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EMPLOYEE TRAINING

TITLE IX
Campus Sexual Assault and Title IX Compliance

One in four women are assaulted while attending an institution of higher learning. 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 problem. The recent Rolling Stone article on the University of Virginia, to the Penn State molestation debacle, to the University of Montana institutional failure - it is obvious that the issue of campus sexual assault is a media darling. And, given the prevalence of the problem, rightfully so. Campus sexual assault is very real and deserving of our attention and efforts.

We must ensure that our institution takes adequate steps to protect students and employees from this disturbing trend. But the legal landscape at present is a veritable morass of often-conflicting regulations and guidance. 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 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.

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<th>Crimes</th>
<th>Percentages</th>
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<td>Forcible Rapes</td>
<td>13%</td>
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<tr>
<td>Incapacitated Sexual Assault</td>
<td>3%</td>
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<td>Women Sexually Assaulted in Higher Ed.</td>
<td>25%1</td>
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1 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 such discrimination. Any experienced, known, or suspected gender based discrimination must be reported to Shea Browning, WCU’s “Title IX Coordinator.” The Title IX Coordinator is a specifically designated individual who is trained in victim outreach and compliance with our lawful duties under Title IX. Reporting is a critical feature of Title IX. Apart from stopping the discrimination, it gives the institution the information we require to comply with our legal duties. Your Title IX Coordinator’s contact information can be found here:

Shea R. Browning  Address:  520 HF Robinson, Cullowhee, NC 28723
Ph: 828.227.7116  Email:  srbrowning@email.wcu.edu

Types of Sexual 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.
  o Examples: Forcible rape; surreptitious photographing; intoxicated / incapacitated rape; unconsented fondling; etc.

❖ Sexual Harassment ➔ Any unwelcome conduct of a sexual nature.
  o 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.”
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 the Title IX Coordinator for investigation.

Title IX Coordinator

When you learn of sexual discrimination of any type, you must contact and inform your Title IX Coordinator. Likewise, even if you merely suspect prohibited conduct, you should contact the Title IX Coordinator for guidance.

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 limit 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 or witness any gender-based discrimination regarding anyone affiliated with WCU, it is vital that the 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 a professor 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 the 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 your 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 a failure would be devastating to the reputation capital of 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, we make it a practice to tell people up front that we cannot guarantee confidentiality and we recommend you do the same.

**Confidentiality**

WCU guarantees each reporting person that we will protect their confidentiality and privacy to the fullest extent possible under the law. We will not and cannot compel a victim to participate in an investigation. 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 if the accuser requests confidentiality. 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 fully 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.
Nonretaliations

Nonretaliations is one of the hallmarks of Title IX. Retaliations for reporting incidents of discrimination is strictly prohibited at WCU. Reporting discrimination will not result in any adverse action for the reporting party. 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.

WCU Chief Compliance Officer
520 HFR Admin. Bldg
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Ph: (828) 227-7116
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I __________________________ hereby certify that I have reviewed the above training and understand it to the best of my present ability.

__________________________  __________________________
Signature                      Date

__________________________
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