APPENDIX A

Sexual and Gender-Based Harassment Policies and Procedures

Introduction

Title IX of the Education Amendments of 1972 (hereinafter, "Title IX"), and its implementing regulations prohibit discrimination on the basis of sex in education programs or activities operated by recipients of Federal Financial assistance. Sexual harassment of students, which includes acts of sexual violence, is a form of sex discrimination prohibited by Title IX.

Sexual harassment is unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual violence is a form of sexual harassment that is prohibited by Title IX. Title IX protects students from sexual harassment in a school's education program and activities; this includes all academic, educational, extracurricular, athletic, and other programs of the school, whether they take place at a school's facilities or any other location where students are engaging in academic pursuits.

If a school knows or reasonably should know about harassment that creates a hostile environment, Title IX requires that the school take immediate action to eliminate the harassment, prevent its recurrence, and address its effects. Schools are also required to publish a notice of non-discrimination and to adopt grievance procedures. Schools also have an obligation to investigate complaints filed with the school, no matter the location, program, or activity. Additionally, law enforcement investigations into complaints of harassment and/or violence do not relieve the school of responsibility for conducting a Title IX investigation and remedying the situation.

Title IX states that schools have the obligation to respond to sexual harassment, sexual violence, and sexual discrimination. Educational programs and literature promoting the prevention and awareness of rape, acquaintance rape, and other sex offenses are provided to all Wade College students and employees via campus training through Vector Solutions at Sexual Assault Prevention for Undergraduates | Vector Solutions.

Notice of Nondiscrimination

Wade College has a history of seeking to preserve an atmosphere of openness and tolerance. This college is committed to maintaining an unpretentious and accepting atmosphere welcoming to anyone who will strive to achieve his or her personal best. Wade College possesses and values diversity among the individuals who make up its community. Wade College does not tolerate behavior, harassment, discrimination, or prejudice based on race, color, religion, sex (including sexual harassment and pregnancy discrimination), sexual orientation, gender identity, national origin, age, genetic information, or disability (physical or mental). This is one of Wade College's greatest strengths.

With respect to the admission of students; the availability of student loans, grants, scholarships, and job opportunities; the opportunity to participate in student activities sponsored by the college; and the provision of any student services, Wade College shall not discriminate either in favor of or against any person because of age, ancestry, sexual orientation, genetic marker, gender, color, national or ethnic origin, race, religion, creed, disability, or any other characteristic protected by state, local, or federal law.

In addition to complying with federal and state equal opportunity laws and regulations, the college, through its diversity policy, declares harassment based on individual differences inconsistent with Wade College's mission and goals. Every member of the Wade College community enjoys certain rights. At the same time, individuals who work, study, live, and teach within this community are expected to refrain from behavior that threatens the freedom, safety, and respect deserved by every community member. Students who have concerns or questions should contact the Office of the President or the Title IX Coordinator.

Wade College abides by regulations set forth in Title IX of the Education Amendments of 1972, the *Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act ("Clery Act")*, and the *Violence Against Women Reauthorization Act of 2013*. There will be no retaliatory action against any individual with respect to the implementation of any provision of the *Clery Act.*

Upon written request, Wade College will disclose the results of any disciplinary hearing conducted by the college against the alleged student perpetrator to the victim of an alleged crime of violence or sex offense. If the alleged victim is deceased as a result of the offense, Wade College will provide the results of said disciplinary hearing to the victim's next of kin, if so requested.

Definitions (Clery Act Sexual Offenses)

Sexual Assault: Sexual harassment is unwelcome conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, graphic, or physical conduct of a sexual nature, when: (1) submission to or rejection of such conduct is made either explicitly or implicitly a condition of an individual's employment or academic standing or is used as the basis for employment decisions or for academic evaluation, grades, or advancement (quid pro quo); or (2) such conduct is sufficiently severe, persistent, or pervasive that it interferes with or limits a person's ability to participate in or benefit from the college's education or work programs or activities (hostile environment).

A hostile environment can be created by persistent or pervasive conduct or by a single severe episode. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment. Sexual violence, including rape, sexual assault, and domestic and dating violence, is a form of sexual harassment. In addition, the following conduct may violate this Policy:

- Observing, photographing, videotaping, or making other visual or auditory records of sexual activity or nudity, where there is a reasonable expectation of privacy, without the knowledge and consent of all parties
- Sharing visual or auditory records of sexual activity or nudity without the knowledge and consent of all recorded parties and recipient(s)
- Sexual advances, whether or not they involve physical touching
- Commenting about or inappropriately touching an individual's body
- Requests for sexual favors in exchange for actual or promised job benefits, such as favorable reviews, salary increases, promotions, increased benefits, or continued employment
- Lewd or sexually suggestive comments, jokes, innuendoes, or gestures
- Stalking Other verbal, nonverbal, graphic, or physical conduct may create a hostile environment if the conduct is sufficiently persistent, pervasive, or severe so as to deny a person equal access to the college's programs or activities. Whether the conduct creates a hostile environment may depend on a variety of factors, including: the degree to which the conduct affected one or more person's education or employment; the type, frequency, and duration of the conduct; the relationship

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be based upon the reporting party's statement with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. Any incident meeting this definition is considered to be a crime for the purposes of *Clery Act* reporting.
Domestic Violence: A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner 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 or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, 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 jurisdiction in which the crime of violence occurred. Any incident meeting this definition is considered to be a crime for the purposes of *Clery Act* reporting.
Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. Any incident meeting this definition is considered to be a crime for the purposes of *Clery Act* reporting.

Title IX Geography and Jurisdiction

This policy applies to sexual or gender-based harassment that is committed by students, faculty, staff, or third parties, when the misconduct occurs (1) on Wade College campus property including the main campus, any non-campus building or property, or public property immediately surrounding the institution, or (2) off campus if the conduct was in connection with a college-sponsored program or activity.

On-Campus: (1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes; and (2) Any building or property that is within or reasonably contiguous to the area identified in paragraph (1), that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or retail vendor).
Non-Campus Building or Property: (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.
Public Property: All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus.

Title IX Coordinator

Wade College has appointed a Title IX Coordinator to coordinate and assist with the college's efforts to comply with and carry out its responsibilities under Title IX. The Title IX Coordinator is Tara Valure, the Director of Academic and Student Affairs. Ms. Valure can be reached at tvalure@wadecollege.edu for more information about Wade College's Title IX programs and compliance. A complaint covered under Title IX may be filed with the Office of the President of Wade College.

Procedures for Reporting Dating Violence, Domestic Violence, Sexual Assault, or Stalking to Law Enforcement Authorities

Victims of sexual assault, dating violence, domestic violence, or stalking have the option of notifying on-campus and local law enforcement authorities. Victims are notified of their right to report the incident to the local police department immediately, but victims also have the right to decline to notify such authorities. Below is a list of local law enforcement agencies. Reports can be filed with the agency where the incident occurred.

Dallas Police Department (emergency)	911
Dallas Police Department (to file a report)	214-744-4444
Garland Police Department (emergency)	911
Garland Police Department (non-emergency)	972-485-4840
Arlington Police Department (emergency)	911
Arlington Police Department (non-emergency)	817-274-4444
Plano Police Department (emergency	911
Plano Police Department (non-emergency)	972-424-5678
Mesquite Police Department (emergency)	911
Mesquite Police Department (non-emergency)	972-216-6759
Richardson Police Department (emergency)	911
Richardson Police Department (non-emergency)	972-744-4800
Irving Police Department (emergency)	911
Irving Police Department (non-emergency)	972-273-1010

Victims of sexual assault or rape should follow these recommended steps:

- Go to a safe place following the attack.
- Do not shower, bathe, or destroy any of the clothing you were wearing at the time of the attack. It is important that evidence be preserved for proof of a criminal offense.
- Go to a hospital emergency room for medical care.
- Make sure you are evaluated for the risk of pregnancy and venereal disease. (A medical examination is the only way to ensure you are not injured and it could provide valuable evidence should you decide to prosecute.)
- Call someone to be with you; you should not be alone.

It is also recommended that victims call the Rape Crisis Hotline at 972.641.7273. It is open 24 hours a day and its counselors can help answer medical and emotional questions at any hour and in complete confidence. Reporting the rape to the police is up to the victim, but it is important to remember that reporting a rape is not the same as prosecuting a rape. Victims are strongly encouraged to call the police and report the rape. If the victim requests, Wade College staff will assist her/him in notifying law enforcement authorities. If the victim needs additional counseling services beyond those identified below, Wade College will assist in identifying off-campus counseling or mental health services.

Procedures for Reporting Dating Violence, Domestic Violence, Sexual Assault, or Stalking to Designated College Officials

It is the policy of Wade College to conduct investigations of all sexual assault, dating violence, domestic violence, and stalking complaints reported to them with sensitivity, compassion, patience, and respect for the victim. The Title IX Coordinator andthe college's President are available to receive and investigate reports of sexual assault, dating violence, domestic violence, and stalking; assist a victim in securing medical attention; assist local law enforcement with investigations conduct Title IX investigations; and inform the victim of legal and administrative options both on and off campus. Criminal investigations are conducted by local law enforcement in accordance with guidelines established by the Texas Penal Code, Code of Criminal Procedure and the Dallas County District Attorney's Office. Law enforcement will help victims understand the process of obtaining protection orders, no contact orders, restraining orders, or similar lawful orders issued by the courts or the institution.

Individuals who witness, are subjected to, or are informed about incidents of sexual assault, dating violence, domestic violence, stalking, or any form of sexual harassment also have the option of filing a complaint to a designated college official, including the Title IX Coordinator. Students may also notify the college through the Sexual Misconduct Report form located on the college website at https://www.wadecollege.edu/forms/sexual_misconduct_report. This form may be used to report sexual misconduct relating the Wade College, its campus, students, or employees. This form is not a substitute for reporting criminal activity to the proper authorities. Anonymous reporting is allowed but may affect the college's ability to fully investigate reported incidents.

If the victim does not want to pursue action with Wade College's system or the criminal justice system, the student still may want to consider making a confidential report. With the student's permission, the college President or the Title IX Coordinator can file a report on the details of the incident without revealing the student's identity. The purpose of the confidential report is to comply with the student's wish to keep the matter confidential, while taking steps to ensure the safety of the student and that of others.

Confidentiality

Wade College encourages victims of sexual violence to talk to somebody about what happened – so victims can get the support they need, and so the college can respond appropriately. Different employees on campus have different abilities to maintain a victim's confidentiality.

- Privileged and Confidential Communications:
  - Professional, licensed counselors and pastoral counselors who provide mental-health counseling to members of the school community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX Coordinator without a victim's permission.

- Responsible Employees
  - A "responsible employee" is a college employee who has the authority to redress sexual violence, who has the duty to report incidents of sexual violence or other student misconduct, or who a student could reasonably believe has this authority or duty. When a victim tells a responsible employee about an incident of sexual violence, the victim has the right to expect the college to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably. A responsible employee must report to the Title IX Coordinator all relevant details about the alleged sexual violence shared by the victim and that the college will need to determine what happened – including the names of the victim and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident. To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the college's response to the report. A responsible employee should not share information with law enforcement without the victim's consent or unless the victim has also reported the incident to law enforcement. The following categories of employees are the college's responsible employees: faculty and administrative staff. Before a victim reveals any information to a responsible employee, the employee should ensure that the victim understands the employee's reporting obligations – and, if the victim wants to maintain confidentiality, direct the victim to confidential resources. If the victim wants to tell the responsible employee what happened but also maintain confidentiality, the employee should tell the victim that the college will consider the request, but cannot guarantee that the college will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the responsible employee will also inform the Coordinator of the victim's request for confidentiality. Responsible employees will not pressure a victim to request confidentiality, but will honor and support the victim's wishes, including for the college to fully investigate an incident. By the same token, responsible employees will not pressure a victim to make a full report if the victim is not ready to.

This policy is intended to make students aware of the various reporting and confidential disclosure options available to them – so they can make informed choices about where to turn should they become a victim of sexual violence. The college encourages victims to talk to someone identified in one or more of these groups.

<u>Investigations, Disciplinary Action, and Sanctions</u>

Upon learning of possible sexual violence involving a student, regardless of whether the victim chooses to report the incident to law enforcement, Wade College will take immediate action to investigate or otherwise determine what happened. Such action may include, but is not limited to, speaking with the alleged victim, the alleged perpetrator, and other potential witness(es) as appropriate and reviewing other evidence if available. The standard of evidence that will be used is preponderance of the evidence. This is a burden of proof in which it is determined to be more likely than not, or at least 51% certain, that the violation has in fact occurred.

If Wade College determines that sexual violence may have occurred, the institution will take steps proactively designed to promptly and effectively end the sexual violence or the threat of sexual violence, prevent its recurrence, and address its effects regardless of whether the alleged actions are subject to criminal investigation.

On-campus disciplinary procedures against students will be in accordance with Wade College's Code of Conduct Policy and Disciplinary Due Process Procedures contained in the *Wade College Student Handbook*. The Title IX Coordinator will conduct the disciplinary proceeding and will receive training related to domestic violence, dating violence, sexual assault, and stalking as well as how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. Both the accuser and the accused are entitled to have others present during a disciplinary proceeding. Both will be simultaneously informed, in writing, of the outcome of any campus disciplinary proceeding as well as any procedures for appeal. For this purpose, the outcome of a disciplinary proceeding means only Wade College's final determination with respect to the alleged sexual offense and any sanction that is imposed against the accused controls. Sanctions, which may be imposed following a final determination of any disciplinary proceeding, including rape, acquaintance rape, or other forcible or non-forcible sex offenses, may include warning, probation, suspension, or dismissal.

Interim Accommodations

A victim of sexual misconduct, or the victim's counselor or advocate, may request the interim measures listed below. The college – after consulting with the victim or the victim's counselor or advocate – will determine which measures are appropriate and reasonable to ensure the victim's safety and equal access to educational programs and activities:

- Academic accommodations
- Assistance in arranging for alternative college class schedules
- A "No Contact" directive pending the outcome of an investigation. Such a directive serves as notice to both parties that they must not have verbal, electronic, written, or third party communication with one another
- Providing an escort to ensure that the student can move safely between school programs and activities
- Assistance identifying an advocate to help secure additional resources or assistance including off-campus and community advocacy, support, and services

Community Resources

Rape crisis centers or mental health agencies available to assist a victim of sexual offenses include:

Dallas Area Rape Crisis Center, www.dallasrapecrisis.org, 4210 Junius St, Dallas, Texas	972-641-7273
Community Council of Greater Dallas	214-379-4357
The Assistance Center of Collin County	972-422-1850
Crisis Lines (24 Hours)	
Adapt Community Solutions (mobile crisis)	866-260-8000
Suicide and Crisis Center	214-828-1000
Child Protective Services Hotline	800-252-5400
Rape Crisis Center of Collin County	800-866-7273
Domestic Violence National Help Line	800-799-7233
CONTACT Crisis Line	972-233-2233
Mental Health Substance Abuse Services NorthSTAR Enrollment	800-964-2777
North Texas Behavioral Health Authority	214-366-9407
General Assistance	
Mental Health America of Greater Dallas	214-871-2420
National Alliance on Mental Illness (NAMI Dallas)	214-341-7133
Greater Dallas Council on Alcohol and Drug Abuse	214-522-8600
Victims Outreach	214-358-5173
Disability Rights Texas	214-630-0916

Written notification to students and employees about their rights and options regarding existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims both on-campus and in the community will be provided.

College Outreach/Advocacy

Wade College promotes student health and safety for all students. The Office of the Title IX Coordinator has coordinated a college-wide mandatory training for all students, staff, and faculty to focus on education, and prevention efforts for the Wade College community. The online course for students, *Voices for Change*, from Vector Solutions develops a shared language around terms related to domestic/dating violence, sexual assault, stalking, and consent; familiarizes students with the college's policies and procedures; highlights the warning signs of such behavior; and empowers students to advocate for themselves and others. Faculty and Staff training familiarizes all college employees with the Clery Act, Title IX, and the responsibilities of appropriately identifying and reporting instances of sexual and gender-based harassment.

The Wade College Annual Security Report and Safety Plan details the college's policies and procedures regarding sexual assault, dating violence, domestic violence, and stalking. The policies and procedures also cover harassment and bullying. A list of local resources for victim support and education is included. This information may be located in Appendix A of the Wade College Annual Security Report and Safety Plan. For more information on the security report and safety plan, please contact the Office of the President at hdavros@wadecollege.edu.

Sex Offenders Registry

The *Campus Sex Crimes Prevention Act* is a federal law enacted on October 28, 2000 that provides for the tracking of convicted, registered sex offenders enrolled as students at institutions of higher education, or working or volunteering on campus.

This act amends the *Family Educational Rights and Privacy Act of 1974* to clarify that nothing in that Act may be construed to prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders and requires the Secretary of Education to take appropriate steps to notify educational institutions that disclosure of this information is permitted.

Information about registered sex offenders may be found on the Texas Department of Public Safety webpage at the **Texas Sex Offender Registry - The Texas Public Sex Offender Website.**