



SURVIVOR INFORMATION

WINGATE UNIVERSITY CARES
Response and Education for Survivors

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Hello, my name is Patrick Biggerstaff and I am the Wingate University Director of Operations and the Title IX Coordinator. The role of the Title IX Coordinator is to receive and coordinate reports of sexual assault or sexual violence, while also being an advocate and resource for the student survivor. In short, I am your ally. I am here to support and encourage you to understand your options and resources to move forward.

I work alongside a small group of professional staff who are also advocates for you. We believe the most important parts of our job is to serve you with empathy and compassion, while providing education and resources to examine the issues and work towards a solution that is best for you.

As you read through this packet of information, it is my hope that you will come to understand how to take control of your circumstance and find the opportunities in which to gain that power. We view you as the expert of your own life and your current situation. Therefore, we will work with you to fully understand your options and support you in your decision making, and be with you every step.

I care about you and your success as a student at Wingate University. I want to provide you with the best support possible. Please take time to read through the packet to understand your options. You may contact me with further questions or to simply have a conversation to discuss the packet further. Please don't hesitate to utilize our services.

Sincerely,

Patrick Biggerstaff

Title IX Coordinator
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How Do You Define “Consent”?

Consent is the most misunderstood concept in comprehending the issues around sexual violence. Learning how to talk about consent, gain consent or refuse consent can help clarify each person’s responsibility to minimize the risk of unwanted sexual contact. The University defines “consent” for Wingate students in the Wingate University Sexual Misconduct Policy:

Consent: The University defines consent as the explicit mutual understanding to engage in sexual activity through clear words and/or actions by involved parties. The parties must freely and actively demonstrate their approval to participate in any sexual activity. Consent cannot be obtained on its own if, at least one of the involved parties, is:

- Under eight-teen years of age;
- Physically disabled or incapacitated;
 - Incapacitated due to alcohol or drugs, or unconsciousness/asleep
 - Has a physical disability
- Mentally disabled or incapacitated;
 - Incapacitated due to alcohol or drugs, or unconsciousness/asleep
 - Has a mental disability
- Non-verbal, silent, or passive;
- Gives a lack of resistance;
- Forced, pressured, coerced, manipulated, or has reasonable fear that the victim or another may be injured or attacked if the victim does not submit to the sexual activity;
- Unable to give consent

Was I Raped?

I didn't resist physically – does that mean it isn't rape?

People respond to an assault in different ways. Just because you didn't resist physically doesn't mean it wasn't rape — in fact, many victims make the good judgment that physical resistance would cause the attacker to become more violent. Lack of consent can be expressed (saying —no!) or it can be implied from the circumstances (for example, if you were under the statutory age of consent, or if you had a mental disability, or if you were afraid to object because the perpetrator threatened you with serious physical injury).

I used to date the person who assaulted me – does that mean it isn't rape?

Rape can occur when the offender and the victim have a pre-existing relationship (sometimes called —date rape or —acquaintance rape!), or even when the offender is the victim's spouse. It does not matter whether the other person is an ex-boyfriend or a complete stranger, and it doesn't matter if you've had sex in the past. If it is nonconsensual this time, it is rape.

I don't remember the assault – does that mean it isn't rape?

Just because you don't remember being assaulted doesn't mean it didn't happen and that it wasn't rape. Memory loss can result from the ingestion of —rape drugs! and from excessive alcohol consumption. That said, without clear memories, it may be difficult to pursue legal charges. Staff from the Residence Life office, Wingate Police, or the Union County Sexual Trauma Hotline may be able to offer more guidance on this topic.

I was asleep or unconscious when it happened – does that mean it isn't rape?

Rape can happen when the victim was unconscious or asleep. If you were asleep or unconscious, then you didn't give consent. And if you didn't give consent, then it is rape.

I was drunk or he was drunk – does that mean it isn't rape?

Alcohol and drugs are not an excuse – or an alibi. The key question is still: did you consent or not? Regardless of whether you were drunk or sober, if the sex is non-consensual, it is rape. If you were so drunk or drugged that you passed out and were unable to consent, it was rape. Both people must be conscious and willing participants.

I thought “no,” but didn't say it. Is it still rape?

Rape laws would require more information to answer this question. If you didn't say no because you were scared for your life or safety, then it may be rape. Sometimes it isn't safe to resist, physically or verbally — for example, when someone has a knife or gun to your head, or threatens you or your family if you say anything. People can absolutely feel raped even if when the situation has not met the legal definition of rape, however.

Reference: <http://www.rainn.org/get-information/types-of-sexual-assault/was-it-rape>

90% of sexually assaulted college women know their attacker:

- Classmates: 35.6%
- Friends: 34.2%
- Ex- Boyfriends: 23.7%
- Acquaintance: **2.6%**

Source: NYU Student Health Center

90%



One in four women will be a victim of attempted or completed rape.

Source: U.S. Department of Justice

IN FOUR

Locations of completed On-campus rapes:

- 60%** in the victim's residence
- 31%** in another residence hall
- 10%** in Greek housing

Source: U.S. Department of Justice



Rape on College Campuses

- **156.5 per 1,000** female students had been stalked during the start of the school year.
- On college campuses **51.8%** of completed rapes took place after midnight.
- Most rapes occur on the weekend.
- **97,000** students between the ages of 18 and 24 are victims of alcohol-related sexual assault or date rape.
- **100,000** students between the ages of 18 and 24 report having been too intoxicated to know if they consented to having sex.
- Of the college women who are raped, only **25%** describe it as rape.
- Of the college women who are raped, only **10%** report the rape.



Reference:

Fisher, B., Cullen, F., & Turner, M. (2000). The Sexual Victimization of College Women. US Department of Justice. Retrieved from <http://www.ncjrs.gov/pdffiles1/nij/182369.pdf>.

SURVIVORS SELF-CARE GUIDE

Good self-care is a challenge for many people and it can be especially challenging for survivors of rape, sexual assault, incest and sexual abuse.

It can also be an important part of the healing process.

Physical self-care is an area that is often overlooked.

- **Food**

- Food is a type of self-care that people often overlook. People are often so busy that they don't have time to eat regularly or that they substitute fast food for regular meals.
- It's not always reasonable to expect people to get 3 square meals a day (plus snacks!) but everyone should make sure they get adequate nutrition.

Exercise

- Exercise is one of the most overlooked types of self-care. It is recommended that you should exercise at least 30 minutes 5 times a week.
- Exercise, even if it's just a quick walk at lunchtime, can help combat feelings of sadness or depression and prevent chronic health problems.

Sleep

- Although everyone has different needs, a reasonable guideline is that most people need between 7-10 hours of sleep per night.

Medical care

- Getting medical attention when you need it is an important form of physical self-care. CMC Union Hospital: 704-283-3100. Call 911 if you're in an emergency.
- Some survivors put off getting medical care until problems that might have been relatively easy to take care of have become more complicated.

Emotional self-care will mean different things for different people. It might mean...

- **Counseling**

- This could mean seeing a psychologist, a clinical social worker, or therapist. You may contact the Wingate Counseling Center at 704-233-8246.
- Local Sexual Trauma centers often provide counseling or can connect you with a provider. Union County Sexual Trauma hotline: 704-283-7770

Keeping a journal.

- Some survivors find that recording their thoughts and feelings in a journal or diary helps them manage their emotions after an assault.

Meditation or relaxation exercises

- Relaxation techniques or meditation help many survivors with their emotional self-care.

For example:

- Sit or stand comfortably, with your feet flat on the floor and your back straight. Place one hand over your belly button. Breathe in slowly and deeply through your nose and let your stomach expand as you inhale. Hold your breath for a few seconds, and then exhale slowly through your mouth, sighing as you breathe out. Concentrate on relaxing your stomach muscles as you breathe in. When you are

doing this exercise correctly, you will feel your stomach rise and fall about an inch as you breathe in and out. Try to keep the rest of your body relaxed—your shoulders should not rise and fall as you breathe! Slowly count to 4 as you inhale and to 4 again as you exhale. At the end of the exhalation, take another deep breath. After 3-4 cycles of breathing you should begin to feel the calming effects.

- Emotional self-care can also involve the people around you. It's important to make sure that the people in your life are supportive.
- Nurture relationships with people that make you feel good about yourself!
 - Make spending time with friends and family a priority
- If you have trouble finding people who can support your experience as a survivor, consider joining a support group for survivors.

Be wary of...

- Friends or family who only call when they need something
- People who always leave you feeling tired or depressed when you see them
- Friends who never have the time to listen to you
- Anyone who dismisses or belittles your experience as a survivor

You can deal with these people by setting limits.

- You don't have to cut them out of your life (especially with family, that may not even be an option!) but choose the time you will spend with them carefully.
- Make sure that your time with these people has a clear end.
- Cut back on the time you spend with people who don't make you feel good, or spend time with them in a group rather than one-on-one.
- Screen your calls!! There's no rule that says you have to answer your phone every time it rings. If you don't feel like talking on the phone, call people back at a time that's more convenient for you.

You can deal with these people by letting some go.

- If there are people in your life who consistently make you feel bad about yourself, consider letting those friendships or relationships go.
 - This can be a difficult decision. Remember that you deserve to have people around you who genuinely care about you and who support you.

Another challenge can be in finding time for fun leisure activities. Many survivors have full time jobs, go to school, volunteer and have families. Finding time to do activities that you enjoy is an important aspect of self-care.

- Get involved in a sport or hobby that you love! Find other people who are doing the same thing!
 - Knowing that people are counting on you to show up can help motivate you.
- If you have a spouse or partner, make a date night and stick with it. Treat leisure appointments as seriously as business appointments. If you have plans to do something for fun, mark it on your calendar!

Reference: <http://www.rainn.org/get-information/sexual-assault-recovery/self-care-for-survivors>

North Carolina State Laws for Rape and Sexual Assault

First Degree Rape [NCGS 14-27.2(2), Class B1 felony]:

Vaginal intercourse by force and without consent, and proof of at least one of the following: (a) use or display of a dangerous or deadly weapon or an article which the other person reasonably believes to be a dangerous or deadly weapon, (b) infliction of serious personal injury on the victim or another; or (c) commission of the rape aided and abetted by others.

Second Degree Rape [NCGS 14-27.3(a), Class C felony]:

Vaginal intercourse by force and without consent [note: no injury required].

First Degree Sexual Offense [NCGS 14-27.4(a)(2), Class B1 felony]:

Sexual acts (not vaginal intercourse) by force and without consent and proof of at least one of the following: (a) use or display of a weapon or an article which the other person reasonably believes to be a dangerous or deadly weapon, (b) infliction of serious injury, or (c) commission of the sexual offense aided or abetted by others.

Second Degree Sexual Offense [NCGS 14-27.5, Class C felony]:

Sexual acts (not vaginal intercourse) by force and without consent [note: no injury required].

Sexual Battery [NCGS 14-27.5(A)(a)(1), Class A1 misdemeanor] (i.e., —forced fondling!): Sexual contact (a) by force and without consent [note: no injury required].

Indecent Exposure²⁴ [NCGS 14-190.9]:

Willfully exposing one's private parts in a public place in the presence of another or procures or permits another to perform such acts [Class 2 misdemeanor]; by a person 18 or older in the presence of a person under 16 years of age for the purpose of arousing or gratifying sexual desire [Class H felony].

Statutory Rape by 13, 14 or 15 year old [NCGS 14-27.7A]²⁰

Vaginal intercourse or sexual act with 13, 14 or 15 year old by defendant 5 years older than the victim (Class C felony); or with 13, 14 or 15 year old by defendant at least 6 years older than the victim (Class B1 felony)

**IF YOU ARE SEXUALLY ASSAULTED,
THE UNIVERSITY ENCOURAGES THE FOLLOWING:**

- A. Get to a safe place, one that is well-lit and where there are other people, preferably people you know and trust.
- B. Do not bathe, douche, brush your teeth, drink, change clothing or even comb your hair before seeking medical attention. It is only natural to want to do so, but you may be destroying physical evidence that could be needed later if you wish to pursue criminal charges. It is also beneficial to preserve physical evidence, such as clothing or sheets if you wish to pursue criminal charges immediately or in the future.
- C. Call for help! People who care and who will provide you with support and information are available 24 hours a day via Residence Life on-call professional staff members, call 704-324-1408 or call the Union County Sexual Trauma Hotline at 704-283-7770. Staff members at both centers can help you consider your reporting options, decide what to do next, and accompany you through the process.
- D. To report the assault, call Wingate Police at 704-233-5657. A student has the option to pursue a criminal complaint with the appropriate law enforcement agency, to pursue a complaint through the campus conduct process, or to pursue both processes simultaneously.
- E. Get immediate medical attention. You may have injuries that you may not have realized occurred during the assault. The closest hospital is CMC-Union.
600 Hospital Drive Monroe, NC 28112
704-283-3100
- a. Evidence collection and emergency treatment is available 24 hours a day at the local emergency rooms. The evidence collection process must be done within 72 hours of the assault.
 - b. The Wingate Student Health Center can provide students with immediate needs or subsequent follow-up care. *Open Monday-Friday 9am-3pm next to the Klondike.*
 - c. The North Carolina Rape Victims Assistance Program and Crime Victims Compensation Act covers most, if not all, medical costs related to rape.
- F. If you wish, call a friend, family member, or other trusted person to be with you.

CONFIDENTIALITY AND PRIVACY

Confidential Resources. If a student wishes the details of an incident to be kept strictly confidential, they can speak to professional staff at the Wingate Counseling Center or the Student Health Center. In addition, the Safe Alliance Sexual Trauma Resource Center in Union County and campus ministers will honor confidentiality. Confidential resources may need to share otherwise confidential information where an imminent danger to the student or another individual exists in the opinion of the professional staff or administrator. In addition, all University resources are required by North Carolina law to report abuse or neglect upon a child or any disabled person.

The local hospital can complete an anonymous Rape Kit if the survivor is unsure about reporting to the police department immediately, but allows for evidence to be gathered for future reporting.

Privacy and Reporting Requirements. There are a number of designated University officials who can provide support and assistance to a student who discloses sexual misconduct. These designated officials include the Title IX Coordinator, Wingate Campus Safety, the Office of Residence Life, the Office of Student Involvement, Campus Recreation, Athletics, and Wingate faculty/staff advisors of student organizations. All University employees, including faculty, staff, and student staff, who receive a report of alleged sexual misconduct by a student or regarding a student, on or off-campus, must notify the Title IX Coordinator. Students' personally identifiable information will only be shared as necessary with as few people as possible, and all efforts will be made to protect their privacy.

If the Survivor Chooses to go Through the Formal Mediation Process:

Step 1: The survivor meets with a Title IX designee to have a consult about the investigation and conduct process. The survivor will determine charges against the accused. If the survivor chooses to go through the process or not, they may request a “No Contact Order” with the accused to take place immediately.

Step 2: The investigation begins. The survivor, accused, and potential direct witness may be individually investigated with the Title IX investigator. The survivor may have an advocate to sit in on each meeting.

Step 3: Once the investigator has met with all parties involved, a summary report will be written and presented to the hearing officer.

Step 4: The hearing officer will meet with both the survivor and the accused individually to review the report.

Step 5: The hearing officer will hear the case with the accused, and make a final decision.

Step 6: The survivor and the accused will be notified of the outcome of any and all decisions, including those related to the appeal. The survivor or the accused may appeal the final decision.

*This process may not take longer than 60 days, unless there are extreme circumstances in which the survivor and accused would be notified for the delay in the process.

SERVICES & RESOURCES

The University and greater Wingate community are here to assist and support students in time of need and hardship. When one of our students becomes a victim of sexual misconduct, we ensure services so no one will bear it alone. The services below can assist our students who encounter sexual misconduct.

On-Campus Services:

Counseling Office: 704-233-8246

A confidential office for a student to share or report an act of sexual misconduct.

Student Health Center: 704-233-8102

A confidential office for a student to share or report an act of sexual misconduct.

Campus Minister: located in the Dickson-Palmer Student Center

A confidential office for a student to share or report an act of sexual misconduct.

Office of Residence Life and Community Standards during hours, 8:30a-5p: 704-233-8245

Office of Residence Life and Community Standards after hours, 5p-8:30a: 704-324-1408

A private office for a student to share or report an act of sexual misconduct. Through this office you are able to initiate a campus investigation process of the sexual misconduct act. You are also able to request a “no-contact order” which prohibits the complainant and the responder to be in contact with one another through any forum, such as phone, text, social media, or through an intermediary (a friend of the party).

Campus Safety: 704-233-8999

A private office for a student to share or report an act of sexual misconduct.

Off-Campus Services:

Emergency: 911

CMC-Union Hospital (located in Monroe, NC): 704-283-3100

Safe Alliance Sexual Trauma Resource Center Hotline: 704-283-7770

This organization provides counseling, advocacy, court education and accompaniment, safety planning, assistance filing victim’s compensation, assistance with reporting to law enforcement, a support hotline access, and prevention programming.

Wingate University: Student Sexual Misconduct Policy

PURPOSE

Wingate University takes all reports and complaints of sexual misconduct very seriously. Wingate strives to be a community free of any sexual misconduct by providing educational training, thematic programming, bystander training and clear expectations for community behavior and values. Wingate University has also designed policies and procedures that strongly encourage community members to report student sexual misconduct, seek help and support, pursue criminal and/or disciplinary actions and take action against potential sexual misconduct. The University's policies and procedures also follow North Carolina state laws and federal Title IX guidelines regarding student sexual misconduct prevention, reporting, investigation and resolution. This policy applies to all aspects of University activities (in and outside of the classroom), including off-campus activities involving sexual misconduct by a Wingate University student(s) and while students are not on campus during holiday breaks and summer breaks. Any student who serves as a student employee for Wingate University will follow policies and processes regarding the student sexual misconduct policy.

Sexual misconduct by non-students (i.e. guest to campus, faculty or staff) against a student should be reported to the Office of Residence Life or the University Title IX Coordinator. Sexual misconduct by non-students against a non-student should be reported to the University Title IX Coordinator or to Wingate Police. Any University office or official receiving a report of sexual misconduct that occurs on campus and/or involving Wingate students is required to communicate the report to the Title IX Coordinator.

The Title IX Coordinator for Wingate University is Patrick Biggerstaff, Director of Campus Operations and Campus Services. The Title IX Coordinator oversees monitoring of the University policy regarding sexual misconduct and retaliation; coordinates investigations of complaints received that may violate the sexual misconduct policy; and ensures a fair and neutral process for all parties. Mr. Biggerstaff is also responsible for appointing and training campus Title IX Deputy Coordinators, who monitor and have oversight of the overall implementation of the investigation process of sexual misconduct reports. See the *WU Sexual Misconduct Quick Contact Information Guide*.

SEXUAL MISCONDUCT DEFINITIONS

Wingate University defines sexual misconduct broadly as any conduct of a sexual nature that is not consensual, and more specifically in the following ways, but not limited to:

- Sexual Harassment,
- Sexual Assault,
- Sexual Exploitation,
- Relationship (Dating/Domestic) Violence,
- Stalking Violence

Other forms of sexual misconduct would include: indecent exposure, sexual exhibitionism, sex-based cyber harassment, prostitution or solicitation of a prostitute.

Sexual Harassment is defined as unwelcome gender-based verbal or physical conduct that is sufficiently severe, persistent or pervasive that it has the effect of unreasonably interfering with, denying or limiting someone's ability to participate in or benefit from the University's educational program and/or activities and/or is based on power differentials (quid pro quo), the creation of a hostile environment or retaliation.

Some examples may include:

- Pressure for a dating, romantic, or intimate relationship;
- Unwelcome touching, kissing, hugging, or massaging;
- Pressure for or forced sexual activity;
- Unnecessary/unwelcomed references to parts of the body;
- Remarks about a person's gender or sexual orientation;
- Sexual innuendoes or humor;
- Obscene sexual gestures;
- Sexual pictures or images;
- Sexually explicit profanity;
- Cyberbullying that is based on gender or sex; or
- Email, texting ("sexting") and use of Internet that violates this policy.

Sexual Assault is defined as non-consensual sexual contact/intercourse that is any intentional sexual touching, however slight, with an object or without, that is without consent and/or by force.

Sexual Exploitation occurs when a person takes a non-consensual or abusive sexual advantage of another for his or her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited.

Relationship (Dating/Domestic) Violence is defined where there is a physical abuse (e.g. slapping, pulling hair, punching), emotional abuse (e.g. harassment), verbal abuse (e.g. aggressive name calling, verbal threats) and/or other abuse (e.g. threatening to hit, harm or use a weapon on another) placing another in fear or imminent serious physical harm;

causing another to engage involuntarily in sexual relations by force, threat or duress (rape). Abusive behavior is any act carried out by one partner aimed at hurting, controlling, using, manipulating, or other actions that can be used to maintain power and control over the relationship that negatively impacts the current or former partner.

- Definition of *Domestic Violence*: Any person regardless of age or sex, who has been abused by a spouse or partner, former spouse or partner, household member (roommate), former household member

- Definition of *Dating Violence*: Violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such a relationship will be gauged by its length, type and frequency of interaction

Stalking Violence is defined as a pattern of conduct that is intended to cause or does cause a person to fear death or death of others important to that person, assault or assault of others important to that person, assault or assault of others important to that person, bodily injury or bodily injury of others important to that person, involuntary restraints or involuntary restraint of other important to that person, damage to property or damage of property to others important to that person, confinement or confinement of others important to that person, or threats of harassment via electronic devices-“cyber stalking”- (e.g. email, social media outlets, phone).

Conduct that can amount to stalking may include:

- Engaging in unwanted conduct by a student or non-student to another student;
- Being or remaining in close proximity to a person that is unwanted;
- Entering or remaining on or near a person’s property, residence, or place of employment that is unwanted;
- Monitoring, observing or conducting surveillance of a person;
- Threatening (directly or indirectly) a person;
- Giving gifts or objects to, or leaving items for, a person that is unwanted;
- Interfering with or damaging a person’s property; or
- Engaging in other unwelcome contact.

The relationship between the accused and the accuser may be a current or former partner, acquaintance, or stranger.

Wingate University’s Statement on Non-Retaliation

Wingate University strictly prohibits retaliation against any individual for reporting, providing information, exercising one’s rights or responsibilities, or otherwise being involved in the process of responding to, investigating, or addressing allegations of sex

discrimination, sexual harassment, and sexual violence. Therefore, any retaliation, intimidation, threats, coercion, or discrimination against any such individual, undertaken or attempted either directly or by someone acting on behalf of another, will be addressed in a serious way by Wingate, and individuals who engage in such actions are subject to discipline up to and including suspension, exclusion, or dismissal from the University, consistent with University procedure. Anyone who is aware of possible retaliation or has other concerns regarding the response to a complaint of sexual misconduct should report such concerns to the Title IX Coordinator, Patrick Biggerstaff, who will take appropriate actions to address such conduct in a prompt and equitable manner.

CONSENT

Sexual activity requires consent, which is defined as clear, unambiguous, and voluntary agreement between the participants to engage in specific sexual activity. Consent cannot be inferred from the absence of a "no". Although consent does not need to be verbal, verbal communication, a clear "yes", is the most reliable form of asking for and gauging consent, and individuals are thus urged to seek consent in verbal form. Talking with sexual partners about desires and limits may seem awkward, but serves as the basis for positive sexual experiences shaped by mutual willingness and respect.

Consent cannot be obtained from someone who is asleep or otherwise mentally or physically incapacitated, whether due to alcohol, drugs, or some other condition. Consent cannot be obtained by threat, coercion, or force. Agreement given under such conditions does not constitute consent.

Consent must be clear and unambiguous for each participant throughout any sexual encounter. Consent to some sexual acts does not imply consent to others, nor does past consent to a given act imply ongoing or future consent. Consent can be revoked at any time. For all of these reasons, sexual partners must evaluate consent in an ongoing fashion and should communicate clearly with each other throughout any sexual encounter.

FORMAL COMPLAINTS AND INFORMAL REMEDIATION PROCESS

It is the University's intent to present all possible resolutions and processes available to survivors of sexual misconduct in a manner that allows for choice, specificity and clarity. The University defines a formal resolution process as those processes that require a determination of responsibility for the misconduct; an informal resolution process that does not require determination of responsibility for remedial action to be taken.

Students reporting a sexual misconduct incident have several options for resolution including but not limited to seeking formal resolution or remediation that involves the determination of

responsibility; informal resolution where responsibility is not determined but definitive action is taken to resolve the complaint. Examples of remediation outcomes through a formal resolution could include but is not limited to: institutional suspension, official University Community Standards sanctioning, and/or criminal prosecution through law enforcement. Examples of remediation through informal resolution would include but are not limited to: class schedule change, room-change, no-contact orders. Students are not restricted to either/or one form of resolution and in most cases choose different forms of both depending on the complaint. Sexual misconduct complaints are not eligible for Honor Council review.

Informal Resolution - When a student reports a sexual misconduct violation one of the first steps for the University is to seek immediate informal remediation. These are typically steps that are taken with the purpose of eliminating a hostile environment or the potential for a hostile environment. The University may, at its discretion, take remedial action independent of the victims request to ensure the health and safety of the university community. Informal remediation options include but are not limited to:

- administrative room-change;
- class schedule and/or course change;
- no-Contact orders;
- adjustments for missed class time; and/or
- Temporary leave of absence.

Formal Resolution – When a student reports a sexual misconduct violation they will have the option to seek a formal resolution. Formal remediation requires the determination of responsibility for the alleged incident. It is important to understand university community standards procedures and decisions are separate from criminal proceedings and decisions. If responsibility is not found for the accused student(s), informal remediation steps may still be taken when appropriate. Once responsibility has been determined sanctions will be assigned at the discretion of the University.

If a student chooses to seek formal resolution they must file a formal complaint in writing to the Institutional Title IX Coordinator. The complaint should include the following:

- The name and contact information of the individual making the complaint;
- a detailed description of the incident and alleged conduct;
- the name(s) of the person(s) the complaint is against and;
- the name(s) of any witness(s).

A sexual misconduct formal investigation will be conducted by the Office of Community Standards. During the investigation, the University investigator may use informal remediation steps to address potential or existing accommodations, hostile environment, retaliation or any other conditions that restrict access to the educational environment.

Once the investigation begins, the Office of Community Standards will submit a notice of charges letter to the accused student(s). The proceeding investigation will be conducted promptly without unreasonable delay. Once the investigation is complete a written summary of the investigation will be completed. The summary investigation report may be redacted of personal identification as needed at the discretion of the Office of Community Standards.

All sexual misconduct cases will be reviewed and heard administratively. If the accused or accuser believes there to be a conflict of interest they may submit in writing to the Title IX Coordinator, prior to the hearing, a request for a new administrative hearing officer. The appointment of the new hearing officer is at the discretion of the Title IX Coordinator. The administrative hearing officer will make a finding based on a preponderance of the evidence (whether a policy violation is more likely than not) and will assign sanctions as appropriate.

APPEALS PROCESS

In cases regarding sexual misconduct, both the complainant and the accused receive the outcome of the hearing in writing. Either the complainant or the accused student may contest the charges or sanctions and request an appeals hearing with the designated appeals officer. The student will be required to submit in writing his or her perspective and reason for the appeal to the designated appeals officer within 48 hours of the original decision. It is understood that after 48 hours the student accepts the charges and sanctions and the decision becomes final.

Appeals can be made on the following grounds: disagreement of findings and/or sanctions, availability of new information, or procedural error.

The designated appeals officer reserves the right to require appropriate parties to meet with said officer individually in order to determine responsibility. Once a decision is rendered, written notification will be issued, and this decision is final. The appeals hearing outcome will be delivered to both the complainant and the accused student in writing.

LEGAL COUNSEL INVOLVEMENT in TITLE IX and SEXUAL MISCONDUCT CASES

In all University informal/formal hearings and resolutions, the student (complainant or accused) is responsible for representing themselves and their case through the process. Students are encouraged to have an advisor accompany them through the hearing process; such as a faculty or staff member, a parent, or other mentor. Only in cases regarding sexual misconduct are lawyers permitted to serve as the mentor, but not to represent the student in the investigation or hearing process. The support person serves as an observer only, unless a question is directed by the deputy coordinator or hearing officer.

AMNESTY for SEXUAL MISCONDUCT COMPLAINANTS and WITNESSES

Wingate University encourages reporting of sexual misconduct and seeks to remove any barriers to an individual/group making a report. The University recognizes that an individual who has been drinking or using drugs at the time of the incident may be hesitant to make a report because of potential consequences for their own conduct. An

individual (group) who (that) reports sexual misconduct, either as a Complainant or a third party witness, will not be subject to disciplinary action by the University for their (its) own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk.

The University may, however, address the behavior by initiating an educational discussion or pursue other educational interventions regarding alcohol or other drugs. These interventions do not include involuntary leaves for students from the University.

Amnesty will not be extended for any violations of University policy other than alcohol/drug use. In addition, amnesty does not preclude or prevent action by police or other legal authorities.

REPORTING SEXUAL MISCONDUCT

Wingate University strongly urges victims of sexual misconduct and students with knowledge of sexual misconduct to report incidents immediately. There are a variety of reporting structures, resources, and support services for victims of sexual misconduct. Please refer to the quick reference guides below:

WU Sexual Misconduct Reporting Quick Reference Guide					
Resource	Seeking Information and Support	Obtaining Counseling and Health Services	Informal Resolution	Formal Resolution	Level of Confidentiality
Town of Wingate Police	Yes			Yes	Confidential according to state law
Union County Sherriff's Office	Yes			Yes	Confidential according to state law
Safe Alliance Sexual Trauma Resource Center/ Hotline	Yes	Yes			Strict Confidentiality
WU Counseling Services	Yes	Yes			Strict Confidentiality
WU Health Services	Yes	Yes			Strict Confidentiality
WU Campus Minister	Yes	Yes			Strict Confidentiality
WU Campus Safety	Yes			Yes	Strictly Private, Mostly Confidential
WU Residence Life	Yes		Yes	Yes	Strictly Private, Mostly Confidential
WU Faculty, Staff, Administration	Yes				Strictly Private, Mostly Confidential
WU Title IX Coordinator Patrick Biggerstaff	Yes		Yes	Yes	Strictly Private, Mostly Confidential
WU Deputy Coordinators	Yes		Yes	Yes	Strictly Private, Mostly Confidential

WU Sexual Misconduct Quick Contact Information Guide

Resource	Phone	Email/Information	Location/Address
Town of Wingate Police	704-233-1697	NA	4114 U.S. 74 Wingate, NC 28174
Union County Sherriff's Office	704-283-3844	NA	3344 Presson Road Monroe, NC 28112
WU Counseling Services	704-233-8246	jhyllton@wingate.edu	DPC, Student Life Suite
Safe Alliance Sexual Trauma Resource Center/Rape Crisis Hotline	704-283-7770	www.safealliance.org	604 Lancaster Highway (200 S) Monroe, NC 28112
Carolinas Medical Center-Union Hospital (CMC Union)	704-993-3100	NA	600 Hospital Drive Monroe, NC 28112
WU Health Services	704-233-8102	s.mccaskill@wingate.edu	Student Health Center/ South Village Clubhouse
WU Campus Safety	704-233-8999	m.easley@wingate.edu	Campus Services (behind Helms Residence Hall)
WU Residence Life	704-233-8995	a.beatty@wingate.edu	DPC, Student Life Suite
Faculty, Staff, Administration	TBD	TBD	TBD
WU Title IX Coordinator Patrick Biggerstaff	704-233-8247	dpbigg@wingate.edu	Campus Services (behind Helms Residence Hall)
WU Deputy Coordinator Adrienne Beatty	704-233-8649	a.beatty@wingate.edu	Office of Residence Life
WU Deputy Coordinator Michelle Caddigan	704-233-8174	caddigan@wingate.edu	Cannon Complex
WU Deputy Coordinator Mick Reynolds	704-233-8252	m.reynolds@wingate.edu	Office of Residence Life
WU Deputy Coordinators Nancy Randall	704-233-8065	nrandall@wingate.edu	Burriss Hall
WU Deputy Coordinators Lisa Ragsdale	704-233-8710	lisa.ragsdale@wingate.edu	Stegall Administration Building, 2 nd floor

