

Policy Number	Title	Issued: 9/14
CK	TITLE IX, SEX DISCRIMINATION AND HARASSMENT POLICY	Revised: 9/16, 8/20, 3/23

TITLE IX, SEX DISCRIMINATION AND HARASSMENT POLICY

A. Notice of Nondiscrimination

Wilson Community College (WCC) in compliance with and as required by Title IX of the Education Amendments Act of 1972 and its implementing regulations (“Title IX”) and other civil rights laws, as well as in furtherance of its own values as a higher education institution, does not discriminate on the basis of race, color, national origin, sex¹, sexual orientation, gender, gender identity, gender expression, pregnancy, disability, age, religion, veteran status, or any other characteristic or status protected by applicable local, state, or federal law in admission, treatment, or access to, or employment in, its programs and activities.

Discrimination and harassment² are antithetical to the values and standards of the WCC community; are incompatible with the safe, healthy environment that the College community expects and deserves and will not be tolerated. Wilson Community College is committed to providing programs, activities, and an education and work environment free from discrimination and harassment. WCC is also committed fostering a community that promotes prompt reporting and fair and timely resolution of those behaviors.

Inquiries concerning discrimination or harassment on the basis of sex may be referred to Wilson Community College’s Title IX Coordinator, Cindy Allen. Appendix A to this document provides contact information for Ms. Allen.

Inquiries concerning discrimination or harassment based on a protected characteristic or status other than sex may be referred to Vice President of Student Development, Amy Noel (for students) or the Director of HR, Cindy Allen (for employees). Appendix A also provides their contact information.

Individuals may also make inquiries regarding discrimination or harassment to the U.S. Department of Education’s Office for Civil Rights by contacting the District of Columbia Office, 400 Maryland Avenue, SW, Washington, D.C. 20202-1475; Phone 800-421-3481; email: OCR@ed.gov.

B. Prohibition on Sex Discrimination and Harassment, Retaliation, and Providing False Information or Interfering with a Grievance Process

This Policy prohibits discrimination and harassment on the basis of sex. Wilson Community College strongly encourages the prompt reporting of, and is committed to timely and fair resolution of, complaints of sex discrimination and harassment.

Sexual Harassment, as defined by Title IX and herein³, is a specific type of sex discrimination/harassment that includes Sexual Assault, Dating Violence, Domestic Violence, and Stalking and that Wilson Community College addresses using its Title IX Sexual Harassment Grievance Procedures, as required by Title IX.

This Policy also prohibits Retaliation, as defined by Title IX and herein. Complaints alleging Retaliation may be filed with the Title IX Coordinator and, at the discretion of the Title IX Coordinator, may be

¹ As used herein, “sex” includes birth/biological sex, gender, gender identity and expression, and sexual orientation.

² As defined by Title IX of the Education Amendments Act of 1972 and its implementing regulations (“Title IX”) and herein, Sexual Harassment includes Sexual Assault, Dating Violence, Domestic Violence, and Stalking.

³ Capitalized terms used herein are defined in Section E.

Policy Number	Title	Issued: 9/14
CK	TITLE IX, SEX DISCRIMINATION AND HARASSMENT POLICY	Revised: 9/16, 8/20, 3/23

addressed under Wilson Community College’s Title IX Sexual Harassment Grievance Procedures or other grievance procedures adopted by the College.

Additionally, any individual who knowingly files a false Formal Complaint or who interferes with a Wilson Community College grievance process may be subject to disciplinary action. Interference with a grievance process may include, but is not limited to, attempting to coerce, compel, or prevent an individual from providing testimony or relevant information; removing, destroying, or altering documentation relevant to an investigation; or providing false or misleading information to Wilson Community College officials who are involved in the investigation and/or resolution of a Formal Complaint, or encouraging others to do so.

C. Reporting and Period of Limitations

Any person (whether or not alleged to be the victim) may report sex discrimination or harassment, including Sexual Harassment, in person, by mail, by telephone, or by electronic mail, using the contact information for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report. Such a report may be made at any time (including during non-business hours).

Wilson Community College *strongly encourages* all employees and other members of the WCC community to promptly report concerns regarding suspected or known discrimination/harassment on the basis of sex to the Title IX Coordinator.

In addition to the Title IX Coordinator, the College has designated the following employees as individuals with the authority to institute corrective measures on behalf of Wilson Community College:

- Vice President for Academic Affairs
- Vice President for Finance and Administrative Services
- Dean of Continuing Education
- Vice President of Student Development

Accordingly, these employees are *required* to report discrimination and harassment on the basis of sex to the Title IX Coordinator.

Additionally, Wilson Community College has designated the following employee as a confidential resource person for students:

- Secondary Partnerships Director

Information about sex discrimination or harassment shared with the confidential resource person typically will not be reported to other Wilson Community College personnel (including the Title IX Coordinator), to the Respondent, or to others, unless the disclosing individual gives their consent to the disclosure or the law requires it (as may be the case with abuse involving a minor or under conditions involving imminent physical harm, for example). (Confidential resources may report non-identifying statistical information to the Title IX Coordinator for recordkeeping and compliance purposes.)

Wilson Community College will address allegations of sex discrimination and harassment appropriately no matter the length of time that has passed since the alleged conduct. However, the College strongly encourages prompt reporting to preserve evidence for a potential legal or disciplinary proceeding. Delay

Policy Number	Title	Issued: 9/14
CK	TITLE IX, SEX DISCRIMINATION AND HARASSMENT POLICY	Revised: 9/16, 8/20, 3/23

may compromise the ability to investigate, particularly if the individuals involved in the alleged conduct are no longer Wilson Community College students or employees.

D. Applicability of Policy and Grievance Procedures

This Policy applies to any allegation of sex discrimination or harassment made by or against a student or an employee of Wilson Community College or a third party, regardless of sex, sexual orientation, sexual identity, gender expression, or gender identity.

The Title IX Sexual Harassment Grievance Procedures apply only to allegations of Sexual Harassment in Wilson Community College’s Education Program or Activity (as defined herein)⁴.

Wilson Community College will address allegations of other types of sexual harassment (i.e., that do not meet the definition of Title IX Sexual Harassment) by: (1) using other student and employee conduct disciplinary procedures deemed appropriate by the Title IX Coordinator in consultation with other Wilson Community College administrators; and/or (2) with Supportive Measures, which are defined and discussed in more detail herein.

E. Definitions Applicable to Policy and Grievance Procedures

Capitalized terms used herein are defined as follows:

“**Actual Knowledge**” means notice of Sexual Harassment or allegations of Sexual Harassment to Wilson Community College’s Title IX Coordinator, Vice President for Academic Affairs, Vice President of Finance and Administrative Services, Dean of Continuing Education, or Vice President of Student Development.

“**Notice**” as used in this paragraph includes, but is not limited to, a report of Sexual Harassment to the Title IX Coordinator⁵.

“**Clery Act**” refers to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, which is a federal statute codified at 20 U.S.C. § 1092(f), with implementing regulations in the U.S. Code of Federal Regulations at 34 C.F.R. § 668.46. The Clery Act requires all colleges and universities that participate in federal financial aid programs to keep and disclose information about crime on and near their respective campuses.

“**Complainant**” means an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment, irrespective of whether a Formal Complaint has been filed.

“**Consent**” is informed, freely and actively given, mutually understandable words or actions that indicate a willingness and readiness to participate in mutually agreed upon sexual activity. Consent is mutually understandable when a reasonable person would consider the words or actions of the parties to have manifested a clear and unambiguous agreement between them to engage in certain conduct with each other. Consent cannot be gained by ignoring or acting in spite of the objections of another.

⁴ And, at the discretion of the Title Coordinator, to related allegations of Retaliation.

⁵ This standard is not met through imputation of knowledge based solely on vicarious liability or constructive notice. This standard also is not met when the only individual with Actual Knowledge is the Respondent. The mere ability or obligation to report Sexual Harassment or to inform a student about how to report Sexual Harassment, or having been trained to do so, does not qualify an individual as one to whom notice of Sexual Harassment or allegations of Sexual Harassment constitutes Actual Knowledge.

Policy Number	Title	Issued: 9/14
CK	TITLE IX, SEX DISCRIMINATION AND HARASSMENT POLICY	Revised: 9/16, 8/20, 3/23

Consent cannot be inferred from: silence, passivity, or lack of resistance alone; a current or previous dating or sexual relationship alone (or the existence of such a relationship with anyone else); attire; the buying of dinner or the spending of money on a date; or Consent previously given (i.e., Consenting to one sexual act does not imply Consent to another sexual act).

Consent is not effective if it is obtained through the use of physical force, violence, duress, deception, intimidation, coercion, or the threat, expressed or implied, of bodily injury. Whether a party used any of these means to obtain Consent will be determined by reference to the perception of a reasonable person found in the same or similar circumstances.

Consent may never be given by the following individuals: minors, even if the other participant did not know the minor’s age; mentally disabled persons, if their disability was reasonably knowable to a person who is not mentally disabled; or persons who are Incapacitated. The use of alcohol or drugs does not diminish one’s responsibility to obtain Consent and does not excuse conduct that constitutes Sexual Harassment.

If at any time during a sexual act any confusion or ambiguity is or should reasonably be apparent on the issue of Consent, it is incumbent upon each individual involved in the activity to stop and clarify the other’s willingness and readiness to continue and capacity to Consent. Neither party should make assumptions about the other’s willingness and readiness to continue.

“**Day**” means a business day, unless otherwise specified.

“**Education Program or Activity**” means all of Wilson Community College’s operations and includes (1) locations, events, or circumstances over which Wilson Community College exercised substantial control over both the Respondent and the context in which the alleged Sexual Harassment occurred; and (2) any building owned or controlled by a student organization that is officially recognized by Wilson Community College.

“**Education Record**” has the meaning assigned to it under FERPA.

“**FERPA**” is the Family Educational Rights and Privacy Act, a federal statute codified at 20 U.S.C. § 1232g, with implementing regulations at 34 C.F.R. § 99. FERPA protects the privacy of student Education Records. FERPA grants to eligible students the right to access, inspect, and review Education Records, the right to challenge the content of Education Records, and the right to consent to the disclosure of Education Records.

“**Formal Complaint**” means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that Wilson Community College investigate the allegation of Sexual Harassment. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in Wilson Community College’s Education Program or Activity. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail by using the contact information listed for the Title IX Coordinator in Appendix A. As used in this paragraph, the phrase “document filed by a Complainant” means a document or electronic submission that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint.

“**Incapacitated**” means lacking the physical and/or mental ability to make informed, rational judgments. A person may be Incapacitated for a variety of reasons, including but not limited to being asleep or unconscious, having consumed alcohol or taken drugs, or experiencing blackouts or flashbacks.

Policy Number	Title	Issued: 9/14
CK	TITLE IX, SEX DISCRIMINATION AND HARASSMENT POLICY	Revised: 9/16, 8/20, 3/23

“Respondent” means an individual who has been reported to be the perpetrator of conduct alleged to constitute Sexual Harassment.

“Retaliation” means (1) any adverse action (including direct and indirect intimidation, threats, coercion, discrimination, or harassment (including charges for conduct violations that do not involve sex discrimination or harassment or Sexual Harassment but that arise out of the same facts or circumstances as a report or complaint of sex discrimination or harassment or a report or Formal Complaint of Sexual Harassment) that is (2) threatened or taken against a person (a) for the purpose of interfering with any right or privilege secured by Title IX; or (b) because the person has made a report or Formal Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing related to Title IX⁶.

“Sexual Harassment” means conduct on the basis of sex that satisfies one or more of the following:

- (1) an employee of the Wilson Community College conditioning the provision of an aid, benefit, or service on an individual’s participation in unwelcome sexual conduct. (commonly referred to quid pro quo harassment);
- (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Wilson Community College’s Education Program or Activity; or
- (3) **“Sexual Assault,”** as defined in 20 U.S.C. § 1092(f)(6)(A)(v): an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;

“Dating Violence,” as defined in 34 U.S.C. § 12291(a)(10): violence committed by a person—(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship;

“Domestic Violence,” as defined in 34 U.S.C. § 12291(a)(8): felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction; or

⁶ Retaliation does not include (1) the exercise of rights protected under the First Amendment; (2) charging an individual with making a materially false statement in bad faith in the course of a grievance proceeding (provided, however, that a determination regarding responsibility alone is not sufficient to conclude that an individual made a materially false statement in bad faith); or (3) good faith actions lawfully pursued in response to a report of prohibited conduct.

Policy Number	Title	Issued: 9/14
CK	TITLE IX, SEX DISCRIMINATION AND HARASSMENT POLICY	Revised: 9/16, 8/20, 3/23

“**Stalking,**” as defined in 34 U.S.C. § 12291(a)(30): engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.

“**Supportive Measures**” are non-disciplinary, non-punitive, individualized services offered as appropriate, as reasonably available, and without fee or charge to a Complainant and/or a Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to Wilson Community College’s Education Program or Activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or Wilson Community College’s educational environment or deter Sexual Harassment.

Supportive Measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security, and monitoring of certain areas of the campus. Wilson Community College will maintain as confidential any Supportive Measures provided to a Complainant or a Respondent, to the extent that maintaining such confidentiality would not impair Wilson Community College’s ability to provide the Supportive Measures. The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures.

Policy Number	Title	Issued: 9/14
CK	TITLE IX, SEX DISCRIMINATION AND HARASSMENT POLICY	Revised: 9/16, 8/20, 3/23

APPENDIX A

Suggested Actions for People Who Have Experienced Sexual Harassment

If you have experienced Sexual Harassment, Wilson Community College’s first priority is to help you take steps to address your safety, medical needs and emotional well-being. You are encouraged to take the following actions, as applicable, regardless of whether you have made a decision about whether to pursue a criminal or Wilson Community College complaint.

1. Ensure Your Physical Safety.

You may seek help from local law enforcement agencies 24 hours a day, 7 days a week, or by contacting the Wilson Community College Police Department. The Wilson Community College Police Department can assist you with contacting local law enforcement and can help you obtain transportation to the local law enforcement office. Officers are on duty at the Wilson Community College Police Department during the College’s normal operating hours 8:00 a.m. - 10:00 p.m. Monday through Thursday and 8:00 a.m. - 3:00 p.m. on Fridays during the fall and spring semesters. During the summer semester, the College operates on a four-day schedule and is closed on Fridays.

2. Seek Medical Assistance and Treatment.

Local options for medical care are provided at the end of this document. It is crucial that you obtain medical attention as soon as possible after a sexual assault, for example, to determine the extent of physical injury and to prevent or treat sexually transmitted diseases (such as HIV). Medical facilities can also screen for the presence of sedative drugs such as Rohypnol or GHB (date-rape drugs). If you choose to have an evidence collection kit (or “rape kit”) completed, it is important to do so within 120 hours.

Even if you have not decided whether to file charges, it is advisable to have the evidence collection kit completed so that you can better preserve the options of obtaining a protective order and/or filing criminal charges at a later date.

3. Obtain Emotional Support

Counseling and mental health services can help students sort through their feelings and begin the recovery process. Contact information for local agencies and community resources are provided at the end of this document.

4. Obtain Information/Report Misconduct

You are encouraged to report incidents of sexual assault to Wilson Community College’s Title IX Coordinator (even if you have filed a report directly with law enforcement). The Title IX Coordinator can help you access resources and can provide you with support and information, including information on Wilson Community College’s procedures for investigating and addressing instances of sexual assault.

Policy Number	Title	Issued: 9/14
CK	TITLE IX, SEX DISCRIMINATION AND HARASSMENT POLICY	Revised: 9/16, 8/20, 3/23

Important Contact Information

Reporting Resources

Title IX Coordinator – Cindy Allen

Phone: (252) 246-1263
 Email: callen@wilsoncc.edu
 Office: C106

Vice President for Academic Affairs – Rob Holsten

Phone: (252) 246-1254
 Email: rolsten@wilsoncc.edu
 Office: B101a

Vice President of Finance/Administrative Services – Jessica Jones

Phone: (252) 246-1221
 Email: jsjones@wilsoncc.edu
 Office: F104

Vice President of Student Development – Amy Noel

Phone: (252) 246-1275
 Email: anoel@wilsoncc.edu
 Office: F103e

Dean of Continuing Education – Wes Hill

Phone: (252) 246-1290
 Email: whill@wilsoncc.edu
 Office: B106

Law Enforcement Resources

WCC Chief of Police – Aubrey Pearson

Phone: (252) 246-1393
 Email: apearson@wilsoncc.edu
 Office: D103

Wilson County Sheriff's Office

Phone: (252) 237-2118
 100 E. Green St., Wilson, NC 27894

Wilson Police Department

Phone: (252) 399-2323
 120 Goldsboro St. E, Wilson, NC 27893

Policy Number	Title	Issued: 9/14
CK	TITLE IX, SEX DISCRIMINATION AND HARASSMENT POLICY	Revised: 9/16, 8/20, 3/23

Healthcare Resources

Wilson Medical Center

Phone: (252) 399-8040
1705 Tarboro Street, Wilson, NC 27893

Wilson Community Health Center

Phone: (252) 243-9800
303 Green St. E, Wilson, NC 27896

Carolina Outreach (Mental Health Services)

Phone: (252) 291-2200
608 Nash St. N, Wilson, NC 27893

Monarch Behavioral Health Services

Phone: (252) 234-7800
2693 Forest Hills Rd., Ste. D, Wilson, NC 27893

Support Resources

Wesley Shelter, Inc. (Domestic Violence & Sexual Assault Response)

Phone: 24-Hour Crisis Line (252) 291-2344
www.wesleyshelter.org

Wilson Crisis Center

Phone: (252) 237-5156
2860 Ward Blvd., Wilson, NC 27893

Confidential Resource Person (for students)

Secondary Partnerships Director – Trish Holsten
Phone: (252) 246-1250
Email: pholsten@wilsoncc.edu
Office: F103h