

Sex/Gender-Based Harassment, Discrimination, and Sexual Misconduct Policy

Policy Number

1270

Date Created/Revised

Executive Responsibility

Chief Diversity Officer

Functional Responsibility

Title IX Coordinator and Director of the Office of Equity and Inclusion

Former Wright Way Policy

4011, 8065

Table of contents? With section jump links

1270.1 Introduction

Wright State University is committed to maintaining a safe and healthy educational and work environment in which no member of the university community is, on the basis of actual or perceived sex, gender, gender identity, gender expression and or sexual orientation, excluded from participation in, denied the benefits of, or subjected to discrimination in any university program or activity. Wright State University does not discriminate on the basis of sex or gender in its education programs and activities. Sex/Gender-based harassment and violence, including sexual violence, are forms of sex discrimination in that they deny or limit an individual's ability to participate in or benefit from university programs or activities.

The university believes in zero tolerance for sex and gender-based misconduct. Zero tolerance means that when an allegation of misconduct is brought to the appropriate administrator's attention, protective and other remedial measures will be used to reasonably ensure that such conduct ends, is not repeated, and the effects on the victim and community are remedied, including sanctions when a responding party is found to have violated this policy. This policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This policy is intended to define community expectations and the accompanying procedures establish a mechanism for determining when those expectations have been violated.

Nothing in this policy shall be construed to abridge academic freedom and inquiry, principles of free speech, any Collective Bargaining Agreements, the right to redress to the Ohio Civil Rights Commission or the Office for Civil Rights, or the university's educational mission.

1270. 2 Assistance with the Policy

Dayton Campus Survivor Advocate and Case Manager

The university Campus Survivor Advocate and Case Manager is a confidential resource for students who have experienced sex/gender-based violence, know someone who has experienced sex/gender-based violence, or wants more information about the resources available. As part of this role, the Survivor Advocate and Case Manager can assist with understanding the policies and procedures around sex/gender-based violence in order to help survivors make the best decisions they can for themselves with all the information. Additional services include: safety planning, information about reporting options, hospital accompaniment, legal referral and accompaniment, student conduct accompaniment, temporary housing accommodations, victim assistance compensation fund application, community and other on-campus referral, and more. As a grant-funded position by the Ohio Attorney General's office, services provided by the Survivor Advocate and Case Manager can only be accessed to support those who are primary or secondary victims of crime.

Corrie Pleska, LSW, MSW
Survivor Advocate and Case Manager
022 Student Union
937-775-3746
937-775-2727 *24 hour crisis on-call
corrie.pleska@wright.edu

Lake Campus Advocate:

Similar advocacy services for survivors are provided at Lake Campus through Van Wert's YWCA.

Jodi Brummette
YWCA of Van Wert County
187 Andrews Hall
jwallenhorst@ywcavanwertcounty.org
419-203-5312
419-586-1133 *24 hour helpline
<https://lake.wright.edu/campus-life/lake-campus-advocate>

Process Advisors

Faculty and staff, trained in the Student Conduct process, are available as process advisors for students upon request. These individuals only serve to inform and answer questions about the process and do not act as an advocate during hearings or other process related meetings.

1270.3 Title IX Coordinator

The university's Title IX Coordinator oversees compliance with all aspects of the Sex/Gender-Based Harassment, Discrimination, and Sexual Misconduct Policy. The Coordinator reports to the Chief Diversity Officer, and is housed in the Office of Equity and Inclusion. Questions about this policy should be directed to the Title IX Coordinator. Anyone wishing to make a report relating to this policy from either the Dayton or Lake campus may do so by reporting the concern to the university Title IX Coordinator:

Lindsay Miller, JD
Title IX Coordinator
Office of Equity and Inclusion
280 University Hall
Wright State University, Dayton Campus
937-775-3207
Oei@wright.edu

Additionally, anonymous reports can be made by victims and/or third parties using the online reporting form posted at <http://www.wright.ethicspoint.com> or the reporting hotline at 1-855-353-3783. Note that utilizing the anonymous reporting tool may limit the university's ability to investigate the matter.

Individuals experiencing harassment or discrimination also always have the right to file a formal grievance with government authorities:

Office for Civil Rights (OCR)
Cleveland Office
U.S. Department of Education
1350 Euclid Avenue
Suite 325
Cleveland, Ohio 44115
Customer Service Hotline #: (216) 522-4970
Facsimile: (216) 522-2573
TDD#: (877) 521-2172

Email: OCR.Cleveland@ed.gov

Web: <http://www.ed.gov/ocr>

U.S. Department of Justice Civil Rights Division

950 Pennsylvania Avenue, N.W.

Educational Opportunities Section, PHB

Washington, D.C. 20530

By e-mail to education@usdoj.gov

By telephone at (202) 514-4092 or 1-877-292-3804 (toll-free)

By facsimile at (202) 514-8337

In the event that an incident involves alleged misconduct by the Title IX Coordinator, reports should be made directly to the Chief Diversity Officer:

****Insert name and contact information here when hired****

1270.4 Scope and Jurisdiction

This policy, and its procedures, applies to Wright State University employees, students (which may include prospective students, including those being recruited for athletics or other competitive university activities or programs), student organizations, and all individuals who while not Wright State employees, perform work on university property. Wright State University property includes Dayton campus, Lake Campus, and any other location where employees or students engage in university business or participate in any university sanctioned activity.

There is no time limitation on the filing of complaints, as long as the responding party remains subject to the university's jurisdiction or a remedy is available to the reporting party. The university encourages prompt reporting because witnesses' memories and availability typically are better closer in time to the incident(s). Note that the university's ability to move forward in reviewing or investigating any matter depends on a number of factors including, but not limited to, knowledge of impacted party's identity and/or the impacted party's willingness to provide sufficient information to initiate and pursue a formal investigation.

This policy applies to behaviors that take place on the campus, at university-sponsored events including travel abroad, and may also apply off-campus and to actions online when the Title IX Coordinator determines that the off-campus or online conduct affects a substantial university interest. A "substantial university interest" is defined to include:

1. Any action that constitutes a criminal offense as defined by federal, state, or local law whether the action takes place on the university's campus or elsewhere;
2. Any situation in which it appears that the Responding Party may present a danger or threat to the health or safety of self or others;
3. Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder;
4. Any situation that is detrimental to the educational interests or mission of the university;
5. Any online postings or other electronic communication by students, including cyber-bullying, cyber-stalking, cyber-harassment, etc., including those occurring outside of the University's control (*e.g.*, not on University networks, websites or between University email accounts), will be subject to this policy when those online behaviors are brought to the attention of the Title IX Coordinator and may cause or have the potential to cause a substantial on-campus disruption;
6. Off-campus discriminatory or harassing communication that is directed at a protected class (or should reasonably be known to have a negative impact on a protected class) by an employee when such speech is made in an employee's official or work-related capacity.

The university uses the preponderance of the evidence (also known as "more likely than not") as a standard for proof of whether a violation occurred. In campus resolution proceedings, legal terms like "guilt," "innocence" and "burdens of proof" are not applicable, but the university never assumes a responding party is in violation of university policy. Campus resolution proceedings are conducted to take into account the totality of all evidence available, from all relevant sources.

1270.5 Prohibited Behaviors

- a. **Gender-Based Violence** - Any behavior or practice that causes or intends to cause emotional, psychological, physical harm or property damage based on actual or perceived gender, gender identity, gender expression, and/or sexual orientation.
- b. **Domestic Violence** - A felony or misdemeanor crime of violence committed - by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitation with, or has cohabitated with, the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state of Ohio; or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the state of Ohio.

(e.g., physical abuse, sexual abuse, spiritual abuse, financial abuse, mental/emotional abuse, abuse of pet, controlling and/or monitoring behaviors, verbal abuse)

- c. **Dating Violence** - A type of intimate partner violence that occurs between two people in a dating relationship. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the type of relationship and the frequency of interaction between the persons involved in the relationship. While the length of the relationship is not determinative, it should nonetheless be considered with the totality of the facts.. (e.g., consistent monitoring of social media accounts and/or digital conversations, belittling comments, isolation from support system.)
- d. **Fondling**- Non consensual touching of another person's body for the purpose of sexual gratification, including instances where the victim is incapable of giving consent because of his/her age and/or because of his/her temporary or permanent mental incapacity. (e.g., squeezing an individual's buttocks, groping an individual's breasts)
- e. **Incest**- Non forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. (e.g., engaging in sexual activity with a sibling)
- f. **Rape**- The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. (e.g. physically forcing an individual to engage in sexual activity, using alcohol and/or drugs to facilitate sexual activity)
- g. **Statutory Rape**- Non forcible sexual intercourse with a person who is under the statutory age of consent. (e.g. an individual over the age of 18 engaging in sexual activity with an individual under the age of 16).
- h. **Sexual Harassment** - unwelcome, sexual, sex-based and/or gender-based verbal, written, online and/or physical conduct¹. Sexual harassment may be disciplined when it takes the form of quid pro quo harassment, retaliatory harassment and/or creates a hostile environment.
 - A hostile environment is created when sexual harassment is sufficiently severe, or persistent or pervasive, and objectively offensive that it unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the university's educational and/or employment, social and/or residential program.
 - Quid Pro Quo Harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, by a person having power or authority over another constitutes sexual harassment when

¹ Purpose of intent is not an element of sexual harassment.

submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual's educational or employment progress, development, or performance.

- This includes when submission to such conduct would be a condition for access to receiving the benefits of any educational or employment program.

Examples include, but are not limited to: 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; gender-based bullying.

- Sexual Exploitation** - This occurs when one person takes non-consensual or abusive sexual advantage of another for their own advantage or benefit, or the benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. (e.g., Invasion of privacy; Prostituting another person; Non-consensual digital, video or audio recording of nudity or sexual activity; Unauthorized sharing or distribution of digital, video or audio recording of nudity or sexual activity; voyeurism; Going beyond the boundaries of consent (such as letting your friend hide in the closet to watch you having consensual sex); Knowingly exposing someone to or transmitting an STI, STD, or HIV to another person; Intentionally or recklessly exposing one's genitals in non-consensual circumstances, inducing another to expose their genitals; Sexually-based stalking and/or bullying may also be forms of sexual exploitation)
- Retaliation** It is a violation of WSU policy and Federal regulations to retaliate against anyone who files a complaint, grievance, or cooperates in the investigation of a grievance. Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity subject to limitations imposed by the 1st Amendment and/or Academic Freedom. Retaliation against an individual for an allegation, for supporting a reporting party or for assisting in providing information relevant to an allegation is a serious violation of university policy. Discrimination against any individual because they reported violations under this policy, or made a complaint, testified, assisted, or participated in any investigation or proceeding, is prohibited. Coercion or intimidation of, threats toward, or interference with anyone because he or she exercised or enjoyed their rights under this policy, or helped or encouraged someone else to do so, is also prohibited. (e.g., requesting friends threaten reporting party, damaging the reporting

party's property, stalking the reporting party's residence, place of work, classes, etc., utilizing social media and/or technology to harass the reporting party, sharing personal photos of the reporting party without their consent.)

1270.6 Other Prohibited Behaviors When Based on Sex or Gender

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 sex or 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
5. Bullying, defined as
 1. Repeated and/or severe
 2. Aggressive behavior
 3. Likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally
 4. That is not speech or conduct otherwise protected by the 1st Amendment.
6. Power Based Violence - Pattern of behavior, exerted by a person with a form of actual/perceived power over another person, aimed at gaining and maintaining power and control over another person by using abusive tactics intended to threaten, coerce, intimidate and/or scare the victim.
7. Stalking, defined as a pattern of non-consensual behavior by telephone, mail, electronic communication, social media, or any other action, and/or device that makes you feel afraid, nervous, harassed, or in danger. Stalking occurs when someone repeatedly contacts you, follows you, sends you things, talks to you when you don't want them to, or threatens you. (e.g., Monitoring an individual's phone calls, reading a person's mail, following a person outside the home, breaking into a person's home, stealing a person's belongings, calling, texting, emailing, mailing a person repeatedly at home or work, repeated, uninvited appearances at a place of work or residence.)
8. Any other University policies may fall within this section when a violation is motivated by the actual or perceived membership of the reporting party's sex or gender.

1270.7 Additional Applicable Definitions

Consent - This is the act of knowingly agreeing to engage in a sexual activity. Consent must be voluntary. An individual cannot consent who is substantially impaired by any drug or intoxicant; or who has been compelled by force, threat of force, or deception; or who is unaware that the act is being committed; or whose ability to consent is impaired because of a mental or physical condition; or who is a minor by legal definition. Consent may be withdrawn at any time. Prior sexual activity or relationship does not, in and of itself, constitute consent.

Consent is clear, and knowing, and voluntary, words or actions, that give permission for specific consensual activity.

- 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 permission regarding willingness to engage in (and the considerations of) sexual activity.
- Previous relationships or prior consent cannot imply consent to future sexual acts.
- Consent can be withdrawn once given.
- In order to give consent, one must be of legal age. In Ohio, the legal age of consent is 16 years of age.
- Sexual activity with someone you know to be or should know to be incapacitated constitutes a violation of this policy.
 - Incapacitation can occur mentally or physically, from developmental disability, by alcohol or other drug use, or blackout.²
 - The question of what the responding party should have known is objectively based on what a reasonable person in the place of the responding party, sober and exercising good judgment, would have known about the condition of the reporting party.
 - Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing

² Blackout, as it is used in scholarly literature, refers to a period where memory formation is blocked. A period of consistent memory loss is termed a blackout, whereas periods where memory is both lost and formed intermittently can be referred to in the literature as a brownout. Neither state of blackout nor brownout automatically indicates incapacitation, but factual context can establish that a blackout or a brownout is occurring in an individual who is incapacitated (where incapacity is defined as an inability to make rational, reasonable decisions or judgments). It is a mistake to automatically associate memory loss with incapacitation; they are often coupled, but not always. (see e.g.: Mundt & Wetherill – 2012; NIH 2004)

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, unconsciousness, involuntary physical restraint, or from the taking of rape drugs.

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 overcomes free will or resistance or that produces 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. 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 for a party to 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.

1270.8 Policy Expectations for Consensual Romantic and/or Sexual Relationships

Consenting romantic relationships between a supervisor and a person they may reasonably be expected to supervise are discouraged and are generally indicative of poor judgment. There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as faculty and student, supervisor and employee). These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. It is also possible that others (student peers or colleagues) may be adversely impacted by such relationships. Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent may not remove grounds for a later report of a violation of applicable sections of this policy.

a. Supervisor-Supervisee Romantic or Sexual Relationships

If a romantic or sexual relationship develops between a supervisor and someone who reports to that supervisor, the supervisor must take steps to address the conflict of interest. This requires reporting the relationship to an appropriate, more senior supervisor, who, in consultation with the Office of Human Resources (for staff) or

Provost's Office (for faculty), will then arrange for other forms of evaluation, advising or mentoring and other appropriate resolutions of any conflict of interest. If the subordinate employee involved in a romantic or sexual relationship also is an undergraduate student, that individual's student status shall be determinative for purposes of this policy (i.e., refer to subparts (b) and (c)). If the relationship changes and the subordinate employee (or a third party) brings forward a complaint, there will be no presumption that the relationship was welcome to that subordinate employee.

b. Faculty-Undergraduate Student Romantic or Sexual Relationships

University faculty members are prohibited from pursuing and/or engaging in romantic or sexual relationships with undergraduate students they teach, advise or supervise, or have the reasonable potential to teach, advise or supervise. Even when no professional relationship currently exists between a student and a member of the faculty, faculty members should appreciate the constant possibility that they may be unexpectedly placed in a position of responsibility for the student's instruction or evaluation.

Graduate assistants and other students should be aware that when they are serving as a teaching assistant, research supervisor, or otherwise in a superior or evaluative role to undergraduate students in the academic setting, they are acting as an extension of the faculty, and therefore pursuing and/or engaging in romantic or sexual relationships with undergraduate students over whom they have any such authority is prohibited.

c. Staff-Undergraduate Student Romantic or Sexual Relationships

University staff members are prohibited from pursuing and/or engaging in a romantic or sexual relationship with any undergraduate student for whom they have a professional responsibility (e.g., a disciplinary role, awarding financial aid, etc.). Even when no professional relationship currently exists between a student and a member of the administration, such persons should appreciate the constant possibility that they may be unexpectedly placed in a position of responsibility for the student or the student may incorrectly believe that, due to the position one holds, one is able to affect the student's status at the University. Graduate assistants serving in a "staff" capacity (such as in Student Activities, Residence Life and Housing, etc.), or in any other professional or evaluative role, must also be mindful of the prohibition on pursuing and/or engaging in a romantic or sexual relationship with an undergraduate student for or with whom they have a professional responsibility or relationship.

d. Employee-Graduate Student Romantic or Sexual Relationships

Romantic or sexual relationships between an employee and a graduate student over whom the employee has any professional responsibility (e.g., teaching, mentoring, supervising) are strongly discouraged. If such a relationship does develop, the employee (whether faculty or staff) must take steps to address the conflict of interest. This requires reporting the relationship to an appropriate, more senior supervisor, who, in consultation with the Office of Human Resources (for staff) or Provost's Office (for faculty), will then arrange for other forms of evaluation, advising or mentoring and other appropriate resolutions of any conflict of interest. If the relationship changes and the graduate student (or a third party) brings forward a concern of non-consensual activity, there will be no presumption that the relationship was welcome to that graduate student.

e. Graduate Students in General

As indicated throughout the section above, graduate students may have many different roles on campus. A graduate assistant is a graduate student who is given financial support (e.g., tuition remission, a stipend, room and/or board) because of work or other service performed for the University, and it is those graduate students – the graduate assistants – who frequently have direct supervisory or other professional roles with respect to other students. A graduate student without an assistantship may nonetheless have an evaluative, judgmental or other professional role over undergraduate students. As set forth in this policy, a graduate student is prohibited from pursuing and/or engaging in romantic or sexual relationships with undergraduate students over whom they have any professional or other authority on behalf of the university. Any romantic or sexual relationship between a graduate assistant and an undergraduate student should be reported to the graduate student's department chair, who in consultation with the Office of Human Resources (for staff) or Provost's Office (for faculty), will then arrange for other forms of evaluation, advising or mentoring and other appropriate resolutions of any conflict of interest. If the relationship changes and the subordinate student (or a third party) brings forward a concern of non-consensual activity, there will be no presumption that the relationship was welcome to that student.

If a romantic or sexual relationship exists prior to someone having a status addressed by this policy (e.g., someone is in a relationship and *then* becomes a University employee), that individual should apprise his or her supervisor of that preexisting relationship, and the supervisor should consult with the Office of Human Resources (for staff) or Provost's Office (for faculty) to determine how to appropriately address the situation.

1270.9 Interim Support Services

1. **Students** - Wright State University provides a number of accommodations to students who are reporting and responding parties in these types of cases. The list below, although not exhaustive, is illustrative of accommodations that are offered.

NOTE: No police report, disciplinary complaint or investigation need occur before this option is available. The Title IX Coordinator will exercise discretion and sensitivity about sharing the identity of the reporting party when arranging for interim support services. A reporting party can access these services at any time, even if the person initially declined the service.

- Assist the student in attending to any medical needs and can arrange for a professional staff member to accompany the student to the hospital if requested by the student.
- Assist the student in attending to any mental health needs
- Assist the student in contacting a support person such as a friend or parent if desired.
- Assist the student in connecting with the police and/or Community Standards and Student Conduct to obtain a restraining order or other lawful order of protection or a no-contact order.
- Assist the student with University-related schedule or job assignments.
- Assist the student in contacting legal resources.
- Provide academic, health and wellness, and.
 - i. Possible academic assistance may include but is not limited to changes in course sections, alternative course completion, rescheduling exams and assignments, etc. (final decision rests with course instructors)
- Assist the student in securing a safe place to live. If the student lives on campus, she/he can be offered a room reassignment or change in her/his living situation.
- Assist the student with visa issues if appropriate.
- Assist the student in filing a complaint with the Wright State University Police if on campus and/or other appropriate law enforcement jurisdiction if the incident occurred off-campus.
- Inform the student of his of her right to pursue a gender-based harassment and violence disciplinary complaint against an accused student with the Office of Community Standards and Student Conduct. If the accused is someone other than a student (e.g., a university employee, vendor, contractor or visitor) the Director will inform the student of his or her right to pursue complaints using the

appropriate university process. The university's disciplinary processes address a much broader range of offenses than the criminal law.

If interim support services are desired or accommodations are necessary due to an injury or disability, parties may contact the Americans with Disabilities Act Coordinator at (937) 775-5680 or via email at oei-ada@wright.edu.

2. **Faculty and Staff** - Wright State University provides a number of interim support services, upon request, to staff and faculty members who have been victims/survivors of Title IX Offenses. Faculty and staff are encouraged to seek support and obtain appropriate medical attention.

NOTE: No police report, disciplinary complaint or investigation need occur before this option is available. The Title IX Coordinator will exercise discretion and sensitivity about sharing the identity of the victim/survivor when arranging for interim support services. A victim/survivor can access these services at any time, even if the person initially declined the service.

These Services include, but are not limited to the following:

- Assisting the employee in immediately attending to any medical needs. The Coordinator can arrange for a professional staff member to accompany the employee to the hospital, if requested by the employee.
- Assisting the employee in contacting a support person such as a friend or family member, if desired.
- Assisting the employee in obtaining a university no-contact order or a court-issued restraining order or other lawful order of protection.
- Providing information on medical and psychological resources available.
- Reviewing the possibility of changing the work environment.
- Providing alternative transportation/parking options.
- Arranging for a voluntary leave of absence (using sick leave, FMLA, or personal leave as appropriate).
- Assisting the employee in filing a complaint with Wright State University Police if on-campus and or other appropriate police department if off-campus. Title IX Coordinators are required by law to notify appropriate law enforcement authorities of any reported incident of sexual assault, or interpersonal violence.
- Informing the employee of their right to have the matter investigated by the Office of Equity and Inclusion and to receive periodic updates on the status of any investigation.

- Providing the victim/survivor with information from about the university employee assistance program.
- Offering other support services upon request if reasonably available.

If interim support services are desired or accommodations are necessary due to an injury or disability, faculty or/staff survivors may contact a human resources representative at (937) 775-2120 or the Americans with Disabilities Act Coordinator at (937) 775-3207 or via email at oei-ada@wright.edu.

1270.9 Sanctions

- **Students: Office of Community Standards and Student Conduct**
<http://www.wright.edu/community-standards-and-student-conduct/code-of-student-conduct/sanctions>
 - Warning
 - Educational Sanction
 - Parental Notification
 - Alcohol Violation Sanctioning
 - Drug Violation Sanctioning
 - Restitution
 - Fine/Administrative Fee
 - Probation
 - Loss of Privilege
 - Termination of Recognition
 - No Contact Order
 - Suspension
 - Summary Suspension
 - Residential Summary Suspension
 - Deferred Suspension
 - Expulsion
- **Non-Bargaining Unit Faculty and Staff: Human Resources** - The university utilizes a number of sanctions for progressive, corrective, disciplinary purposes for staff based on the egregiousness of the situation and the circumstances involved. The following options exist:
 - Mandatory training required
 - Mandatory referral to Employee Assistance Program (EAP)
 - Performance Improvement Plan (PIP)
 - Verbal counseling
 - Written warning

- Suspension (of various lengths)
- Demotion of position and pay
- Termination
- **Bargaining Unit Faculty:** Bargaining unit faculty disciplinary procedures are outlined in Articles 14, T15, and N15 of the Collective Bargaining Agreements between the AAUP-WSU and the university covering both TET and NTE faculty.

1270.10 Confidentiality, Privacy and Reporting

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality – meaning they are not required to report actual or suspected discrimination or harassment to appropriate university officials - thereby offering options and advice without any obligation to inform an outside agency or individual unless a victim has requested information to be shared. Other resources exist for a victim to report crimes and policy violations and these resources will take action when an incident is reported to them. The following describes the two reporting options at university:

a. Confidential Reporting

If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with:

- On-campus licensed professional counselors and staff
 - For Students: Counseling and Wellness Services
 - For Faculty/Staff: Employee Assistance Program
- Campus Survivor Advocates
- On-campus health service providers and staff
- On-campus members of the clergy/chaplains working within the scope of their licensure or ordination
- On-campus licensed attorneys at Student Legal Services
- Athletic trainers (if licensed, privileged under state statute and/or working under the supervision of a health professional)
- Off-campus:
 - Licensed professional counselors
 - Local rape crisis counselors
 - Domestic violence resources,
 - Local or state assistance agencies,
 - Clergy/Chaplains

All of the above employees will maintain confidentiality except in extreme cases of immediate threat or danger, or abuse of a minor. Campus counselors and/or the Employee Assistance Program are available to help free of charge and can be seen on an emergency basis during normal business hours. These employees will submit yearly anonymous, aggregate statistical information for Clery Act purposes unless they believe it would be harmful to a specific client, patient or parishioner.

Other university employees cannot guarantee confidentiality, but will be as private as possible when sharing information with others. Information is disclosed to appropriate university officials who have an essential need to know in order to carry out their university responsibilities.

b. Formal Reporting Option with the University

Only reports that are formally filed with the Title IX Coordinator will be acted upon by the university under this policy.

If a victim does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the victim may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and comply with federal law. In cases indicating pattern, predation, threat, weapons and/or violence, the university will likely not be unable to honor a request for confidentiality. In cases where the victim requests confidentiality and the circumstances allow the university to honor that request, the university will offer interim support and remedies to the victim and the community, but will not otherwise pursue formal action.

Formal reporting still affords privacy to the reporter, and only a small group of officials who need to know will be told, including but not limited to: Office of Equity and Inclusion, Division of Student Affairs, Human Resources, Office of the Provost, University Police, and the Student Concern Committee. Information will be shared as necessary with investigators, witnesses and the responding party. The circle of people with this knowledge will be kept as tight as possible to preserve a reporting party's rights and privacy.

Additionally, anonymous reports can be made by victims and/or third parties using the online reporting form posted at <http://www.wright.ethicspoint.com> or the reporting hotline at 1-855-353-3783. Note that these anonymous reports may prompt a need for the institution to investigate.

Reports to the Title IX Coordinator can be made via email, phone or in person at the contact information below:

Lindsay Miller, JD
280 University Hall
Wright State University, Dayton Campus
937-775-3207
Oei@wright.edu

Formal Reporting Option with the Wright State Police Department

Members of the university community also have the option to file a report with the Wright State Police Department. This report is separate from a formal report with the university in that it involves the criminal justice system. Wright State Community members are permitted to file a report with the police department in addition to a university report or instead of a university report.

Greene County Victim Witness will be notified once an official police report has been made. An advocate from this program will then be assigned to assist the victim in all court proceedings until the case has been prosecuted or settled.

If a community member files a police report with the Wright State Police, the Title IX Coordinator will be notified of the report and the Title IX Coordinator will make contact with the reporting party to let them know of their option to file formally with the university.

Employee Reporting Obligations

All university employees who are considered “Responsible Employees” are obligated to report. Responsible employees are not confidential resources. A responsible employee is a university employee who has the authority to address sexual misconduct, who has the duty to report incidents of sexual misconduct, or who is a member of the university community could reasonably believe has such authority or duty. A non exhaustive list of responsible employees is contained in Appendix D that follows this policy. Generally, with the exception of the confidential resources discussed above, most employees to whom community members might reasonably report an incident of misconduct will be responsible employees.

The University has identified and designated responsible employees to immediately report to the Title IX Coordinator any conduct that comes to the attention of the responsible employee that involves incidents of discrimination, harassment, sexual violence, interpersonal violence and stalking. This responsibility is critical because the University is obligated to address conduct about which a responsible employee knew or should have known. Employees with administrative or supervisory responsibilities on campus or who have been designated as Campus Security Authorities, are considered Responsible Employees.

Reporting parties may want to consider carefully whether they share personally identifiable details with responsible employees as those details must be shared by the employee with the Title IX Coordinator and/or Deputy Coordinators. Responsible employees must share all details of the reports they receive. Generally, climate surveys, classroom writing assignments, human subjects research, or events such as Take Back the Night marches or speak-outs do not provide notice that must be reported to the Coordinator by employees. Remedial actions may result without formal university action.

Reporting of Instances Involving Minors

Anyone witnessing or otherwise knowing of a violation of this policy that involves a minor (generally, a non-WSU student, under the age of 18) should refer to the University's Working with Minors and Children on Campus Policy. Any observed violations of that policy should be reported to University Police (937-775-2111) and the person in charge of the program. If abuse was witnessed by a "mandatory reporter" as defined by the Ohio Revised Code § 2151.421, the incident must also be reported to Greene County's Children's Services at 937-562-6600 or the municipal or county peace officer.

Attempted Violations

In most circumstances, the university will treat attempts to commit any of the violations listed in this Policy as if those attempts had been completed.

False Reports

The university will not tolerate intentional false reporting of incidents. It is a violation to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.

Immunity for Reporting and Responding Parties and Witnesses

The university community encourages the reporting of misconduct and crimes by victims and witnesses. Sometimes, victims or witnesses are hesitant to report to university officials or participate in resolution processes because they fear that they themselves may be accused of policy violations, such as underage drinking at the time of the incident. It is in the best interests of this community that as many victims as possible choose to report to university officials, and that witnesses come forward to share what they know. To encourage reporting, the university pursues a policy of offering victims of misconduct and witnesses amnesty from minor policy violations related to the incident.

Sometimes, students are hesitant to offer assistance to others for fear that they may get themselves in trouble (for example, a student who has been drinking underage might hesitate to help take a sexual misconduct victim to the Campus Police). The university pursues a policy of immunity for students who offer help to others in need. While policy violations cannot be overlooked, the university will provide educational options, rather than punishment, to those who offer their assistance to others in need.

Parental Notification

The university will not contact your parents related to these incidents. Whether you are the reporting party or the responding party, the university's primary relationship is to the student and not the parent. However, in the event of major medical, disciplinary, or academic jeopardy, students are strongly encouraged to inform their parents,. University officials will directly inform parents when requested to do so by a student, in a life-threatening situation, or if an individual has signed the permission form at registration which allows such communication.

Federal Statistical Reporting Obligations

Certain campus officials – those deemed Campus Security Authorities - have a duty to report sexual assault, domestic violence, dating violence and stalking for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along to campus law enforcement regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the Annual Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. Mandated federal reporters include: student/conduct affairs, campus law enforcement, local police, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations and any other official with significant responsibility for student and campus activities. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the victim and may be done anonymously.

1270.11 University Resources

Counseling & Wellness Services:

<http://www.wright.edu/counseling/>

Faculty and Staff Assistance Program:

<http://www.wright.edu/sites/www.wright.edu/files/page/attachements/eap2014.pdf>

Human Resources:

<http://www.wright.edu/human-resources>

Office of Community Standards & Student Conduct (OCSSC):

<http://www.wright.edu/community-standards-and-student-conduct>

Office of Disability Services:

<http://www.wright.edu/disability-services>

Office of Equity and Inclusion:

<http://www.wright.edu/administration/affirm/index.html>

Office of Student Support Services:

<http://www.wright.edu/students/studsupport/>

Student Health Services:

<https://www.wright.edu/student-health-services>

Student Legal Services:

<http://www.wright.edu/student-legal-services>

University Police Department:

<http://www.wright.edu/police/>

Women's Center:

<http://www.wright.edu/administration/womensctr/>

Title IX Coordinator:

Director of the Office of Equity and Inclusion

280 University Hall

(937) 775-3207

oei-title9@wright.edu

Survivor Advocate and Case Manager:

022 Student Union

937-775-3746

(937) 775-2727 *24 hour crisis line

corrie.pleska@wright.edu

1270.12 Local Agency Resources

Soin Medical Center:

Address: 3535 Pentagon Blvd., Beaver Creek OH 45431

Phone number: (937) 702-4000

Website: <http://www.ketteringhealth.org/soin/>

Greene County Victim Witness

Address: 61 Greene Street, Suite 200, Xenia OH 45385

Phone Number: (937) 562-5087

Website: <http://www.co.greene.oh.us/index.aspx?NID=469>

Greene County Family Violence Prevention Center

Address: 380 Bellbrook Avenue, Xenia OH 45385

Phone Number: (937) 376-8526 or (937) 426-6535 (Administrative Offices)

Fax: (937) 376-8529

Website: <http://www.violencefreefutures.org/contact/>

Email: info@violencefreefutures.org

Artemis Center

Address: 310 W. Monument Avenue, Dayton OH 45402

Phone Number: (937) 461-5091

Fax: (937) 461-2852

Website: <http://www.artemiscenter.org/contact/php>

BRAVO (Equitas)

Address: 4400 N. High St., Suite 300 Columbus OH 43214

Phone: 1 (866) 862-7286

Fax: (614) 291-7163

Website: <http://www.bravo-ohio.org/>

YWCA in Montgomery County

Address: 141 W Third Street, Dayton OH 45402

24/7 Crisis Hotline: (937)222-7233

Phone Number: (937)461-5550

Email: info@ywcadayton.org

Website: <https://www.ywcadayton.org/>

Montgomery County Victim Witness

Address: 41 N Perry St # 212, Dayton, OH 45402

Phone: (937) 225-5623

Website:

https://www.mcoho.org/government/elected_officials/prosecutor/office_divisions/victim_witness_division.php

Lake Campus:**YWCA Van Wert County**

Address: 408 E Main St, Van Wert, OH 45891

Phone: (419) 238-6639

Email: info@ywca.org

Website: <https://www.ywcavanwert.org/>

Mercer Health (hospital)

Address: 800 Main Street, Coldwater, OH 45828

Phone: (419) 678-2341

Email: mkremer@mercer-health.com

Website: <https://www.mercer-health.com/>

1270.13 Outside Agency Resources

The Ohio Civil Rights Commission:

<http://crc.ohio.gov>

U.S. Department of Education, Office of Civil Rights (OCR):

<http://www2.ed.gov/about/offices/list/ocr/index.html>

U.S. Equal Employment Opportunity Commission (EEOC):

<http://www.eeoc.gov>

Jeanne Clery Act Information:

<https://clerycenter.org/>

Appendix A: Frequently Asked Questions

Here are some of the most commonly asked questions regarding the university's sexual misconduct policy and procedures.

Does information about a report remain private?

The privacy of all parties to a report of sexual misconduct must be respected, except insofar as it interferes with the university's obligation to fully investigate allegations of sexual misconduct. Where privacy is not strictly kept, it will still be tightly controlled on a need-to-know basis. The university will not disseminate information and/or written materials to persons not involved in the resolution process without the consent of both parties. Witnesses are also required to maintain the privacy of information shared with them during interviews and/or hearings. Violations of the privacy of the reporting party or the responding party may lead to conduct action by the university, though both parties are allowed to share their perspectives and experiences. All parties, including witnesses, involved in an allegation are strongly encouraged to maintain the privacy of information and/or written materials.

In all resolutions of sexual misconduct, all parties will be informed of the outcome. In some instances, the administration also may choose to make a brief public announcement of the nature of the violation and the action taken, without using the name or identifiable information of the alleged victim. Certain university administrators are informed of the outcome within the bounds of student privacy (e.g., the President of the university, Vice Provost for Student Affairs, Chief of Police). If there is a report of an act of alleged sexual misconduct to a conduct officer of the university and there is evidence that a felony has occurred, local police will be notified. This does not mean charges will be automatically filed or that a victim must speak with the police, but the institution is legally required to notify law enforcement authorities. The institution also must statistically report the occurrence on campus of major violent crimes, including certain sex offenses, in an "Annual Security Report" of campus crime statistics. This statistical report does not include personally identifiable information.

Will my parents be told?

No, not unless you tell them. Whether you are the reporting party or the responding party, the University's primary relationship is to the student and not the parent. However, in the event of major medical, disciplinary, or academic jeopardy, students are strongly encouraged to inform their parents. University officials will directly inform parents when requested to do so by a student, in a life-threatening situation, [or if an individual has signed the permission form at registration which allows such communication].

Will the responding party know my identity?

Yes, if the university determines there is reasonable cause to believe a violation has occurred and investigates the matter. The responding party has the right to know the identity of the reporting party. If there is a hearing, the university does provide options for questioning without confrontation, including closed-circuit testimony, Skype, using a room divider or using separate hearing rooms.

Do I have to name the responding party?

Yes, if you want formal disciplinary action to be taken against the responding party. You can report the incident without the identity of the responding party, but doing so may limit the institution's ability to respond comprehensively.

What do I do if I am accused of sexual misconduct?

DO NOT contact the reporting party. You may immediately want to contact someone who can act as your advisor, anyone may serve as your advisor. You may also contact the Office of Community Standards and Student Conduct, which can explain the university's procedures for addressing sexual misconduct reports. You may also want to talk to a confidential counselor at the counseling center or seek other community assistance. See below regarding legal representation.

Will I (as a victim) have to pay for counseling/or medical care?

Not typically, if the institution provides these services already. If a victim is accessing community and non-institutional services, payment for these will be subject to state/local laws, insurance requirements, etc. [In this state, victims may be ineligible for state-based assistance if they were engaged in any illegal activity during the assault or if they fail to cooperate with criminal prosecution].

What about legal advice?

Victims of criminal sexual assault need not retain a private attorney to pursue criminal prosecution because representation will be handled by the Prosecutor's office. You may want to retain an attorney if you are considering filing a civil action or are the responding party.

Either party may retain counsel at their own expense if they determine that they need legal advice about criminal prosecution and/or the campus conduct proceeding. Both the responding party and the reporting party may also use an attorney as their advisor during the campus' resolution process.

If you are a student and have paid the Student Legal Services fee through the university, you may access legal assistance through Student Legal Services, free of charge. Note: Student Legal Services cannot represent students in cases against other Wright State Students, staff or faculty. Student Legal Services can be reached at 937-775-5857.

How is a report of sexual misconduct decided?

The university investigates allegations of sex/gender based harassment, discrimination or misconduct to determine whether there is evidence to indicate a policy violation is "more likely than not." This standard, called the preponderance of the evidence, corresponding parties to an amount of evidence indicating a policy violation is more than 50% likely.

What about changing residence hall rooms?

You may request a room change if you want to move. Room changes under these circumstances are considered emergencies. It is typically institutional policy that in emergency room changes, the student is moved to the first available suitable room. If you prefer that the responding party be moved to another residence hall, that request will be evaluated by the Title IX Coordinator or deputy to determine if it can be honored.

Other assistance and modifications available to you might include:

- Assistance from university support staff in completing a room relocation;
- Arranging to dissolve a housing contract and pro-rating a refund;
- Help with finding an off-campus residential alternative;

- Assistance with or rescheduling an academic assignment (paper, exams, etc.) or otherwise implementing academic assistance;
- Taking an incomplete in a class;
- Assistance with transferring class sections;
- Temporary withdrawal;
- Assistance with alternative course completion options;
- Escorts to and from campus locations;
- On or off-campus counseling assistance;
- Transportation assistance or support;
- Other accommodations for safety as necessary.

What should I do about preserving evidence of a sexual assault?

Police are in the best position to secure evidence of a crime. Physical evidence of a criminal sexual assault must be collected from the alleged victim's person within 120 hours, though evidence can often be obtained from towels, sheets, clothes, etc. for much longer periods of time. If you believe you have been a victim of a criminal sexual assault, you should go to the Raj Soin Hospital Emergency Room, before washing yourself or your clothing. The Sexual Assault Nurse Examiner (a specially trained nurse) at the hospital is usually on call 24 hours a day, 7 days a week (call the Emergency Room if you first want to speak to the nurse; ER will refer you). A victim advocate from the institution can also accompany you to Hospital and can arrange transportation. If a victim goes to the hospital, local police will be called, but s/he is not obligated to talk to the police or to pursue prosecution. Having the evidence collected in this manner will help to keep all options available to a victim, but will not obligation him or her to any course of action. Collecting evidence can assist the authorities in pursuing criminal charges, should the victim decide later to exercise it.

For the Victim: the hospital staff will collect evidence, check for injuries, address pregnancy concerns and address the possibility of exposure to sexually transmitted infections. If you have changed clothing since the assault, bring the clothing you had on at the time of the assault with you to the hospital in a clean, sanitary container such as a clean paper grocery bag or wrapped in a clean sheet (plastic containers do not breathe, and may render evidence useless). If you have not changed clothes, bring a change of clothes with you to the hospital, if possible, as they will likely keep the clothes you are wearing as evidence. You can take a support person with you to the hospital, and they can accompany you through the exam, if you want. Do not disturb the crime scene—leave all sheets, towels, etc. that may bear evidence for the police to collect.

Will a victim be sanctioned when reporting a sexual misconduct policy violation if he/she has illegally used drugs or alcohol?

No. The seriousness of sexual misconduct is a major concern and the university does not want any of the circumstances (e.g., drug or alcohol use) to inhibit the reporting of sexual misconduct. The university provides immunity from any consequences for minor policy violations that occur during or come to light as the result of a victim's report of sexual misconduct.

What should I do if I am uncertain about what happened?

If you believe that you have experienced sexual misconduct, but are unsure of whether it was a violation of the institution's sexual misconduct policy, you should contact the institution's Title IX Coordinator (not confidential) or counseling center (confidential). The institution also provides process advisors who can help you to define and clarify the event(s), and advise you of your options.

APPENDIX B: SEXUAL VIOLENCE - RISK REDUCTION TIPS

Risk reduction tips can often take a victim-blaming tone, even unintentionally. Only those who commit sexual violence are responsible for those actions. We offer the tips below with no intention to victim-blame, with recognition that these suggestions may nevertheless help you to reduce your risk of 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.
- Alcohol and other drugs are often utilized to assist in the facilitation of sexual assault. It is important to be mindful of the environments in which consumption of these substances takes place
- Give thought to sharing your intimate content, pictures, images and videos with others, even those you may trust. If you do choose to share, clarify your expectations as to how or if those images may be used, shared or disseminated. (Ex. “I am giving you these photos for your eyes only. Please don’t show anyone else”)
- 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.

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk for being accused of sexual misconduct:

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- Understand and respect personal boundaries.
- DON’T MAKE ASSUMPTIONS about consent; about someone’s sexual availability; about whether they are attracted to you; about how far you can go or about whether they are physically and/or mentally able to consent. Your partner’s consent should be affirmative and continuous. If there are any questions or ambiguity then you DO NOT have consent.
- Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. They may not have figured out how far they want to go with you yet. You must respect the timeline for sexual behaviors with which they are comfortable.
- Don’t take advantage of someone’s drunkenness or altered state, even if they willingly consumed alcohol or substances.
- Realize that your potential partner could feel intimidated or coerced by you. You may have a power advantage simply because of your gender or physical presence. Don’t abuse that power.
- Do not share intimate content, pictures, images and videos that are shared with you.

- Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.
- Silence, passivity, or non-responsiveness cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

APPENDIX C: Wright State University Athletics Guiding Principles on Prospective Student-Athletes with Records of Sexual Misconduct

These principles are designed to help protect all members of the Wright State University community.

Any prospective student-athlete^[1] who has been convicted of or pled guilty or no contest to a felony involving sexual misconduct (as defined below), or has been found responsible for sexual misconduct by a formal institutional disciplinary action at any previous collegiate or secondary school shall not be eligible for athletically-related financial aid, unofficial or official visits to campus, practice or competition at Wright State University without the athletic department conducting an appropriate inquiry into the prospective student-athlete's background to determine the nature and circumstances surrounding the conviction or finding.

For purposes of these guidelines, "sexual misconduct" is sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse, sexual exploitation and any other violation defined in the Wright State University Policy applicable to these areas.

Wright State University requires the athletic department to perform due diligence efforts to gather pertinent information regarding the prior conduct of every prospective student-athlete who seeks to enroll and participate in intercollegiate athletics. To the extent possible, a criminal background check and internet search should be performed on every prospective student-athlete. Accessing as much as possible publicly available information regarding prospective student-athletes, including their digital footprint, is strongly recommended.

Coaches should also talk to teachers, coaches, administrators, teammates and family members of prospective student-athletes. In addition, prospective student-athletes should be specifically asked about any previous or potential arrests, convictions, protective orders, probation, suspensions, expulsions, or other discipline involving sexual misconduct or any other matter. Sample questions that should be asked are listed below.

Upon learning that a prospective student-athlete has a history of sexual misconduct, the Coach and/or Athletic Director should consult with the university Title IX Coordinator, University General Counsel, and the President to review the pertinent facts surrounding the student-athlete's prior history. Any issue as to if or should these principles apply to a particular prospective student-athlete shall be resolved by the Office of General Counsel and the President.

Sample Questions/Recruiting Questionnaire:

- Have you ever been arrested for anything related to sexual misconduct? This includes but is not limited to: sexual assault, rape, domestic violence, sexual harassment, or trafficking?
 - If yes, when?
 - Were you convicted or did you accept a plea deal?

- What were the details of the conviction or plea deal?
- Have you ever been subject to a university discipline process related to sexual misconduct? This includes but is not limited to: sexual assault, sexual harassment, sexual exploitation, dating violence, domestic violence or stalking.
 - If yes, when?
 - What policy were you alleged to have violated?
 - Were you found responsible of the university policy violation?
 - If yes, what were the details of the finding of responsibility?
 - If yes, what was the sanction or punishment for the violation? (ex. Suspension, expulsion etc. if suspension, please indicate how long)
- Has a restraining order ever been issued against you?
 - If yes, when?
 - Please provide details
- Has a university protection order or no contact order ever been issued against you?
 - If yes, when?
 - Please provide details
- Have you ever been placed on probation as a result of any sexual misconduct related incidents?
 - If yes, when?
 - Please provide details
- Have you ever been suspended or expelled?
 - If yes, when?
 - Please provide details
- Have you been subject to any other form of discipline not listed as a result of a sexual misconduct incident?
 - If yes, when?
 - Please provide details
- Have you ever withdrawn from a school or institution while an investigation or conduct proceeding was pending?
 - If yes, when?
 - Please provide details
- Are you willing to sign a release so that Wright State University's Title IX Coordinator may access your educational record related to any sexual misconduct issues from any prior schools, colleges or institutions that you have attended?

APPENDIX D: RESPONSIBLE EMPLOYEES

Obligations of Responsible Employees

When a Responsible Employee knows or reasonably should know of possible sexual misconduct, the Office of Civil Rights deems a University to have notice of the sexual misconduct. The University must take immediate and appropriate steps to investigate or otherwise determine what occurred, and, if the University determines that sexual misconduct

created a hostile environment, the University must then take appropriate steps to address the situation.

Subject to the exemption for privileged and confidential University employees, a Responsible Employee must report to the University's Title IX Coordinator, all relevant details about the alleged sexual misconduct that the student or another person has shared and that the University will need to determine what occurred and to resolve the situation. This includes:

- (1) the names of the alleged perpetrator (if known),
- (2) the student who experienced the alleged sexual violence, other students involved in the alleged sexual violence, as well as
- (3) relevant facts, including the date, time, and location.

Before an employee or student reveals information that he or she may wish to keep confidential, a Responsible Employee should make every effort to ensure that the disclosing party understands:

- (1) the person's obligation to report the names of the alleged perpetrator and the person involved in the alleged sexual misconduct, as well as relevant facts regarding the alleged incident (date, time and location) to the Title IX Coordinator;
- (2) the person's option to request that the university maintain his or her confidentiality, which the Title IX Coordinator will consider; and
- (3) the person's ability to share the information confidentially with counseling, mental, health, or sexual assault-related services

Employees who are considered "Responsible Employees" at Wright State University for purposes of reporting are as follows:

- President
- Provost
- Senior Executives such as Vice Provosts and Vice Presidents
- Deans and Chairs
- Department Heads
- Campus Police
- Director-level professional staff
- Student affairs staff and student affairs professionals
- Disability programs offices professional

- Campus Recreation professional staff
- Student Success Center or Learning Center staff
- All academic and student advisors
- Residential Life and Housing staff
- Culture and Identity staff
- Office of Fraternity and Sorority Life, or Greek Life
- Office of Student Conduct
- Department of Athletics: Coaches, athletic directors, player personnel
- Office of Human Resources, Employee Relations, Management Relations
- EEO & Diversity and Inclusion Office
- Study Abroad Office professional staff
- All faculty members who lead programs overseas
- Admissions senior staff
- Faculty advisors to student groups