

**APPENDIX B**



wadecollege

Title IX Policy and Procedures



wadecollege

Title IX Policy 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 Get Inclusive at <https://www.getinclusive.com/>.

This Title IX Sexual Harassment policy is based on definitions set forth in regulations published by the U.S. Department of Education under Title IX of the Education Amendments Act of 1972. By providing more specific definitions of sexual harassment than previous regulations, this policy limits the scope of Title IX Sexual Harassment to which the institution is required to respond. In order to address incidents of sexual misconduct that do not fall within the definition of Title IX Sexual Harassment, the college has two policies that address sexual misconduct: (1) the Title IX Policy Handbook and (2) the Wade College Sexual and Gender-Based Harassment Policies and Procedures Handbook. These interconnected policies should be read together. If the allegations forming the basis of a substantiated formal complaint (defined below) would constitute prohibited conduct under both policies, then the grievance process set forth in this Title IX Sexual Harassment policy will be applied in the investigation and adjudication.

The Wade College Sexual and Gender-Based Harassment policy applies only to certain forms of sexual misconduct, as defined under that policy, that do not fall under the scope of the Title IX Sexual Harassment policy. The Wade College Sexual and Gender-Based Harassment policy also applies to certain contact that would otherwise be prohibited under the Title IX Sexual Harassment policy (e.g., Sexual Assault, Domestic Violence, Dating Violence, and Stalking under the Title IX Sexual Harassment policy), but which must be dismissed under the Title IX Sexual Harassment policy because they do not meet the jurisdictional requirements.

The college will respond to reports or formal complaints of conduct prohibited under this policy with measures designed to stop the prohibited conduct, prevent its recurrence, and remediate any adverse effects of such conduct on campus or in college-related programs or activities.

The college will not deprive an individual of rights guaranteed under federal and state law (or federal and state anti-discrimination provisions; or federal and state law prohibiting discrimination on the basis of sex) when responding to any claim of Title IX Sexual Harassment.



wadecollege

Title IX Policy and Procedures

## **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. 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.

## **TITLE IX AND OFFICIALS WITH AUTHORITY**

Wade College has appointed a Title IX Coordinator to coordinate and assist with the college's efforts to coordinate the institution's compliance with Title IX and conduct policies related to sexual misconduct. The Title IX Coordinator is Elizabeth Johnston, the Vice-President of Academic and Student Affairs.

The Title IX Coordinator and members of the Title IX response team are vetted and trained to act with independence and authority free from bias and conflicts of interest. To raise any concern involving bias or conflict of interest by the Title IX Coordinator, or to report misconduct committed by the Title IX Coordinator, contact Wade College President Harry Davros ([hdavros@wadecollege.edu](mailto:hdavros@wadecollege.edu)). Concerns of bias or a potential conflict of interest or reports of misconduct committed by any other Title IX Team member should be raised with the Title IX Coordinator.

The Title IX Coordinator will be informed of all reports or formal complaints of violations of this policy, and will oversee response to ensure compliance with Title IX and the 2013 Amendments to the Violence Against Women Act (VAWA). The Sexual Misconduct/Title IX Coordinator's responsibilities include (but are not limited to):

- Communicating with all members of the college community regarding Title IX and VAWA, and providing information about how individuals may access their rights;
- Reviewing applicable college policies to ensure institutional compliance with Title IX and VAWA;
- Monitoring the college's administration of its own applicable policies, including this policy and the Sexual Misconduct Policy and all related record keeping, timeframes, and other procedural requirements;
- Conducting training regarding Title IX, VAWA, and prohibited conduct defined in this policy and related policies; and
- Responding to any report or formal complaint regarding conduct that violates this policy. For any report of which the college has actual knowledge (and any formal complaint), the Title IX Coordinator shall oversee and implement the explanation and provision of any supportive measures. For any formal complaint, the college Title IX Coordinator oversees the investigation and resolution of such alleged misconduct, directs the provision of any additional supportive measures, and monitors the administration of any related appeal.

The college may substitute a trained designee to carry out certain responsibilities in compliance with Title IX regulations.

The Title IX Coordinator's contact information is as follows:

Tara Valure  
Director of Academic and Student Affairs  
1950 N. Stemmons Freeway  
Suite 4080  
Dallas, Texas 75207  
[tvalure@wadecollege.edu](mailto:tvalure@wadecollege.edu)  
(214) 637-3530

The Title IX Liaisons/Investigators' contact information is as follows:

Lisa Hoover  
Vice-President of Compliance and Finance  
[lhoover@wadecollege.edu](mailto:lhoover@wadecollege.edu)  
(214) 637-3530

Jennifer Magee  
Vice President of Academic and Student Affairs  
[jmagee@wadecollege.edu](mailto:jmagee@wadecollege.edu)  
(214) 637-3530

The Wade College Confidential Resources' contact information is as follows:

Tara Valure  
Director of Academic and Student Affairs  
[tvalure@wadecollege.edu](mailto:tvalure@wadecollege.edu)  
(214) 637-3530

Zachary Tresp  
Associate Director of Academic and Student Affairs  
[ztresp@wadecollege.edu](mailto:ztresp@wadecollege.edu)  
(214) 637-3530

Wade College provides the contact information of the Title IX Coordinator and other members of the Title IX team through policy manuals and institution-wide virtual training to students, faculty, staff, applicants for admission, and applicants for employment.



## PROHIBITED CONDUCT

This policy addresses Title IX Sexual Harassment, which encompasses all of the prohibited conduct described below that occurs on the basis of sex and meets all of the following requirements:

- Occurs within the United States; and
- Occurs within the college's education program or activity, meaning a) locations, events, or circumstances over which the college exercises substantial control over both the respondent and the context in which the Title IX Sexual Harassment occurs, and b) any building owned or controlled by a student organization that is officially recognized by the college; and
- At the time of filing a formal complaint, a complainant is participating in or attempting to participate in the education program or activity at the college.

Allegations of sexual misconduct that do not fall under this policy because they do not constitute prohibited conduct as defined in this section may constitute violations of the Wade College Sexual and Gender-Based Harassment Policy.

In determining whether alleged conduct violates this policy, the college will consider the totality of the facts and circumstances involved in the incident, including the nature of the alleged conduct and the context in which it occurred. Any of the prohibited conduct defined in this policy can be committed by individuals of any gender, and it can occur between individuals of the same gender or different genders. It can occur between strangers or acquaintances, as well as people involved in intimate or sexual relationships.

The prohibited behaviors listed below are serious offenses and will result in college discipline. Prohibited conduct involving force, duress, or inducement of incapacitation, or where the perpetrator has deliberately taken advantage of another individual's state of incapacitation, will be deemed especially egregious and may result in expulsion or termination of employment. The respondent's consumption of alcohol or the use of illegal substances does not constitute a mitigating circumstance when it contributes to a violation under this policy.

Prohibited behaviors are:

- **Quid Pro Quo Sexual Harassment:** An employee of the college conditioning the provision of an aid, benefit, or service of the college on an individual's participation in unwelcome sexual conduct;
- **Title IX Sexual Harassment:** Unwelcome sexual conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies an individual equal access to the college's education program or activity;
- **Sexual Assault:** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Sexual assault can occur between individuals of the same or different sexes and/or genders. This includes the following:
  - **Rape:** The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
  - **Sodomy:** Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
  - **Sexual Assault with an Object:** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
  - **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
  - **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; or
  - **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

- **Domestic Violence:** A felony or misdemeanor crime of violence committed: (a) by a current or former spouse or intimate partner of the victim; (b) by an individual with whom the victim shares a child in common; (c) by an individual who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (d) by an individual similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the felony or misdemeanor crime of violence occurred; (e) by any other individual against an adult or youth victim who is protected from that individual's acts under the domestic or family violence laws of the jurisdiction in which the felony or misdemeanor crime of violence occurred. For purposes of this policy, an intimate partner is defined as an individual with whom one has or had a short- or long-term relationship that provides romantic and/or physical intimacy or emotional dependence. Intimate relationships can occur between individuals of the same gender or different genders and may include (but are not limited to) marriages, civil unions, dating relationships, "hook-up" relationships, relationships in which partners are characterized as "girlfriends" or "boyfriends," and relationships between individuals with a child in common.
- **Dating Violence:** Violence committed by an individual 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 determined based on the reporting individual's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the individuals involved in the relationship. This includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.
- **Stalking:** Engaging in a course of conduct directed at a specific individual that would cause a reasonable person to: (a) fear for the individual's safety or the safety of others; or (b) suffer substantial emotional distress. For the purposes of the Stalking definition: *Course of conduct* means two or more acts, including 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 an individual, or interferes with an individual's property. *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim. *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- **Retaliation under this policy:** No individual may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by this policy or because an individual has made a report or formal complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. The college retains the right to charge an individual for making a materially false statement in bad faith during the course of an investigation, proceeding, or hearing under this policy, but will not conclude that any individual has made a materially false statement in bad faith solely based on the determination regarding responsibility. Complaints alleging retaliation under this Title IX Sexual Harassment policy, including for the exercise of rights under this policy, must be filed in accordance with this policy and will be addressed promptly and equitably. Where the individual allegedly retaliating is not affiliated with the college and not otherwise subject to its policies, the college will process the complaint and take appropriate measures. Notwithstanding the above, the exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this policy; and charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy does not constitute retaliation; provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

For purposes of this policy, consent is defined as follows:

- **Consent and Incapacitation.** The college considers consent as a voluntary, informed, un-coerced agreement through words or actions freely given, which could be reasonably interpreted as a willingness to participate in mutually agreed-upon sexual acts. Consensual sexual activity happens when each partner willingly and affirmatively chooses to participate.

Indications that consent is not present include: when physical force is used or there is a reasonable belief of the threat of physical force; when duress is present; when one individual overcomes the physical limitations of another individual; and when an individual is incapable of making an intentional decision to participate in a sexual act, which could include instances in which the individual is in a state of incapacitation.

Important points regarding consent include:

- Consent to one act does not constitute consent to another act.
- Consent on a prior occasion does not constitute consent on a subsequent occasion.



wadecollege

Title IX Policy and Procedures

- The existence of a prior or current relationship does not, in itself, constitute consent.
- Consent can be withdrawn or modified at any time.
- Consent is not implicit in an individual's manner of dress.
- Accepting a meal, a gift, or an invitation for a date does not imply or constitute consent.
- Silence, passivity, or lack of resistance does not necessarily constitute consent.
- Initiation by someone who a reasonable person knows or should have known to be deemed incapacitated is not consent.

For purposes of this policy, **incapacitation** (or incapacity) is the state in which an individual's perception or judgment is so impaired that the individual lacks the cognitive capacity to make or act on conscious decisions. The use of drugs or alcohol can cause incapacitation. An individual who is incapacitated is unable to consent to a sexual activity. Engaging in sexual activity with an individual who is incapacitated (and therefore unable to consent), where an individual knows or ought reasonably to have understood that the individual is incapacitated, constitutes Title IX Sexual Harassment as defined by this policy.

### **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.

### **FORMAL GRIEVANCE PROCESS FOR SEXUAL HARASSMENT ALLEGATIONS**

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 and Title IX Investigator 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.

The procedures below apply to all qualifying allegations of sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) and other sex-based offenses involving students, staff, administrators, or faculty members. All other allegations of misconduct not covered by this policy will be addressed through procedures described in the Sexual and Gender-Based Harassment Policies and Procedures.



### **MAKING A REPORT/COMPLAINT**

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](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 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.

### **INITIAL ASSESSMENT**

Following receipt of a Report or a Complaint of an alleged violation of this Policy, the Title IX Coordinator will engage in a brief initial assessment to determine reasonable cause, whether any of the requirements for mandatory dismissal are present, and potential supportive measures. This an initial assessment is typically conducted within one to five business days. Additionally, this assessment will include contacting the Parties to offer supportive measures and determine if the Complainant wishes to make a Formal Complaint.

If the Complainant does not want to make a Formal Complaint but requests a supportive response, the Title IX Coordinator works with the Complainant to identify their wishes, assesses the request, and implements accordingly. No Formal Grievance Process is initiated, though the Complainant can elect to initiate a Formal Complaint later, if desired.

If the Complainant submits a Formal Complaint, the Title IX Coordinator will determine if the misconduct alleged falls within the scope of Title IX. If it does, the Title IX Coordinator will initiate the Formal Grievance Process. If it does not, the Title IX Coordinator determines that Title IX does not apply (and will "dismiss" that aspect of the Complaint, if any), assesses which policies may apply, which resolution process is applicable, and will refer the matter accordingly. Please note that dismissing a Complaint under Title IX is procedural, and does not limit the college's authority to address a Complaint with another appropriate college policy (including the Sexual and Gender-Based Harassment Policy) and process. Where Complaints are referred to other college processes, the Parties will be notified.

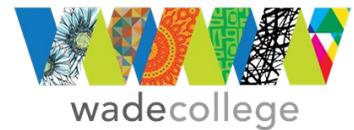
### **DISMISSAL OF FORMAL COMPLAINT**

Dismissal requirements are mandated by the 2020 Title IX Final Regulations, 34 CFR §106.45. The college must dismiss a Formal Complaint if, at any time during the investigation or hearing, it is determined that:

- 1) The conduct alleged in the Formal Complaint would not constitute sexual harassment as defined in the Policy, even if proved; and/or
- 2) The conduct did not occur in an educational program or activity controlled by the college (including buildings or property controlled by recognized student organizations), and/or
- 3) The college does not have control of the Respondent; and/or
- 4) The conduct did not occur against a person in the United States; and/or
- 5) At the time of filing a Formal Complaint, a Complainant is not participating in or attempting to participate in the Education Program or Activity of the college.

Wade College may dismiss a Formal Complaint or any allegations therein if, at any time during the investigation or hearing:

- 1) A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein; or
- 2) The Respondent is no longer enrolled in or employed by the college; or
- 3) Specific circumstances prevent the college from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.



## Title IX Policy and Procedures

Upon any dismissal, mandatory or discretionary, the college will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the Parties. The determination regarding dismissal becomes final either on the date that the parties are provided with the written determination of the result of an appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely. Once final, a complainant cannot file a formal complaint under this policy concerning the same alleged conduct.

If appropriate, the college's Title IX Coordinator may refer the matter to the Sexual and Gender-Based Harassment process or to another office for review; or, if the Title IX Coordinator deems the formal complaint appropriate for the informal resolution process, upon the consent of both parties, the Title IX Coordinator may instead refer the matter to the informal resolution process,

### **RIGHT TO AN ADVISER**

Both Parties involved in a formal complaint must each have an Advisor present with them at a hearing to conduct cross-examination. Parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available. 'Eligible' means the Advisor does not have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions. 'Available' means the Party cannot insist on an Advisor who simply doesn't have inclination or time to fulfill the role.

Choosing an Advisor who is also a witness in the process is permitted but creates potential for bias and conflict-of-interest. A Party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the Hearing Decision-maker.

If a Party does not have an Advisor for a hearing, the college will appoint a trained Advisor for the limited purpose of conducting any questioning of the other Party and witnesses.

A Party who wishes to have a college-appointed Advisor conduct cross-examination on their behalf must notify the Title IX Coordinator at least five (5) business days before the hearing.

In addition to the hearing, at which an Advisor is required, the Parties have the opportunity to be accompanied to any other related meeting or proceeding by an individual of their choice for support, advice, and/or consultation. This individual may be, but is not required to be, the Advisor selected to conduct cross-examination at the hearing.

### **CONFIDENTIALITY**

Wade College encourages victims of sexual harassment 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.

Certain campus professionals are designated Confidential Resources. Information shared with Confidential Resources (including information about whether an individual has received services) will be disclosed to the college Title IX Coordinator or any other individual only with the individual's express written permission, unless there is an imminent threat of serious harm to the individual or to others, or a legal obligation to reveal such information (e.g., if there is suspected abuse or neglect of a minor). This allows individuals to explore their options in a non-pressured environment while they make informed decisions. An individual who is not prepared to make a report or formal complaint, or who may be unsure how to label what happened, but still seeks information and support, is strongly encouraged to contact a Confidential Resource.

The Wade College Confidential Resource(s) are:

Tara Valure  
Director of Academic and Student Affairs  
[tvalure@wadecollege.edu](mailto:tvalure@wadecollege.edu)  
(214) 637-3530

Zachary Tresp  
Associate Director of Academic and Student Affairs  
[ztresp@wadecollege.edu](mailto:ztresp@wadecollege.edu)  
(214) 637-3530

Please note: Senate Bill 212 (SB 212) was signed into state law during the 2019 Texas legislative session and is in full effect as of January 1, 2020. The law addresses reporting requirements for incidents of sexual harassment, sexual assault, dating violence, or stalking. Under SB 212, employees who have been designated by the university as confidential or private employees are **only** required to report the type of incident. Students can talk to confidential employees about a Title IX related matter with assurance that confidential employees may not reveal the student's identity or other identifying information unless there is imminent threat of serious harm to the individual or others.

#### **PRIVACY**

The term "privacy" refers to the discretion that will be exercised by the college in the course of any investigation or grievance processes under this policy. In all proceedings under this policy, the college will take into consideration the privacy of the parties to the extent possible.

In cases involving students, the Title IX Coordinator may notify select college employees of the existence of the report and/or formal complaint for the purpose of overseeing compliance with this policy and addressing any concerns related to educational life. While not bound by confidentiality, these individuals will be discreet and will respect the privacy of those involved in the process.

In accordance with federal regulations, the college will keep confidential the identity of any individual who has made a report or formal complaint under this policy, including any complainant, any individual who has been reported to be the perpetrator, any respondent, and any witness, except as may be permitted by Family Educational Rights and Privacy Act (FERPA), or as required by law, or to carry out the purposes of conducting any investigation or hearing under this policy.

Any additional disclosure by the college of information related to the report or formal complaint may be made if consistent with FERPA or the Title IX requirements.

While complainants, respondents, and witnesses involved in the grievance process under this policy are strongly encouraged to exercise discretion in sharing information in order to safeguard the integrity of the process and to avoid the appearance of retaliation, complainants and respondents are not restricted from discussing the allegations under investigation.

Medical, psychological, and similar treatment records are privileged and confidential documents that cannot be accessed or used for a grievance process under this policy without the relevant party's voluntary, written consent.

#### **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



## Title IX Policy and Procedures

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.

Senate Bill 212 (SB 212) was signed into state law during the 2019 Texas legislative session and is in full effect as of January 1, 2020. The law addresses reporting requirements for incidents of sexual harassment, sexual assault, dating violence, or stalking.

- As of January 1, 2020 all employees who witness or receive information about sexual harassment, sexual assault, dating violence and stalking that involve a current student or employee must promptly report the incident to the University's Title IX Coordinator. Reports can be made by phone (214-637-3530), email ([tvalure@wadecollege.edu](mailto:tvalure@wadecollege.edu)), or online.
- Reports to the Title IX Coordinator must include all relevant information that is known about the incident.
- Student employees are encouraged, but not required, to report under SB 212. However, if a student employee is designated as a responsible employee, they are still required to report under Title IX and their responsible employee duties.
- Retaliation against persons who make a good faith report is prohibited.
- An employee who does not report an incident or who makes a false report can be charged with a criminal offense (Class B or Class A Misdemeanor). If an employee fails to make a required report or makes a false report, the law requires that the employee be terminated.

### **INVESTIGATIONS, DISCIPLINARY ACTION, AND SANCTIONS**

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.



wadecollege

Title IX Policy and Procedures

### **SUPPORTIVE MEASURES FOR COMPLAINANTS AND RESPONDENTS**

Upon receipt of a report or formal complaint of a violation of this policy, the Title IX Coordinator will contact the complainant to discuss the availability of supportive measures (available with or without filing a formal complaint), and explain to the complainant the process for filing a complaint. The college – after consulting with the complainant or the complainant’s counselor or advocate – will determine which measures are appropriate and reasonable to ensure the complainant’s safety and equal access to educational programs and activities. The college will also consider supportive measures, where appropriate and available, for the respondent.

These supportive measures are designed to restore or preserve equal access to the college’s educational programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties and the broader college community, or deter sexual harassment. While a supportive measure may impose some restrictions on a party, it will not unreasonably burden them.

- Counseling
- Academic accommodations including extension of deadlines or other course-related adjustments.
- 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
- Leaves of absence
- Increased security on campus
- Assistance identifying an advocate to help secure additional resources or assistance including off-campus and community advocacy, support, and services

Requests for supportive measures may be made by or on behalf of the complainant or respondent to any college official, including the Title IX Coordinator. The Title IX Coordinator is responsible for ensuring the implementation of supportive measures and coordinating the college’s response with the appropriate offices on campus.

All individuals are encouraged to report concerns about the failure of another to abide by any restrictions imposed by a supportive measure. The college will take immediate action to enforce a previously implemented measure and disciplinary sanctions can be imposed for failing to abide by a college-imposed measure.

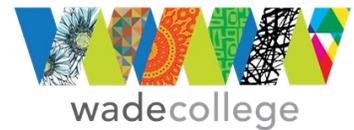
### **EMERGENCY REMOVAL**

In connection with this policy, whether or not a grievance process is underway, the college may summarily remove an individual from an education program or activity on an emergency basis, after undertaking an individualized safety and risk analysis, and upon the determination that the individual poses an immediate threat to the physical health or safety of any student or other individual (including themselves, the respondent, the complainant, or any other individual). In these situations, the college will provide the individual with notice and an opportunity to challenge the decision immediately following the removal.

### **INFORMAL RESOLUTION PROCESS**

Subject to the consent of the parties and the approval of the Title IX Coordinator, the college permits informal resolution processes in cases in which a formal complaint has been filed with the Title IX Coordinator. The informal resolution process is available in matters involving a student complainant and a student respondent as well as in matters involving a faculty/staff complainant and a faculty/staff respondent. The informal resolution process is not available in matters involving a student and an employee.

The informal resolution process is a voluntary, remedies-based process designed to provide parties with an option to resolve disputes with peers in a forum that is separate from the formal grievance processes under the Title IX policy. The purpose of the informal resolution process is to address the conduct which has been reported by the complainant, and place the parties in a position to continue their academic pursuits in a safe, respectful, and productive educational and working environment. Under this process, there will be no disciplinary action taken against a respondent, and the resolution will not appear on the respondent’s disciplinary record.



## Title IX Policy and Procedures

The college may facilitate the informal resolution process prior to conducting a hearing. Before the informal resolution process is used, both parties must provide voluntary, written consent to the informal resolution process and must receive written notice disclosing: the allegations, the requirements of the informal resolution process (including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations), and any outcomes resulting from participating in the informal resolution process (including the records that will be maintained or could be shared). At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process through formal grievance proceedings.

Wade College will not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of Title IX Sexual Harassment, and will not require, encourage, or discourage the parties from participating in the informal resolution process. The option for an informal resolution process must be preceded by a formal complaint filing.

### **FORMAL GRIEVANCE PROCEEDINGS**

Wade College is committed to providing a prompt and impartial investigation and adjudication of all formal complaints alleging violations of this Title IX policy. During the grievance process, both parties (complainant and respondent) have equal rights to participate. The respondent is presumed to be not responsible for the alleged conduct unless and until a determination is made through conclusion of the grievance proceedings.

### **CONFLICT OF INTEREST**

All individuals who have responsibilities in administering the grievance process under this policy must be free of any conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent and will be trained as provided by federal regulations. Parties will be notified at the appropriate junctures of the identities of the individuals serving as investigators, Hearing Panel members, and Appeal Panel members. A party who has concerns that one or more of the individuals performing one of the aforementioned roles has conflicting interest or is biased must report those concerns to the Title IX Coordinator with a brief explanation of the basis for the conflict or bias concern. The Title IX Coordinator will assess the allegations of conflict or bias to determine whether or not the identified individual(s) can fulfill their duties in an impartial way. If the facts and circumstances support the claim of conflict or bias, the pertinent individual(s) will not participate in the case.

### **RESPONSIBILITY TO REVIEW REPORTS**

In the interest of campus safety, the Title IX Coordinator may review reports of violations of this policy even absent the filing of a formal complaint, or if a formal complaint has been withdrawn. The Title IX Coordinator may need to themselves file a formal complaint and proceed with an investigation even if a complainant specifically requests that the matter not be pursued. In such a circumstance, the Title IX Coordinator will take into account the complainant's articulated concerns, the best interests of the Wade College community, fair treatment of all individuals involved, and the college's obligations under Title IX.

### **ADVISERS**

Throughout the grievance process, each party may have an adviser of their choice; parties may change their adviser at any time during the grievance process. An adviser is an individual (from within or outside the college community) chosen by a complainant or a respondent to provide guidance during the grievance process.

The adviser may attend any interview or meeting connected with the grievance process, but the adviser may not actively participate in interviews and may not serve as a proxy for the party. The adviser may attend the hearing and may conduct cross-examination of the other party and any witnesses at the hearing; otherwise, the adviser may not actively participate in the hearing.

If a party does not have an adviser present at the hearing to conduct cross examination, the college will provide an adviser selected by the college to conduct cross-examination of the other party and/or any witnesses.

Any individual who serves as an adviser is expected to make themselves available for meetings and interviews throughout the investigation process, as well as the hearing, as scheduled by the college.



wadecollege

Title IX Policy and Procedures

### **ENSURING TIMELY PROCEEDINGS**

The college will seek to complete the investigation and adjudication within ninety (90) business days after the investigators' first interview of the complainant.

There may be circumstances that require the extension of time frames for extenuating circumstances. Time frames may be extended to ensure the integrity and completeness of the investigation or adjudication, comply with a request by external law enforcement, accommodate the absence of a party, adviser, or witness, or for other legitimate reasons, including the complexity of the investigation and the severity and extent of the alleged misconduct. The college will notify the parties in writing of any extension of the time frames for good cause, and the reason for the extension.

### **INVESTIGATION AND COLLECTION OF EVIDENCE**

If the Title IX Coordinator has determined, following an initial assessment, that an investigation is appropriate, the college Title IX Coordinator will refer the matter for investigation to a panel of investigators, typically comprised of two individuals.

The parties will be informed in writing of the initiation of the investigation. The written information shall include:

- The identities of the parties, if known.
- A concise summary of the alleged conduct at issue (including when and where it occurred, if known).
- Notice of the allegations potentially constituting Title IX Sexual Harassment.
- A statement that the respondent is presumed not responsible and that a determination regarding responsibility is made at the conclusion of the grievance process.
- A statement informing the parties that they may have an adviser of their choice, who may be, but is not required to be, an attorney.
- A statement informing the parties that they may request to inspect and review evidence.
- A statement informing the parties that knowingly making false statements or knowingly submitting false information during the grievance process may constitute a violation of college policy.
- Information regarding the applicable grievance procedures, including the informal resolution process.

The investigators are responsible for gathering relevant evidence from each party to the extent reasonably possible. Each party will be given an equal opportunity to suggest witnesses; provide other relevant information, such as documents, communications, photographs, and other evidence; and suggest questions to be posed to the other party or witnesses. Parties and witnesses are expected to provide all available relevant evidence to the investigators during the investigation.

The investigators will provide to a party written notice of the date, time, location, participants, and purpose of all investigative interviews to which they are invited or expected, with sufficient time for the party to prepare to participate.

Parties and witnesses will be interviewed separately and will be interviewed by the panel of investigators. The investigators will record all interviews, or notes of the interviews will be taken by the investigators. Any other recording of interviews is prohibited.

In general, a party's medical and counseling records are confidential. The investigators will not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the investigators obtain that party's voluntary, written consent to do so.

### **INITIAL AND FINAL INVESTIGATIVE REPORT**

After each party has been interviewed and had the opportunity to identify witnesses and other potentially relevant information and evidence, and the investigators have completed any witness interviews and any gathering of evidence, the investigators will prepare a report outlining all collected evidence that is directly related to the allegations raised in the formal complaint. The case file may include, as applicable, transcripts or summaries of party and witness interviews and other collected documents and evidence. The

investigators will provide the investigative report, redacted of personally identifiable information in accordance with privacy regulations, to each party and their adviser in electronic form or hard copy.

Within ten (10) business days of receipt, each party may submit a written response, which may include a request that the investigators collect additional evidence. The investigators will pursue any additional investigative steps as needed. The parties and their advisers will be provided with each party's written responses as well as any additional information collected by the investigators, in electronic format or hard copy.

Following their review of the parties' responses (if any) to the initial report, the investigators will compile a final written investigative report that summarizes all relevant evidence to be provided to both parties and their advisors ten business days prior to the hearing. Parties who wish to provide a written response to this final investigative report must submit their response no later than five business days prior to the hearing – a copy of which will be provided to all parties and advisors.

### **HEARING PANEL**

A panel of three individuals will hear every case. One of the individuals on the Hearing Panel will be external (e.g., a former judge or an attorney) and shall serve as the Presiding Hearing Panelist ("Presiding Hearing Panelist"), and two of the individuals on the Hearing Panel will be members of the Wade College community.

The Presiding Hearing Panelist will have absolute discretion with respect to administering the hearing. The Presiding Hearing Panelist will decide whether evidence and witnesses are relevant or irrelevant, with the understanding that the introduction of relevant evidence and witnesses will always be permitted. The Presiding Hearing Panelist will be responsible for maintaining an orderly, fair, and respectful hearing and will have broad authority to respond to disruptive or harassing behaviors, including adjourning the hearing or excluding the offending individual, including a party, witness, or adviser.

Prior to the hearing, the Hearing Panel will be provided with the case file, investigative report, and any responses to the investigative report. All members of the Hearing Panel shall review the case file (including the parties' responses), ask questions during the hearing as they deem appropriate, and participate in the deliberations leading to the Presiding Hearing Panelist's adjudication.

All parties will be notified of the time, date, and method of delivery of the hearing at least five business days prior to the hearing.

Parties will be required to identify witnesses to be called at the hearing, as well as to provide a brief written explanation of the information each witness would be asked to provide, such that the Presiding Hearing Panelist can determine their relevance. The Presiding Hearing Panelist has the discretion to exclude from the hearing evidence/witnesses/questions deemed irrelevant.

Information will be provided to each of the parties and their advisers to explain the hearing protocol.

### **PREPONDERANCE OF THE EVIDENCE**

The standard of proof under this policy is preponderance of the evidence. A finding of responsibility by a preponderance of the evidence means that it is more likely than not, based on all the relevant evidence and reasonable inferences from the evidence, that the respondent violated this policy.

### **HEARING FORMAT, PROCEDURE, AND CROSS EXAMINATION**

In all proceedings under this policy, including at the hearing, the complainant, the respondent, and the witnesses and other individuals sharing information are expected to provide truthful information.

If the complainant, the respondent, or a witness informs the college that they will not attend the hearing (or will refuse to be cross-examined), the hearing may proceed, as determined by the Title IX Coordinator. The Hearing Panel may not, however: (a) rely on any statement or information provided by that non-participating individual in reaching a determination regarding responsibility; or (b) draw any adverse inference in reaching a determination regarding responsibility based solely on the individual's absence from the hearing (or their refusal to be cross-examined).

Each party may make requests related to the format or the nature of their participation in the hearing. Such requests may include that parties be located in separate locations with technology enabling the Hearing Panel and the parties to simultaneously see and hear the party answering questions. Hearings may be conducted in person or by video conference or any other means of communications by which all individuals participating are able to see and hear each other.

While the hearing is not intended to be a repeat of the investigation, the parties will be provided with an equal opportunity for their advisers to conduct cross examination of the other party and/or of relevant witnesses. Typical hearings may include opening remarks, questions posed by the Hearing Panel members to either/both parties and/or witnesses, and cross-examination by either party's adviser.

The parties' advisers will have the opportunity to cross examine the other party (and witnesses, if any). This cross examination must be conducted directly, orally, and in real time by the party's adviser and never by a party personally. Only relevant cross examination questions may be asked of a party or witness. The Presiding Hearing Panelist will determine whether the question is relevant and explain any decision to exclude a question as not relevant.

Other college administrators may attend the hearing at the request of or with the prior approval of the Presiding Hearing Panelist, but the parties will be notified in advance of anyone else who will be in attendance.

#### **RECORD OF HEARING**

The college shall create an official record in the form of a recording or transcript of any live (or remote) hearing and make it available to the parties for inspection and review. Any other record of the hearing or any other recording is prohibited.

#### **HEARING PANEL REPORT**

Following the hearing, the Hearing Panel will consider all of the relevant evidence and deliberate regarding responsibility. The Presiding Hearing Panelist shall make a determination, by a preponderance of the evidence, whether the respondent has violated the policy. The Presiding Hearing Panelist shall write a written determination, which will contain: (1) the allegations potentially constituting Title IX sexual harassment; (2) a description of the procedural steps taken from the receipt of the formal complaint through the determination (including any notifications to the parties, interviews with parties and witnesses, site visits (if any), methods used to gather other information, and the hearing); (3) findings of fact supporting the determination; (4) conclusions regarding the application of this policy to the facts; (5) a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility (i.e., whether a policy violation occurred), any disciplinary sanctions imposed if there has been a finding of responsibility, and whether any remedies designed to restore or preserve equal access to the college's education program or activity or working environment will be implemented; and (6) relevant appeal information for the parties.

Both parties and advisors will simultaneously be provided with the written report via electronic format.

#### **DISCIPLINARY SANCTIONS**

If a party is found to have violated this policy, before finalizing the written determination, the Presiding Hearing Panelist will refer the matter to the appropriate college official(s) to determine sanctions and remedies. Sanctions being imposed will be included in the written determination.

- If an **undergraduate student** is found responsible for violating the policy, the Vice-President of Academic and Student Affairs will determine sanctions and remedies in accordance with applicable college policy and in consultation with appropriate college administrators. If the Vice-President of Academic and Student Affairs is unavailable, an appropriately trained college official will serve as the substitute. Should the Vice-President of the faculty propose a sanction of suspension or dismissal, the Vice-President will issue a recommendation, in accordance with applicable college policy. Any sanctions and/or recommendations of sanctions will be subject to appeal under this policy.
- If a **faculty member** is found responsible, the President will determine sanctions and remedies in accordance with applicable college policy and in consultation with appropriate college administrators. If the President is unavailable, an appropriately trained college official will serve as the substitute. Should the Vice-President of the faculty propose a sanction of suspension or dismissal, the Vice-President will issue a recommendation, in accordance with applicable college policy. Any sanctions and/or recommendations of sanctions will be subject to appeal under this policy.

- If a **staff member** is found responsible, the President will determine sanctions and remedies in accordance with applicable college policy and in consultation with appropriate college administrators. If the President is unavailable, an appropriately trained college official will serve as the substitute. Should the Vice-President of the faculty propose a sanction of suspension or dismissal, the Vice-President will issue a recommendation, in accordance with applicable college policy. Any sanctions and/or recommendations of sanctions will be subject to appeal under this policy.

#### Appeal Process

Appeals under this policy will be heard by an appeal panel (“Appeal Panel”) comprised of three individuals. At least one of the individuals on the Appeal Panel will be external (e.g., a former judge or an attorney) and shall serve as the chair of the Appeal Panel (“Appeal Chair”), and two of the individuals shall be college administrators or faculty members. The Appeal Panel shall decide appeals by majority vote.

Both parties have equal rights to an impartial appeal at the following junctures: (1) Upon the dismissal of a formal complaint or any allegations therein, or (2) upon receiving the Presiding Hearing Panelist’s written report regarding responsibility and, when applicable, sanction and remedies.

Appeals may be submitted on the following bases: (1) procedural irregularity that affected the outcome of the matter; (2) new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made which could affect the outcome of the matter; (3) the college Title IX Coordinator or their staff, investigator(s), any member of the Hearing Panel, or Sanction Officer had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter; and/or (4) the sanctions (or recommended sanctions) are not commensurate with the violation.

To appeal, a party must electronically submit a written appeal statement to the associate secretary of the college within five (5) business days of receipt of the written determination or dismissal. The appeal shall consist of a written statement, outlining and substantiating the basis for appeal. The non-appealing party will be provided with a copy of the appealing party’s written statement and may submit a written response, within five (5) business days of receipt, which will be provided to the non-appeal party and their adviser.

In deciding an appeal, the Appeal Panel may consider the hearing panel report, investigative report and any responses and/or written appeals by both parties.

Both parties and their advisers will simultaneously be provided (via electronic format) with the written decision describing the result of the appeal and the rationale for the result.

- If the Appeal Panel finds that the earlier decision should stand, the parties will be so informed and the Title IX process is concluded.
- If the Appeal Panel finds that there was procedural irregularity that affected the outcome of the matter, the matter will be remanded to the Presiding Hearing Panelist to determine appropriate further action.
- If the Appeal Panel finds that new evidence is available which was not reasonably available at the time of the determination regarding responsibility or dismissal, and such evidence could alter the outcome of the matter, the matter will be remanded to the Presiding Hearing Panelist for appropriate further action.
- If the Appeal Panel finds that the college Title IX Coordinator or their staff, investigator(s), member of the Hearing Panel, or Sanction Officer had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter, the Appeal Panel will take appropriate measures to address and remediate the impact of the bias or conflict consistent with the general procedures of this policy.
- If the Appeal Panel finds that the sanctions (or recommended sanctions) are not commensurate with the violation, the matter will be remanded to the Sanction Officer for reconsideration.

The Appeal Panel will seek to complete the appeal review within twenty (20) business days of receipt of the appealing party’s written statement.

Unless further proceedings are necessary, the determination regarding responsibility becomes final either on the date that the parties are provided with the written determination of the result of an appeal if an appeal is filed (at which point the Title IX Sexual Harassment grievance process is concluded), or if an appeal is not filed, the date on which an appeal would no longer be considered timely (at which point the Title IX Sexual Harassment grievance process is concluded).

## TRAINING AND OUTREACH

The college will provide training to those individuals with responsibilities under this policy, including the college Title IX Coordinator, investigators, Hearing Panel members, Appeal Panel members, and any individual who facilitates the informal resolution process. Such training will cover the definition of Title IX Sexual Harassment, the scope of the college's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes under this policy, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. The college will ensure that Hearing Panel members receive training on any technology to be used at a hearing and on issues of relevance of questions and evidence, including questions and evidence about the irrelevancy of complainant's sexual predisposition or prior sexual behavior. The college will ensure that investigators receive training on issues of relevance in order to create an investigative report that fairly summarizes relevant evidence. These training materials are publicly available on the Title IX section of the college's Health and Safety website and will be made available for in-person review upon request.

Wade College promotes student health and safety for all students. The Office of the Title IX Coordinator coordinates 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 Get Inclusive 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.

In 2022-2023 academic year, training includes, but is not limited to the following:

- Title IX Compliance and Sexual Harassment/Violence Prevention Training for Faculty, Staff, and Administration via ([https://app.getinclusive.com/register\\_course?code=MERIDIANS-BF-171](https://app.getinclusive.com/register_course?code=MERIDIANS-BF-171)).
- Voices for Change Training for students from Get Inclusive ([https://app.getinclusive.com/register\\_course?code=WADE\\_VFC\\_COMP18](https://app.getinclusive.com/register_course?code=WADE_VFC_COMP18)).
- Title IX & VAWA Annual Training from DL Training Solutions via DeLuca Law LLC (<http://www.delucalawllc.com/training.html>).
- Title IX Training Series from Thompson Coburn LLP (<https://www.thompsoncoburn.com/title-ix-training-series-materials>).

The Wade College Annual Security Report and Safety Plan, the Wade College Title IX Policy and Procedures manual, and the Wade College Sexual and Gender-Based Harassment Policies and Procedures manual details the college's policies and procedures regarding sexual assault, dating violence, domestic violence, and stalking. The Wade College Sexual and Gender-Based Harassment Policies and Procedures manual also covers harassment and bullying. A list of local resources for victim support and education is included. This information may be located in Appendix A and Appendix B 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](mailto:hdavros@wadecollege.edu).

## RECORD RETENTION

Wade College will maintain for a period of seven years records of the following:

- Each Title IX Sexual Harassment grievance process conducted under this policy, including any determination regarding responsibility and any audio or audiovisual recording or transcript from a hearing, any disciplinary sanction imposed on the respondent, and remedies provided to the complainant in order to restore or preserve access to educational program or activity;
- Any appeal and appeal result;
- Any informal resolution and the result;



wadecollege

Title IX Policy and Procedures

- All materials used to train college Title IX Coordinators, investigators, and other participants in the formal resolution process, and any individual who facilitates the informal resolution process with regard to Title IX Sexual Harassment;
- Records of any actions, including any supportive measures, taken in response to a report or formal complaint of Title IX Sexual Harassment. The college will document the manner in which its response was not deliberately indifferent, and that measures taken were designed to restore or preserve equal access to the College’s educational and working program or activity. In any instance in which the supportive measures are not provided, the college will document the reasons why such a response was not clearly unreasonable in regard to known circumstances.

### COMMUNITY RESOURCES

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

<b>Dallas Area Rape Crisis Center, <a href="http://www.dallasrapecrisis.org">www.dallasrapecrisis.org</a>, 4210 Junius St, Dallas, Texas</b>	<b>972.641.7273</b>
Community Council of Greater Dallas	214-379-4357
The Assistance Center of Collin County	972-422-1850
<u>Crisis Lines (24 Hours)</u>	
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
<u>General Assistance</u>	
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.

### 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



wadecollege

Title IX Policy and Procedures

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.

#### **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 <https://publicsite.dps.texas.gov/SexOffenderRegistry/map/load?mapReqId=1&channel=p-SexOffenderJs&address=Goldthwaite%2C+TX%2C+USA>.