

Title IX Compliance

The purpose of Wilson University's anti-harassment policy is to comply with all applicable legal requirements prohibiting harassment against any member of the WU community. Moreover, as a Christian community, WU has committed itself, unequivocally, to ensuring a working and learning environment in which the dignity of every individual is respected. University policies define community expectations designed to maintain a work, academic, and office environment free of unlawful harassment, including sexual assault, violence, or misconduct.

"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..." Title IX of the Education Amendments of 1972, and its implementing regulation at 34 C.F.R. Part 106 (Title IX)

Title IX of the Education Amendments of 1972 (Title IX) prohibits discrimination based on gender in educational programs that receive federal financial assistance. Programs and activities that may be included are admissions, recruitment, financial aid, academic programs, athletics, housing, and employment. Title IX also protects men and women students from unlawful sexual harassment in school programs and activities. Under Title IX, discrimination on the basis of sex can include sexual harassment; unwelcomed sexual advances; or sexual violence, such as rape, sexual assault, sexual battery, and sexual coercion.

All members of the WU community are expected to conduct themselves in a manner that does not infringe upon the rights of others. WU has a zero-tolerance policy for sexual misconduct. When an allegation of misconduct is brought to an appropriate administration's attention, and a respondent is found to have violated this policy, serious sanctions will be used to reasonably ensure that such actions are never repeated. Policies have been developed to reaffirm these principles, to provide a means of determining when violations have occurred, and to provide recourse for those individuals whose rights have been violated.

Title IX Compliance Coordinator

Duties and Responsibilities of the Title IX Coordinator include:

- Monitoring and oversight of overall implementation of Title IX Compliance and the prevention of harassment and discrimination at the university, including coordination of training, education, communications, and administration of grievance procedures for faculty, staff, students, and other members of the university community.

- Tracking and monitoring incidents, including sex discrimination and sexual misconduct
- Ensuring that the university responds effectively to each complaint
- Conducting investigations of particular situations as necessary and appropriate.

If you have questions or concerns related to Title IX, please contact Wilson University's Title IX coordinator.

Vice President for Student Affairs, Dr. Paul Baumeister, 8434 Bradshaw Rd., Phone (916) 681-2768, paulb@goAST.org.

Definitions

Sexual Misconduct Offenses Include, But Are Not Limited to:

1. Sexual Harassment

- Unwelcome, verbal or physical conduct that is, sufficiently severe, persistent or pervasive that it, unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the University's educational program and/or activities, and is based on power differentials (quid pro quo), the creation of a hostile environment, or retaliation.

Examples include: an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwelcome sexual attention; to punish a refusal to comply with a sexual based request; to condition a benefit on submitting to sexual advances; sexual violence; intimate partner violence, stalking; bullying.

2. Non-Consensual Sexual Contact

- Any intentional sexual touching, however slight, with any object, by a man or a woman upon a man or a woman, that is without consent and/or by force.

Sexual Contact includes: Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

3. Non-Consensual Sexual Intercourse:

- Any sexual intercourse, however slight, with any object, by a man or woman upon a man or a woman, that is without consent and/or by force.

Intercourse includes: vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

4. Sexual Exploitation

- When a student takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses.

Exploitation includes: Invasion of sexual privacy, prostituting another student, non-consensual video or audio-taping of sexual activity, going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex), non-consensual sharing of explicit pictures of a former girl/boy friend, engaging in voyeurism, knowingly transmitting a STI or HIV to another student, exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals, sexually-based stalking and/or bullying.

Additional Applicable Definitions

- **Gender-based violence:** Gender-based violence is violence that is directed against a person on the basis of gender. It constitutes a breach of the fundamental right to life, liberty, security, dignity, and equality between women and men.
- **Consent:** Consent is clear, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity.
 - Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
 - Previous relationships or prior consent cannot imply consent to future sexual acts.
- **Force:** Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent. (“Have sex with me or I’ll hit you. Okay, don’t hit me; I’ll do what you want.”)
 - Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.
 - NOTE: There is no requirement that a party resist the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.

- In order to give effective consent, one must be of legal age.
- Sexual activity with someone who one should know to be -- or based on the circumstances should reasonably have known to be -- mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout), constitutes a violation of this policy.
 - Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction).
 - This policy also covers a person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of rape drugs. Possession, use and/or distribution of any of these substances, including Rohypnol, Ketomine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another student is a violation of this policy. More information on these drugs can be found at <http://www.911rape.org/>
- Use of alcohol or other drugs will never function as a defense to a violation of this policy.

Hostile Environment

When such conduct has the purpose or effect of interfering with the individual’s work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one’s ability to participate in or benefit from an educational program or activity.

WU considers a variety of related factors to determine if a hostile environment has been created; and also considers the conduct in question from both a subjective and an objective perspective. Specifically, Office of Civil Rights standards require that the conduct be evaluated from the perspective of a reasonable person in the alleged victim’s position, considering all the circumstances. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. Indeed, a single or isolated incident of sexual violence may create a hostile environment.

Sanction Statement

- Any student found responsible for violating the policy on Non-Consensual or Forced Sexual Contact (where no intercourse has occurred) will likely receive a sanction ranging from suspension to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.
- Any student found responsible for violating the policy on Non-Consensual or Forced Sexual Intercourse will likely face a recommended sanction of expulsion.

- Any student found responsible for violating the policy on Sexual Exploitation or Sexual Harassment will likely receive a recommended sanction ranging from warning to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.

Other Misconduct Offenses (will fall under Title IX when gender based)

1. Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
2. Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of gender;
3. Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
4. Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the University community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the WU Hazing Policy);
5. Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally (that is not speech or conduct otherwise protected by the 1st Amendment).
6. Violence between those in an intimate relationship to each other;
7. Stalking, defined as repetitive and/or menacing pursuit, following, harassment and/or interference with the peace and/or safety of a member of the community; or the safety of any of the immediate family of members of the community, this includes cyber stalking.

Prevention and Education Programs

Wilson University offers prevention and education in an effort to prevent sex offenses including sexual assault, domestic violence, dating violence and stalking within the University community. Programming consists of primary prevention and awareness for all incoming students and new employees that:

- Provides information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks.
- Provide safe and positive options for bystanders' intervention.
- Defines what behavior and action constitutes domestic violence, dating violence, sexual assault and stalking.
- Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct.

Educational programs include:

- Faculty Training – In the faculty orientation, the faculty are made aware about their Title IX responsibilities. After a review of WU's policy on sexual assault and violence each faculty member receives and reads a handout which outlines the program and their responsibilities. This document is signed by the faculty member and kept on file in the Director of Human Resource Office.

Risk reduction tips can often take a victim-blaming tone, even unintentionally. With no intention to victim-blame, and with recognition that only those who commit sexual violence are responsible for those actions, these suggestions may nevertheless help you to reduce your risk experiencing a non-consensual sexual act. Below, suggestions to avoid committing a non-consensual sexual act are also offered:

- If you have limits, make them known as early as possible.
- Tell a sexual aggressor “NO” clearly and firmly.
- Try to remove yourself from the physical presence of a sexual aggressor.
- Find someone nearby and ask for help.
- Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
- Take care of your friends and ask that they take care of you. A real friend will challenge you if you are about to make a mistake. Respect them when they do.

Be an Active Bystander

If you think someone is at risk for sexual assault, consider it an emergency and get involved. Don't wait for someone else to act. Tips for Intervening:

- Approach everyone as a friend.
- Be honest and direct.
- Don't be aggressive or use violence.
- Keep yourself safe.
- Get help from other bystanders, if necessary.
- Call the police if a situation becomes too serious.

Reporting a Complaint

To Report Confidentially:

You can seek advice from certain resources who are not required to tell anyone else your private, personally identifiable information unless there is cause for fear for your safety, or the safety of others. These are individuals who the University has not specifically designated for purposes of putting the institution on notice and for whom mandatory reporting is required, other than in the stated limited circumstances. If you are unsure of someone's duties and ability to maintain your privacy, ask them before you talk to them. They will be able to tell you, and help you make decisions about who can help you best. If personally identifiable information is shared, it will only be used as necessary with as few people as possible, and all efforts will be made to protect individual privacy.

If one desires that details of the incident be kept confidential, he or she may speak with on-campus counselors. Campus counselors are available to help free of charge, and may be seen on an emergency basis. In addition, you may speak on and off-campus with members of the clergy and chaplains, who will also keep reports made to them confidential.

WU confidential reporting options:

Karissa King, Campus Counselor
Wellness Center
(916) 681-2768

Non-Confidential Reporting Options:

You are encouraged to speak to officials of the institution to make formal reports of incidents (lead professors, vice presidents, or other administrators with supervisory responsibilities, human resources, faculty members, advisors, admissions officers, and others). The University considers these people to be "responsible employees." Notice to them is official notice to the institution. You have the right and can expect to have incidents of sexual misconduct to be taken seriously by the institution when formally reported, and to have those incidents investigated and properly resolved through administrative procedures. Formal reporting means that only people who need to know will be told and information will be shared only as necessary with investigators, witnesses, and the accused individual.

Non-confidential reporting options:

- Elk Grove Police Department, Call 9-1-1 or 916-478-8000, 8400 Laguna Palms Way, Elk Grove, CA 95758

Reporting Procedure

Any individual who believes he or she has been subjected to discrimination or harassment, or who has witnessed or has knowledge of such discrimination or harassment, may report to any University employee including administrators, faculty, staff or notify one of the following offices as soon as possible after the incident.

- Vice President for Student Affairs, Dr. Paul Baumeister, 8434 Bradshaw Rd., Phone (916) 681-2768, paulb@goAST.org. Coordinator for Title IX, Discrimination and Harassment (Students), and Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794 (Section 504) investigations.
- Human Resources Officer, Michael Wilburn, 8434 Bradshaw Rd., Phone (916) 681-2768 Coordinator for Discrimination and Harassment (Employees), and Age Discrimination investigation.
- President of the University, Dr. Nathaniel J. Wilson, President's Office, Phone (916) 681-2768, njwtrc@aol.com.
- Elk Grove Police Department, Call 9-1-1 or 916-478-8000, 8400 Laguna Palms Way, Elk Grove, CA 95758

Adjudication of Violations

Although the University asks that you submit a written complaint, any suspected incident of sexual assault or violence will be investigated and addressed promptly, whether reported in writing or otherwise. Any University employee including administrators, faculty, and staff who observes any incident of sexual assault or violence involving a student or receives a complaint or other notice of such harassment, shall, promptly, report this information to the Office of Student Affairs, whether or not the targeted student files a complaint.

Complaints must be filed within 180 days of the date of the alleged discriminatory events. You will be asked to provide details of the incident or incidents, names of individuals involved and names of any witnesses. The staff member in charge of the investigation will document all reports of incidents of sexual assault or violence.

The University will immediately undertake an effective, thorough and objective investigation of the sexual assault or violence allegations. The complainant will be provided the opportunity to present relevant evidence including witness testimony.

The University will interview individuals who have knowledge relevant to the complaint, including, but not limited to, the complainant (petitioner), the person who was the subject of the discrimination if different, the person accused of discrimination, anyone who witnessed the reported discrimination, and anyone identified as having relevant information. The University will review any records, notes, memoranda, correspondence or statements related to the discrimination. The University may take other appropriate investigative steps, such as visiting the location where the discrimination is alleged to have taken place.

The University shall determine whether interim measures are necessary during, (and pending,) the results of the investigation, such as placing students in separate classes or transferring a student to a class taught by a different teacher. Any such actions, whether interim or permanent, shall avoid or minimize to the extent possible any burden on the student who complained. The University will investigate reports of sexual assault or violence promptly and will complete its process and report the outcome within 60 days of receiving complaint notice.

Depending on the specific nature of the problem, remedies for the complainant might include, but are not limited to

- ensuring that the complainant and alleged perpetrator are not enrolled in the same classes
- providing counseling services
- providing medical services
- providing academic support services, such as tutoring

Procedure used by the University in addressing Stalking, Dating Violence, Domestic Violence

- assess immediate safety need of the complainant
- assist complainant with contacting local police if complainant request
- provide written instructions on how to apply for Protective Orders
- provide written information to complainant on how to preserve evidence
- assess need to implement inter or long-term protective measures to protect the complainant, if appropriate
- provide a “No Entry” directive to accused part if deemed appropriate
- In the case of student involvement adjudication will use the preponderance of the evidence standard.

At the conclusion of the investigation the University will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is. The accused will also receive a verbal and written report of the investigation.

For all crimes of sexual assault, date violence, domestic violence or stalking, the University will, upon written request, disclose to the alleged victim of a crime of violence or non-forcible sex offense, the report of the results of any disciplinary proceedings conducted by the University against a student who is the alleged perpetrator of such crimes or offense.

If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for the purpose of this paragraph.

Confidentiality

The University will protect the identity of persons who report having been victims of sexual assault, domestic violence, dating violence or stalking to the best of their ability.

Assistance for Victims: Rights and Options

Regardless of whether a victim elects to pursue a criminal complaint, the University will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights. In California, a victim of domestic violence, dating violence, sexual assault or stalking has additional rights. The rights are found in a variety of California Codes and the California Constitution. For complete and up-to-date information please refer to the State of California Department of Justice Office of the Attorney General Website at www.org.ed.gov. WU complies with California law in recognizing protection orders by contacting local law enforcement authorities in the event of a protection order violation. Any person who obtains a protection order should provide a copy to the Title IX Coordinator. A complainant may then meet with the Title IX Coordinator to develop a Safety Action Plan, which is a plan to reduce risk of harm while on campus or coming and going from campus.

This plan may include: escorts, special parking arrangements, changing class room location or allowing a student to complete assignment from home, etc. If necessary, a complainant may be offered changes to academic schedules, living or working situations in addition to counseling, health services and assistance in notifying appropriate local law enforcement. Personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who is investigating/adjudication the complaint or delivering resources or support services to the complainant.

On-Campus Resources for Victims of Domestic Violence, Dating Violence, Sexual Assault and Stalking

Wellness Center (916-681-2768) will provide confidential support for you during this difficult period. Talking about your concerns with a counselor in a safe and supportive environment may help you sort through your feelings and decide what to do. You do not need to disclose your name if you call for information. Counselors will not reveal your identity to anyone without your permission.

The reasons for reporting an incident are:

- To take action which may prevent further victimization, including issuing a Safety and Security Alert to warn the campus community of an impending threat to their safety;
- To apprehend the assailant;
- To seek justice for the wrong that has been done to you;
- To have the incident recorded for purposes of reporting statistics about the incidents that occurred on campus.

Title IX Coordinator - can provide assistance in addressing the incident through consultation, administrative review and/or formal hearing. The Title IX Coordinator for WU is Dr. Paul Baumeister. He may be reached at 916-681-2768.

Off-Campus Resources for Victims of Domestic Violence, Dating Violence, Sexual Assault and Stalking

24-hour Rape Crisis – In addition to counseling services through the Wellness Center, survivors of sexual assault or abuse are encouraged to contact WEAVE (916) 920-2952. They provide free counseling, accompaniment and advocacy.

Elk Grove Police Department – Can be contacted by dialing 9-1-1 in an emergency or by dialing their business line at 916-478-8000. The Elk Grove Police Department is located at 8400 Laguna Palms Way, Elk Grove, CA 95758

Responsible Employee Policy

Any member of the WU community, guest or visitor who believes the policy on Equal Opportunity, Nondiscrimination, Sexual Harassment, and other forms of Harassment has been violated should contact:

- Vice President for Student Affairs, Dr. Paul Baumeister, 8434 Bradshaw Rd., Phone (916) 681-2768, paulb@goAST.org. Coordinator for Title IX, Discrimination and Harassment (Students), and Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794 (Section 504) investigations.
- Human Resources Officer, Michael Wilburn, 8434 Bradshaw Rd., Phone (916) 681-2768. Coordinator for Discrimination and Harassment (Employees), and Age Discrimination investigation.

- President of the University, Dr. Nathaniel J. Wilson, President's Office, Phone (916) 681-2768, njwtrc@aol.com.

It is also possible for employees to notify a supervisor, for students to notify an administrative adviser or faculty member, or for any member of the community to the VP for Student Affairs. All employees receiving reports of a potential violation of University policy are expected to promptly contact one of the above individuals within 24 hours of becoming aware of a report of incident. The initial contacts will be treated with the maximum possible privacy. Specific information on any complaints received is subject to the University's obligation to redress violations; every effort will be made to maintain the privacy of those initiating the report of a complaint.

In all cases Wilson University will give consideration to the complainant with respect to how the complaint is pursued, but reserves the right to investigate and pursue a resolution when an alleged victim chooses not to initiate or participate in a formal complaint.

Non-Retaliation Policy

Living in a Christian community requires that members provide both support and accountability to each other. Initiating accountability is often uncomfortable and risks interpersonal conflict between the respective parties. The University will not tolerate retaliation against parties who exercise their obligation to see that accountability is brought to bear when warranted. Retaliation may be exerted in many ways, including but not limited to: physical assault, verbal abuse, social ostracizing and other forms of offense and humiliation. The University will not retaliate against you for filing a complaint and will not tolerate or permit retaliation by employees or students. The University prohibits any form of retaliation, intimidation or harassment against any individual who filed or otherwise participated in the filing or investigation of a complaint of discrimination. Any such individual who believes that he/she has been subjected to retaliation may file a separate complaint under this procedure.

Sex Offender Registry

The Federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information is provided by a state concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a state to provide notice, as required under state law, of each institution of higher education in that state at which the person is employed, carries on a vocation, volunteers services or is a student.

In California, registered sex offenders are required to register with the state. Information about registered sex offenders may be found at www.meganslaw.ca.gov/disclaimer.aspx?lang=ENGLISH.