

# 8.16 / Sexual Misconduct, Relationship Violence, and Stalking Policy for Students

Effective: September 11, 2015 Revised: July 24, 2019

## I. Purpose

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

## II. Policy

Sexual misconduct, relationship violence and stalking are prohibited behaviors. This policy provides information regarding the University's prevention and education efforts related to sexual misconduct, relationship violence, and stalking by students. The policy also explains how the University will proceed in instances of a Complainant reporting allegations of sexual misconduct, relationship violence, and stalking by a student Respondent. This process is in keeping with our institutional values and our commitment to meet the University's legal obligations under Title IX and other applicable laws. This process will be used to resolve alleged sexual misconduct, relationship violence, and stalking violations in a prompt, fair, and impartial manner. All policies will be interpreted and applied consistent with the First Amendment to the United States Constitution.

## III. Education and Awareness

### 1. Awareness Programs

The Office of International Education; Office of Student Success; WSU Intercollegiate Athletic Association, Inc.; Human Resources; Academic Affairs; and other offices may conduct orientation sessions for students. During orientation sessions, each office is expected to provide safety information. Additionally, for students residing on campus, Housing and Residence Life staff members provide personal safety and residence hall safety programs and information.

The Counseling and Testing Center, Student Health Services, and Student Conduct & Community Standards office provide numerous harm-reduction presentations and educational materials throughout the University community. Presentation topics include alcohol and drug abuse, hazing, sexual misconduct, relationship violence, and stalking. [WSU Policy and Procedure 8.18 Eschewing Campus/ Workplace Violence](#) describes annual training that is available to all University community members, including identifying and diffusing potentially violent or threatening situations.

## **2. Crime Prevention Programs**

The University Police Department offers crime prevention programs, including sexual misconduct prevention programs. Additional information and resource referrals concerning personal safety and crime prevention information, including alcohol and drug abuse, sexual misconduct, relationship violence, and stalking, and other safety information is available from the University Police and on their website at [www.wichita.edu/police](http://www.wichita.edu/police).

## **3. Safe and Positive Options for Bystander Intervention**

Recognizing when an incident of sexual misconduct or relationship violence is occurring or is likely to occur serves as an initial intervention. If you make the decision to intervene, do so safely – violence does not stop violence. If you cannot stop the act with your words, call law enforcement. Do not be afraid to ask other people for help with intervention. If the incident is occurring in the residence halls, ask Housing staff or a Resident Assistant for help. It might also be helpful to participate in training to learn more safe and positive options for bystander intervention.

If an individual confides in you, listen respectfully and help identify others they can reach out to in confidence. Ask what the individual needs to feel safe, encourage seeking medical attention and counseling, and encourage reporting the incident to law enforcement or a University official if the individual is comfortable doing so. Be a supportive, kind, understanding, and nonjudgmental person and you can be a positive force for the individual to seek the help that is needed to move forward.

If you have been designated as a Responsible Employee by the University you are required to make a prompt report to the Title IX Coordinator. A Responsible Employee is an individual who:

1. has the authority to redress sexual misconduct, relationship violence or stalking
2. has been given the duty to report such conduct to appropriate school officials.

3. a student, employee or visitor could reasonably believe has the authority or duty to take action. For a list of WSU designated Responsible Employees see section VII. B.

#### **4. Information on Risk Reduction**

Offices under the auspices of the Vice President for Student Affairs and the Prevention Services Advisory Board offer programs to describe options to decrease perpetration and bystander inaction, and to increase empowerment for Complainants in order to promote safety and to help prevent conditions that facilitate violence. Such programs include alcohol and drug awareness programs, which explain that substance use and substance abuse increases the risk of sexual misconduct, and programs about safe and healthy choices. This programming is presented to recognized student organizations, including members of Fraternity & Sorority Life.

The Counseling and Testing Center delivers harm-reduction and educational programming to promote the awareness of sexual misconduct, relationship violence, and stalking. Additionally, the Counseling and Testing Center and University Police Department act in partnerships with the Wichita Area Sexual Assault Center and YWCA Women's Crisis Center to provide sexual misconduct and relationship violence educational materials, services, and programming to the campus community.

#### **5. Prevention and Awareness Programs and Campaigns**

A variety of educational programs for University students and employees are offered to promote the awareness of sexual misconduct, relationship violence, and stalking. These programs are offered by:

1. The Counseling and Testing Center;
2. Housing and Residence Life;
3. WSU Police Department;
4. Student Health Services;
5. Selected academic courses;
6. Student Involvement;
7. Human Resources;
8. Student Conduct & Community Standards.

Primary prevention and awareness programs for all incoming students and new employees include mandatory online training programs. Prevention training is offered to identify risky or unacceptable conduct before it occurs. This training promotes positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality; encourages safe bystander intervention; and seeks to change behavior and social norms in healthy and safe directions.

Awareness programs include community-wide or audience-specific programming which describes initiatives and strategies to prevent sexual misconduct, relationship violence, and stalking, and promote safety, and reduce perpetration of sexual misconduct.

A comprehensive listing of contact information for on- and off-campus assistance and support resources for Complainants and Respondents can be found at [https://www.wichita.edu/services/police/crime\\_prevention/](https://www.wichita.edu/services/police/crime_prevention/)

## **IV. Jurisdiction**

### **1. Application**

This policy applies to sexual misconduct, relationship violence, and/or stalking that is committed:

1. by a University student, student group, student organization, or participant in a University program;
2. by an applicant who becomes a student, for alleged violation(s) committed as part of the application process; or
3. by an individual who has transferred, graduated, been academically disqualified, or expelled from the University, for alleged violation(s) committed prior to separation from the University.

### **2. Location and Manner**

Behaviors subject to review under this policy include those which occur:

1. On University property;
2. Off campus, if:
  1. in connection with a University or University-recognized program or activity;
  2. in connection with any academic assignment, internship, co-op, practicum, field experience or trip, clinical experience, student teaching, research, or other academic activity;
  3. in connection with any activity sponsored, conducted, authorized by, or affiliated with, any student group or organization;
  4. involving a crime of violence or felony;
  5. in a manner that may pose an obvious and serious threat of harm to, or that may have the effect of creating a hostile living, learning, or working environment for, any member(s) of the University community.
3. This policy may also be applied to behavior conducted online, via e-mail or through other electronic mediums. Wichita State University does not regularly search for this information, but may take action if such information is brought to the attention of University officials. Additional alleged violations of Section 8.05/Student Code of Conduct that occur in connection with an alleged incident of sexual misconduct, relationship violence, and/or stalking will be resolved through this policy. The

University will investigate or otherwise respond to all reports of sexual misconduct, relationship violence or stalking.

## V. Definitions

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

### 1. Sexual Misconduct

Unwelcome conduct of a sexual nature that is committed without consent between people regardless of sex or gender. Sexual misconduct can include both intentional conduct and conduct that results in negative effects, even if those negative effects were unintended.

#### 1. Sexual Harassment

Unwelcome conduct of a sexual nature. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature.

Examples of sexual harassment include but are not limited to:

1. **Quid Pro Quo Sexual Harassment** occurs when submission to unwelcome conduct of a sexual nature is made explicitly or implicitly a term or condition of employment or participation in an academic program; or submission to or rejection of unwelcome conduct of a sexual nature by an individual is used as the basis for employment decisions or academic decisions affecting that individual, including but not limited to grades, pay, promotion, and transfers.
2. **Hostile Environment Sexual Harassment** occurs when unwelcome conduct of a sexual nature becomes sufficiently severe, persistent or pervasive to interfere with a person's work or academic performance or creates an intimidating, hostile, or offensive environment for working, learning, or living on campus, or in connection to an institutional program. The determination for whether an environment is "hostile" is often contextual and must be based on the circumstances.

### 2. Non-consensual Sexual Intercourse

Vaginal or anal penetration by any body part or foreign object or oral copulation (mouth to genital contact or genital to mouth contact), however slight, by a person upon another person without consent. Examples include, but are not limited to, rape and non-consensual sodomy.

### **3. Non-consensual Sexual Contact**

Any intentional contact with the breasts, buttocks, groin, or genitals of another person without consent, including, but not limited to, touching another person or making another person touch you or themselves with any of these body parts, or any other intentional bodily contact in a sexual manner. Examples include, but are not limited to, sexual assault; sexual battery; and/or non-consensual kissing, fondling, groping, or massaging.

### **4. Sexual Exploitation**

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

### **5. Relationship Violence**

Violence committed by an individual who:

1. is or has been in a social relationship of a sexual, romantic or intimate nature with the Complainant;
2. is a current or former spouse or intimate partner of the Complainant; with whom the Complainant shares a child; is or has been cohabitating with the Complainant; or who is a family or household member (i.e., parent, child, or other persons related by blood, marriage, or prior marriage; or
3. is a roommate or former roommate of the Complainant.

The existence of such a relationship shall be, initially, determined based on the Complainant's statement, and with consideration of the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship. Examples include dating and domestic violence as defined by local, state and/or federal law.

### **6. Stalking**

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for one's own safety or the safety of others; or suffer substantial emotional distress. "Substantial emotional distress" is defined as significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. Except in situations where the Respondent has been served with or notified of a protective or no contact order prohibiting contact with the Complainant, "course of conduct" is defined as two or more incidents over a period of time. Stalking includes, but is not limited to:

1. acts in which the Respondent directly, indirectly, or through third parties;
2. by any action, method, device, or means;
3. follows, monitors, observes, surveils, threatens, or communicates to or about a person; or
4. Interferes with a person's property.

## **7. Consent**

Informed, knowing, and voluntary agreement to engage in a specific behavior. Consent must be clear for each person for the duration of any sexual contact. Consent can be obtained by words or actions. . Consent to one sexual act does not imply consent to any other sexual act, nor does past consent to a sexual act imply ongoing or future consent. Consent must be active; silence or an absence of resistance cannot be interpreted as consent. Consent can be revoked at any time. For all of these reasons sexual partners must evaluate consent in an ongoing fashion and should communicate clearly with each other throughout any sexual contact. Consent cannot be obtained from someone who the person or persons engaging in sexual activity knew, or should have known, is asleep or otherwise physically or mentally incapacitated, whether due to alcohol, drugs, or other condition. Consent cannot be obtained by threat, coercion, or force. Agreement given under such conditions does not constitute consent. In order to give effective consent, one must be of legal age in the state where the sexual contact takes place.

## **8. Incapacitation**

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

## **9. Retaliation**

An adverse action or threat of an adverse action taken against a Complainant, Respondent, or any individual or group of individuals involved in the complaint, investigation, and/or resolution of an allegation of sexual misconduct, relationship

violence, or stalking; including any individual who attempts to intervene or prevent behavior prohibited by this policy. Retaliation can be committed by an individual or group of individuals, not just a Complainant or Respondent. Retaliation can take many forms including threats, intimidation, pressuring, continued harassment, violence, or other forms of harm to others. Any complaint regarding retaliation should be reported to the Title IX Coordinator or designee. Retaliation is strictly prohibited and can result in disciplinary action up to and including termination of student status and/or employment.

## **10. Respondent**

The student, student group, or student organization whom allegedly violated University policy. There may be more than one respondent for an incident. In incidents involving student groups or organizations, the president, director, team captain or other member of student leadership will participate in the student conduct process on behalf of the group or organization. Student groups and organizations may not be represented by non-students, alumni, or inactive members in the student conduct process; however, such individuals may be selected by a student group or organization to serve in the role of advisor in the student conduct process.

Complaints regarding employees or visitors as Respondents should be referred to the Title IX Coordinator for resolution under the appropriate University policy. The behavior of Respondents who are both students and employees may subject them to this policy, Section 8.05/Student Code of Conduct, and employment policies found in Chapter 3 of the *WSU Policies and Procedures Manual*.

## **11. Complainant**

An individual or group who was subject to alleged misconduct as described in any University policy. There may be more than one complainant for an incident.

## **12. Witness**

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

## **13. Reporter**

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

## **14. Advisor**



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

### **15. Deputy Title IX Coordinator**

Refers to individuals who are designated as Deputy Title IX Coordinators. They serve as department liaisons and provide information about resources regarding complaints of sex discrimination, sexual misconduct, sexual harassment, relationship violence and stalking. The Deputy Title IX Coordinator will refer complainants to the Title IX Coordinator.

### **16. Title IX Coordinator**

Refers to the Title IX Coordinator, or designee, who is responsible for coordinating the University's efforts in reference to its Title IX responsibilities, overseeing the University's response to Title IX violations, and identifying and addressing any patterns or systemic problems.

### **17. Student**

Any individual who has been notified of admission to the University; is enrolled in, auditing, or participating in any University course or program; is assigned a space in University housing facilities; or has a continuing relationship with the University. This includes, but is not limited to, Orientation, Intensive English, National Student Exchange, and Study Abroad. An individual is considered a student until they notify the University they are no longer a student or the University informs them that they are no longer a student for reasons including, but not limited to, withdrawal, transfer, graduation, academic disqualification, or expulsion. An individual who has been suspended is still considered a student during the suspension period. Students who leave the University before a conduct complaint is resolved may be prohibited from future enrollment and/or accessing University records until the matter is resolved.

## 18. Student Group

Any number of persons who are associated with the University and each other, but who have not registered, or are not required to register, as a student organization that conducts business or participates in University-related activities. Student groups include, but are not limited to, Student Government Association, Student Activities Council, musical or theatrical ensembles, sport clubs, the University newspaper or intercollegiate or independent athletic teams.

## 19. Student Organization

Any student-led organization that has been approved and is recognized by the Student Government Association.

# VI. Expectations of the Complainant and Respondent

1. All Complainants and Respondents shall be entitled to have the same expectations for equal participation and access to information and resources in all investigations and resolution processes relating to reports of sexual misconduct, relationship violence, and/or stalking.
2. Complainants and Respondents will be advised of expectations, in writing, during their first meeting with the Title IX Coordinator or designee.
3. Complainants and Respondents may expect to:
  1. Be notified of the alleged violations of University policy;
  2. Be provided advanced notice of all meetings in which they are requested or entitled to participate and notified of the purpose of those meetings;
  3. Be accompanied by an Advisor of their choice throughout the investigation and resolution process;
  4. Request reasonable accommodations from the *Office of Disability Services* or *Human Resources* (for employees) in order to ensure full and equitable participation in the investigation and resolution process;
  5. Be informed of the available resolution options;
  6. Be informed of campus and community resources available for support and assistance;
  7. Submit information, including the names of witnesses, for consideration in the investigation;
  8. Be informed of all parties contacted to participate in the investigation and their relation to the alleged misconduct;
  9. Review the complete case file upon request by scheduling an appointment with the Title IX Coordinator or designee;
  10. Choose not to provide a statement or respond to questions during the investigation and resolution process;
  11. Submit a written impact statement to be considered before a decision on consequences (if applicable) is rendered;
  12. Request that an individual responsible for investigating or resolving an alleged violation be removed from the case on the basis of actual or perceived bias; and

13. Request one appeal within the University's process.

## **VII. University Expectations of the Reporter, Complainant, Respondent, and Witnesses**

All Reporters, Complainants, Respondents, and Witnesses who are members of the University community shall be subject to the following expectations relating to investigating and resolving alleged misconduct:

### **1. Honesty**

All participants are expected to be honest and forthright in all communication relating to the investigation and resolution of allegations of misconduct. A good faith report that is not later substantiated does not constitute making a false claim. Providing false or misleading information is a violation of University policy.

### **2. Communication & Responsiveness**

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

### **3. Preparation**

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

### **4. Adhere to Process**

Individuals are to refrain from disrupting the orderly process of the investigation and resolution process for alleged violations of University policy. No individual

involved in the process other than the investigator or appeal officer may audio or video record any investigation or resolution meetings or other portions of the process without prior authorization from the Title IX Coordinator or designee. Any individual deemed to be disruptive may be removed from a meeting and/or charged with violating University policy.

## VIII. Reporting an Incident

The privacy of individuals involved in a report of sexual misconduct, relationship violence, or stalking will be protected to the extent permitted by law. All University employees who are involved in the University's response, including the Title IX Coordinator, investigators, and all other parties, including the Reporter if not the Complainant, receive specific instruction about respecting and safeguarding private information.

Throughout the process, every effort will be made to protect the privacy interests of individuals involved in a manner consistent with the need for a thorough, reliable, prompt, fair and impartial review of the report.

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

Information shared by an individual with designated campus or community professionals *who are acting within the scope of their professional credentialing* is considered confidential. These campus and community professionals include licensed health care professionals, ordained clergy, and attorneys who are required to follow professional rules of conduct and laws that control the disclosure of confidential information. These individuals are prohibited from breaking confidentiality except for reasons that include, but are not limited to the following: if there is an imminent threat of harm to self or others, are directed to do so by court order, are given consent, or disclosure is provided for by the professional rule of conduct or the law. Additionally, when a report involves suspected abuse of a minor under the age of 18, or the elderly, these confidential resources may be required by state law to notify the Department of Children and Families and/or local law enforcement.

The University will maintain as confidential any protective or interim measures provided to the Complainant, to the extent that maintaining such confidentiality would not impair the ability of the University to provide such measures or interventions. The University will not share protective or interim measures provided to one party with the other party. In cases involving sexual misconduct, complete confidentiality cannot be assured due to the University's legal obligation to investigate or respond to such incidents under Title IX. Every reasonable effort will be made to notify Complainants before personally

identifiable information that the University believes is necessary to provide an accommodation or protective measure is shared. This notification will include what information will be shared, to whom it will be shared, and the rationale for sharing that information. Decisions regarding the sharing of information will be determined on a case-by-case basis by the Title IX Coordinator or designee.

Records of complaints against individual students received under this policy are protected by the Family Educational Rights and Privacy Act (FERPA) and may only be released to non-University entities with authorization of the student, in compliance with a court order, or when otherwise permitted by law.

## **1. Non-Confidential University Reporting Options**

In general, most University employees do not have legally protected confidentiality. Under Title IX, the University is required to take reasonable, needed immediate and corrective action of a reported hostile environment. If a “responsible employee” knew or, in the exercise of reasonable care, should have known about sexual or gender-based violence or harassment that creates a hostile environment the information will be reported to the Title IX Coordinator.

The University has designated the following individuals as Responsible Employees:

1. Title IX Coordinator, Deputy Coordinators, and designees;
2. Resident Assistants, Peer Academic Leaders, and Residence Hall administrators, including Assistant Residence Life Coordinators;
3. Deans, Associate Deans, Assistant Deans, and Chairs;
4. Directors of University offices, centers, institutes, and laboratories;
5. President, Provost, all Vice Presidents, all Associate Vice Presidents, and all members of the President's Executive Team or their designees;
6. Head Coaches, Assistant Coaches, Strength Coaches, and Volunteer Coaches;
7. Faculty and staff who supervise employees;
8. Office of Human Resources personnel;
9. Sworn law enforcement officers of the University Police Department and other University security personnel;
10. Faculty/Instructors;
11. Student Organization Advisors;
12. All individuals who are designated as Campus Security Authorities.

Responsible Employees are required to provide all information they are aware of regarding an incident, to the Title IX Coordinator within two (2) university business days. Failure to do so will be reviewed to determine whether the failure is a violation of University policy subject to disciplinary action up to and including separation from employment.

Non-confidential reports regarding incidents in which a student is the Respondent should be made to the Title IX Coordinator. [An online reporting form can be found here](#). Reports or disclosures made to any responsible employee regarding incidents in which a student is the Respondent will be directed to the Title IX Coordinator for further review.

Non-confidential reports regarding incidents in which an employee or visitor is the Respondent should be made to the Title IX Coordinator. Reports or disclosures regarding incidents in which an employee or visitor is the Respondent made to any responsible employee will be directed to the Title IX Coordinator for further review.

## **2. Law Enforcement Reporting Options**

The University encourages any individual who has experienced sexual misconduct, dating violence, domestic violence, stalking, or any other crime to make a report to the Wichita State University Police Department (WSUPD) if the incident occurred on campus, or to local law enforcement, for incidents occurring off campus. Collection and preservation of evidence relating to the reported sexual misconduct or other crime is important for law enforcement investigations. Specifically, clothing worn before, after, or during an incident, bedding, towels or other items, if related, should be retained and the person involved should avoid showering or bathing until medical attention has been sought. Prompt reporting to law enforcement is especially critical for the collection of evidence. A member of the Counseling and Testing Center advocate team is available to assist students in making a report to law enforcement.

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

## **3. Confidential University Resources**

An individual who seeks completely confidential assistance may do so by speaking with professionals who have legally protected confidentiality. On campus, confidential reports may be made to licensed health care professionals in

the Counseling and Testing Center (316-978- 3440); Student Health Services (316-978-3620) and the Wichita Area Sexual Assault Campus Outreach Advocate in Lindquist Hall, room 301, (316-978- 5257). Information shared with these resources will remain confidential and will not be shared with the University or anyone else without express, written permission of the individual seeking services except when there is an imminent threat of harm to self or others, are directed to do so by court order or disclosure is provided for by the professional rule of conduct or the law.

#### **4. Timeliness of Reports**

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

#### **5. Protection Orders**

Wichita State University does not issue orders of protection. Orders of protection, restraining orders, or similar lawful orders may be obtained through the court system and can be enforced by the University Police Department. Individuals who have obtained a protection order are encouraged to provide a copy to the University Police Department as soon as possible following the issuance to ensure full enforcement.

Although the University does not issue orders of protection, individuals may request that the University issue an administrative directive for No Contact and/or a No Trespass Notice. Upon request, a determination will be made by the University whether to issue an administrative No Contact Order and/or No Trespass Notice. *(See section XI. Process Outcomes and Consequences for definitions)*

For information regarding how to obtain a protection order, contact the Wichita State University Police Department (316) 978-3450.

## **IX. Amnesty for Alcohol and/or Other Drugs**

To encourage reporting of alleged sexual misconduct, relationship violence, and stalking violations, neither Complainants nor Witnesses will face referrals for actions under Section 8.05/Student Code of Conduct if they personally engaged in the unlawful or prohibited use of alcohol or drugs during the incident when the alleged violation occurred. Additionally, Respondents will not face additional referrals for actions under

Section 8.05/Student Code of Conduct if they personally engaged in the unlawful or prohibited use of alcohol or drugs during the incident when the alleged violation occurred. Amnesty applies only to the personal use of alcohol or drugs and does not extend to other potential violations of Section 8.05/Student Code of Conduct or other University policy. For example, if the Respondent provided alcohol or drugs to the Complainant as a means of facilitating the alleged violation, the Respondent may face additional action.

## **X. University Response Procedures**

### **1. Services and Support**

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

1. Medical, mental health, advocacy, law enforcement, and other resources available to Complainants both on campus and in the surrounding community;
2. Possible interim measures that are available (*see section below*);
3. The obligation of the University to investigate or respond to every report of alleged sexual misconduct, relationship violence, and stalking both under federal law and out of concern for the safety of members of our campus community;
4. The obligation of the University to comply with a student's reasonable request for a living and/or academic situation change following an alleged sexual misconduct, relationship violence, and stalking;
5. The process for investigating and resolving alleged violations of sexual misconduct, relationship violence, and/or stalking;
6. The rights that the Complainant and the Respondent have in the process (*see section III of this policy*); and
7. The right for the Complainant to request confidentiality and the process by which the request will be evaluated (*see Section IX.C. of this policy*).

After meeting with the Complainant, the Title IX Coordinator or designee will determine if a formal investigation will commence and/or need for contact with the Respondent by the University is deemed necessary. If so, the Respondent will be informed of the allegations. During the meeting, the following will be covered with the Respondent:

1. Medical, mental health, advocacy, law enforcement, and other resources available to Respondents both on campus and in the surrounding community;
2. Possible interim measures that are available (*see section below*);



3. The obligation of the University to investigate or respond to every report of alleged sexual misconduct, relationship violence, and stalking both under federal law and out of concern for the safety of members of our campus community;
4. The process for investigating and resolving alleged violations of sexual misconduct, relationship violence, and/or stalking;
5. The rights that the Complainant and the Respondent have in the process (see section V. of this policy); and
6. The right for the Complainant to request confidentiality and the process by which the request will be evaluated (see Section IX.C. of this policy).

## 2. Interim Measures

The Title IX Coordinator or designee, will evaluate all reports to promptly determine the necessity of interim measures. The University may implement appropriate interim measures for the individuals involved and for the larger University community based on the information provided in the report and at no cost to the Complainant. Factors that may be considered in determining reasonable interim measures include, but are not limited to the following: the specific need expressed by the Complainant; the ages of the individuals involved; the severity or pervasiveness of the allegations; any continuing effects on the Complainant; whether the Complainant and Respondent share the same residence hall, dining facility, class, transportation, or employer; and whether other student conduct measures have been taken to protect the Complainant. Interim measures may be put in place or modified at any point after a report is received and can be implemented even if an investigation is not able to proceed. Such interim measures include, but are not limited to assistance in the following categories:

- Administrative directives for no contact;
- Academic;
- Housing;
- Transportation;
- Employment;
- Facility Access;
- Activities;
- Campus Escort.

Interim measures may be implemented at a later time, even if originally not initiated, and any put into effect will remain in place until the institution determines that they are no longer necessary.

When the actions of a student or member(s) of a student group or organization present an ongoing threat to the health, safety, or well-being of others; disrupt the University community; or endanger University, public, or private property; the Vice President for Student Affairs may implement interim measures that restrict

access for the Respondent pending the outcome of an investigation and resolution process. These interim measures may include, but are not limited to:

- Restricted access to campus property and/or facilities;
- Restricted access to participation in University programs or activities;
- Restricted access to Housing & Residence Life facilities, including dining halls;
- Restricted ability to participate in academic activities, including classes, internships, co-ops, etc.;
- Restricted access to campus employment;
- Administrative leave with pay for student employees; or
- Any other restriction that can be tailored to the involved individuals to achieve the goals of this policy.

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

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

### **3. Decision to Investigate and Requests for Confidentiality and/or No Formal Action**

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

A Complainant may request that the University maintain confidentiality and/or take no formal action regarding a report of sexual misconduct, relationship violence, or stalking; however, such a request may greatly impact the institution's ability to investigate, and in most cases, the University will be unable to resolve the matter through the student conduct process.

Additionally, some interim interventions — such as an administrative directive for no contact — cannot be implemented if the Complainant's identity cannot be known.

Requests for confidentiality and/or no formal action will be referred to the Title IX Coordinator for review. The University will make every effort to honor confidentiality and/or no formal action requests; however, there are instances when such a request will not be able to be granted.

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

0. existence of past or concurrent complaints against the Respondent;
1. the institution is aware of past arrests or disciplinary action involving the Respondent;
2. significant physical injury resulting from an alleged violation of sexual misconduct, relationship violence, or stalking;
3. the reported use of a weapon during the commission of an alleged violation of sexual misconduct, relationship violence, or stalking; or
4. the reported use of force during the commission of an alleged violation of sexual misconduct, relationship violence, or stalking.

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

#### **4. Investigation**

When a decision to investigate has been made, the Title IX Coordinator or designee will conduct a thorough, reliable, prompt, fair, and impartial investigation of the reported behavior. All investigators have received specific annual training on the issues related to sexual misconduct, relationship violence, and stalking, and how to conduct an investigation that protects the involved parties' rights, safety and promotes accountability. The University strives to avoid any conflict of interest or bias on the part of any individual responsible for investigating and/or resolving alleged misconduct. Any party who wishes to express concerns about a conflict

of interest or bias should notify the Title IX Coordinator in writing. In instances where a conflict of interest or perceived bias on the part of the Title IX Coordinator occurs, the notification should be made to the University President or designee.

In most cases, the investigation will involve conducting fact-finding, which includes meeting separately with the Complainant (if participating), Respondent, Reporter (if applicable), and relevant Witnesses; and reviewing other pertinent information. At any time during the course of an investigation, the Complainant, Respondent, or any Witness may provide a written statement; other supporting materials including, but not limited to, electronic communication, photographs, or

video or audio recording; or the names of other potential witnesses. Additionally, the investigator may determine through other means that it is necessary to speak with another individual and seek out that person independently. The investigator may need to conduct multiple interviews in order to follow up or clarify information provided by others. In general, the Complainant's prior sexual history, with any individual including the Respondent, is not relevant and will not be considered as evidence during the investigation. Prior sexual history between the parties may be relevant to assess the manner and nature of communication between the Complainant and Respondent.

The University will inform the Complainant and the Respondent at regular intervals of the status of its investigation. The Title IX Coordinator has the option to decide that an informal process, such as mediation, may be warranted and used when considering a complaint however, mediation will not be used to resolve any complaints of non-consensual sexual intercourse or non-consensual sexual contact. Either party may elect to end an informal process to pursue the formal process at any time during the resolution of the complaint.

## **5. Standard of Proof**

The investigator will make a finding using the preponderance of the evidence standard. This standard requires that the facts supporting a finding of responsibility be more convincing than the information in opposition to it. Under this standard, individuals are presumed not to have violated *Section 8.16/Sexual Misconduct, Relationship Violence, and Stalking Policy for Students* unless a preponderance of the evidence supports a finding that a violation occurred.

## **6. Time Frames**

The University seeks to resolve all reports within 60 days of the initial report. Extenuating circumstances may arise that require the extension of time frames, including extension beyond 60 days. Extenuating circumstances may include, but are not limited to, the complexity and scope of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening academic break or vacation, or other unforeseen circumstances.

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

## **7. Investigation Finding and Outcome Notification**

At the conclusion of the investigation, the investigator will compile a written investigative report. Before the report is finalized, the Complainant and Respondent will both be given an opportunity to review a summary of all relevant information that will be used in the determination of responsibility.. Every effort will be made to appropriately honor both due process and privacy considerations. The alleged violations of University policy will be included in the investigative report. A Complainant or Respondent must submit any comments about their own statement, or on any investigation summary that might be provided; and/or an impact statement to be considered when determining interventions and/or consequences (if applicable) to the investigator within five (5) University business day comment period after the statement or summary was provided for review. This deadline may be extended at the discretion of the Title IX Coordinator or designee under exceptional circumstances. A deadline extension request must be submitted in writing and before the expiration of the five day comment period.

Following the receipt of any comments or statements submitted, or after the five (5) University day comment period has lapsed without any submissions, the investigator will address any identified factual inaccuracies or misunderstandings, as appropriate, and then make a determination regarding the alleged policy violation(s).

The final investigative report will include the following:

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

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

Complainant is deceased, the University will notify the individual's emergency contact and/or next of kin of the outcome.

## **XI. Process Outcomes & Consequences**

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

Consequences may be issued individually, or a combination of consequences may be issued. In the case of student groups and organizations, if a consequence issued by a national or other governing body exceeds that of the University, the University may concur with that consequence.

The following consequences are specific to violations of *Section 8.16/Sexual Misconduct, Relationship Violence, and Stalking Policy for Students*.

### **1. Consequences for Individual Students**

#### **0. Written Warning**

Official notification of unacceptable behavior and violation(s) of University policy. Any further misconduct may result in more serious disciplinary consequences.

#### **1. Disciplinary Probation**

The student is deemed not in good conduct standing with the University. The duration of any probationary period will be determined by the Title IX Coordinator on a case-by-case basis. Any further violations of University policy while on probation may result in more serious consequences being imposed.

Some of the restrictions that may be placed on the student during the probationary period include, but are not limited to: participation in student activities, representation of the University on athletic teams or in other leadership positions, eligibility to receive any University award or honorary recognition, entrance into University residence halls or other areas of campus, participation in a study abroad program, or University computer and network usage.

#### **2. Deferred Suspension**

The student will be officially suspended from the University, but the suspension will be deferred, meaning that the student may continue to attend classes at this time. The suspension will be automatically enforced

for failure to complete any assigned consequences by the deadline and/or for any subsequent violation of University policy, unless the Title IX Coordinator determines otherwise in exceptional circumstances. If the student is found responsible for any subsequent violation of *Section 8.16/Sexual Misconduct, Relationship Violence, and Stalking Policy for Students*, the student will be automatically suspended for the length of the original deferred suspension in addition to the other consequences imposed for the subsequent violation. Some of the restrictions that may be placed on the student during the deferred suspension period include, but are not limited to: participation in student activities, representation of the University on athletic teams or in other leadership positions, eligibility to receive any University award or honorary recognition, entrance into University residence halls or other areas of campus, participation in a study abroad program, or University computer and network usage. The duration of any deferred suspension period will be determined by the resolution body on a case-by-case basis.

### **3. Suspension**

The student is required to leave the University for a designated period of time. During the suspension period, a student may not attend classes (either in person or online), or participate in University-related activities, whether they occur on or off campus. The student may not be present on University premises unless authorized in writing in advance under conditions approved by the Title IX Coordinator. A student may be withdrawn from any classes in which the student is currently enrolled and will not be eligible for a refund. A registration and records hold will be placed on the student's account until the conclusion of the suspension period. If the student is an on-campus resident, the student's contract with Housing & Residence Life will also be terminated and the student will be responsible for paying any remaining fees for the duration of the original contract period. The student must successfully complete all assigned educational consequences prior to the conclusion of the suspension period, or the suspension will remain in effect until they are completed. The student must meet with a member of the Student Conduct & Community Standards staff during the last month of the suspension period in order to initiate the removal of the registration and records hold.

### **4. Expulsion**

The student will be separated from the University without the possibility of graduation or future enrollment. The student may not be present on University premises unless authorized in writing in advance under conditions approved by the Title IX Coordinator. A student may be withdrawn from any classes in which they are currently enrolled and will not be eligible for a refund. A permanent registration hold will be placed

on the student's account. If the student is an on-campus resident, the student's contract with Housing & Residence Life will also be terminated and the student will be responsible for paying any remaining fees for the duration of the original contract period.

**5. Withholding of Transcripts or Degree**

The University may withhold copies of student transcripts or awarding a degree otherwise earned until the completion of the process set forth University policy, including the completion of all consequences imposed, if any.

**6. Revocation of Admission and/or Degree**

Admission to the University or a degree awarded from the University may be revoked for fraud, misrepresentation, or other violation of University policy in obtaining the degree from or gaining admission to the University or for other serious violations committed by a student prior to graduation.

**7. Restitution**

The student is required to pay for the loss of, damages to, or injury to University, personal, public, or private property, provided that such payment shall be limited to the actual cost of repair or replacement of such property.

**8. Loss of University Privileges**

The student is restricted from accessing specific University privileges including, but not limited to: parking on campus, participation in student activities, holding a student leadership position, participation in a study abroad program, and University computer and network access.

**9. Residence Hall Transfer or Removal**

The student will be placed in another room or residence hall or restricted from living on campus for a specified or indefinite period of time. If a student is restricted from living on campus, the student's Housing and Residence Life contract will be terminated and the student will be responsible for paying any remaining fees for the duration of the original contract period.

**10. No Contact Order**

The student is prohibited from intentional direct or indirect contact with another person or group or their property via any means, including, but not



limited to: personal contact, electronic communication (e.g. text messages, social media, etc.), telephone, or through third parties.

### **11. No Trespass Order**

The student is prohibited from being on any campus property and/or entering specific University facilities.

### **12. Knowledge Attainment Activities**

Activities designed to increase a student's knowledge in areas related to the violation(s) committed including, but not limited to: attending workshops, researching a specific topic, interviewing a professional in a specific field, etc.

### **13. Restorative Activities**

Activities designed to repair harms caused and give back to others or the larger community including, but not limited to: community restitution service, letters of apology, educational presentations, etc.

### **14. Wellness Activities**

Activities designed to address student's wellness in areas including social, emotional, financial, physical, academic, and environmental wellness including, but not limited to: substance use assessments, counseling assessments, meeting with an academic advisor, meeting with a Student Involvement staff member, etc.

### **15. Reflective Activities**

Activities designed to allow the student to reflect on one's own behavior choices and the impact of those choices on the student and others, including potential future impacts if the same choices continue.

## **2. Consequences for Student Groups and Organizations**

### **0. Written Warning**

Official notification of unacceptable behavior and violation(s) of University policy. Any further misconduct may result in more serious disciplinary consequences.

### **1. Disciplinary Probation**

The student group or organization is deemed not in good conduct standing with the University. The duration of any probationary period will be

determined by the Title IX Coordinator on a case- by-case basis. Any further violations of University policy while on probation may result in more serious consequences being imposed. Some of the restrictions that may be placed on the student group or organization during the probationary period include, but are not limited to: ability to host a party or philanthropy event, eligibility to receive any University award or honorary recognition, participate in intramurals, represent the University and any travel in connection with such representation, participate in recruitment/intake or receive a new member class, maintain membership or representation of the organization on the governing council, utilize University facilities/grounds, participate in competitions, or receive future institutional funding.

## **2. Deferred Suspension**

The student group or organization will be officially suspended from the University, but the suspension will be deferred, meaning that the student group or organization may continue to function at this time. The suspension will be automatically enforced for failure to complete any assigned consequences by the deadline and/or for any subsequent violation of University policy, unless the Title IX Coordinator s determines otherwise in exceptional circumstances. If the student group or organization is found responsible for any subsequent violation of *Section 8.16/Sexual Misconduct, Relationship Violence, and Stalking Policy for Students*, the student will be automatically suspended for the length of the original deferred suspension in addition to the other consequences imposed for the subsequent violation. Some of the restrictions that may be placed on the student during the deferred suspension period include, but are not limited to: ability to host a party or philanthropy event, eligibility to receive any University award or honorary recognition, participate in intramurals, represent the University and any travel in connection with such representation, participate in recruitment/intake or receive a new member class, maintain membership or representation of the organization on the governing council, utilize University facilities/grounds, participate in competitions, or receive future institutional funding.

## **3. Suspension**

The student group or organization is no longer recognized by the University for a designated period of time. During the suspension period, a student group or organization may not conduct any formal or informal business, or participate in University-related activities, whether they occur on or off campus. This includes, but is not limited to: ability to host a party or philanthropy event, eligibility to receive any University award or honorary recognition, participate in intramurals, represent the University and any travel in connection with such representation, participate in

recruitment/intake or receive a new member class, maintain membership or representation of the organization on the governing council, utilize University facilities/grounds, participate in competitions, or receive future institutional funding. Re-recognition is possible but not guaranteed and will only be considered after the end of the suspension period and based on meeting all re- recognition criteria and obtaining clearance from the University. Any evidence that members of a student group or organization have attempted to sustain an unofficial student group or organization will result in individual charges and will postpone the group or organizations ability to be re- recognized or registered in the future. Any further violations of University policy while on suspension will result in more serious consequences being imposed.

#### **4. Expulsion**

The student group or organization will permanently lose its University recognition and/or registration and is ineligible to utilize University resources including facilities and financial support.

#### **5. No Contact Order**

The student group or organization is prohibited from intentional direct or indirect contact with another person or group or their property via any means, including, but not limited to: personal contact, electronic communication (e.g. text messages, social media, etc.), telephone, or through third parties.

#### **6. Recommendation for Charter Revocation**

The University will submit an official request to the national or other governing organization to revoke the charter for a student group or organization.

#### **7. Restitution**

The student group or organization is required to pay for the loss of, damages to, or injury to University, personal, public, or private property, provided that such payment shall be limited to the actual cost of repair or replacement of such property. University funds may not be used to pay restitution.

#### **8. Loss of University Privileges**

The student group or organization is restricted from accessing specific University privileges including, but not limited to: ability to host a party or philanthropy event, eligibility to receive any University award or honorary

recognition, participate in intramurals, represent the University and any travel in connection with such representation, participate in recruitment/intake or receive a new member class, maintain membership or representation of the organization on the governing council, utilize University facilities/grounds, participate in competitions, or receive future institutional funding.

#### **9. Knowledge Attainment Activities**

activities designed to increase members' knowledge in areas related to the violation(s) committed including, but not limited to: attending workshops, researching a specific topic, interviewing a professional in a specific field, etc.

#### **10. Restorative Activities**

activities designed to repair harms caused and give back to others or the larger community including, but not limited to: community restitution service, letters of apology, educational presentations, etc.

#### **11. Wellness Activities**

activities designed to address members' wellness in areas including social, emotional, financial, physical, academic, and environmental wellness including, but not limited to: risk management workshops, assessment and revision of risk management practices, financial management training, communication or teambuilding workshops, leadership or values congruence workshops, etc.

#### **12. Reflective Activities**

activities designed to allow the student group or organization to reflect on its members' behavior choices and the impact of those choices on the group/organization and others, including potential future impacts if the same choices continue.

## **XII. Appeals**

Either party may submit an appeal request of the Title IX Coordinator or designee's decision to the Associate Vice President for Student Affairs/Student Life within five (5) University business days. The five (5) day period begins on the first University business day following the date on the decision letter. Once an appeal request is received, the other party will be notified and provided with an opportunity to review the submitted appeal request and submit a written response within three (3) University business days, or by the original appeal submission deadline, whichever is greater. Deadlines may be extended at the discretion of the Associate Vice President for Student Affairs/Student Life under

exceptional circumstances. A deadline extension request must be submitted in writing. The Title IX Coordinator or designee will also provide a written response for review by the Associate Vice President for Student Affairs/Student Life after reviewing all submissions from the Complainant and/or Respondent. All supporting information from the Complainant and/or Respondent for the appeal request must be submitted by the specified submission deadline in order to be considered by the Associate Vice President for Student Affairs/Student Life. Upon receipt of all documents, the Associate Vice President for Student Affairs/Student Life will conduct an efficient and narrow review of the file limited to the grounds identified by the initiator of the review. Appeal requests may be filed on one or more of the following grounds:

- A procedural or substantive error occurred that significantly affected the outcome of the case.
- There is new, relevant information that was not available at the time of the investigation that, if available, could have significantly affected the outcome of the case. This does not include statements from a Complainant or Respondent who chose not to participate in the investigation.

If the Associate Vice President for Student Affairs/Student Life or designee determines that the appeal request sufficiently meets one or more of the appeal grounds, the appeal request will be forwarded to the Vice President for Student Affairs for review. A great degree of deference is given to the original decision. The presumption is that the investigation and decision processes were appropriately conducted and the burden is on the individual requesting the appeal to prove that the appeal has merit. Appellate reviews are reviews of the record only.

There are no additional meetings with the Complainant and/or Respondent unless there are exceptional circumstances as determined by the Title IX Coordinator, in which case the Vice President for Student Affairs must offer both the Complainant and the Respondent the same opportunity to discuss the case. Upon review of the record, the Vice President for Student Affairs may respond as follows:

- Determine the appeal does not substantiate that a procedural or substantive error occurred, or that there is new relevant information that could significantly affect the outcome of the case. In which case, the original decision stands;
- Determine that the appeal may substantiate that a procedural or substantive error occurred, or that there is new relevant information that could significantly affect the outcome of the case. In which case the case is remanded back to the original investigator to consider new information or reevaluate previous information; or to a new investigator with specific corrective instructions.

The Vice President for Student Affairs' decision is considered the final University decision and will be communicated simultaneously in writing to both the Complainant and Respondent. The Vice President for Student Affairs will strive to review and respond to the appeal request within ten (10) University business days of receipt of all documentation.

In circumstances in which a Complainant or Respondent raises a concern about a conflict of interest or perception of bias on behalf of the Vice President for Student Affairs, or in cases in which the Vice President for Student Affairs is otherwise unable to perform these duties, appeal decisions will be made by the Associate Vice President for Academic Administration and Outreach.

## **XIII. Student Records**

### **0. Holds and Removal of Active Status**

Student Conduct & Community Standards, the Associate Vice President for Student Affairs/Student Life, and/or the Vice President for Student Affairs may place a hold on a student's transcript, registration, and/or diploma; or remove a student group and/or student organization's active status and ability to conduct operations in any of the following situations:

0. A student, student group, or student organization has committed a violation of Section 8.16/Sexual Misconduct, Relationship Violence, or Stalking and/or Section 8.05/Student Code of Conduct culminating in suspension or expulsion;
1. A student, student group, or student organization has been given interim restrictions pending an investigation and resolution of allegations of misconduct;
2. A student, student group, or student organization has failed to schedule or attend a required University meeting or hearing;
3. A student, student group, or student organization has failed to complete one or more consequences by the assigned deadline; or
4. A student with severe behavioral problems is no longer attending the University, and it is the determination of the Vice President for Student Affairs or designee that a review of the student's file and meeting with the student occur prior to the student's re- enrollment.

### **1. Record Retention**

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

0. It is determined that the student, student group, or student organization was not in violation of University policy; or
1. The student, student group, or student organization was in violation of University policy; and
2. All periods of probation, deferred suspension, or suspension and all associated consequences have been completed; or
3. A student, student group, or student organization has been expelled from the University.

If a student remains enrolled after the seven-year retention period has lapsed, the record will be maintained until the student graduates or is no longer enrolled at the University. When a student proceeds directly from one academic program into another academic program (e.g. undergraduate study to graduate study), the records will be maintained until the completion of the final academic program. Records of incidents culminated in deferred suspension, suspension, or expulsion will be permanently maintained by the University.

## **2. Access to Records**

Student Conduct & Community Standards does not make copies of conduct files or audio recordings. If a student wishes to review the student's own conduct file or recorded investigation interview, the student may do so by scheduling an appointment with Student Conduct & Community Standards.

A request for a redacted copy of the investigation summary may be provided upon written request to the Title IX Coordinator

## **3. Records of Other Entities**

Police reports may be obtained by contacting the records department at the law enforcement agency which issued the report. In the State of Kansas, police reports are not considered public records; therefore, limited information will be accessible upon request.

# **XIV. Offices and Roles**

## **. Title IX Coordinator**

The Title IX Coordinator is responsible for overseeing the University's response to Title IX reports and complaints and identifying and addressing any patterns or systemic problems revealed by such reports and complaints.

Sara Zafar, JD  
Title IX Coordinator  
Human Resources Center, 116 Phone: (316) 978-5177  
Fax: (316) 978-3201  
[oiiec@wichita.edu](mailto:oiiec@wichita.edu)

## **I. Deputy Title IX Coordinators**

Deputy Title IX Coordinators provide information and resources regarding complaints of sex discrimination, sexual misconduct, sexual harassment,

relationship violence and stalking. The Deputy Title IX Coordinator will refer complainants to the Title IX Coordinator.

- **For athletics, contact:**

Senior Associate Athletic Director and Senior Women's  
Administrator Intercollegiate Athletics  
Charles Koch Arena, Room 201  
(316) 978-5534  
[becky.endicott@wichita.edu](mailto:becky.endicott@wichita.edu)

- **For university employees and visitors contact:**

Executive Director Human Resources  
Human Resources Center, Room 117  
(316) 978-3540  
[judy.espinoza@wichita.edu](mailto:judy.espinoza@wichita.edu)

- **For university faculty contact:**

Associate Vice President for Academic Affairs  
Office of Academic Affairs  
(316) 978-5054  
[linnea.glenmayer@wichita.edu](mailto:linnea.glenmayer@wichita.edu)

- **For students, contact:**

Assistant Vice President for Student Affairs  
Rhatigan Student Center, Room 231  
(316) 978-6105  
[alicia.newell@wichita.edu](mailto:alicia.newell@wichita.edu)

## **XV. Associate Vice President for Student Affairs/Student Life**

XVI. The Associate Vice President for Student Affairs/Student Life serves as the gatekeeper for appeal requests for alleged violations of Section 8.16/ Sexual Misconduct, Relationship Violence, and Stalking Policy for Students.

XVII. Dr. Aaron L. Austin

Associate Vice President for Student Affairs/Student Life  
Rhatigan Student Center, 231  
Phone: (316)978-5483  
Fax: (316)978-3216  
[Aaron.Austin@wichita.edu](mailto:Aaron.Austin@wichita.edu)

## **XVIII. Vice President for Student Affairs**



The Vice President for Student Affairs serves as the appeal authority for alleged violations of Section 8.16/Sexual Misconduct, Relationship, Violence and Stalking Policy for Students.

Dr. Teresa L. Hall  
Vice President for Student Affairs  
Rhatigan Student Center, 210A  
Phone: (316) 978-3021  
Fax: (316) 978-3366  
[Teri.Hall@wichita.edu](mailto:Teri.Hall@wichita.edu)

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- Rider University
- Texas Christian University
- University of Florida
- University of Massachusetts, Lowell
- University of Michigan
- University of South Carolina
- University of Colorado Boulder