

**WAKE FOREST BAPTIST MEDICAL CENTER STUDENT SEXUAL MISCONDUCT &
DISCRIMINATION POLICY**

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I. Introduction

Wake Forest Baptist Medical Center (hereinafter “WFBMC” or the “University”) expects all members of its community to act in respectful and responsible ways towards each other. Our organization, Wake Forest Baptist Medical Center, is comprised of Wake Forest University Health Sciences, the Wake Forest School of Medicine, Wake Forest University Graduate School of Arts and Sciences-Biomedical Sciences, and Wake Forest Innovations. References herein to the “School” are inclusive of the Wake Forest School of Medicine Academic Nursing, Undergraduate Medical Education (MD), and Physician Assistant (PA) programs and the Wake Forest University Graduate School of Arts and Sciences-Biomedical Sciences programs.

The 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 Code of Conduct, see

<http://www.wakehealth.edu/Compliance/Code-of-Conduct.htm>

For its Nondiscrimination Statement, see the Student Handbook at

<http://www.wakehealth.edu/School/MD-Program/Student-Records/>.

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

As a recipient of Federal funds, WFBMC 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.

This policy addresses complaints of sexual misconduct where the respondent is a student of the School as defined in this policy. Complaints relating to sexual misconduct by a member of the WFBMC faculty, staff or other community member are not covered by the policy. The policy covering faculty, staff, and community members may be found at

<http://ishare.wakehealth.edu/GoverningPolicy/Policies/Harassment.pdf>. **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 investigations 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 WFBMC employee 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 cooperating 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 may result in disciplinary action independent of the sanction or interim measures imposed in response to the underlying allegations of sexual misconduct.

II. Coverage

This policy addresses complaints of Sexual Misconduct and Sexual Discrimination where the accused party (Respondent) is a current student of the School. Complaints relating to Sexual Misconduct or Sexual Discrimination alleged against a member of the WFBMC faculty, staff (including student employees when acting in their capacity as an employee), or affiliates are not covered by the policy. The policy covering faculty, staff, and community members may be found at <http://ishare.wakehealth.edu/GoverningPolicy/Policies/Harassment.pdf>.

The University has the right to review and investigate any alleged violations of this policy that occur in the context of a University-sponsored program or activity or that otherwise may affect the University’s working or learning environments, regardless of whether the conduct occurred on or off campus.

The University’s ability to investigate and/or impose disciplinary sanctions may be limited where the alleged conduct occurred outside the context of a University-sponsored program or activity or occurred off campus, or one party is not a member of the University community. In such cases, the University reserves the right to take any steps that it deems appropriate to address the alleged conduct where said conduct has a continuing adverse effect on or creates a hostile environment for students, employees, and/or third parties while on University owned, leased, or controlled property or in any University sponsored employment or educational program or activity. In all cases, the University may provide appropriate resources to those individuals impacted and, where appropriate, the broader University community.

III. Prohibited Sexual Misconduct and Sexual Discrimination

The University strictly prohibits Sexual Misconduct and Sexual Discrimination.

A. Sexual/Gender-Based Harassment:

Sexual or gender-based harassment is a form of discrimination that includes verbal, written, or physical behavior, 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 individual’s education, employment, University living environment, or participation in a University activity or program. Examples of this type of sexual harassment include:

- a. Pressuring an individual to engage in sexual behavior for some educational or employment benefit, or
 - b. Making a threat or perceived threat that rejecting sexual behavior will carry a negative consequence for the individual.
2. The behavior has the purpose or effect of substantially interfering with the individual'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 include:
 - a. 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. Unwelcome sexually-oriented teasing, joking or flirting
 - e. Unwelcome back/shoulder massages; and
 - f. 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 individual 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.

B. Sexual Assault

1. Non-Consensual Sexual Contact

Non-Consensual Sexual Contact is defined as intentional touching of another person's clothed or unclothed body, including, but not limited to, the mouth, neck, buttocks, anus, genitalia, or breast, by another with any part of the body or any object in a sexual manner. Non-Consensual Sexual Contact also includes causing another person to touch their own or another's body in the manner described in this definition.

Sexual assault is a form of Non-Consensual Sexual Contact that involves having or attempting to have sexual contact with another person without consent.

2. Non-Consensual Sexual Penetration

Non-Consensual Sexual Penetration is defined as 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).

3. Sexual Exploitation

Sexual exploitation is 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 person being exploited. Sexual exploitation encompasses a wide range of behaviors including, but 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 Tommerly (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); or
- g. Indecent Exposure (willfully exposing one's genitals in any public place, and in the presence of another person).

C. Stalking or Cyberstalking:

Stalking or cyberstalking is defined as engaging in a course of conduct (at least two acts) directed at a specific person (in person, through third parties 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.

D. Relationship Violence (Domestic Violence & Dating Violence):

Relationship Violence (Domestic or Dating Violence) is defined as:

1. attempting to cause bodily injury;
2. intentionally causing bodily injury; or
3. placing the aggrieved person or a member of the aggrieved person's family or household in fear of imminent serious bodily injury or continued harassment that rises to the level to cause a reasonable person substantial emotional distress.

Relationship Violence is commonly referred to as dating violence or domestic violence, and occurs between persons who have been in a social relationship of a romantic or intimate nature with each other. The existence of such a relationship is determined by considering the following factors:

- the length of the relationship;
- the type of relationship; and
- the frequency of interaction between the persons involved in the relationship.

IV. Effective Consent

The University's definition of Sexual Assault mandates that each participant obtains and gives effective consent in **each instance and before each** sexual act. For the purposes of this policy, the University's defines effective consent as follows:

- Consent is informed, freely and actively given through mutually understandable words or actions that indicate a willingness to participate in the sexual activity.
- 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.
- If there is any ambiguity or confusion, the initiator of the sexual activity should stop and clarify the other's willingness to continue and capacity to consent.
- Assumptions about consent or willingness to engage in sexual activity should never be made.
- Consent cannot be inferred from:
 1. Silence, passivity, 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 spending of money;
 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 cannot be 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 reasonably 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 Effective Consent and does not excuse conduct that constitutes Sexual Misconduct under this Policy.

V. Reporting

The University encourages anyone who experiences or becomes aware of Sexual Misconduct to immediately report the matter by filing a criminal complaint with the Winston-Salem Police Department, WFBMC Security Services, Wake Forest University Police Department, a report with the University Title IX Coordinator, a report with the Compliance Hotline (either anonymous or personally identified), or an anonymous Wake Forest University Police Department Silent Witness Police Report.

The Winston-Salem Police Department, WFBMC Security Services, Wake Forest University Police Department, and the Title IX Office are non-confidential resources, meaning that any incidents reported to those offices must be reviewed.

A. Report a Crime to the Police (Non-Confidential)¹

WINSTON-SALEM POLICE DEPARTMENT

725 North Cherry Street
Winston-Salem, NC 27101
Emergencies: 911
Non-Emergencies: 336-773-7700

WAKE FOREST BAPTIST MEDICAL CENTER SECURITY SERVICES

Medical Center Blvd.
Winston-Salem, NC 27157
Emergencies: 336-716-9111
Non-Emergencies: 336-716-3305

WAKE FOREST UNIVERSITY POLICE

Alumni Hall
P.O. Box 7686
Winston-Salem, NC 27109
Emergencies:

- On Campus University Phone: 911
- By Cell or Off Campus: 336.758.5911

Non-Emergencies: 336.758.5591 or police@wfu.edu

¹ Confidential resources are those resources that do not have mandatory reporting requirements to the University's Title IX Coordinator and law enforcement. Confidential resources include mental health counselors and other medical professionals when such persons are providing services in their respective roles as counselors and medical professionals. Non-confidential resources are resources/offices that are legally required to report all sexual misconduct and harassment complaints to the University's Title IX Coordinator. Non-Confidential resources include faculty advisors and WFBMC staff.

B. File a Report with the University Title IX Office or with Liaisons (Non-Confidential/Private)

TITLE IX COORDINATOR

Tanya L. Jachimiak, JD
Director, Title IX Office
Reynolda Hall \ Suite 307
jachimtl@wfu.edu
titleixcoordinator@wfu.edu
336.758.7258

DEPUTY TITLE IX COORDINATOR/INVESTIGATOR

Jessica Telligman, JD
Assistant Director/Deputy Title IX Coordinator
Title IX Office
BGCME\3rd Floor
Reynolda Hall \ Suite 307
telligjr@wfu.edu
336.758.4997

TITLE IX DEPUTY COORDINATORS

Nicole Allen
Deputy Title IX Coordinator
336.713.7880
chaallen@wakehealth.edu

Tanya Gregory
Deputy Title IX Coordinator
33.713.0819
tgregory@wakehealth.edu

STUDENT HEALTH NAVIGATOR

Marsha Brown
Student Health Navigator
336.716.0637
msbrown@wakehealth.edu
BGCME\3rd Floor

C. File a Report with the Compliance Hotline (24/7)

1.877.880.7888 toll-free

www.tnwinc.com/reportline

The Compliance Hotline can be reached toll free at 1.877.880.7888 or by submitting an online report at www.tnwinc.com/reportline. You may file a report anonymously or you may identify yourself. Reporting is available 24 hours a day, 7 days a week, can be accessed from any location, and is available in numerous languages. To ensure caller confidentiality and anonymity, this service is administered by an independent company, The Network.

D. File an Anonymous Silent Witness Report (24/7)

The Wake Forest University Police Department provides a second option for anonymous reporting of campus crime by a crime victim or a third party reporting on behalf of a crime victim. To complete an online crime reporting form go to: police.wfu.edu/services/witness/.

Note: If a report of Sexual Misconduct is made to other University faculty, residents, and staff members, that faculty, resident or staff member is required disclose the report of Sexual Misconduct to the Title IX Coordinator.

VI. 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, misuse of alcohol or illegal use of controlled substances, the University may extend limited immunity to Complainants, Respondents, witnesses and to those reporting incidents and/or assisting the parties from punitive sanctioning for University policy violations involving alcohol or substance use.

VII. Simultaneous Police and University Investigations

Sexual Misconduct may be a violation of University policy *and* a crime. Disciplinary action at the University is not a substitute for criminal or civil legal action. Therefore, the University encourages students to report alleged criminal conduct promptly to local law enforcement agencies and to the Title IX Office. Individuals have the right to simultaneously report a crime to law enforcement and to the University.

If a crime related to sexual misconduct is reported to Wake Forest University Police or to WFBMC security (including SunStates), they are obligated to contact the University Title IX Office, thereby allowing the Title IX Office to conduct a review in accordance with this policy. If a report is made to the Winston-Salem Police Department or other local law enforcement agencies, information from those agencies may be submitted to WFBMC Security or the Wake Forest University Police Department, who will provide said information to the to the University Title IX Office for review.

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 limit the effects of any ongoing Sexual Misconduct. 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 clerkship assignments. The University will take steps to minimize the burden on the parties. The University investigation will be conducted in a prompt, fair, and impartial manner by the University Title IX Coordinator or designee, who has had training on investigating cases of Sexual Misconduct. During and after the University investigation, measures will be taken by the University to ensure the preservation of evidence for internal purposes and/or a criminal investigation.

VIII. Privacy of Information

Wake Forest University protects the privacy of both the Complainant and the Respondent in compliance with applicable laws and regulations. However, if the University determines that there may be 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.

If the Complainant requests that an initial assessment not be conducted, an Informal Resolution Process not be pursued, and/or the Formal Resolution Process not be initiated, and/or requests that the report remain private, federal regulations and this policy may require that the University conduct an initial assessment and take reasonable action in response to the report when failure to do so may result in imminent harm to the community.

This may involve the Title IX Coordinator, or designee, conducting an initial assessment 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)'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).

Even if the University cannot take disciplinary action against the Respondent student(s) because of the request for privacy or the request to not pursue the informal or formal resolution process, the University will nevertheless take prompt and effective steps reasonably calculated to limit the

effects of the alleged sexual misconduct and to prevent its recurrence. For instance, the Title IX Coordinator or designated investigator may issue an educational "no contact" order or take other appropriate Interim Measures.

IX. Initial Assessment

A. Meeting with Complainant

Upon receiving a report of Sexual Misconduct or Sexual Discrimination, the Title IX Coordinator or the Title IX Coordinator's designated investigator will assess the reported information and respond to any immediate health or safety concerns raised by the report, including referring the Complainant to the Safe Office and other confidential resources. The Title IX Coordinator or investigator will inform the Complainant of their right:

- To **Seek Medical Treatment**, and explain the importance of obtaining and preserving forensic and other evidence.
- To **File a Police Report** with the Winston-Salem Police Department or other appropriate jurisdiction. The chances of a successful criminal investigation are greatly enhanced if evidence is collected and maintained immediately by law enforcement officers.
- To **Confidential Campus Resources** like Student Counseling and Wellness Services and Innovation Quarter (IQ) Chaplain.
- To an **Investigation** conducted in a prompt, fair, and impartial manner. Complainants have the right to request an end to the process except as set forth in the Policy.
- To a **Support Person** of Complainant's choosing during the process. Complainants may also choose to be assisted at a hearing by an **Advisor** of their choice.
- To reasonable efforts to ensure the preservation of **Privacy** during the investigation in accordance with the Family Educational Rights and Privacy Act (FERPA).
- To reasonable **Interim Measures**, such as a class schedule change, extensions of time on assignments, temporary housing (if available), and/or 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 and the Complainant.
- To request an **Informal Resolution** of the case (except in certain instances involving sexual assault). Complainants have the right to bypass or end the Informal Resolution Process at any time.
- To request a **Formal Resolution Process** upon completion of an investigation and if cause is found to proceed under this Policy.
- To **Identify Witnesses** who may be interviewed during an investigation or who may be called to answer questions during a hearing.
- To reasonable **Accommodations** during the hearing, such as not being in the same room as the Respondent.
- To **Submit Questions** that Complainant believes the Respondent or a witness should be asked during a disciplinary hearing. The Hearing Chair may use their discretion in evaluating the relevancy of the questions submitted and may choose to reframe or omit them as necessary.

- To be **Notified in Writing** of the Hearing Panel’s decision and, when applicable, the sanctions imposed.
- To **Appeal** the decision of the Hearing Panel within 14 days of the written decision.
- To **Not Be Retaliated Against** for filing a complaint and for participating in an informal or Formal Resolution Process.

The Title IX Coordinator or designated investigator will ensure that the Complainant receives these rights in writing.

B. Meeting with Respondent

Taking into account the Complainant’s request for privacy, the Title IX Coordinator or designee will determine whether to initiate further review or an investigation or impose Interim Measures under this policy. If any action impacts a Respondent (including the imposition of interim measures), the Title IX Coordinator or designee will meet with the Respondent, ensure that the Respondent is notified in writing that a report has been filed against them, offer support and assistance, provide a list of resources and options, and inform the Respondent of their rights.

- To **Confidential Campus Resources** like Student Counseling and Wellness Services and Innovation Quarter (IQ) Chaplain.
- To an **Investigation** conducted in a prompt, fair, and impartial manner.
- To **Respond** to the Complainant’s allegations.
- To a **Support Person** of their choosing during the process. A Respondent may also choose to be assisted at a hearing by an **Advisor** of their choice.
- To reasonable efforts to ensure the preservation of **Privacy** during the investigation under the Family Educational Rights and Privacy Act (FERPA).
- To reasonable **Interim Measures**, such as a class schedule change, extensions of time on assignments, temporary housing (if available), and/or assistance in changing academic and living situations. In addition, no-contact orders may also be issued to prevent any contact, whether in person or indirectly, between the Respondent student and the Complainant.
- To request an **Informal Resolution** of the case (except in certain instances of sexual assault). Respondents have the right to bypass or end the Informal Resolution Process at any time.
- To a fair **Formal Hearing Panel**, if a panel is convened upon completion of an investigation and to resolve the case.
- To **Identify Witnesses** who may be interviewed during an investigation or who may be called to answer questions during a hearing.
- To reasonable **Accommodations** during the hearing, such as not being in the same room as the Complainant.
- To **Submit Questions** that the Respondent believes the Complainant or a witness should be asked during the hearing. The Hearing Chairperson may use their discretion to determine whether questions and/or information submitted is relevant. The Hearing Chairperson may choose to reframe or omit them as necessary.

- To be **Notified in Writing** of the Hearing Panel’s decision and, if applicable, the sanctions imposed.
- To **Appeal** the decision of the Hearing Panel within fourteen (14) days of the written decision.

The Title IX Coordinator or designated investigator will ensure that the Respondent receives these rights in writing.

C. Notice of Potential University Actions Against Student Groups or Organizations

If it is determined that a report reveals involvement of, or a pattern of behavior by a particular student group or organization, the Title IX Coordinator may impose any appropriate remedial or protective measures contemplated by this policy in consultation with the relevant University officials. Such measures may include, but are not limited to, modification, suspension or termination of a student group’s or organization’s agreement or status with the University to the extent permitted by law and University policy.

X. Informal Resolution Process

A Complainant who wishes to file a report of Sexual Misconduct with the University but who does not wish to pursue the Formal Resolution Process, 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 reports of alleged Non-Consensual Sexual Penetration.

The Informal Resolution Process is intended to resolve reports 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 report and the conclusion of an initial assessment.

Any resolution through this Informal Resolution Process must be mutually agreed upon by the parties involved. The Title IX Coordinator will assign appropriate University officials to facilitate informal resolution.

Both the Complainant and the Respondent have the right to bypass or end the Informal Resolution Process at any time and initiate the Formal Resolution Process.

Records arising from the Informal Resolution Process will not be used for any purpose other than those described above, to comply with applicable laws and regulations, and/or if a complaint subsequently results in the Formal Resolution Process as a result of a party’s failure to comply with the terms of the informal resolution agreement or otherwise becomes part of a legal action.

Notwithstanding the foregoing, the University may also take into account prior accusations of the same or of a similar nature filed against an accused individual, and the University may take action to address concerns about repetitive behaviors that are inconsistent with the University’s commitment to maintaining an educational and working environment free from Sexual Misconduct and Sexual Discrimination.

XI. 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 under this policy.

A. Notice of Investigation

The Title IX Coordinator or designated investigator will notify the Complainant and the Respondent, in writing, of the initiation of an investigation beyond the Initial Assessment. If not previously provided, the Title IX Coordinator or investigator will identify the parties; specify the date, time, location, and nature of the alleged prohibited conduct; identify potential policy violations; identify the investigator if other than the Title IX Coordinator; and instruct the parties to preserve any potentially relevant evidence.

B. Other Forms of Prohibited Conduct

If a report also implicates other forms of conduct prohibited by the University (*e.g.*, Code of Conduct) and such conduct is not related to the allegations of sexual misconduct, the non-related conduct may be referred to the appropriate University office during or after the Sexual Misconduct allegation is resolved.

C. Presumption of Non-Responsibility and Participation of the Parties

The investigation is a neutral fact gathering process. The Respondent is presumed to be not responsible; the presumption may be overcome only where there is sufficient evidence by a preponderance of evidence to support a finding that the Respondent is responsible for violating this policy.

D. Timeframe for Completion of Investigation; Extension for Good Cause

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 report. This time period can be modified at the discretion of the University's Title IX Coordinator, if deemed necessary to conduct a thorough investigation, to protect the rights of all parties or for other reasonable considerations.

E. Overview of Investigation

During the investigation, the parties will have an equal opportunity to be heard, to submit information and corroborating evidence, to identify witnesses who may have relevant information, and to submit questions that they believe should be directed by the investigator to the other or to any witness.

The investigator will notify and seek to meet separately with the parties and third-party witnesses and will gather other relevant and available information including, without limitation, electronic or other records of communications between the parties or witnesses, photographs, and/or medical records (subject to the consent of the applicable party).

The Title IX Coordinator or designated investigator has the discretion to determine the relevance of any proffered evidence and to exclude irrelevant evidence from the investigation report.

F. Request for a Sexual Misconduct Hearing Panel

Upon conclusion of the investigation, the Complainant may request that the matter be submitted to a Hearing Panel for determination of whether Respondent is responsible for violating this policy.

If Complainant makes a request for a Hearing Panel, the Title IX Coordinator or designated investigator will determine whether there is cause for the matter to proceed to a Hearing Panel under the Formal Resolution Process.

G. Investigation Report and Review Period

If a matter is submitted to a Sexual Misconduct Hearing Panel for a determination of responsibility, upon completion of the investigation, the Title IX Coordinator or designee will prepare a written report summarizing the investigation. Because the Hearing Panel will determine whether a party is responsible for violating the policy, the report will not make a finding of a violation, but will make a finding of whether cause exists for the matter to proceed to a hearing.

The parties will receive a copy of the investigation report in advance of the hearing. After receiving the investigation report and in advance of the hearing, the parties may submit additional information, additional comments, and/or identify any additional witnesses or evidence for the Title IX Coordinator or designated investigator to consider. In the absence of good cause, as determined by the Title IX Coordinator or investigator, information, witnesses, and other evidence discoverable through the exercise of due diligence that is not provided to the Title IX Coordinator or designee during the investigation will not be considered by the Hearing Panel.

The parties will have seven (7) calendar days to review and respond in writing to the investigation report. Responses must be submitted to the Title IX Coordinator.

The Title IX Coordinator has discretion to exclude additional information, comments, witnesses or other evidence on grounds of relevancy, redundancy, or failure to provide such evidence during the course of the investigation without good cause. The Title IX Coordinator or designated investigator may amend the investigation report or include additional information as an appendix to the original investigation report. Excluded

information, comments, and names of witnesses will be provided to the Hearing Chairperson for determination as to whether said evidence will be included at the hearing.

The final investigation report will be submitted to the Hearing Panel in advance of the hearing.

H. Hearing Board

The University's Sexual Misconduct Hearing Board is composed of faculty and staff who have received training, including education on hearing processes, the standard of review, evaluating evidence in a fair and impartial manner, cultural awareness, and the impact of trauma on all parties.

When a request for a Sexual Misconduct Hearing Panel is made, the Title IX Coordinator, or designated investigator, will select a Chairperson in addition to a three-member Hearing Panel from the Hearing Board to determine whether the Respondent is responsible for violating the Student Sexual Misconduct and Sexual Discrimination Policy.

I. Hearing Format

The hearing is an opportunity for the parties to address the Hearing Panel and for the Hearing Panel to meet the parties and ask the parties' questions. The sequence of this hearing may be as follows:

1. Investigation Summary: The Title IX investigator assigned to the complaint will provide a brief summary of the allegations. Following the summary, the Hearing Panel may ask questions to the Title IX investigator. Complainant and Respondent may submit questions to the Chairperson in writing, for the Hearing Panel to then ask the Title IX investigator, which the Chairperson may choose to rephrase or omit.
2. Complainant's Case: Complainant has the option, but is not required, to provide a brief verbal or written opening statement setting forth the charges alleged. If the opening statement is written, the Hearing Chairperson may, in its discretion, read it out loud upon request by the Complainant. Following an opening statement, Complainant may present evidence by being available for questioning by the Hearing Panel; may request the Hearing Panel to call his/her witnesses; and may submit questions in writing to the Chairperson for the Hearing Panel to ask, which the Chairperson may choose to rephrase or omit. Once the Hearing Panel has completed its questioning, the Respondent may submit written questions to the Chairperson to consider and if deemed relevant and not otherwise redundant, submit to the Hearing Panel.
3. Respondent's Case: Respondent has the option, but is not required, to provide a brief verbal or written opening statement setting forth Respondent's reply to the charges alleged. If the opening statement is written, the Hearing Chairperson may read it out loud upon request of the Respondent. No questions may be asked during the opening statements. Following the opening statement, Respondent may present evidence by

being available for questioning by the Hearing Panel; may request the Hearing Panel to call his/her witnesses; and may submit questions in writing to the Chairperson for the Hearing Panel to ask, which the Chairperson may choose to rephrase or omit. Once the Hearing Panel has completed its questioning, the Complainant may submit written questions to the Chairperson to consider and, if deemed relevant and not otherwise redundant, submit to the Hearing Panel.

[Please note that both parties may have already provided the Chairperson with questions to be asked by the Hearing Panel. If either party would like additional questions asked, they must be submitted in writing and provided to the Chairperson during the hearing.]

4. Deliberations: Once the statements have been completed, the parties will be dismissed, and the Hearing Panel will begin its deliberations. The Hearing Panel shall evaluate the evidence and decide, based on a preponderance of the evidence, whether the Respondent is responsible for violating the University's Student Sexual Misconduct. Once the Panel has reached a decision, the parties will be notified simultaneously in writing of the Panel's decision.

J. Submission of Questions to the Hearing Panel

As stated above, prior to and during the hearing, the Complainant and Respondent may submit questions to the Chairperson to be asked of each other and the witnesses testifying before the panel. Complainants and Respondents are prohibited from directly asking questions. This prohibition extends to advisors and support persons of Complainants and Respondents. The Hearing Chairperson makes evidentiary decisions, and has sole discretion to determine relevancy and/or redundancy of the questions submitted, and determine whether the questions should be asked in full, in part, or omitted.

K. Prior or Subsequent Conduct

Prior or subsequent conduct of the parties may be considered in determining pattern, knowledge, intent, motive or absence of mistake. For example, evidence of a pattern may be deemed relevant if the conduct is substantially similar to the conduct under investigation. In consultation with the Title IX Coordinator, the Chairperson will determine the relevance of this information and both parties will be informed if evidence of prior or subsequent conduct is deemed relevant.

L. Prior Sexual History

Notwithstanding the above, sexual history of a Complainant or Respondent will never be used to prove character or reputation. Moreover, evidence related to prior sexual history or either of the parties is generally not relevant to the determination of a policy violation but will be considered in limited circumstances. Sexual history of either party with one

another may be discussed during the hearing if determined by the Chairperson to be relevant.

M. Relevance

During the hearing, the Hearing Chairperson has the sole discretion to determine relevance of any proffered evidence, to include or exclude certain types of evidence at the hearing as well as which questions are relevant and/or not redundant and/or not reliable and may be asked by the Hearing Panel. Issues regarding admission of evidence or testimony, including relevancy and the reliability of the evidence and testimony will be determined by the Hearing Chairperson prior to and/or during the hearing.

N. Support Person and Advisor

Complainant may have a support person of their choosing and an advisor of their choosing at the hearing, but their roles are strictly limited to providing support and/or advice to the Complainant. Respondent may have a support person of their choosing and an advisor of their choosing at the hearing, but their roles are strictly limited to providing support and/or advice to the Respondent. Support people and advisors are prohibited from directly asking questions, arguing, or presenting information or evidence during the hearing. Support people and advisors may be removed by the Chairperson, in the Chairperson's discretion, if the support people or advisors disrupt the hearing.

O. Accommodations for Hearings

Arrangements may be made for Complainants and/or Respondents who do not wish to be in the hearing room with the opposing party at the same time. This accommodation may include audio conferencing or videoconferencing. All accommodation requests must be made to the Title IX Coordinator at least three (3) calendar days in advance of the hearing.

P. Hearing Panel Deliberations

The Hearing Chairperson is a non-voting facilitator of the panel's deliberations. The Hearing Panel shall evaluate the evidence and decide, based on a preponderance of the evidence, whether the Respondent is responsible for violating the University's Student Sexual Misconduct and Sexual Discrimination Policy. "Preponderance of the evidence standard" means 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. A decision is reached by a majority of the Hearing Panel.

Q. Sanctions

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, prohibition of participation in University programs or activities (which may include graduation), and/or other educational sanctions deemed appropriate by the Hearing Panel. Sanctions imposed by the Hearing Panel will remain in effect pending the outcome of any appeal process.

R. Simultaneous Notification of Panel's Decision

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

XII. Appeals

Complainants and Respondents 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:

- A. Appropriateness of the sanction;
- B. Germane new evidence not available at the time of the hearing that could significantly impact the outcome; and/or
- C. Procedural errors that significantly impact the outcome

Appeals will be reviewed by an Appeals Committee comprised of an Appeals Officer and a three (3) member panel chosen by the Title IX Coordinator from the Sexual Misconduct Hearing Board.

The Appeals Committee is charged with reviewing the appeal. The Appeals Committee shall have access to all information that was available to the 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 adopt 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 of the Committee's decision. The Title IX Coordinator will also be notified (verbally and in writing) of the Committee's decision.

XIII. 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 University administrators. Regardless of the outcome of the Initial Assessment or Formal Resolution Process, Interim Measures may be provided to the Complainant or Respondent by the Title IX Coordinator. Such measures may include no contact orders and/or changes in class schedules and/or housing assignments.

Interim actions may also 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. 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.

Appendix
Summary of Student Resources & Reporting Options

CONFIDENTIAL: Campus Resources		
Student Counseling and Wellness Services		
Counseling services and crisis response	Counselingservices@wakehealth.edu Dr. Paige Bentley, pgreason@wakehealth.edu 336.713.3357 Ryan MacLeod, rmacleod@wakehealth.edu 336.713.6302	First Floor Room 1213 Waiting Room Bowman Gray Center for Medical Education Building 60N 475 Vine Street, Winston-Salem, NC 27101
Innovation Quarter (IQ) Chaplain		
Spiritual support	Michelle Nicolle, IQ Chaplain, mnicolle@wakehealth.edu 336.713.9766	Third Floor Bowman Gray Center for Medical Education
NON-CONFIDENTIAL: Campus Resources		
Title IX Office		
Private University reporting option for incidents of sexual misconduct, including issuance of interim measures	Tanya Jachimiak, Title IX Coordinator 336.758.7258 jachimtl@wfu.edu titleixcoordinator@wfu.edu Jessica Telligman Assistant Director/Deputy Title IX Coordinator 336.758.4997 telligir@wfu.edu	titleix.wfu.edu Third Floor Bowman Gray Center for Medical Education
Student Health Navigator		
Assists students with navigating health options	Marsha Brown Student Health Navigator 336.716.0637 msbrown@wakehealth.edu	Third Floor Bowman Gray Center for Medical Education

Community Resources in Winston-Salem

Advocacy & Support		
Family Services		
Community advocacy and support services; Individual and group counseling and education opportunities; Domestic Violence Shelter (information available through DV Crisis Line)	336.722.8173 or 1.800.316.5513 info@familyservicesforsyth.org Crisis Line: 336.723.8125 Sexual Assault Crisis Line: 336.722.4457	www.familyservicesforsyth.org Family Services 1200 S. Broad Street Winston-Salem, NC 27101
Safe on Seven (by Family Services)		
“One Stop Shop” for assistance with interpersonal violence concerns including criminal and civil justice systems, law enforcement, victim advocates, and legal advocates	336-776-3255 info@familyservicesforsyth.org	http://familyservicesforsyth.org/find-help/safe-relationships/domestic-violence/safe-on-seven/ Safe on Seven Domestic Violence Center 725 Highland Avenue Winston-Salem, NC 27101
Health and Safety Resources		
WFU Baptist Medical Center		
Medical Concerns including wellness exams, SANE forensic exams, STI or Pregnancy testing, and Drug Screenings	Emergency Department: 336.713.9000 To request an appointment: 336.716.9253	www.wakehealth.edu Medical Center Blvd, Winston-Salem, NC 27157
Novant Health Forsyth Medical Center		
Medical Concerns including wellness	Emergency Department:	www.forsythmedicalcenter.org

exams, SANE forensic exams, STI or Pregnancy testing, and Drug Screenings	336.718.2001 <i>To request an appointment:</i> 336.718.5000	3333 Silas Creek Parkway, Winston-Salem, NC 27103
Winston-Salem Police Department		
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	www.cityofws.org/departments/police 725 North Cherry Street Winston-Salem, NC 27101
Mental Health Resources		
Mental health community resource referrals are confidential and available upon request through the Wake Forest University Counseling Center.		

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