Information for Employees and Visitors Reporting Incidents of Sexual Misconduct, Sexual Harassment, Relationship Violence and Stalking

Wichita State University is committed to the elimination of sexual misconduct including all forms of sexual harassment, relationship violence, and stalking within the University community. These incidents may interfere with or limit an individual’s ability to work productively or to benefit from or fully participate in the University’s educational programs. Additionally, these incidents may cause serious physical and/or psychological harm. The outlined process applies to sexual misconduct, relationship violence, and/or stalking that is committed by a University employee or visitor at the time the behavior occurs:

- On University property;
- Off campus, if in connection with a University or University-recognized program or activity; or in a manner that may pose an obvious and serious threat of harm to, or that may have the effect of creating a hostile learning or working environment for, any member(s) of the University community.

Access to Assistance and Resources

A comprehensive listing of contact information for on- and off-campus assistance and support resources for Complainants and Respondents can be found at www.wichita.edu/care.

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. Interim measures may be put in place or modified at any point after a report is received and can be implemented even if a formal 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 any time, even if originally declined, and any measures put into effect will remain in place until the institution determines that they are no longer necessary.
Rights of the Complainant and Respondent
All Complainants and Respondents shall be entitled to the same rights in all investigations and resolution processes relating to reports of sexual misconduct, relationship violence, and/or stalking and will be advised of their rights, in writing, during their first meeting with the Deputy Title IX Coordinator or designee. Complainants and Respondents have the right to:

- Be notified of the allegations;
- Be provided advanced notice of all meetings in which they are requested or entitled to participate and notified of the purpose of those meetings;
- Be accompanied by an Advisor of the Complainant or Respondent’s choice throughout the investigation and resolution process;
- Request reasonable accommodations from the Office of Human Resources in order to ensure full and equitable participation in the investigation and resolution process;
- Be informed of campus and community resources available for support and assistance;
- Submit information, including the names of witnesses, for consideration in the investigation;
- Choose not to provide a statement or to respond to questions during the investigation and resolution process;
- Submit a written impact statement to be considered before a decision on consequences (if applicable) is rendered;
- 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
- Request one appeal within the University’s process.

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. There is no time limit on reporting an incident.

Confidential University Reporting Options
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) and Student Health Services (316-978-3620). 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 or to comply with a court order.

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 immediate and corrective action 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. A “responsible employee” includes any employee who:

- Has the authority to take action to redress the harassment;
- Has the duty to report to appropriate school officials sexual harassment or any other misconduct by students or employees; or
- A student, employee or visitor could reasonably believe has the authority or responsibility to take action.
Non-confidential reports regarding incidents in which an **employee or visitor** is the Respondent should be made to the Deputy Title IX Coordinator for Employees and Visitors (316-978-6123). Reports or disclosures regarding incidents in which an employee or visitor is the Respondent made to any responsible employee will be directed to the Deputy Title IX Coordinator for Employees and Visitors for further review. Visit [Wichita.edu/Title IX](http://Wichita.edu/Title IX) to access reporting form.

Non-confidential reports regarding incidents in which a **student** is the Respondent should be made to the Deputy Title IX Coordinator for Students (316-978-6681). An online reporting form can be found at: [https://publicdocs.maxient.com/incidentreport.php?WichitaStateUniv](https://publicdocs.maxient.com/incidentreport.php?WichitaStateUniv).

**Law Enforcement Reporting Options**
The University encourages any individual who has experienced sexual misconduct, relationship violence, stalking, or any other crime to make a report to the [Wichita State University Police Department (WSUPD)](http://316-978-3450) 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 essential for law enforcement investigations. Specifically, clothing worn before, after, or during an incident 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 individuals with making a report to law enforcement.

**Resolution Process**
- A Complainant may request that the University maintain confidentiality and/or take no formal action regarding a report. However, such a request may impact the institution’s ability to investigate. Additionally, some interim interventions cannot be implemented if the Complainant’s identity cannot be known.

- When a decision to investigate has been made, the Deputy Title IX Coordinator or designee will conduct a prompt, thorough, and impartial investigation of the reported behavior.

- The University seeks to resolve all reports within sixty (60) days of the initial report. Extenuating circumstances may arise that require the extension of time frames, including extension beyond sixty (60) days. Either party may inquire about the status of the investigation at any point in the process.

- In most cases, the review will involve conducting a fact-finding investigation, 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 will make a finding using the preponderance of the evidence standard. This standard requires that the information 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 University policy unless a preponderance of the evidence supports a finding that a violation occurred.

- At the conclusion of the investigation, the investigator will compile a written investigative report which will include the alleged violations of University policy.

- Individuals who are found to have violated University policy will receive disciplinary consequences appropriate to the current violation(s) and in consideration of any prior disciplinary, performance and/or behavioral issues while employed at the University.

- Either party may submit an appeal of the Deputy Title IX Coordinator’s decision to the Director of Human Resources within five (5) University business days. The first day shall be counted as the date of the decision letter. The appeal must be received no later than the close of business on the fifth day. Filing an appeal will not delay the sanctions if applicable. Once an appeal is received, the other party will be notified and provided with an opportunity to review the submitted appeal and submit a written response within three (3) University business days. Upon receipt of the appeal documents, the Director of Human Resources will conduct an efficient and narrow review of the file limited to the grounds identified by the initiator of the review.

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