Sexual Misconduct, Relationship Violence, and Stalking Process Information

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.

For complete policy and process information regarding incidents involving a student as a Respondent, please refer to [WSU Policies and Procedures Manual Section/8.16 Sexual Misconduct, Relationship Violence, and Stalking Policy for Students.](#)

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](http://www.wichita.edu/care).

- **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:
    - i. Administrative directives for no contact
    - ii. Academic
    - iii. Housing
    - iv. Transportation
    - v. Employment
    - vi. Facility Access
    - vii. Activities
    - viii. Campus Escort
  - Interim measures may be implemented at a later time, even if originally declined, and any put into effect will remain in place until the institution determines that they are no longer necessary.

**Process Rights**

- 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.

- Complainants and Respondents will be advised of their rights, in writing, during their first meeting with the Director or designee.

- Complainants and Respondents have the right to:
  - o Be notified of the alleged violations of University policy;
  - o Be provided advanced notice of all meetings in which they are requested or entitled to participate and notified of the purpose of those meetings;
  - o 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 Disability Services or the Office of Human Resources (for employees) in order to ensure full and equitable participation in the investigation and resolution process;
○ Be informed of the available resolution options;
○ Be informed of campus and community resources available for support and assistance;
○ Submit information, including the names of witnesses, for consideration in the investigation;
○ Be informed of all parties contacted to participate in the investigation and their relation to the alleged misconduct;
○ Review the complete case file upon request by scheduling an appointment with the Director or designee;
○ Choose not to provide a statement or 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.

Options for Reporting

- **Confidential University Reporting Options**
  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.

- **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.

The University has designated the following individuals as Responsible Employees:

i. Title IX Coordinator, Deputy Coordinators, Associate Coordinators, and designees
ii. Resident Assistants, Peer Academic Leaders, and Residence Hall administrators, including Assistant Residence Life Coordinators
iii. Deans, Associate Deans, Assistant Deans, and Chairs
iv. Directors of University offices, bureaus, centers, institutes, and laboratories
v. President, Provost, all Vice Presidents, all Associate Vice Presidents, and all members of the President’s Executive Team or their designees
vi. Head Coaches, Assistant Coaches, Strength Coaches, Volunteer Coaches, and Athletic Trainers (subject to Federal and State privacy and confidentiality laws)

The University Designates the following individuals as Responsible Employees:

vii. Faculty and staff who supervise employees
viii. Office of Human Resources personnel
ix. Sworn law enforcement officers of the University Police Department and other University security personnel
x. Faculty/Instructors
xi. Student Organization Advisors

Non-confidential reports regarding incidents in which a student is the Respondent should be made to the Director of Student Conduct & Community Standards (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).
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).

- **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)** (316-978-3450) if the incident occurred on campus, or to local law enforcement, for incidents occurring off campus. A member of the Counseling and Testing Center advocate team is available to assist students in 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 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.

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

- 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 Section 8.05/Student Code of Conduct unless a preponderance of the evidence supports a finding that a violation occurred.

- 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.

- 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.

- Either party may submit an appeal of the Director’s decision to the Dean of Students within five (5) University business days. 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. The Dean of Students’s decision is considered the final University decision and will be communicated simultaneously in writing to both the Complainant and Respondent. The Dean of Students will strive to review and respond to the appeal within 10 University business days of receipt of all documentation.
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