

# Frequently Asked Questions

## ***What does sexual assault mean? What is sexual misconduct?***

***Sexual assault*** is an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting program. ***Sexual Misconduct*** is any act, including acts between members of the same sex, of sexual harassment, sexual violence, sexual assault, non-consensual sexual contact, non-consensual sexual intercourse, sexual exploitation, stalking, intimidation, dating violence, or domestic violence, or any act that creates a hostile environment or any act of retaliation against a complainant or anyone involved in a grievance procedure under the policy.

## ***Who is considered a mandated reporter (RESPONSIBLE EMPLOYEE) and what are the expectations as such?***

Mandated reporters are **Responsible Employees**. Those that have supervisory responsibilities as well as staff who manage academic or student programs such as the President, Vice Presidents, and Deans of the University, the Title IX Coordinator, Deputy Title IX Coordinators, faculty members, resident advisors (RA's), and their supervisors, Athletics staff and coaches and University Security Officers are listed as Responsible Employees in the WJU Sexual Misconduct Policy. Responsible Employees must report Title IX complaints to the Title IX Co-Coordinator, one of the Deputy Coordinators or Title IX Investigators. If an employee who is not an mandated reporter receives a Title IX complaint, they are encouraged to report it to the Title IX Coordinator, Human Resources Officer or to their supervisor.

## ***Will my complaint be kept confidential?***

The Title IX Coordinator shall evaluate student requests for confidentiality and shall determine when such requests shall be honored as per the Sexual Misconduct policy 6.c.

## ***Isn't Title IX just a federal law mandating equality in athletics?***

To many that is what it is best known as, but discrimination on the basis of sex – which Title IX prohibits – can also include sexual harassment, sexual assault, rape, and gender-based stalking, intimate partner violence,

retaliation, and bullying/hazing.

***What is the purpose of Title IX as it relates to sexual misconduct?***

Title IX is about eliminating threatening or abusive behavior, preventing the recurrence of these behaviors, and addressing the effects through support and resources. Title IX is about creating an equitable system for adjudicating cases and, ultimately, creating a community where sexual misconduct will not be tolerated so that all community members can thrive.

***Does Title IX force victims/survivors to share their experience with the University or pressure a student to pursue disciplinary action?***

The student always retains control over who to talk to and what level of information to share. We will never force a survivor-victim to share the details of their experience, but when a report of sexual misconduct is shared with the Title IX Coordinator, we have a legal duty to follow up on the report to determine the appropriate response under Title IX. The Title IX Investigator will conduct an initial assessment regarding, among other things, the nature of the report, the safety of the individual and of the broader campus community, and the complainant's expressed preference for resolution. Students are not pressured to pursue a specific action. In planning any response, the wishes of the reporting student are given full consideration. Nevertheless, the University may need to pursue a certain path despite the wishes of the student, but usually only if there is a broader safety risk for the community.

***Is the only avenue I have for recourse a disciplinary process?***

Not necessarily. Following the Title IX assessment, the University may seek a remedies-based resolution that does not involve disciplinary action against a respondent. A remedies-based resolution may include interim protective measures, such as a no-contact order, academic accommodations, or housing modifications. It may also include targeted or broad-based educational training. In some cases, a remedies-based resolution is not appropriate based on the facts and circumstances of the misconduct (for example, conduct that presents an ongoing threat to an individual or to the broader community).

***Does Title IX always start a criminal/legal process?***

Reporting an incident to the police and/or pursuing criminal charges are always available to a student and we will help in accessing those resources, but it is separate and different from the University's Title IX

process. A community member can pursue both the criminal and WJU's process at the same time.

***Will the Title IX Team be sensitive to the needs of victims/survivors?***

The Title IX staff intentionally work to create a compassionate, sensitive environment to address the issues; offer an unbiased and transparent system for gathering facts; and connect all community members with appropriate support and resources.

***Are all employees at WJU required to report incidents of sexual misconduct to the Title IX Team?***

Title IX requires most employees to report, but not all. Some employees have legally-recognized confidentiality protections and will not share information without the consent of the victim/survivor. The on-campus confidential resources include Mental Health Counselors, health practitioners at the WJU Health Center, and religious advisors. Students can also access community resources for confidential assistance (including Sexual Assault Help Center).

***Does Title IX also require students to report incidents involving their peers?***

While most employees are responsible for reporting, students are not. Students with concerns about a friend are encouraged to consult with a confidential resource about how to support their friend.

***Is there a time limit for making a report?***

There is no time limit for making a report. The University encourages reporting an incident as soon as possible in order to maximize our ability to respond promptly and effectively. WJU does not, however, limit the time frame for reporting. If the respondent is no longer a student or employee, the University may not be able to take action against the Respondent, but it will still seek to meet its Title IX obligation by taking steps to end the harassment, prevent its recurrence, and address its effects, when appropriate.

***As an employee do I need to know about Title IX and sexual misconduct?***

Yes, it is important to be aware of these issues. As you will see on this website, Title IX of the federal Higher Education Amendment of 1972 prohibits discrimination on the basis of sex in any education program or

activity receiving federal financial aid. Title IX applies to both students and employees. Sexual assault, sexual misconduct and sexual harassment are forms of sex discrimination prohibited by Title IX.

***Does Title IX cover student complaints of sexual misconduct against employees?***

Yes, if a student reports sexual misconduct/harassment by an employee, WJU must take action. Based on the report (to an mandated reporter), WJU will notify the student of options and resources available for support. WJU will notify the employee and in most instances will conduct an investigation, and if it is found that the employee has engaged in sexual misconduct/harassment, the University will take steps to ensure the conduct stops. If the investigation reveals inappropriate behavior by the student, charges may be filed against the student.

***Does Title IX cover employee complaints of sexual misconduct against a student?***

Yes, if an employee reports sexual misconduct against a student, WJU must act on the report and notify the employee of options and resources available for support. WJU will notify the student, conduct an investigation and ensure the conduct stops. If the investigation reveals inappropriate behavior by the student, charges may be filed against the student with the Director of Student Conduct.