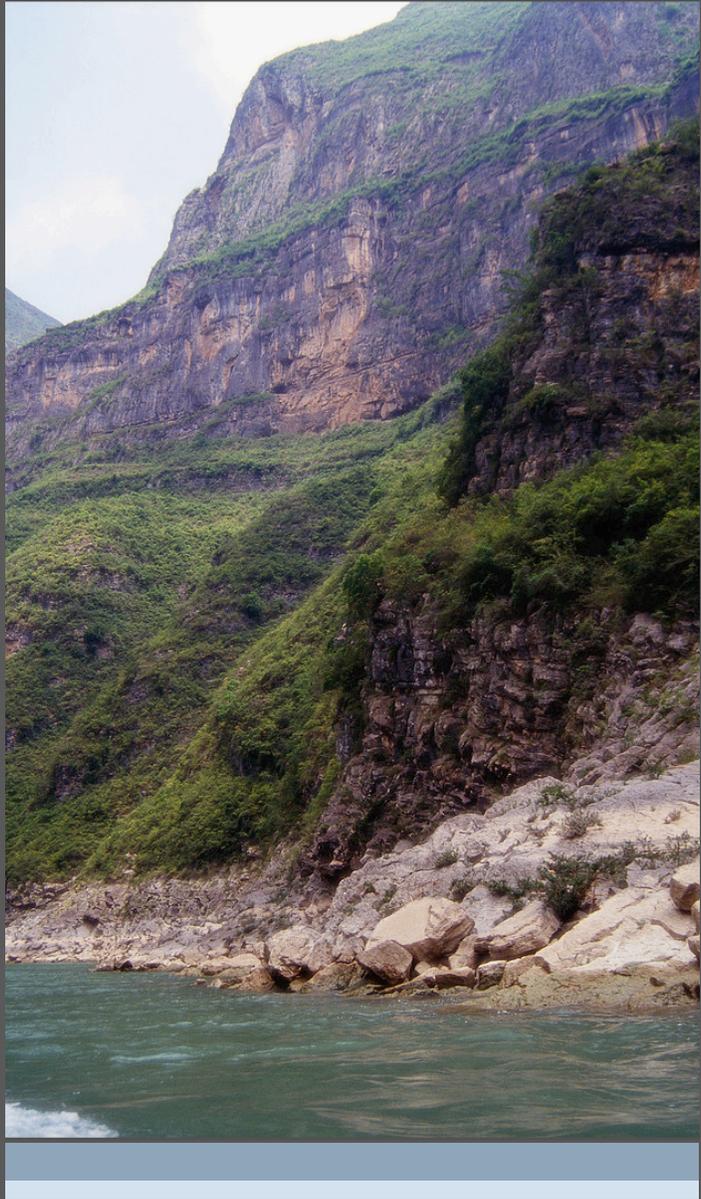


## Western Carolina University

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Responsibility for the content of this document rests solely with the Chief Compliance Officer (“CCO”). To provide feedback, the CCO may be reached at the contact information listed above.



# TITLE IX

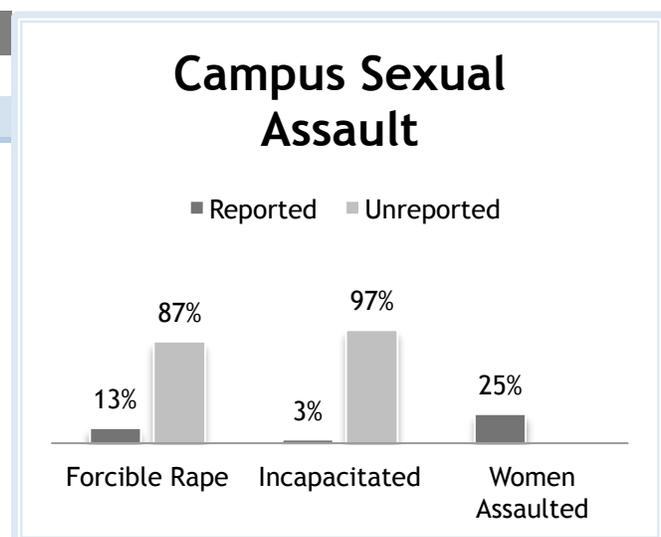
# EMPLOYEE TRAINING

## Campus Sexual Assault and Title IX Compliance

One in four women are assaulted while attending an institution of higher learning in the United States. But only 13% of forcible rapes on our nation's campuses are reported and only 3% of incapacitated sexual assaults are reported. Further, one need only glance at the headlines on virtually any given day to see the prevalence of the topic. It is obvious that the issue of campus sexual assault and other forms of gender-based discrimination is very real and deserving of our attention and efforts. We believe that the statistics at WCU are better than the national average. But we will always be committed to making double and triple sure that our students and employees enjoy complete physical security.

As such, we must ensure that our institution takes all available steps to protect students and employees. This document is meant to clarify precisely what duties and protections you as an employee of Western Carolina University ("WCU") have under the law. But most importantly, this document is about the prevention of campus sexual assault and gender discrimination at WCU. Everyone at WCU has a right to live free of gender-based discrimination. As we go forward together, I hope you will pledge to make this issue a priority in the coming academic year and beyond.

Crimes	Percentages
Forcible Rapes	13%
Incapacitated Sexual Assault	3%
Women Sexually Assaulted in Higher Ed.	25% <sup>1</sup>



<sup>1</sup> One in four women are sexually assaulted while attending an institution of higher education.

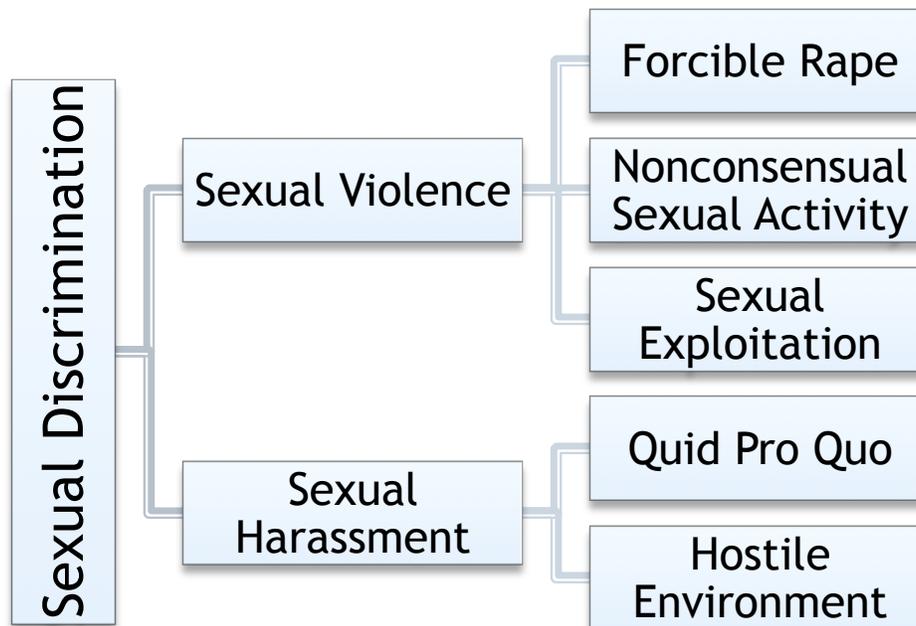
## WCU Employees' Primary Title IX Obligation - Reporting

Title IX strictly prohibits gender-based discrimination and imposes duties upon the institution when any employee learns of or suspects an incident of discrimination. Any experienced, known, or suspected gender-based discrimination must be reported to one of WCU's "Title IX Coordinators." A Title IX Coordinator is a specifically designated individual who is trained in victim outreach and compliance with our duties under Title IX. Shea Browning, listed below, is the Title IX Coordinator for campus. Kellie Monteith, Teri Domagalski, and Kevin Koett are Deputy Title IX Coordinators and likewise may be contacted for reporting or inquiries.

### WCU TITLE IX COORDINATORS

<p><b>Shea Browning</b>  <b>Associate General Counsel</b>  <b>520 HFR Admin. Bldg.</b>  <b>Cullowhee, NC 28723</b>  <b>Email:</b>  <b>srbrowning@email.wcu.edu</b>  <b>Phone: (828) 227-2520</b></p>	<p><b>Kellie Monteith</b>  <b>Assistant Vice Chancellor</b>  <b>114 Scott East</b>  <b>Cullowhee, NC 28723</b>  <b>Email:</b>  <b>monteith@email.wcu.edu</b>  <b>Phone: (828) 227-7147</b></p>
<p><b>Teri Domagalski</b>  <b>Provost Fellow for</b>  <b>Faculty Relations</b>  <b>Forsyth, Rm. 319</b>  <b>Cullowhee, NC 28723</b>  <b>tdomagalski@email.wcu.edu</b>  <b>Ph: (828) 227-3589</b></p>	<p><b>Kevin Koett</b>  <b>Dean of Students</b>  <b>114 Scott East</b>  <b>Cullowhee, NC 28723</b>  <b>kskoett@email.wcu.edu</b>  <b>Ph: (828) 227-7147</b>  <b>(For student-on-student incidents).</b></p>

## Types of Gender-Based Discrimination



“Sexual Discrimination” encompasses many ideas - some of which are listed here. These prohibited behaviors are discussed in greater detail below.

## Definitions with Examples

- ❖ **Sexual Violence** → Any physical sexual act against the victim’s will or without lawful consent.
  - Examples: Forcible rape; surreptitious photographing; incapacitated rape; unconsented fondling; etc.
- ❖ **Sexual Harassment** → Any unwelcome conduct of a sexual nature.
  - Examples: Catcalling; sexually suggestive remarks; unwanted sexual advances; harassing telephone calls of a sexual nature; gender-based

name-calling (queer, fairy, slut, whore, etc.); displaying sexual imagery; etc.)

- “Sexual Harassment” also encompasses two broad sub-categories:
- 1) **Hostile Environment** - Conduct of a sexual nature that is sufficiently severe, persistent, or pervasive to limit a student’s ability to participate in or benefit from the educational program, or to create a hostile or abusive educational environment.
  - Examples: i) A faculty professor makes sexually suggestive remarks to one of her students. The student is made uncomfortable and has difficulty paying attention. ii) A group of fraternity brothers hurl sexual insults at a female after she had a consensual sexual encounter with a member of the group’s fraternity. The name-calling limits the student’s desire to go to class because she dreads the insults.
- 2) **Quid Pro Quo Harassment** - A promise to give some material benefit in exchange for sex; or the threat to withdraw a material benefit if the victim does not consent to sexual activity.
- Examples: i) A professor tells a female student, “You might do a little better in my class if you’d just go out with me.” ii) A supervisor tells his employee, “You know that evaluation is coming up, if you want any chance of doing well you’d better get used to spending lots of time with me.”

## Title IX - Gender Based Discrimination Prohibited

### Sexual Harassment

Quid Pro Quo

Hostile Environment

### Sexual Violence

Forcible Rape

Sexual Exploitation

Lack of Consent

## Who is protected under Title IX at WCU?

Everyone at WCU, students and employees alike, has a right to live free of gender-based discrimination. This includes discrimination by members of the same sex. For example, a homosexual supervisor can create a hostile environment for a same-sex employee; or if a group of male students bully an effeminate man for not being “masculine enough,” this could also give rise to a hostile environment. This is known as “gender stereotyping” harassment and such conduct is prohibited.

If a student, faculty member, SPA or non-SPA staff member, or a third party experiences sexual discrimination of any kind, it should immediately be reported to a Title IX Coordinator for investigation.

## Title IX Coordinator

When you learn of sexual discrimination of any type, you must contact and inform a Title IX Coordinator. Likewise, even if you merely suspect prohibited conduct, you should contact a Title IX Coordinator for guidance. IF A CRIME IS SUSPECTED YOU SHOULD INFORM THE POLICE.

## Institutional Response

Once contacted, our Title IX Coordinator can then reach out to the *victim* to assess the victim’s needs and assess what the institution can do to prevent the

discrimination and address its effects. Our response is custom tailored to assist the victim recover from - and move beyond - the discrimination. Remember, that students *as well as employees* are protected under Title IX. So if you experience, witness, or suspect any gender-based discrimination regarding anyone affiliated with WCU, it is vital that a Title IX Coordinator be informed so the institution can take appropriate corrective action.

Further, reporting incidents of discrimination gives WCU the aggregate data it needs to make the campus a safer and more welcoming place. For example, if three employees report stalking around a certain section of campus, it is likely that WCU would tailor a response to minimize the danger, such as adding extra lighting, placing an emergency telephone nearby, etc. As another example, if four students reported that an employee is directing sexual comments toward some students, our institution would likely respond in a way to determine what happened and minimize the chance of it recurring.

What we don't know can and often does hurt us. Our employees are the eyes and ears of our response capability and without effective communication our institution cannot accomplish what it has been charged to accomplish.

## Why don't I just call the Police?

If a crime is suspected, you should always call law enforcement. But you should - at your earliest opportunity - also inform a Title IX Coordinator. WCU has a duty to investigate the incident apart from law enforcement. Further, we often work with local law enforcement as part of our investigation. As such, if a crime is suspected you should call the police first. But additionally, it is critical that a Title IX Coordinator be informed as soon as possible.

## Why can't I just handle it locally - at the department level, or within the dorm, etc.?

When matters are not reported to appropriate personnel, even if done with the best of intentions, it looks a lot like a cover-up. Because when an employee has an existing duty to report information, and the employee does not report that information, it *is* a *de facto* cover-up. We know that a local failure to report is a low-probability event. But the effects of such a failure would be devastating to our institution.

We face especially difficult choices when an acquaintance asks us to keep information about sexual discrimination a secret. Information learned in such a circumstance still triggers a duty to report. For this reason, it is important to tell people **up front** that we cannot always guarantee absolute confidentiality.

## Confidentiality

WCU guarantees each reporting person that we will protect the victim's confidentiality and privacy to the fullest extent possible under the law. We will not and cannot compel a victim to participate in an investigation or hearing. But the university is required to investigate what happened and work to prevent the discrimination and prevent its recurrence. Sometimes the mere fact of an investigation can "tip off" an alleged perpetrator that the victim has taken action, even though we would not reveal the accuser's identity. Because of our duty to investigate, we cannot promise absolute confidentiality.

The investigations are often limited to what the victim reports and to the extent that the victim wishes to take part in the investigation. We work to balance the desire for confidentiality with the need to protect members of our institution. In so doing, we seek to empower victims with the resources they need to recover and participate in an active way. This involves a balanced and nuanced approach - custom tailored to the victim's experience and needs - and often includes things like counseling, accommodating any learning difficulties, altering class schedules or living arrangements, etc.

## Nonretaliation

Nonretaliation is one of the hallmarks of Title IX. Retaliation for reporting incidents of discrimination is strictly prohibited at WCU. Reporting discrimination will not result in any adverse action for reporting. Period. WCU will react swiftly should it learn of retaliatory action against a reporting individual.

## Conclusion

Everyone at WCU has a right to live free from gender-based discrimination. Most importantly, we must make the issue of campus sexual assault a priority. For decades, sexual assault was a national problem that remained in the shadows - underreported and neglected. Those days are behind us. For the sake of future victims, whose suffering we have the power to prevent, I am asking you to make this issue a priority.

*If you have any questions or wish to provide feedback regarding this training, please feel free to contact the WCU Chief Compliance Officer, J. Wesley Chancey, at the contact information below. Responsibility for the content of this document rests solely with the Chief Compliance Officer.*

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