be revoked at any time. For all of these reasons, sexual partners must evaluate consent in an ongoing fashion and should communicate clearly with each other throughout any sexual contact.

Consent cannot be obtained from someone who is asleep or otherwise physically or mentally incapacitated, whether due to alcohol, drugs, or other condition. Consent cannot be obtained by threat, coercion, or force. Agreement given under such conditions does not constitute consent. In order to give effective consent, one must be of legal age in the location of the sexual contact.

E. Incapacitation - lacking the physical and/or mental ability to make informed rational judgments. An incapacitated person cannot understand the “who, what, when, where, why, and/or how” of their sexual contact with another person or persons. This may have a variety of causes, including, but not limited to, being asleep or unconscious, having consumed alcohol or drugs, experiencing blackouts or flashbacks, or an intellectual or other disability.

F. Retaliation - an adverse action or threat of an adverse action taken against a Complainant, Respondent, or any individual or group of individuals involved in the complaint, investigation, and/or resolution of an allegation of sexual misconduct, relationship violence, or stalking; including any individual who attempts to intervene or prevent behavior prohibited by this policy. Retaliation can be committed by an individual or group of individuals, not just a Complainant or Respondent. Retaliation can take many forms including threats, intimidation, pressuring, continued harassment, violence, or other forms of harm to others. Any complaint regarding retaliation by a student or visitor should be reported to the Vice President of Student Services. Any complaint regarding retaliation by an employee should be reported to the Director of Human Resources. Retaliation is strictly prohibited and can result in disciplinary action up to an including termination of student status and/or employment.

G. Respondent - student, student group, or student organization whom allegedly violated College policy. There may be more than one respondent for an incident.

Complaints regarding employees as Respondents will be referred to the Executive Director of Human Resources for resolution under College Policy 2-01 (Non-Discrimination & Non-Harassment) or college policy 2-43 (Staff Conduct and Discipline).
The behavior of Respondents who are both students and employees may subject to both Student Code of Conduct and employee policies.

H. **Complainant** - individual or group who was subject to alleged misconduct as described in any College policy. There may be more than one complainant for an incident.

I. **Witness** - individual who is requested to participate in an investigation or a hearing because that individual may have information about the alleged misconduct. Witness names may be provided by the Complainant, Respondent, or others with knowledge of the matter.

J. **Reporter** - individual or group who reports sexual misconduct, relationship violence, or stalking who is not otherwise defined by this policy as a Complainant, Witness, or Respondent.

K. **Advisor** - an individual selected by a Complainant or Respondent to assist the Complainant or Respondent throughout the College process including, but not limited to, a parent, friend, faculty, member, advocate, or legal counsel. An advisor may advise and assist the Complainant or Respondent in preparation for any meetings, interviews, or hearings that may occur; accompany the Complainant or Respondent through all student conduct process meetings, interviews, or hearings; or assist the Complainant or Respondent in preparing an appeal. An advisor may not participate in the student conduct process in any other capacity in reference to the same incident, including, but not limited to, serving as a Witness, Co-Complainant, or Co-Respondent. Advisors may not directly participate or make any type of representation or argument on behalf of a Complainant or Respondent in any aspect of the student conduct process including, but not limited to: meetings, interviews, or hearings. The availability of an Advisor to attend a student conduct process meeting, interview, or hearing shall not unreasonably interfere with or delay the proceedings.

L. **Vice President** - refers to the Vice President for Student Services or designee. The Vice President serves as the Title IX Coordinator.

M. **Title IX Coordinator** - refers to the Title IX Coordinator, or designee, who is responsible for coordinating the College’s efforts in reference to its Title IX responsibilities, overseeing the College’s response to Title IX violations, and identifying and addressing any patterns or systemic problems.

V. **Rights of the Complainant and Respondent**

A. All Complainants and Respondents shall be entitled to the same rights in all investigations and resolution processes relating to reports of sexual misconduct, relationship violence, and/or stalking.

B. Complainants and Respondents will be advised of their rights, in writing, during their first meeting with the Title IX Coordinator or designee.

C. Complainants and Respondents have the right to:
   
   i. Be notified of the alleged violations of College policy;
vi. Be provided advanced notice of all meetings in which they are requested or entitled to participate and notified of the purpose of those meetings;

iii. Be accompanied by an Advisor of the Complainant or Respondent’s choice throughout the investigation and resolution process;

iv. Request reasonable accommodations from the Office of Disability Services or the Office of Human Resources (for employees) in order to ensure full and equitable participation in the investigation and resolution process;

v. Be informed of the available resolution options;

vi. Be informed of campus and community resources available for support and assistance;

vii. Submit information, including the names of witnesses, for consideration in the investigation;

viii. Be informed of all parties contacted to participate in the investigation and their relation to the alleged misconduct;

ix. Review the complete case file upon request by scheduling an appointment with the Title IX coordinator or designee;

x. Choose not to provide a statement or respond to questions during the investigation and resolution process;

xi. Submit a written impact statement to be considered before a decision on consequences (if applicable) is rendered;

xii. Request that an individual responsible for investigating or resolving an alleged violation be removed from the case on the basis of actual or perceived bias; and

xiii. Request one appeal within the College’s process.

VI. Responsibilities of the Complainant, Respondent, and Witnesses

All Complainants, Respondents, and Witnesses who are members of the College community have the following responsibilities relating to investigating and resolving alleged misconduct:

A. Honesty
All participants are expected to be honest and forthright in all communication relating to the investigation and resolution of allegations of misconduct. Providing false or misleading information is a violation of the Student Code of Conduct.

B. Communication & Responsiveness
The College uses @WSU Tech.edu e-mail addresses as its formal means of communication unless the individual’s @WSU Tech.edu e-mail address is unavailable or inaccessible, in which case alternative means of communication will be utilized including certified mail via the U. S. Postal Service or other expedient methods. Reasons @WSU Tech.edu e-mail addresses may not be utilized include, but are not limited to: any party being in jail or having legal restrictions on internet use. Communication regarding an investigation and/or resolution process is deemed given when sent to an official @WSU Tech.edu e-mail address. Students and employees are responsible for checking their College e-mail and responding to all requests for information or other responses within a timely manner. Failure to respond or appear by a given deadline may result in the process proceeding in an individual’s
absence. Decisions will be made on the information that is available at the time the decision is made.

C. **Preparation**
All parties are responsible for adequately preparing themselves for investigation and resolution meetings including reviewing applicable College policies and procedures. Students are also responsible for ensuring that their advisors are familiar with the appropriate policies and procedures. Failure to adequately prepare for a scheduled meeting will not be reason for delaying the meeting or other proceedings.

D. **Adhere to Process**
Individuals are to refrain from disrupting the orderly process of the investigation and resolution process for alleged violations of College policy. No individual involved in the process other than the investigator or appeal officer may audio or video record any investigation or resolution meetings or other portions of the process without prior authorization from the Title IX Coordinator. Any individual deemed to be disruptive may be removed from a meeting and/or charged with violating College policy.

VII. **Reporting an Incident**

The privacy of individuals involved in a report of sexual misconduct, relationship violence, or stalking will be protected to the extent permitted by law. All College employees who are involved in the College’s response, including the Title IX Coordinator, investigators, and all other parties, receive specific instruction about respecting and safeguarding private information. Throughout the process, every effort will be made to protect the privacy interests of individuals involved in a manner consistent with the need for a thorough review of the report.

Privacy and confidentiality have distinct meanings under this policy. Privacy generally means that information related to a report of misconduct will only be shared with a limited number of individuals. The use of this information is limited to those College employees who “need to know” in order to assist in the review, investigation, or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of individuals involved in the process.

A. **Confidential College Reporting Options**
Information shared by an individual with designated campus or community professionals who are acting within the scope of their professional credentialing is considered confidential. These campus and community professionals include licensed health care professionals, ordained clergy, and attorneys who are required to follow professional rules of conduct and laws that control the disclosure of confidential information. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others, are directed to do so by court order, are given consent, or disclosure is provided for by the professional rule of conduct or the law. Additionally, when a report involves suspected abuse of a minor under the age of 18, or the elderly, these confidential resources are required by state law to notify the Department of Children and Families and/or local law enforcement.
WSU TECH does not currently have any employees that are designated as confidential reporting professionals. As such, all employees at WSU TECH are obligated to report any information on sexual misconduct to the Title IX coordinator and cannot promise absolute confidentiality. For individuals who are seeking confidential consultation, there are several resources available to provide confidential support in the local community. The trained professionals designated below can provide counseling, information, and support under legally protected confidentiality.

**Stepstone**
A referral service that provide transitional housing, counseling and training for victims of domestic violence administrated by the Sisters of Saint Joseph
1329 S. Bluffview
Wichita, KS 67218
316-265-1611 (Stepstone)
316-684-5120 (Dear Neighbor Ministries)

**Wichita Area Sexual Assault Center**
Providing support and information to people who have been victimized by sexual assault
355 N. Waco, Suite 100
Wichita, KS 67202
24-hour Crisis Line: 316-263-3002
En Español: 316-263-2044

**YWCA Women's Crisis Center/Safehouse**
Short-term shelter and services for battered women
316-267-SAFE (7233)

B. **Non-Confidential College Reporting Options**
In general, most College employees do not have legally protected confidentiality. Under Title IX, the College is required to take immediate and corrective action if a “responsible employee” knew or, in the exercise of reasonable care, should have known about sexual or gender-based violence or harassment that creates a hostile environment. A “responsible employee” includes any employee who:

i. Has the authority to take action to redress the harassment;
ii. Has the duty to report to appropriate school officials sexual harassment or any other misconduct by students or employees; or
iii. A student could reasonably believe has the authority or responsibility to take action.

The College has designated all WSU TECH employees as Responsible Employees:

Non-confidential reports regarding incidents in which a student is the Respondent should be made to the Vice President (316-677-1020) or to Campus Safety & Security (316-677-1911). An online reporting form can be found on the WSU TECH website at http://WSU Tech.edu/wp-content/uploads/2015/04/Report-Sexual-Misconduct.pdf
Reports or disclosures regarding incidents in which a student or visitor is the Respondent made to any employee will be directed to the Vice President and/or Safety & Security for further review.

Non-confidential reports regarding incidents in which an employee is the Respondent should be made to the Executive Director of Human Resources (316-677-1619). Reports or disclosures regarding incidents in which an employee is the Respondent made to any responsible employee will be directed to the Executive Director of Human Resources for further review.

C. **Law Enforcement Reporting Options**
The College encourages any individual who has experienced sexual misconduct, dating violence, domestic violence, stalking, or any other crime to make a report to WSU TECH Safety & Security (316-677-1911) or call 911 for immediate assistance. Collection and preservation of evidence relating to the reported sexual misconduct or other crime is essential for law enforcement investigations. Specifically, clothing worn before, after, or during an incident should be retained and the person involved should avoid showering or bathing until medical attention has been sought. Prompt reporting to law enforcement is especially critical for the collection of evidence. A member of the Safety & Security team is available to assist students in making a report to law enforcement.

In cases where a Complainant filed a report with law enforcement, the College is committed to appropriate coordination with local law enforcement agencies and may, if requested and appropriate, share information with those agencies. The College will fulfill its legal and ethical obligation to take immediate and appropriate action to investigate sexual misconduct, dating violence, domestic violence, or stalking; even if there are other external processes or procedures pending in connection with the same reported behavior. In the event that law enforcement requests the College to temporarily suspend the fact-finding aspects of an investigation while the law enforcement agency gathers evidence, the College may comply with that request and will promptly resume its investigation upon notification from the law enforcement agency that its evidence gathering process is complete.

D. **Timeliness of Reports**
Individuals are encouraged to report sexual misconduct, relationship violence, or stalking as soon as possible after the incident occurs to maximize the College’s ability to respond promptly and effectively; however, the College does not limit the time for reporting. Prompt reporting allows for the College to obtain the most reliable information, be able to contact relevant witnesses (if any), and provide reasonable assistance and interim measures for affected parties. In all cases, a decision will be made on existing facts to determine if an investigation is necessary for compliance with legal requirements.

E. **Interim Measure Confidentiality**
The College will maintain as confidential any protective or interim measures provided to the Complainant, to the extent that maintaining such confidentiality would not impair the ability of the College to provide such measures or interventions. In cases involving sexual misconduct, complete confidentiality cannot be assured due to the College’s legal obligation to investigate such incidents under Title IX.
VIII. **College Response Procedures**

A. **Services and Support**

Upon receipt of notice of alleged sexual misconduct, relationship violence, or stalking, the Title IX Coordinator or designee will attempt to contact the Complainant to arrange a meeting to discuss available resources and resolution processes. During the meeting, the following will be covered with the Complainant:

i. Medical, mental health, advocacy, law enforcement, and other resources available to Complainants both on campus and in the surrounding community;

ii. Possible interim measures that are available (see section below);

iii. The obligation of the College to investigate every report of alleged sexual misconduct, relationship violence, and stalking both under federal law and out of concern for the safety of members of our campus community;

iv. The process for investigating and resolving alleged violations of sexual misconduct, relationship violence, and/or stalking;

v. The rights that the Complainant and the Respondent have in the process (see section III of this policy); and

vi. The right for the Complainant to request confidentiality and the process by which the request will be evaluated (see Section VII of this policy).

After meeting with the Complainant, the Title IX Coordinator or designee will inform the Respondent of the allegations if an investigation will commence and/or a need for contact with the Respondent by the College is deemed necessary. During the meeting, the following will be covered with the Respondent:

i. Medical, mental health, advocacy, law enforcement, and other resources available to Respondents both on campus and in the surrounding community;

ii. Possible interim measures that are available (see section below);

iii. The obligation of the College to investigate every report of alleged sexual misconduct, relationship violence, and stalking both under federal law and out of concern for the safety of members of our campus community;

iv. The process for investigating and resolving alleged violations of sexual misconduct, relationship violence, and/or stalking;

v. The rights that the Complainant and the Respondent have in the process (see section V. of this policy); and

vi. The right for the Complainant to request confidentiality and the process by which the request will be evaluated (see Section VII of this policy).

B. **Interim Measures**

The Vice President for Student Services will evaluate all reports to promptly determine the necessity of interim measures. The College may implement appropriate interim measures for the individuals involved and for the larger College community based on the information provided in the report and at no cost to the Complainant. Interim measures may be put in place or modified at any point after a report is received and can be implemented even if a formal investigation is not able to proceed. Such interim measures include, but are not limited to assistance in the following categories:

I. Administrative directives for no contact;
II. Academic;  
III. Transportation;  
IV. Employment;  
V. Facility Access;  
VI. Activities;  
VII. Campus Escort.

Interim measures may be implemented at a later time, even if originally declined, and any put into effect will remain in place until the institution determines that they are no longer necessary.

When the actions of a student or member(s) of a student group or organization present an ongoing threat to the health, safety, or well-being of others; disrupt the College community; or endanger College, public, or private property; the Vice President for Student Services may implement interim measures that restrict access for the Respondent pending the outcome of an investigation and resolution process. These interim measures may include, but are not limited to:

i. Restricted access to campus property and/or facilities;  
ii. Restricted access to participation in College programs or activities; including classes, internships, etc.;  
iii. Restricted access to campus employment;  
iv. Administrative leave with pay for student employees; or  
v. Any other restriction that can be tailored to the involved individuals to achieve the goals of this policy.

The Vice President for Student Services will notify the Complainant and Respondent in writing of any interim measures. The measures will take place immediately upon notification to both parties. The Respondent will have three (3) College business days to submit a written request for a hearing to the Vice President for Student Services. Upon receipt of a request, the Vice President or designee will conduct a hearing within three (3) College business days to determine if the interim measures should be lifted, modified, or kept in place. This is a final decision regarding interim measures unless there are exceptional circumstances that come to light during the investigation.

In circumstances in which there is a conflict of interest or perception of bias on behalf of the Vice President for Student Services, or in cases in which the Vice President for Student Services is otherwise unable to perform these duties, decisions regarding interim measures will be made by the President.

C. Decision to Investigate and Requests for Confidentiality and/or No Formal Action

If the Complainant is willing to participate in the investigation, the College will proceed as described in the Investigation section below.

A Complainant may request that the College maintain confidentiality and/or take no formal action regarding a report of sexual misconduct, relationship violence, or stalking; however, such a request may greatly impact the institution’s ability to investigate, and in most cases, the College will be unable to resolve the matter through the student conduct process. Additionally, some interim interventions—such as an administrative directive for no contact—cannot be implemented if the Complainant’s identity cannot be known.
Requests for confidentiality and/or no formal action will be referred to the Title IX Coordinator for review. The College will make every effort to honor confidentiality and/or no formal action requests; however, there are instances when such a request will not be able to be granted.

Circumstances in which a confidentiality and/or no formal action request may be denied include, but are not limited to:

i. existence of past or concurrent complaints against the Respondent;
ii. the institution is aware of past arrests or disciplinary action involving the Respondent;
iii. significant physical injury resulting from an alleged violation of sexual misconduct, relationship violence, or stalking;
iv. the reported use of a weapon during the commission of an alleged violation of sexual misconduct, relationship violence, or stalking; or
v. the reported use of force during the commission of an alleged violation of sexual misconduct, relationship violence, or stalking.

In all cases, the final decision on whether, how, and to what extent the College will conduct an investigation, and where other measures will be taken in connection with any allegation of sexual misconduct, relationship violence, or stalking, rests solely with the Title IX Coordinator.

D. Investigation

When a decision to investigate has been made, the Title IX Coordinator or designee will conduct a prompt, thorough, and impartial investigation of the reported behavior. All investigators have received specific annual training on the issues related to sexual misconduct, relationship violence, and stalking, and how to conduct an investigation that protects the involved parties’ safety and promotes accountability. The College strives to avoid any conflict of interest or bias on the part of any individual responsible for investigating and/or resolving alleged misconduct. Any party who wishes to express concerns about a conflict of interest or bias should notify the Title IX Coordinator in writing. In instances where a conflict of interest or perceived bias on the part of the Title IX Coordinator occurs, the notification should be made to the Director of Human Resources and/or the College President.

In most cases, the review will involve conducting a fact-finding investigation, which includes meeting separately with the Complainant (if participating), Respondent, Reporter (if applicable), and relevant Witnesses; and reviewing other pertinent information. At any time during the course of an investigation, the Complainant, Respondent, or any Witness may provide a written statement; other supporting materials including, but not limited to, electronic communication, photographs, or video or audio recording; or the names of other potential witnesses. Additionally, the investigator may determine through other means that it is necessary to speak with another individual and seek out that person independently. The investigator may need to conduct multiple interviews in order to follow up or clarify information provided by others. In general, the Complainant’s prior sexual history, with any individual including the Respondent, is not relevant and will not be considered as evidence.
during the investigation. Prior sexual history between the parties may be relevant to assess the manner and nature of communication between the Complainant and Respondent.

The College will inform the Complainant and the Respondent at regular intervals of the status of its investigation. Occasionally, a different or less formal response to the report may be warranted and will be determined by the Title IX Coordinator; however, mediation will not be used to resolve any complaints of non-consensual sexual intercourse or non-consensual sexual contact. Either party may elect to end an informal process to pursue the formal process at any time during the resolution of the complaint.

E. **Standard of Proof**

The investigator will make a finding using the preponderance of the evidence standard. This standard requires that the information supporting a finding of responsibility be more convincing than the information in opposition to it. Under this standard, individuals are presumed not to have violated college policy unless a preponderance of the evidence supports a finding that a violation occurred.

F. **Time Frames**

The College seeks to resolve all reports within 60 days of the initial report. Extenuating circumstances may arise that require the extension of time frames, including extension beyond 60 days. Extenuating circumstances may include the complexity and scope of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening academic break or vacation, or other unforeseen circumstances.

In general, a Complainant and Respondent can expect that the process will proceed according to the time frames provided in this policy. In the event that the investigation and resolution exceed this time frame, the College will notify all parties of the reason(s) for the delay and the expected adjustment in time frames. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

G. **Investigation Finding and Outcome Notification**

At the conclusion of the investigation, the investigator will compile a written investigative report. Before the report is finalized, the Complainant and Respondent will both be given an opportunity to review their own statement and, to the extent appropriate to honor due process and privacy considerations, the participating Complainant and Respondent may also be provided with a summary of other information collected during the investigation. The alleged violations of College policy will be included in the investigative report. A Complainant or Respondent must submit any comments about their own statement, or on any investigation summary that might be provided; and/or an impact statement to be considered when determining interventions and/or consequences (if applicable) to the investigator within five (5) College business days after the statement or summary was provided for review. This deadline may be extended at the discretion of the Title IX Coordinator under exceptional circumstances. A deadline extension request must be submitted in writing.
Following the receipt of any comments or statements submitted, or after the five (5)-day comment period has lapsed without any submissions, the investigator will address any identified factual inaccuracies or misunderstandings, as appropriate, and then make a determination regarding the alleged policy violation(s).

The final investigative report will include the following:

- A summary of the investigation;
- The investigator’s findings;
- The investigator’s rationale in support of the findings;
- The investigator’s determination for interventions and/or consequences (if applicable); and
- The investigator’s rationale in support of the recommended interventions and/or consequences (if applicable).

The Title IX Coordinator or designees will notify the Complainant and Respondent simultaneously in writing of the case outcome. Interventions and/or consequences (if applicable) become effective upon the written notification of the Title IX Coordinator’s decision and are not stayed until the conclusion of the appeals process. If a Complainant has chosen not to participate in the College’s review of the reported behavior but desires to be notified of the outcome, the College will notify the Complainant. If a Complainant has expressed, in writing, that the Complainant does not wish to be notified of the outcome, the College will honor that request. In such instances, the College will not send the notification itself to the Complainant, but may proceed with any necessary follow-up regarding consequences for the Respondent (if applicable) or other process matters.

X. Process Outcomes & Consequences

Students who are found to have violated College policy will receive disciplinary consequences appropriate to the current violation(s) and in consideration of any prior conduct history and/or mitigating or aggravating circumstances.

The following consequences are specific to violations of the Student Code of Conduct.

A. Consequences for Individual Students

Verbal Reprimand: The least severe form of disciplinary action.

Written Reprimand - An official written notice to a student that his/her conduct is in violation of the Student Code of Conduct and as such is unacceptable to the College.

Restitution or Reimbursement: Assessment of financial changes and/or other forms of recompense for any damage or loss incurred by the College or any member of the College community.

Reduction of Privilege: Denial of particular student privileges such as the privilege to park on campus or use of computer lab equipment.

Disciplinary Probation: After a finding of violation of the Code of Conduct, a disciplinary probationary period restricts the student’s privileges for a designated period of time, including the probability of more severe disciplinary sanctions if the student is found to be violating any College regulations during the probationary period.
**Temporary Class Dismissal**: In the case of student misconduct in the classroom, faculty members have the right to temporarily remove a student from the classroom. Removal is normally not longer than one class period per incident. In cases where additional time is needed, the faculty member must consult with the Academic Dean and the Vice President of Student Services to ensure due process.

**Disciplinary Suspension**: An involuntary separation of the student from the College for misconduct, apart from academic performance, that does not exceed two academic terms per suspension for any singular offense or situation. While a student is suspended, he or she is not eligible for admission or re-admission at any of the College’s facilities or activities. Once the suspension is lifted, the student is eligible for admission or re-admission.

**Disciplinary Expulsion**: An involuntary separation of the student from the College for misconduct, apart from academic performance, for more than two academic terms. While a student is expelled, he or she is not eligible for admission or re-admission at any of the College’s courses, programs, or activities. After the expulsion, a student’s eligibility for re-admission is contingent upon their ability to prove the behavior that resulted in the expulsion has been resolved.

**No Contact Order** - The student is prohibited from intentional direct or indirect contact with another person or group or their property via any means, including, but not limited to: personal contact, electronic communication (e.g. text messages, social media, etc.), telephone, or through third parties.

**No Trespass Order** - The student is prohibited from being on any campus property and/or entering specific College facilities.

**XI. Appeals**

If either party (complainant or the person alleged to have engaged in sexual harassment) is dissatisfied with the outcome of the inquiry and/or the sanctions imposed, that party may appeal to the President within (7) days of being informed of the results of the inquiry and the sanctions, if any was imposed.

The President determines his/her own hearing procedures, keeping in mind the following guidelines:

(1). The Student has the right to be heard by the President; in the event that the student is under the age of eighteen or incapacitated, he/she may have an advisor present to assist him/her in presenting his/her case.

(2). Students do not have the right to be represented by an attorney during appeal proceedings except in the case where civil or criminal actions concerning the student are pending and in that case, the attorney’s role shall be advisory only. The student is responsible for presenting his/her own case; therefore, advisors are not permitted to speak or to participate directly in any portion of the appeal, including but not limited to during the hearing.
(3). The Student has the right to identify documents, witnesses and other material he/she would like the President to review before making a final decision. The President determines which documents, witnesses, and other materials are pertinent to the appeal.

(4). Hearings are conducted in private unless all parties agree otherwise.

(5). A record of the hearing should be maintained by the President

Decision by the President.

The President may affirm, modify, or reverse the decision and/or sanctions of the Vice President of Student Services. The President notifies in writing the student of the decision. The notification of the decision of the President will be issued within fourteen (14) days of service of the appeal. The decision of the President is final and cannot be appealed.

XII. Student Records

A. Holds

The Vice President for Student Services may place a hold on a student’s transcript, registration, and/or diploma in any of the following situations:

1. A student has committed a violation of the Student Code of Conduct culminating in suspension or expulsion;
2. A student has been given interim restrictions pending an investigation and resolution of allegations of misconduct;
3. A student has failed to schedule or attend a required College meeting or hearing;
4. A student has failed to complete one or more consequences by the assigned deadline; or
5. A student with severe behavioral problems is no longer attending the College, and it is the determination of the Vice President for Student Services or designee that a review of the student’s file and meeting with the student occur prior to the student’s reenrollment.

B. Record Retention

Student conduct records, including investigation records, are maintained electronically by the Vice President of Student Services for a minimum of seven (7) years from the date that the matter is closed. A record is considered closed when the following criteria have been met:

It is determined that the student, student group, or student organization was not in violation of College policy; or

i. The student, student group, or student organization was in violation of College policy; and
ii. All periods of probation, deferred suspension, or suspension and all associated consequences have been completed; or
iii. A student has been expelled from the College.
iv. Records of incidents culminated in deferred suspension, suspension, or expulsion will be permanently maintained by the College.

XIII. Offices and Roles
A. **Title IX Coordinator**
The Title IX Coordinator is responsible for overseeing the College’s response to Title IX reports and complaints and identifying and addressing any patterns or systemic problems revealed by such reports and complaints.

Justin Pfeifer, Title IX coordinator, Vice President of Student Services
4501 E. 47th St. South, Wichita, KS 67210
316-677-1020
jpfeifer@WSU Tech.edu

B. **Deputy Title IX Coordinators for Students**
The Deputy Title IX Coordinators are responsible for overseeing the education, outreach, and resolution process related to Title IX reports and complaints that name a student as the Respondent.

Laura Fowler
Director, Enrollment Management
4004 N. Webb Road, Wichita, KS 67226
316-677-9415
lfowler@WSU Tech.edu

Lacey Ledwich
Director, Financial Aid
4004 N. Webb Road, Wichita, KS 67226
316-677-9421
lledwich@WSU Tech.edu

**Deputy Title IX Coordinator for Employees**
The Deputy Title IX Coordinator for Employees is responsible for overseeing the education, outreach, and resolution process related to Title IX reports and complaints that name an employee as the Respondent.

Judy Mount
Executive Director for Human Resources
4004 N. Webb Road, Wichita, KS 67226
316-677-1619
Jmount1@WSU Tech.edu

**XIV. Access to Assistance and Resources**

**XV. Acknowledgements**
Portions of this policy have been adapted from the Wichita State University Sexual Misconduct Policy and are used here with permission.

**Policy Owner – Position Title**
Vice President of Student Services