

# WAKE FOREST UNIVERSITY STUDENT SEXUAL MISCONDUCT POLICY (Reynolda Campus)

## I. Introduction

Wake Forest University (hereinafter the University) expects all members of its community to act in respectful and responsible ways towards each other. Wake Forest University is committed to providing programs, activities and an educational environment free from discrimination on the basis of sex, sexual orientation, gender identity, and gender expression. For the University's full non-discrimination policy, see <http://diversity.provost.wfu.edu/eo-policy/>.

This Student Sexual Misconduct Policy as set forth describes prohibited conduct, establishes procedures for responding to reports of sexual misconduct as defined in this policy, and outlines resources available to students.

As a recipient of Federal funds, Wake Forest is required to comply with Title IX of the Higher Education Amendments of 1972, 20 U.S. C. § 1681 *et seq.* ("Title IX"), which prohibits discrimination on the basis of sex in education programs or activities. Sexual misconduct, as defined in this Policy, is a form of sex discrimination prohibited by Title IX. As explained in Section III of this Policy, sex/gender based harassment (including gender identity and gender expression harassment), sexual assault/violence, sexual exploitation, domestic violence, dating violence, and stalking are all forms of misconduct prohibited by this Policy. All such forms of misconduct are referred to generally as "sexual misconduct" throughout this Policy.

This policy addresses complaints of sexual misconduct where the respondent is a student of Wake Forest University as defined in this policy. Complaints relating to sexual misconduct by a member of the University faculty, staff or community are not covered by the policy. The policy covering faculty, staff, and community members may be found at <http://hr.wfu.edu/policies-and-procedures/>. **Any complaint, regardless of the status of the person accused, may be reported to the University's Title IX Coordinator.** The Title IX Coordinator is a University employee charged with overseeing response to an investigation of allegations of sexual misconduct as well as remedying the effects of a hostile educational environment resulting from sexual misconduct if such an environment is determined to exist.

Individuals will not be discouraged by any employee of Wake Forest University from reporting alleged incidents of sexual misconduct. All reports of alleged violations of this policy must be made based upon a good faith belief that a violation has occurred.

It is a violation of University policy to retaliate against any person making a complaint of sexual misconduct or against any person participating in the investigation of (including testifying as a witness to) any allegation of sexual misconduct. For these purposes, "retaliation" includes intimidation, threats, harassment and other adverse action against any such complainant or third party. Retaliation should be reported promptly to the Title IX Coordinator and/or Title IX Deputy Coordinator and may result in disciplinary action independent of the sanction or interim measures imposed in response to the underlying allegations of sexual misconduct.

The University makes this policy and educational opportunities readily available to all students and other members of the University community. Please refer to the Resource section of this policy for important campus and community resource contact information.

## II. General Statement of Policy

Any act of sexual misconduct as defined under this Policy constitutes a violation of Sexual Misconduct policy. Sexual misconduct can be committed by any person, and it can occur between people of the same or different sex. The University is committed to fostering a campus environment that both promotes and expedites prompt reporting of sexual misconduct and timely and fair adjudication of sexual misconduct cases. Creating a respectful, safe, and non-threatening environment is the responsibility of all members of the University community. These procedures are designed to protect the rights, needs, and privacy of the person making a complaint to the University, as well as the rights, needs, and privacy of student respondents of sexual misconduct.

Anyone wishing to report a complaint alleging sexual misconduct by a University student should contact the University's Title IX Coordinator or a Deputy Title IX Coordinator. (A list of campus and community resources and the relevant contact information is included on the last two pages of this policy.) Reports may be made electronically and/or anonymously at <http://police.wfu.edu/services/witness/>. Reports may also be made directly to University Police.

A faculty or staff member, including student employees such as Residence Assistants and Graduate Hall Directors, with knowledge about a known or suspected incident of sexual misconduct must report the incident to the University's Title IX Coordinator or a Deputy Coordinator. No employee or student is authorized to investigate or resolve student complaints without the involvement of the University's Title IX Coordinator.

Allegations of sexual misconduct made by a student against a University employee should be reported to the University's Title IX Coordinator or in accordance with the University's Sexual and Workplace Harassment Prevention Policy, which can be found at <http://hr.wfu.edu/policies-and-procedures/>. Such allegations will be reviewed, investigated by Human Resources, Title IX Coordinator, or designee, and resolved in accordance with that Policy and in consultation with the Title IX Coordinator.

In addition to violating University policy, sexual misconduct might also constitute criminal activity. **Students are strongly encouraged to inform law enforcement authorities about instances of sexual misconduct of a criminal nature. The chances of a successful criminal investigation are greatly enhanced if evidence is collected and maintained immediately by law enforcement officers.** Students may inform law enforcement authorities about sexual misconduct and discuss the matter with a law enforcement officer without making a formal criminal complaint or a formal University complaint. Students who make a formal criminal complaint may simultaneously pursue a formal University complaint.

Assistance in reporting any form of sexual misconduct to the proper law enforcement authorities is available to any student upon request from the Safe Office (confidential), the University Police (non-confidential), the University's Title IX Coordinator or a Deputy Coordinator (non-confidential), and/or the Office of the Dean of Students (non-confidential).

**Jurisdiction.** This policy applies to any allegation of sexual misconduct against a University student, regardless of where the alleged sexual misconduct occurred. A university student is any student registered or enrolled at the University (a) at the time of the alleged sexual misconduct *and* (b) at the time the complaint is made. Although there is no geographical limitation to invoking this policy, sexual misconduct that is alleged to have occurred at a significant distance from the University may be more difficult to investigate. For this reason, students who experience sexual misconduct far from Wake Forest's campuses are especially encouraged to notify local authorities to assist in the investigation. <http://studyabroad.wfu.edu/>

**Period of Limitation.** The University encourages individuals to file complaints as soon as possible. However, there is no period of limitations provided that the respondent is a university student, as defined above. A complaint of sexual misconduct may be filed at any time while the respondent is enrolled as a student at Wake Forest, regardless of the length of time between the alleged misconduct and the decision to file the complaint.

### III. PROHIBITED SEXUAL MISCONDUCT

The University prohibits all forms of sex/gender-based harassment, sexual violence, sexual exploitation, interpersonal violence (domestic violence or dating violence), and stalking.

#### A. Sexual/ Gender-Based Harassment

Sexual harassment is a form of discrimination that includes verbal, written, or physical behavior of a sexual nature, directed at someone, or against a particular group, because of that person's or group's sex, gender identity, actual or perceived sexual orientation, or based on gender stereotypes, when that behavior is unwelcome and meets either of the following criteria:

- (1) Submission or consent to the behavior is reasonably believed to carry consequences, positive or negative, for the student's education, employment, University living environment, or participation in a University activity or program. Examples of this type of sexual harassment include:
  - a. Pressuring a student to engage in sexual behavior for some educational or employment benefit, or
  - b. Making a real or perceived threat that rejecting sexual behavior will carry a negative consequence for the student.
  
- (2) The behavior has the purpose or effect of substantially interfering with the student's work or educational performance by creating an intimidating, hostile, or demeaning environment for employment, education, University living, or participation in a University activity or program. Examples of this type of sexual harassment can include:
  - a. Persistent unwelcome efforts to develop a romantic or sexual relationship;
  - b. Unwelcome sexual advances or requests for sexual favors;
  - c. Unwelcome commentary about an individual's body or sexual activities;
  - d. Repeated and unwelcome sexually-oriented teasing, joking, or flirting; and
  - e. Verbal abuse of a sexual nature.

Behaviors or communications may be verbal or nonverbal, written, or electronic. Such conduct does not need to be directed at or to a specific student in order to constitute sexual harassment, but may consist of generalized unwelcome and inappropriate behaviors or communications based on sex, gender identity, actual or perceived sexual orientation, or gender stereotypes.

Determination of whether alleged conduct constitutes sexual harassment requires consideration of all the circumstances, including the context in which the alleged incidents occurred, frequency or pervasiveness of the alleged incidents, severity of the alleged incidents, whether the alleged incidents were based upon sex or gender, and whether the alleged incidents were unwelcome at the time of the alleged incidents. A determination will be based upon a reasonable person standard.

## **B. Sexual Assault:**

Sexual Assault is defined as an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Sexual assault includes, but is not limited to:

- (1) Non-consensual attempted or completed penetration. Attempted or completed penetration (anal, oral or vaginal), however slight, with any body part or any object, by a person upon another person, without effective consent. This includes vaginal penetration by a penis, object, tongue or finger; anal penetration by a penis, object, tongue or finger; and oral copulation (mouth to genital contact or genital to mouth contact).
- (2) Sexualized touching (including disrobing or exposure), however slight, with any body part or any object, by a person upon another person, without effective consent. Sexual touching includes any contact with the breasts, buttocks, groin, or genitals, or touching another with any of these body parts, or making another touch the other person or themselves with or on any of these body parts, when such touching would be reasonably and objectively offensive.
- (3) Sexual exploitation, defined as taking non-consensual, unjust or abusive sexual advantage of another, for one's own advantage or benefit; or to benefit or advantage anyone other than the one being exploited. Sexual exploitation encompasses a wide range of behaviors which may include, but are not limited to:
  - a. Inducing incapacitation with the intent to rape or sexually assault another student;
  - b. Non-consensual video or audio-recording of sexual activity;
  - c. Allowing others to observe a personal act of consensual sex without knowledge or consent of the partner;
  - d. Engaging in Peeping Tommmery (voyeurism);
  - e. Knowingly transmitting a sexually transmitted disease, including HIV, to another student;
  - f. Prostituting another student (i.e. – personally gaining money, privilege, or power from the sexual activities of another student).

## **C. Sexual Intimidation:**

Sexual intimidation is defined as:

- (1) Threatening to commit a sexual act upon another person.

- (2) Sexual intimidation also includes acts of intimidation, bullying, aggression, or hostility based on gender or gender-stereotypes, even if the acts do not involve conduct of a sexual nature.
- (3) Engaging in indecent exposure.

#### **D. Stalking or Cyberstalking:**

Stalking or cyberstalking is defined as engaging in a course of conduct (2 acts) directed at a specific person (in person or through electronic means) that would cause a reasonable person to:

- (1) Fear for the individual's safety or the safety of others; or
- (2) Suffer substantial emotional distress.

#### **E. Dating Violence:**

Dating violence is defined as violence committed by a person:

- (1) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- (2) Where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - a. The length of the relationship
  - b. The type of relationship
  - c. The frequency of interaction between the persons involved in the relationship.

#### **F. Domestic Violence:**

Domestic Violence is defined as felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of North Carolina, 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 North Carolina.

### **IV. Effective Consent**

The University's definition of sexual misconduct mandates that each participant obtains and gives effective consent in **each instance and before each** sexual act. The University has defined consent as follows:

- (1) **Consent.** *"Consent" is informed, freely and actively given, and mutually understandable words or actions that indicate a willingness to participate in mutually agreed-upon sexual activity. Consent is mutually understandable when a reasonable person would consider the words or actions of the parties to have manifested a mutually understandable agreement between them to engage in certain conduct with each other. Consent cannot be gained by ignoring or acting in spite of the objections of another. Consent can be withdrawn at any time and for any reason.*

*Consent cannot be inferred from:*

- (1) *Silence, passivity, acceptance, or lack of resistance alone;*
- (2) *A current or previous dating or sexual relationship (or the existence of such a relationship with anyone else);*
- (3) *Attire;*
- (4) *The buying of dinner or the spending of money on a date;*
- (5) *Consent given to another person (i.e., consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another person); or*
- (6) *Consent previously given (i.e., consenting to one sexual act does not imply consent to another sexual act).*

*Consent is not effective if it is obtained through the use of physical force, violence, duress, intimidation, coercion or the threat, expressed or implied, of bodily injury. Whether a party used such methods to obtain consent will be determined by reference to the perception of a reasonable person found in the same or similar circumstances.*

*Consent may never be given by:*

- (1) *Minors, even if the other participant did not know the minor's age;*
- (2) *Mentally disabled persons, if their disability was reasonable knowable to a sexual partner who is not mentally disabled; or*
- (3) *Persons who are incapacitated (whether as a result of drugs, alcohol or otherwise), unconscious, asleep or otherwise physically helpless or mentally or physically unable to make informed, rational judgments. The use of alcohol or drugs does not diminish one's responsibility to obtain Consent and does not excuse conduct that constitutes Sexual Misconduct under this Policy.*

*If at any time during a sexual act any confusion or ambiguity is or should reasonably be apparent on the issue of consent, it is incumbent upon each individual involved in the activity to stop and clarify the other's willingness to continue and capacity to consent. Neither party should make assumptions about the other's willingness to continue.*

## **V. Reporting Prohibited Conduct**

Individuals are strongly encourage to report incidents of sexual misconduct. The Safe Office offers confidential support and assistance, and can confidentially discuss concerns and reporting options: <http://safe.studentlife.wfu.edu/>.

- (1) Reporting to law enforcement authorities  
Because sexual misconduct may constitute *both* a violation of University policy *and* criminal activity, and because the University judicial system is not a substitute for criminal or civil action, the University encourages students to report alleged sexual misconduct promptly to campus officials and to local law enforcement agencies.

Individuals may always contact the local police authorities directly. The Safe Office (confidential) and University Police (not confidential) are available to assist students in making reports to the local police and in pursuing legal options. A list of resources and contact information, including the Winston-Salem Police Department, is located on the last two pages of this Policy.

**Reports made to University Police will also be communicated to the University's Title IX Coordinator, who will conduct a preliminary investigation that may result in a formal University investigation.**

Information shared with law enforcement is not confidential.

## (2) Reporting to the University

Sexual misconduct can be reported to the University's Title IX Coordinator, a Deputy Coordinator, Dean of Students, and/or online (including anonymously) at <http://police.wfu.edu/services/witness/>.

The Title IX Coordinator will conduct a preliminary investigation that may result in a formal University investigation. For more on the Title IX Coordinator's discretion to not pursue a formal investigation, see "Privacy of Information" section below.

The Title IX Coordinator will strive to protect the privacy of information shared in a sexual misconduct report, but cannot guarantee confidentiality.

## (3) Disclosing Sexual Misconduct to other University faculty and staff

Non-confidential University faculty and staff (including Resident Advisors and Graduate Hall Directors) are required by law to report disclosures of sexual misconduct to the University. Campus staff and faculty will report disclosures of sexual misconduct to the Title IX Coordinator, who will undertake a preliminary investigation that may result in a formal University investigation.

Among non-confidential University offices required to report disclosures of sexual misconduct are the following: Academic Advising, the LGBTQ Center, the Office of Diversity and Inclusion, the Office of Multicultural Affairs, Residence Life & Housing, and the Women's Center.

For more on WFU campus members who are required to report sexual misconduct, see: <http://safe.studentlife.wfu.edu/get-resources/campus-resources/>.

## (4) Confidential Campus Resources

The Safe offices provides confidential crisis response and on-going support services to Reynolda Campus students for concerns related to interpersonal violence, including sexual misconduct, relationship violence, and stalking, and provides consultations for concerned students, parents, faculty, and staff.

In addition to the Safe Office, students have confidential resources in the Office of the Chaplain, Student Health Service, and the University Counseling Center. These offices will not report disclosures of sexual misconduct.

For more on confidential resources on campus and in the community, see: <http://safe.studentlife.wfu.edu/get-resources/campus-resources/>.

If a criminal complaint is filed in addition to a complaint with the University, the University will not wait for the conclusion of any criminal investigation or proceedings before commencing its own investigation; however, the University's investigation may be delayed temporarily while the criminal investigators are gathering evidence. In the event of such a delay, the University may take interim measures as necessary to protect the complainant and the University community. Such interim measures may result in actions being taken that may impact both the respondent student and the complainant, and may include no contact orders and/or changes in class schedules and/or housing assignments. The University investigation will be conducted in a prompt, fair, and impartial manner by the University Title IX Coordinator or designee, who have been specially trained to handle cases of sexual misconduct. During and after the investigation, measures are taken by the University to ensure the preservation of evidence for internal purposes and/or a criminal investigation.

**Limited Immunity.** The University considers the reporting and adjudication of sexual misconduct cases to be of paramount importance. While the University does not condone underage drinking or illegal use of controlled substances, the University will extend limited immunity from punitive sanctioning in the case of illegal alcohol or substance use to complainants, respondent, witnesses and to those reporting incidents and/or assisting the complainant.

## VI. Privacy of Information

In compliance with applicable laws and regulations, the University will take precautions to protect the privacy of both the complainant and the respondent. However, students should understand that under conditions of imminent harm to the community, the University is required by federal law to inform the community of the occurrence for the protection of all members of the community. In addition, the University cannot guarantee confidentiality by other students who may be involved as witnesses.

To discuss confidentially concerns and options, students are encouraged to contact the Safe Office. <http://safe.studentlife.wfu.edu/>.

If the complainant does not wish to pursue a hearing and/or requests that the complaint remain private, Title IX nevertheless requires the University to investigate and take reasonable action in response to the complaint where there may be imminent harm to the community not to do so. The University's Title IX Coordinator will inform the complainant, however, that the University's ability to respond in such a case may be limited. In such cases, Title IX requires the University to evaluate the complainant's request(s) that the complaint not be adjudicated or remain private in the context of the University's commitment to provide a reasonably safe and non-discriminatory environment for all students. In order to make such an evaluation, the Title IX Coordinator or the Title IX Coordinator's designee may conduct a preliminary investigation into the alleged sexual misconduct and may weigh the complainant's request(s) against the following factors: the seriousness of the alleged sexual misconduct; whether there have been other complaints of sexual misconduct against the same

respondent student(s); and the respondent student's right to receive information about the allegations if the information is maintained by the University as an "education record" under FERPA, the federal law that gives students the right to access their own education records. The University's Title IX Coordinator will inform the complainant if the University cannot ensure confidentiality. Even if the University cannot take disciplinary action against the respondent student because of the request for privacy or the request to not pursue an investigation, the University will nevertheless take prompt and effective action to limit the effects of the alleged sexual misconduct and to prevent its recurrence. For instance, the Title IX Coordinator or designee may issue a "no-contact" order or take other appropriate interim measures (e.g., changes to class schedules) to assure student safety even in the absence of a formal proceeding.

If, prior to a hearing, the respondent student elects to take responsibility for the alleged sexual misconduct, the fact-finding hearing may be canceled and an informal resolution process will be initiated to determine sanctions. If the determination regarding sanctions cannot be finalized through the informal resolution process, a hearing will be convened for the exclusive purpose of determining a sanction.

## **VII. Preliminary Investigation**

Upon receiving a report of sexual misconduct, the Title IX Coordinator or the Title IX Coordinator's designee will begin a preliminary review.

Upon completing the preliminary review, the Title IX Coordinator or the Title IX Coordinator's designee will determine whether or not there is cause to initiate a formal University investigation and whether or not there is cause to move toward adjudication through either the Informal Resolution Process (described below in Section VIII) or the Formal Resolution Process (described below in Section IX).

## **VIII. Informal Resolution**

A complainant who wishes to file a complaint of sexual misconduct with the University but who does not wish to pursue a judicial hearing, as explained below, may request a less formal proceeding, referred to as the informal resolution process. However, the informal resolution process is not available for complaints of non-consensual sexual intercourse.

The informal resolution process is intended to resolve complaints quickly, efficiently, and to the mutual satisfaction of the parties involved. Where circumstances allow for this, the informal resolution process will be initiated as soon as possible after the filing of the complaint.

With the concurrence of the complainant and the respondent, an investigator assigned by the Title IX Coordinator will seek an outcome through informal resolution with the assistance of an appropriate University official designated by the Title IX Coordinator or the Title IX Coordinator's designee. Any resolution through this informal resolution procedure also must be mutually agreed upon by the parties involved. Both the complainant and the respondent have the right to bypass or end the informal resolution process at any time and initiate a judicial hearing. Any failure to comply with the terms of an informal resolution agreement may result in disciplinary action/sanctions and/or, if warranted, a further allegation of harassment.

Records arising from the informal resolution process will not be used for any purpose other than those described above or to comply with applicable laws and regulations, unless a complaint subsequently results in a judicial hearing or otherwise becomes part of a legal action.

## **IX. Formal Resolution Process**

When informal resolution is not an option or when a student chooses not to utilize the informal resolution process, the following process has been established to resolve complaints of sexual misconduct.

Prior to the hearing, the complainant has the right to receive notification and assistance from the University's Title IX Coordinator or a Deputy Coordinator regarding interim actions, including assistance in changing academic and living situations after an alleged incident of sexual misconduct. In addition, no-contact orders may also be issued to prevent any contact, whether in person or indirectly, between the respondent student, acquaintances, witnesses, and/or the complaining party.

The University utilizes a Sexual Misconduct Hearing Board composed of students, faculty, and staff specially trained to handle cases of sexual misconduct. All Board members receive annual training on hearing practices, including sensitivity training. The Board consists of administrators designated as university hearing officers, and students, faculty, and staff who constitute a pool of advocates and judicial panelists. In each case, the Office of the Dean of Students, in consultation with the Title IX Coordinator, will select a three-member panel of individuals from the Hearing Board.

Both the complainant and the respondent student may, in consultation with the Title IX Coordinator, have an advocate of their choosing during any campus judicial hearing. The complainant and respondent may also choose to be assisted at the hearing by an advisor of their choice. The advisor's role is limited to providing support to the individual and advisors are not allowed to ask questions or present information during the hearing. Advisors may, however, be available to provide advice outside of the hearing.

The hearing will be conducted in an inquisitorial manner. In other words, the hearing panel will be responsible for asking questions of witnesses and developing evidence through witness testimony. A list of witnesses who will be called will be distributed in advance. In addition, the complainant and respondent student may call their own witnesses. The witnesses must be able to provide testimony that is relevant to the complaint being heard. The complainant and the respondent student may submit written statements to the hearing panel in advance of the hearing and may also testify themselves.

Accommodations may be made for complainants and/or respondents who do not wish to be in the hearing room at the same time. This accommodation may include audio conferencing or videoconferencing. All requests must be made to the Title IX Coordinator.

The complainant and respondent student may submit questions to the hearing officer to be asked of the witnesses testifying before the panel. Complainant and respondent student will not be permitted to ask questions directly of one another.

Issues regarding admission of evidence or testimony, including relevancy and the reliability of the evidence and testimony will be determined by the University hearing officer during the hearing. Sexual history of either party may not be discussed during the hearing. University students who appear before a sexual misconduct hearing panel, whether as parties to the proceedings or as witnesses, are expected to provide truthful testimony in accordance with the applicable University Honor Code.

At the conclusion of the hearing, the panel will confer regarding whether the respondent student is responsible for the alleged sexual misconduct. The hearing officer and panel may confer with the Title IX Coordinator, as needed. The hearing officer is a non-voting facilitator of the panel's deliberation. Evidence will be evaluated under a "preponderance of the evidence standard," meaning that the respondent student will be found responsible if, based upon the entirety of the evidence presented during the hearing, it is determined that the respondent student "more likely than not" committed the offense in question.

If there is a finding of responsibility, the hearing panel will determine the sanctions to be imposed. Sanctions for a finding of responsibility depend on the nature and the gravity of the misconduct. They may include, but are not limited to: disciplinary probation, suspension, expulsion, specialized treatment off-campus, no-contact orders, trespass from campus, participation in graduation and/or other University programs or activities, and/or other educational sanctions deemed appropriate. Sanctions imposed by the hearing panel will remain in effect pending the outcome of any appeal process.

Both parties will be notified (in writing) simultaneously of the panel's decision. The parties will also be informed of the sanctions imposed, if applicable, and the University appeal procedures. The hearing officer will also promptly notify the Title IX Coordinator (in writing) of the decision and the sanctions imposed, if applicable.

An investigation by the University and a decision by the sexual misconduct hearing panel will, in most cases, be rendered within sixty (60) days of the filing of a complaint. This time period can be modified at the discretion of the University's Title IX Coordinator, if deemed necessary to conduct a thorough investigation or to protect the rights of all parties.

Regardless of the outcome of the judicial process, protective measures may be provided to the complainant or respondent by the Dean of Students and/or Title IX Coordinator. Such protective measures may include no contact orders and/or changes in class schedules and/or housing assignments.

## **X. Appeals**

Complainants and respondent students may file a written appeal with the University's Title IX Coordinator within fourteen (14) calendar days from the date of the decision on the following grounds:

- (1) Appropriateness of the sanction;
- (2) Germane new evidence not available at the time of the hearing that could significantly impact the outcome; and/or
- (3) Procedural errors that significantly impact the outcome

Appeals will be reviewed by an Appeals Committee comprised of members from the Sexual Misconduct Hearing Board who are specially trained to handle cases of sexual misconduct. The Title IX Coordinator or designee will conduct, at a minimum, annual training for all board members, including those members of the Appeals Committee. The Board consists of administrators designated as university hearing officers, and students, faculty, and staff who constitute a pool of judicial panelists. In the case of an appeal, the hearing officer will be the Dean of Students or the Dean of Student’s designee, who will then select a three member panel of individuals from the Hearing Board to serve on the Appeals Committee. The Dean of Students or the Dean of Student’s designee will be a non-voting member of the Appeals Committee.

The Appeals Committee is charged with reviewing the appeal. The Appeals Committee shall have access to all information that was available to the Sexual Misconduct Hearing Panel. If the Appeals Committee determines that there is either germane new evidence that could significantly impact the outcome of the case, or a procedural error that could have altered the outcome of the case, the matter will be remanded back to the initial Hearing Panel for a determination regarding the impact of the new evidence or procedural error on the outcome of the complaint. If the grounds for the appeal are based on the appropriateness of the sanction, the Appeals Committee will have the authority to adapt the sanction imposed by the Hearing Panel or to change the sanction to a lesser or more severe sanction. The decision of a majority of the Appeals Committee members will be final.

Both parties will be notified simultaneously (verbally and in writing) of the Committee’s decision. The Title IX Coordinator will also be notified (verbally and in writing) of the Committee’s decision.

## **XI. Interim Suspensions or Other Interim Actions**

For alleged violations of this Policy, interim actions, including but not limited to, interim suspension, reassignment to alternate housing, limitation of access to designated University housing and/or campus facilities, and limitation of privileges to engage in specified University activities may be imposed by the University’s Title IX Coordinator in consultation with the appropriate Title IX Deputy Coordinator and Dean of Students, if appropriate.

Such interim actions may be taken when there is reason to believe that the conduct of the respondent student(s) poses a threat of harm to the complainant(s) or others, threatens or endangers University property, or disrupts the stability and continuance of normal University operations and functions.

## **XII. Campus Resources**

<b>Confidential Reynolda</b>		
<b>The Safe Office</b>		
<b>Provides confidential crisis response, support services and education for students regarding sexual misconduct,</b>	<i>Available 24/7 for urgent needs:</i> <b>336.758.5285</b> <b>Montplbf@wfu.edu</b>	<a href="http://safe.studentlife.wfu.edu">http://safe.studentlife.wfu.edu</a>

including assault, and relationship violence or stalking.		
<b>PREPARE Student Advocates</b>		
Peer support or information for undergraduate students	<i>Available 24/7 while classes are in session: 336.671.7075</i>	<a href="http://prepare.counselingcenter.wfu.edu/">http://prepare.counselingcenter.wfu.edu/</a>
<b>University Counseling Center</b>		
Counseling Services and after hours crisis response	336.758.5273 <i>For assistance after hours, contact Student Health Service</i>	<a href="http://counselingcenter.wfu.edu/">http://counselingcenter.wfu.edu/</a>
<b>Office of the Chaplain</b>		
Spiritual Support	336.758.5210	<a href="http://chaplain.studentlife.wfu.edu/">http://chaplain.studentlife.wfu.edu/</a>
<b>Student Health Service</b>		
Medical concerns including exams, Preventative medications, including Plan B, STI or Pregnancy testing, and Rape Drug screenings	336.758.5812	<a href="http://shs.wfu.edu/">http://shs.wfu.edu/</a>
<b>CHOICES Office</b>		
Education and counseling related to alcohol and other drug concerns	336.758.5812	<a href="http://choices.studentlife.wfu.edu/">http://choices.studentlife.wfu.edu/</a>
<b>Reporting Reynolda Campus Resources</b>		
<b>Title IX Coordinator, Tanya Jachimiak, and Deputy Coordinators</b>		
Private University reporting option for incidents of sexual misconduct, including issuance of interim measures	336.758.7258 <a href="mailto:jachimtl@wfu.edu">jachimtl@wfu.edu</a> titleixcoordinator@wfu.edu	<a href="http://services.studentlife.wfu.edu/title-ix/">http://services.studentlife.wfu.edu/title-ix/</a>
<b>University Police</b>		
Safety needs or making a police report	<i>Emergencies:</i> 336.758.5911 <i>Non-Emergencies:</i> 336.758.5591	<a href="http://police.wfu.edu/">http://police.wfu.edu/</a> Silent Witness: <a href="http://police.wfu.edu/services/witness/">http://police.wfu.edu/services/witness/</a>
<b>Office of the Dean of Students</b>		
Conduct proceedings and private University reporting option	336.758.5226	<a href="http://services.studentlife.wfu.edu/">http://services.studentlife.wfu.edu/</a>
<b>Residence Life and Housing (including RA's and GHD's)</b>		
Housing needs; Deacon Card access requests	336.758.5185 or 336.758.7777	<a href="http://rlh.wfu.edu/">http://rlh.wfu.edu/</a>
<b>Office of Academic Advising</b>		
Academic Needs	336.758.3320	<a href="http://advising.wfu.edu/">http://advising.wfu.edu/</a>

<b>Center for International Studies</b>		
Coordinating health and safety response for WFU students abroad	336.758.5939	<a href="http://studyabroad.wfu.edu/">http://studyabroad.wfu.edu/</a>
<b>All Other WFU Faculty &amp; Staff</b>		
Including: Women's Center, LGBTQ Center, Office of Multicultural Affairs, Athletics, CARE Team, Office of Diversity and Inclusion, RAD program, Student Organization Advisors, Academic Department Faculty & Staff		

### XIII. Community Resources

<b>Winston-Salem Community Resources</b>		
<b>Advocacy &amp; Support</b>		
<b>Family Services</b>		
<ul style="list-style-type: none"> <li>Community advocacy and support services</li> <li>Individual and group counseling and education opportunities</li> <li>Domestic Violence Shelter (information available through DV Crisis Line)</li> </ul>	<p>336.722.8173 or 1.800.316.5513 info@fsifamily.org</p> <p>Sexual Assault Crisis Line: 336.722.4457</p> <p>Domestic Violence Crisis Line: 336.723.8125</p> <p><i>Crisis Lines available 24/7/365</i></p>	<p><a href="http://www.fsifamily.org/">http://www.fsifamily.org/</a></p> <p>1200 S. Broad Street Winston-Salem, NC 27101</p>
<b>Safe on Seventh (by Family Services)</b>		
"One Stop Shop" for assistance with interpersonal violence concerns including criminal and civil justice systems, law enforcement, victim advocates, and legal advocates	<p>336.722.8173 or 1.800.316.5513 info@fsifamily.org</p>	<p><a href="http://www.fsifamily.org/">http://www.fsifamily.org/</a></p> <p>Seventh Floor, Forsyth County Hall of Justice, 200 N. Main St, Winston-Salem, NC 27101</p>
<b>Health and Safety Resources</b>		
<b>WFU Baptist Medical Center</b>		
Medical Concerns including wellness exams, SANE forensic exams, STI or	<b>Emergency Department:</b>	<a href="http://www.wakehealth.edu/index.htm">http://www.wakehealth.edu/index.htm</a>

Pregnancy testing, and Rape Drug Screenings	336.713.9000 <i>To request an appointment:</i> 336.716.9253	Medical Center Blvd, Winston-Salem, NC 27157
<b>Novant Health Forsyth Medical Center</b>		
Medical Concerns including wellness exams, SANE forensic exams, STI or Pregnancy testing, and Rape Drug Screenings	<i>Emergency Department:</i> 336.718.2001 <i>To request an appointment:</i> 336.718.5000	<a href="http://www.forsythmedicalcenter.org/">http://www.forsythmedicalcenter.org/</a>  3333 Silas Creek Pkwy, Winston-Salem, NC 27103
<b>Forsyth County Health Department</b>		
Provides free and confidential testing for STIs and HIV	<i>Appointment Information:</i> 336.703.3324	<a href="http://www.co.forsyth.nc.us/PublicHealth/">http://www.co.forsyth.nc.us/PublicHealth/</a>  799 N. Highland Ave, Winston-Salem, NC 27101
<b>Winston-Salem Police Department</b>		
Safety needs or filing police report for incidents occurring outside of WFU Reynolda Campus	<i>Emergencies:</i> 911 <i>Non-Emergencies:</i> 336.773.7700	<a href="http://www.cityofws.org/departments/police">http://www.cityofws.org/departments/police</a>
<b>Mental Health Resources</b>		
Mental health community resource referrals are confidential and available upon request through the Wake Forest University Counseling Center.		