

## I. **Introduction and Wiley University's Commitment**

Wiley University is committed to fostering an inclusive and equitable environment where all employees, students, and participants in university-sponsored programs and activities are treated with dignity and respect. The University strictly prohibits discrimination based on race, color, sex, religion, national origin, age, disability, sexual orientation, gender identity, veteran status, pregnancy, childbirth, or genetic information.

In compliance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 and its Amendments Act of 2008, Title VII of the Civil Rights Act of 1964, and Title IX of the Education Amendments of 1972, Wiley University does not discriminate on the basis of sex or any other protected category in its educational programs, activities, admissions, or employment practices.

Wiley University is dedicated to maintaining a campus culture rooted in civility, mutual respect, and accountability. We encourage a culture of reporting concerns to ensure timely and equitable responses to any incidents. Every member of our community has the right to learn, work, and engage in a safe environment free from discrimination, harassment, and retaliation.

Questions about Title IX may be addressed to:  
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## II.

### **Scope: What is covered by this policy?**

Title IX prohibits sex-based discrimination, including crimes of discrimination, in any federally funded program or activity. This policy outlines Wiley University's procedures for reviewing and responding to complaints of sexual harassment—one form of prohibited sex discrimination—as well as other forms of sex-based discrimination involving students, faculty, staff, and other participants in the University's educational programs and activities.

Incidents of sexual harassment or sex discrimination involving University organizations, rather than individuals, are typically addressed under the

**Student Handbook** through the appropriate advisor, dean, director, or designee overseeing that organization and the Division of Student Development and Enrollment Management.

Sex discrimination is a broad term that includes various forms of prohibited conduct under Title IX. Sexual harassment, a specific form of sex discrimination, encompasses behaviors such as non-consensual sexual contact, non-consensual sexual intercourse, dating violence, domestic violence, and stalking. Other forms of sex discrimination may include claims related to sex-based decisions affecting participation in University programs, including admissions, employment, athletics, and other terms and conditions of engagement in University programs.

Some conduct that may appear to be sex-based may not constitute a Title IX violation but may still be prohibited under other University policies. This policy also prohibits **retaliation and complicity in acts of sexual harassment or sex discrimination**. Each of these terms is further defined within this policy.

Concerns regarding discrimination based on factors other than sex (e.g., race, religion, disability, etc.) are addressed through the **Non-Discrimination, Anti-Harassment, and Retaliation Policy**. Reports of non-sex-based discrimination may be submitted using the reporting forms available on Wildcat Report It.

In cases where there is a conflict between this policy and other University policies or procedures concerning **Sexual Harassment or Sex Discrimination under Title IX, this policy will take precedence**.

### III. **Who is subject to this policy?**

Wiley University is required under Title IX to prohibit discrimination based on sex in any of its educational programs or activities, including those involving students, employees, and individuals seeking admission. Any student, faculty member, staff member, or participant in the University's programs or activities has the right to report or file a complaint regarding sexual harassment or sex discrimination under this policy.

This policy applies to cases of sexual harassment and sex discrimination affecting students, faculty, staff, and other individuals—including visitors, guests, and applicants—who are participating in or attempting to participate in University-sponsored or University-controlled programs and activities.

All allegations of sexual harassment or sex discrimination involving **non-student participants** in University programs (e.g., conference attendees),

**faculty, staff, or other non-affiliated individuals** (e.g., invited speakers, lecturers, guests, visitors, contracted workers) engaged in University programs or activities, whether on campus or in University-sponsored settings, are covered under this policy.

#### **IV. Where Must Sex Discrimination Occur to Be Covered by This Policy?**

Wiley University recognizes sex discrimination as fundamentally inconsistent with our values of care, trust, and community, with the potential to cause lasting harm. In accordance with regulations from the U.S. Department of Education, this policy applies to incidents of sex discrimination and sexual harassment that occur **on campus or off campus** within the United States as part of a **University-sponsored program or activity**. Incidents of sex discrimination that occur **off campus but outside the scope of a University program or activity, or outside the United States**, may still be addressed through other University policies and disciplinary procedures.

If a student is accused of misconduct, the matter may be reviewed under the **Student Code of Conduct**; if a staff member is accused, it may be handled under the **Employee Handbook**.

For example, if students, faculty, or staff attend an off-campus event, such as a concert that is **not affiliated with or sponsored by the University**, and an allegation of sexual misconduct arises, the University may review the complaint under Title IX but may adjudicate it under the applicable student, faculty, or staff policies depending on the individuals involved.

#### **V. Defining Title IX Sexual Harassment, Discrimination, and Other Prohibited Conduct**

##### **Sex Discrimination**

Sex discrimination is a broad term that includes various forms of prohibited conduct. It encompasses **all forms of discrimination based on sex**, including but not limited to:

- Issues of **equity or discriminatory decision-making**
- **Non-consensual sexual contact**
- **Non-consensual sexual intercourse**
- **Sexual exploitation**
- **Sexual harassment**
- **Dating violence**
- **Domestic violence**
- **Stalking**

- **Sexual Harassment**

Sexual harassment includes, but is not limited to, the following:

**Definition of Sexual Harassment**

Sexual harassment is conduct based on sex that meets one or more of the following criteria:

1. **Quid Pro Quo Harassment:** When a **University employee** conditions the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct.
2. **Hostile Environment Harassment:** Unwelcome conduct that a **reasonable person** would determine is so **severe, pervasive, and objectively offensive** that it **effectively denies** a person equal access to the University's education program or activity.
3. **Sexual Assault, Dating Violence, Domestic Violence, or Stalking** (see

**Sexual Assault**-Sexual assault is defined as an offense classified as either a **forcible or non-forcible** sex offense under the **Uniform Crime Reporting (UCR) system** of the **Federal Bureau of Investigation (FBI)**.

(definitions below).

**Forcible Sex Offenses**

**sexual act directed against another person**

Forcible sex offenses involve any situations where the victim is **incapable of giving consent** due to temporary or permanent mental or physical incapacity.

These include:  
**Forcible Rape:** The **carnal knowledge** (penetration, however slight) of a person, either **forcibly and/or against their will** or when the victim is incapable of giving consent due to mental or physical incapacity. *(This does not include statutory rape.)*

- **Forcible Sodomy: Oral or anal sexual intercourse** with another person, either **forcibly and/or against their will** or when the victim is incapable of giving consent due to their **age, mental, or physical incapacity**.
- **Sexual Assault with an Object:** The use of an object or instrument to **withhold fully consent**, the genital or anal opening of another person, **however slightly**, without their consent.
- **Forcible Fondling-** Forcible fondling is the **intentional touching of another person's private body parts** for the purpose of **sexual gratification**, either **forcibly and/or without the person's consent**. This includes situations where the victim is **unable to give consent** due to their **age, temporary or permanent mental incapacity, or physical incapacity**.

This policy ensures a **safe and equitable** environment for all members of Wiley University's community and outlines the expectations and procedures for addressing sex discrimination and sexual harassment.

### **Dating Violence and Domestic Violence Policy**

Dating violence refers to **acts of violence committed by a person who is or has been in a romantic or intimate relationship with the victim**. The existence of such a relationship is determined based on the following factors:

1. The **length** of the relationship.
2. The **type** of relationship.
3. The **frequency of interaction** between the individuals involved.

### **Domestic Violence**

Domestic violence includes **felony or misdemeanor crimes of violence** committed by:

- A **current or former spouse or intimate partner** of the victim.
- An individual **cohabitating or who has cohabitated** with the victim as a spouse or intimate partner.
- A person who **shares a child in common** with the victim.
- Any individual who commits acts of violence against an adult or youth protected under **Texas family or domestic violence laws**.

In cases involving **victim services**, domestic violence may also include **physical or sexual abuse**, as well as a **pattern of coercive behavior** aimed at exerting power and control over the victim. This can include **verbal, psychological, economic, or technological abuse**, whether the behavior constitutes a criminal offense.

### **Stalking Policy**

**Stalking** is defined as engaging in a **pattern of behavior directed at a specific individual** that would cause a **reasonable person** to fear for their safety or the safety of others, or experience **substantial emotional distress**. It also includes any conduct involving persistent, **unwanted interactions or communications** that would reasonably create fear in the individual being targeted.

**Course of Conduct** refers to **two or more acts** that include, but are not limited to, actions where an individual directly or indirectly, or through third parties, **follows, monitors, observes, surveils, threatens**, or communicates to or about a person, or interferes with the person's property. This can be done by any action, method, device, or means.

### **Other Prohibited Conduct Under This Policy**

#### **1. Non-Consensual Sexual Assault**

The University considers the following to be forms of **non-consensual sexual assault**:

### **I. Non-Consensual Sexual Contact**

Non-consensual sexual contact refers to any **intentional sexual touching**, however slight, with any object or body part, that occurs **without consent**. This includes:

- Intentional contact with the **breasts, buttocks, groin, or genitals**.
- Touching another person with any of these body parts or making them touch themselves or others in a sexual manner.
- Any **intentional bodily contact in a sexual manner**, even if it does not involve direct contact with the breasts, buttocks, groin, genitals, mouth, or other orifices.

### **II. Non-Consensual Sexual Intercourse**

Non-consensual sexual intercourse refers to any sexual activity, however slight, with any object or person, that occurs **without consent** or through **force**. This includes:

- **Vaginal penetration** with a penis, object, tongue, or finger.
- **Anal penetration** with a penis, object, tongue, or finger.
- **Oral copulation** (mouth-to-genital or genital-to-mouth contact), regardless of the degree of penetration or contact.

## **2. Sexual Violence**

In addition to sexual assault, the University also prohibits **sexual violence**, which encompasses any kind of **unwanted sexual activity or act**, including online acts, that involve **abuse, force, coercion, exploitation, or complicity**.

**Definitions for these terms** are provided below, and any conduct involving these elements is considered a violation under this policy.

### **VI. Reporting Title IX Sexual Harassment and Sex Discrimination**

- a. **University Responsibility**- Wiley University is committed to addressing all forms of discrimination prohibited by Title IX and this Policy. Individuals, especially those designated as **mandatory complainants**, are strongly encouraged to report any knowledge of, witnessing, or experiencing **sex discrimination**, including **sexual harassment**. Reporting helps ensure that affected individuals receive the support they need and allows the University to respond effectively.
- b. Once the University has **actual notice** of an allegation of sexual harassment, it is required to respond **promptly** and in a manner that is not deliberately indifferent. The University is obligated to:
  - i. Take immediate and appropriate steps to investigate or otherwise determine what occurred.
  - ii. Take prompt and effective action to:
    1. End any harassment that occurred.

2. Remedy its effects.
3. Prevent its recurrence.

VII. Although there is **no time limit** for filing a report of **sex discrimination** or **sexual harassment**, the University's ability to respond may be impacted if significant time has passed since the incident. At the time of filing a formal complaint, the complainant must be **participating in or attempting to participate** in a University education program or activity to trigger the University's obligation to conduct a formal investigation.

### VIII. Reporting Options

IX. Any individual may report **sex discrimination** or **sexual harassment**, whether they are the alleged victim of the conduct, using the following methods:

- i. In person
- ii. By mail
- iii. By telephone
- iv. By email

X. Reports can also be filed using the **online reporting system** at **Wildcat Report It**. Reports can be made **at any time**, including during non-business hours.

XI. The **Title IX Coordinator** at Wiley University is **Dr. Danielle Sims Brooks**. Dr. Brooks is responsible for ensuring compliance with Title IX and overseeing investigations related to this Policy. If you have any questions about Title IX, or concerns and reports of non-compliance, please contact Dr. Brooks by emailing [dsbrooks@wileyc.edu](mailto:dsbrooks@wileyc.edu) or calling (903) 930-3341.

XII. Anyone who wishes to make a report of an alleged violation of this Policy has the following options:

1. Report to the University and/or;
2. Report to the Wiley University Police Department for on-campus conduct, or to the appropriate police agency with jurisdiction for off-campus conduct and/or;
3. Report to the US Department of Education Office for Civil Rights

### XIII. Confidentiality Requests

- a. If a reporter or any involved party requests confidentiality, such as asking that the details of the report remain private, that no formal investigation takes place, or that no disciplinary action be pursued, the University representative receiving this request will consult with the Title IX Coordinator to assess whether confidentiality can be maintained.
- b. Wiley University will make every effort to respect confidentiality requests, provided that doing so does not compromise the safety of the complainant, respondent, third parties, or the broader University

community. The University must balance these requests with its responsibility to maintain a safe and non-discriminatory campus environment.

c. When evaluating a confidentiality request, the University will consider various factors to determine whether there is a risk that the alleged respondent may engage in additional acts of sexual harassment or misconduct. If any of the following factors are present, the University may be required to proceed with an investigation and, if warranted, take disciplinary action:

- Multiple reports of sexual harassment involving the same respondent.
- A history of arrests or prior records indicating previous sexual misconduct;
- Threats from the respondent to commit further harassment or misconduct;
- Incidents involving multiple respondents;
- Use of a weapon in the reported harassment;
- The complainant being a minor (under the legal age of consent);
- Availability of other forms of evidence, such as security footage or physical proof;
- Reports suggesting a pattern of misconduct, such as incidents linked to drug or alcohol use at a particular location or group activity.
- Any other evidence indicating predatory behavior by the respondent.

d. If the University grants a request for confidentiality, the reporting party should understand that this may limit the University's ability to fully investigate the incident or take disciplinary action. However, Wiley University may still implement measures to reduce the impact of the reported harassment and prevent future occurrences, such as:

1. Enhancing monitoring, supervision, or security in relevant areas;
2. Providing targeted training and educational programs for students and employees;
3. Offering appropriate support measures to those affected.

e. If the University determines that confidentiality cannot be maintained, information will only be shared with:

- i. Those responsible for handling the University's response;

- ii. Individuals necessary to conduct an effective investigation and address potential threats to campus safety.

In all cases, the University will notify the requesting party in advance about the next steps, the individuals who will have access to the information, and the extent to which their identity can be protected.

### **Amnesty Policy for Reporting Sexual Harassment Incidents**

At Wiley University, students, faculty, and staff safety and well-being are our top priorities. Sometimes, individuals hesitate to report incidents of sexual harassment because they fear disciplinary action for alcohol or drug use at the time of the incident.

To encourage reporting, the University offers reasonable amnesty to students who disclose drug or alcohol violations in connection with a sexual harassment report. Students will not face disciplinary action for such violations if they come forward in good faith. For more details, refer to the Amnesty Policy under the Division of Student Development and Strategic Retention.

### **Reporting to Law Enforcement**

Certain forms of sexual harassment and sex discrimination may constitute both a violation of Wiley University policy and a criminal offense. If an incident occurs on campus, individuals are strongly encouraged to report it immediately to both law enforcement and the University.

The police have the authority to conduct criminal investigations, issue search warrants to collect forensic evidence, and assist in obtaining protective court orders. Individuals can contact law enforcement in any of the following ways:

1. Visiting the local police department in person to speak with an officer.
2. Dialing **911** for emergency assistance or calling the designated non-emergency police line.
3. Requesting a medical professional or University staff member to contact the police on their behalf while seeking medical attention.
4. Utilizing available safety applications or campus security resources.

If needed, Wiley University's staff, including representatives from the Division of Student Development and Strategic Retention, can help facilitate contact with law enforcement and may accompany students during the reporting process.

## **Coordination Between Law Enforcement and University Investigations**

Criminal investigations conducted by law enforcement are separate and independent from Wiley University's internal investigations. The University will strive to coordinate with law enforcement when possible. In some cases, the University may temporarily pause its investigation while law enforcement gathers evidence to avoid interference.

However, Wiley University will not delay its own investigative or disciplinary process until the completion of a criminal case. It is important to note that legal definitions of sexual harassment and related offenses may differ from those outlined in Wiley University's policy. Additionally, the standard of proof for University proceedings **preponderance of the evidence** (more likely than not)—is lower than the **beyond a reasonable doubt** standard used in criminal cases. As a result, the outcome of a criminal investigation does not determine the outcome of the University's investigation, and vice versa.

For further assistance, students may contact Wiley University's Title IX Office or the Division of Student Development and Strategic Retention to discuss their options for reporting and support.

## **Note on False Reports**

Wiley University is committed to maintaining a fair and just community and will not tolerate the intentional false reporting of incidents. Knowingly providing false information about a policy violation is a serious offense.

For students, this constitutes a violation of the Student Code of Conduct and for faculty and staff, it is a violation of professional conduct standards. Additionally, false reporting may also be subject to legal consequences under state criminal statutes and civil defamation laws.

Any student, faculty, or staff member found to have intentionally filed a false report, made false statements, or submitted misleading information to the University will be subject to disciplinary action.

## **Supportive Measures**

Wiley University provides support measures to ensure equal access to educational programs and activities while prioritizing the safety and well-being of all parties. These measures are designed to prevent sexual harassment, sex discrimination, or other prohibited conduct under University policy without unreasonably burdening any

individual. Supportive measures implemented as needed after consultation, may include but are not limited to:

- Counseling services
- Extensions of deadlines or academic accommodations
- Adjustments to work or class schedules
- Campus escort services
- Mutual no-contact directives between parties
- Changes in work or housing assignments
- Temporary leaves of absence/removal from campus
- Increased security and monitoring in certain campus areas
- Support for pregnancy-related accommodations

Students or employees seeking support measures should contact the **Title IX Coordinator**, who will evaluate and coordinate appropriate responses. In some cases, University officials may implement protective measures even if not specifically requested, ensuring a safe and equitable campus environment.

For students studying away or abroad, support can be requested from the **Title IX Coordinator** before departure or upon return to campus.

### **Implementation of Support Measures**

The nature of support measures will depend on the details of each case. The Title IX Coordinator and appropriate University officials will consider factors such as:

- The specific needs of the complainant or respondent
- The severity and scope of the allegations
- Any ongoing impact on the individuals involved
- The age of the parties if a minor is involved
- Whether the individuals share classes, residence halls, organizations, athletic teams, or workspaces

When a complainant and respondent are involved in the same academic, residential, or extracurricular spaces, University officials including deans, directors, supervisors, or coaches will work in consultation with the Title IX Coordinator to determine how both students can continue participating. If such a compromise is not feasible, the **Title IX Coordinator** has the discretion to decide on the most appropriate support measures for all involved parties.

### **No-Contact and Protective Orders**

#### **University-Issued No-Contact Orders**

A **no-contact order** issued by Wiley University prohibits parties (typically the complainant and respondent) from engaging in any direct or indirect communication, whether in person or electronically. These orders are enforceable through the University's conduct policies but do not carry legal consequences outside the University.

### **Court-Issued Protective Orders**

A **protective order** is a legally enforceable court order obtained through the judicial system, typically when an individual feels their safety is at risk due to another party's actions. Unlike University-issued no-contact orders, protective orders are enforced by law enforcement and courts, and violations may result in criminal charges.

If an individual believes they are in immediate danger, they may seek an emergency or preliminary protective order from the court. If the court determines ongoing protection is necessary, a **permanent protective order** may be issued.

- **Protective Orders:** Must be obtained through the legal system and enforced by law enforcement.
- **No-Contact Orders:** Can be requested through the **Title IX Coordinator** and are enforceable through Wiley University's Title IX policies, the Student Code of Conduct, the Staff Handbook, and Faculty Personnel Procedures.

For assistance in seeking a **court-issued protective order**, individuals may contact local law enforcement. For University-issued **no-contact orders**, individuals should consult the **Title IX Coordinator**.

### **Reporting Violations of Support Measures**

Wiley University encourages all individuals to report concerns if someone fails to comply with the conditions of a support measure. Violating the terms of a support measure may result in disciplinary action, regardless of the outcome of any related grievance process for sex discrimination.

### **Expectations and Rights of Complainants and Respondents**

Individuals involved in the Title IX and sex discrimination process at Wiley University can expect the following rights:

#### **Reporting & Law Enforcement Assistance**

- The right to notify law enforcement authorities, including campus security and local police.
- Assistance from campus officials in contacting law enforcement.
- The option to decline to notify law enforcement about an incident.

### **Support & Information**

- Access to support measures without the requirement of an investigative process (see section on **Supportive Measures**).
- The right to have reports handled in accordance with University policies and procedures.
- Access to clear and comprehensive information regarding available options and the Title IX/Sex Discrimination process.
- Opportunities to ask questions about the investigation and resolution process at any time.
- Access to campus services, including confidential resources and support measures.

### **Investigation&Resolution Process**

- The right to know who will serve in any role during the investigation and resolution process and, where applicable, to challenge their involvement for good cause.
- The right to have **one advisor/advocate of choice** present during all investigative meetings and the hearing process.
- The choice to decline active participation in the investigation or to withdraw from participation at any time, with the understanding that the process may continue with or without participation.

### **Review& HearingRights**

- **Ten (10)calendardays** to review and respond to investigative reports and appeal documents.
- before a hearing to review the final investigative report
- **Ten (10)calendardays** and prepare.
- The ability to submit questions for consideration regarding any party involved in the investigation or hearing, both before and during the hearing.
- The opportunity to review and respond to all evidence presented during the investigation and hearing process, as permitted by University policy.

### **Outcome & Notification**

- The right to receive written notification of the outcome, any sanctions imposed, and the rationale for the decision, were legally permissible.

For further assistance, individuals may contact Wiley University's **Title IX Office** or the Division of **StudentDevelopment and Strategic Retention** for guidance and support.

### **Differences Between University and Criminal or Civil Court Processes**

Wiley University is committed to providing a fair, respectful, and timely process for addressing conduct violations. However, the University's disciplinary procedures are distinct from criminal or civil legal proceedings and do not provide the same legal processes or protections as those found in a court of law.

Violations of University policy that also constitute federal or Texas state law violations may be referred to the appropriate legal authorities for investigation and adjudication. Additionally, individuals who believe they have been harmed by another party may have the right to pursue a civil lawsuit against the alleged offender. Because the University's process is not a legal proceeding, the formal rules of law, evidence, and courtroom procedures do not necessarily apply.

For more information, please review Wiley University's **Title IX Policy**, visit the **Title IX website**, or contact the **Title IX Coordinator** or your assigned process facilitator with any questions.

### **Grievance Process and Resolution of Title IX Formal Complaints**

The following outlines the process for addressing formal complaints of sexual harassment and sex discrimination under Wiley University's **Title IX Policy**. This process includes who may file a report, steps following report submission, and the hearing process and procedures. Throughout this process, any University official responsible for implementing this policy may delegate their duties to another official to prevent conflicts of interest, ensure fairness, or maintain timeliness. In certain cases, the **Title IX Coordinator**, in consultation with University leadership, may assign an external investigator to ensure impartiality and efficiency.

**The resolution process typically includes the following steps:**

- **Submission of a Report**
  - Eligibility to File a Sexual Harassment Report
  - Notification of Options, Resources, and Support Measures (where applicable)
  - Handling of Multiple Reports Filed
  - Investigation of Cases Involving Multiple Respondents
- **Preliminary Review**
  - Review of Available Options and Resources
  - Initiation and Assessment of a Formal Complaint
  - Consideration of Emergency Removal or Administrative Leave
  - Informal Resolution Process (when appropriate)
- **Investigation Process**
  - Confidentiality Considerations
  - Expected Timeframe for Resolving a Grievance

- Notification of Allegations and Investigation Procedures
- Potential Dismissal of a Formal Complaint during Investigation or Hearing
- **Investigation Procedures**
  - Compilation of the Investigative Report
  - Review and Response Period
  - Final Investigative Report
- **Hearing Process and Procedures**
  - Selection of the Hearing Panel
  - Determination of Outcomes

### **Submission of a Report**

#### **Who May File a Report:**

Any individual with knowledge of sexual harassment is encouraged to report the incident. Certain University officials are required to report any known cases of sexual harassment or sex discrimination.

#### **Notification of Options, Resources, and Support Measures:**

There is no time limit for reporting incidents under this policy. However, delayed reporting may affect the University's ability to investigate and address the issue. Under **Title IX**, reports of sexual harassment must be submitted as a formal complaint, which is a statement (often electronic) from the **Complainant** outlining the alleged facts and requesting either a formal investigation or an informal resolution.

#### **Handling of Multiple Reports Filed:**

If multiple reports are filed against a single respondent, or if additional reports arise from the same incident involving other respondents before the initial complaint is resolved, the **Title IX Coordinator**, in consultation with other University officials, will determine the best course of action. Investigations and hearings may proceed separately or be consolidated, depending on the circumstances.

#### **Cases Involving Multiple Respondents:**

When a report involves more than one respondent, the **Title IX Coordinator** will determine, in consultation with University leadership, whether to conduct separate investigations or address multiple respondents within the same investigation process.

For more information, please refer to **Wiley University's Title IX Policy**, visit the **Title IX website**, or contact the **Title IX Coordinator**.

### **Preliminary Information Review**

#### **Review of Options and Resources**

A **preliminary information review** helps determine the need for support measures, a formal investigation, an informal resolution process, or an emergency or administrative

removal. After a report of sexual harassment, sex discrimination, or other prohibited conduct under this policy is submitted, the **Title IX Coordinator** or designee will meet with the complainant to review available resources and resolution options (see **Supportive Measures** section).

During this review, the complainant may share details about their experience, express concerns, and request specific support measures even if they choose not to pursue a formal investigation. Additional preliminary information, such as written statements or incident details, may also be discussed.

### **Initiation and Review of a Formal Complaint**

If a complainant wishes to proceed with a formal investigation, they must submit a **formal complaint** by completing a report in Wildcat Report It.

The **Title IX Coordinator** will assess whether the allegations, if proven, would constitute **sexual harassment or other prohibited conduct** under this policy. If other University policies (such as the Student Code of Conduct, Faculty Policies, or Employee Policies) are also implicated, those violations may be addressed separately.

### **Dismissal of a Formal Complaint during Preliminary Review**

A formal complaint **must** be dismissed if the allegations:

1. **Would not** constitute sexual harassment, sex discrimination, or other prohibited conduct under this policy—even if proven.
2. **Did not** occur within Wiley University's education programs or activities.
3. **Did not** occur against a person in the United States.

The dismissal of a **Title IX complaint** does **not** prevent the University from addressing the conduct under other applicable policies. If a formal complaint is dismissed, the **Title IX Coordinator** will provide written notice of the decision to both the complainant and the respondent.

If a complainant or respondent wishes to **appeal the dismissal** of a formal complaint, they may do so under the **Appeal Process for Dismissal of a Formal Complaint** section of this policy. Once the appeal timeframe expires (whether or not an appeal is filed), the complaint may be forwarded to the **Dean of Students** (for student respondents) or the **appropriate University office** (for employee respondents) for further review and resolution under relevant policies.

### **Withdrawal of a Formal Complaint**

If a complainant **withdraws** their formal complaint in writing, or if the complaint is dismissed during the investigation or hearing process, the **Title IX Coordinator** will

notify both parties in writing. A **withdrawal results in case dismissal**, stopping the investigation or hearing unless the complainant requests an informal resolution.

- If the complainant **requests informal resolution**, the **TitleIX Coordinator** will follow the procedures outlined in the **Informal Resolution Process** section.
- If the complainant does not request informal resolution, the case is **closed**, and the parties **cannot** refile a formal complaint on the same allegations.

### **Appeal Process for Dismissal of a Formal Complaint and Emergency Removal**

Either party may appeal the **dismissal of a formal complaint** or an **emergency removal** decision. The **Appeals Process** section of this policy outlines these procedures.

### **Emergency Removal and Administrative Leave**

Wiley University may **remove a respondent** from educational programs or activities on an emergency basis if an individualized safety and risk analysis determines that an **immediate threat** to the physical health or safety of any individual exists.

- **For student respondents**, this is considered an **Interim Safety Removal from Campus**
- **For faculty or staff respondents**, this is considered **Administrative Leave**.

The University will provide the respondent with **notice and an opportunity to challenge** the decision immediately following removal. This provision does not modify any rights under the **Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act, or the Americans with Disabilities Act (ADA)**.

### **Informal Resolution Process**

When **both parties voluntarily agree**, an **informal resolution process** may be used to address a **TitleIX complaint** instead of a full investigation and adjudication. To initiate this process, a **formal complaint** must first be submitted.

However, **complaints involving both a student and an employee are not eligible** for informal resolution.

The **TitleIX Coordinator** or a designated University official may facilitate an **informal resolution process at any time before a determination of responsibility is reached**. The process will only proceed if **both parties provide voluntary, written consent** to participate.

### **Informal Resolution Process Overview**

The **informal resolution process** may include **mediation** or other methods of resolving complaints **without** a formal hearing. Before the process begins, the **Title IX Coordinator** or designee will provide the parties with written notification, including:

- A **summary of the allegations** under review.
- A **clear explanation** of the informal resolution process, including the conditions under which it **precludes** either party from later pursuing a **formal complaint based on the same allegations**.
- A statement informing the parties that they **may withdraw from the informal resolution process at any time before an agreement is reached** and resume the **formal grievance process**.
- A description of **any potential consequences** of engaging in the informal resolution process, including details on **recordkeeping and information-sharing** related to the resolution.

### **Confidentiality within Informal Resolution**

The University will make **reasonable efforts** to maintain confidentiality throughout the informal resolution process. However, some information may need to be shared with University officials or individuals directly involved in the resolution.

While complainants and respondents have the right to seek support and discuss their experiences, all parties are encouraged to **exercise discretion** and **respect the confidentiality** of others involved.

### **Completion of the Informal Resolution Process**

If both parties reach a mutually agreed-upon resolution, the matter will be considered **resolved and closed** with **no option to reopen the same complaint formally**. If the informal resolution process is unsuccessful, or if either party chooses to withdraw, the **formal grievance process** may proceed.

For more information about informal resolution options, contact the **Title IX Coordinator** or refer to Wiley University's **Title IX Policy**.

### **Initiation of the Investigative Process**

#### **Confidentiality during Investigations**

Wiley University is committed to maintaining the confidentiality of individuals involved in the investigation and resolution of reports related to sexual harassment and sex discrimination. Throughout the process, the University will take reasonable steps to protect confidentiality. However, it may be necessary at times to discuss the incident with witnesses or others who may have relevant information, on a need-to-know basis. While parties involved in the process are encouraged to seek support and talk to potential witnesses to gather evidence, it is important that they exercise discretion when discussing the incident or the identities of those involved.

In a small community like ours, public discussion of such incidents can be harmful and may discourage others from reporting. Sharing information about the incident with individuals not directly involved in the investigation could lead to retaliation, which is prohibited. Complainants and respondents have the right to discuss their experiences while seeking support. However, all parties involved are urged to maintain confidentiality concerning the identities and involvement of others throughout the investigative process and beyond the resolution of the grievance.

### **Timeframe for Resolving a Grievance**

The University aims to respond to complaints promptly and intends to complete the grievance process within three months from the filing of a formal complaint. However, temporary delays may extend the process. The Title IX Coordinator may grant extensions or delays for good cause, or the parties may request them in writing, specifying the reason.

Extensions may be granted for various reasons, such as the unavailability of a party, advisor, or witness, ongoing law enforcement investigations, or the need for disability accommodations. In such cases, written notice will be provided to the complainant and respondent explaining the delay or extension.

### **Notice of Allegation and Investigation**

Once a formal complaint is filed, the University will notify the complainant and respondent of the allegations and that an investigation will begin. Participation in the investigation is voluntary, but the University may continue the investigation even if one party chooses not to participate or if the complaint has not been dismissed.

The following information will be included in the notice to the parties:

1. The **names** of the complainant and respondent.
2. A description of the **conduct alleged** to constitute sexual harassment.
3. The **date, location, and nature** of the alleged violation(s), as known.
4. A statement that the **respondent is presumed not responsible** for the alleged conduct, and that responsibility will be determined at the end of the grievance process.
5. The **investigator** assigned to the case.
6. The **Title IX Coordinator** overseeing the process.
7. Information that the involved parties may have an **advisor/advocate of their choice**, who may or may not be an attorney, and that the advisor may review all submitted evidence. If a party does not have an advisor, the University will provide one.
8. The **prohibition against retaliation** and the consequences of retaliation.
9. The University's **policy against filing false reports** or making false statements.

10. An **instruction not to destroy evidence** (including electronic evidence and photographs).

11. A **link or copy** of the University's **Title IX Policy**.

### **Dismissal of a Formal Complaint during Investigation**

A formal complaint or any allegations may be dismissed at any point during the investigation or hearing process if:

1. The **complainant withdraws** the complaint in writing. However, if both parties request moving to an informal process, the complaint may continue.
2. The **respondent is no longer enrolled** or employed by the University.
3. A **circumstance arises** that prevents the University from gathering sufficient evidence to make a determination.

### **Investigation Procedures**

#### **Compiling the Investigative Report**

After a formal complaint is accepted, the Title IX Coordinator or designee will schedule **separate intake meetings** with the involved parties within **seven (7) calendar days**. These meetings will allow the parties to provide a written statement, present evidence, and name potential witnesses. The intake process ensures all parties understand the investigative process and their rights before the investigation begins.

Once the intake meetings are complete, the investigator will proceed with a **prompt, thorough, fair, impartial, and reliable** investigation. Participation in the investigation is voluntary, and the investigator will not delay the process due to a lack of participation. However, all parties and witnesses must adhere to deadlines to ensure a timely resolution.

The investigator will meet separately with the complainant, respondent, and identified witnesses. The investigator will also review all relevant documents, media, and physical evidence. **Witnesses** with direct knowledge of the incident will be interviewed. If any party names additional witnesses, the investigator will include them in the intake process. Witness responses will be shared with the involved parties.

At any point **before the investigation concludes**, the respondent may choose to **accept responsibility** for the conduct alleged, which will terminate the investigation and lead to a resolution. If the respondent accepts responsibility, the investigator will prepare a final report, and a hearing will follow to determine sanctions. If the respondent does not accept responsibility, the investigation will continue, and a draft report will be created.

#### **Review and Response Period**

After the investigator creates a **draft report**, both the complainant and respondent, along with their advisors, will receive an electronic copy for review within **ten (10)**

**calendar days.** The parties may submit a written response addressing perceived factual errors or omissions.

The **draft report** cannot be downloaded, copied, or shared outside the investigative process. The investigator will not change the language or nature of any statements from the opposing party or witnesses. **No new evidence or witness names** may be added during this phase.

### **Final Investigative Report**

After the review period, the investigator will finalize the report, incorporating any responses from the complainant or respondent. The **final report** will be submitted to the Title IX Coordinator and provided to both parties for review.

Once the final report is available, the parties will have **ten (10) calendar days** to review it before the hearing. No additional evidence will be considered unless new information arises that was unavailable earlier in the investigation. If new evidence is submitted, the investigation will be revisited, and the parties will be given an opportunity to respond.

### **End of Final Investigation Review**

Following the review of the final investigative report and any additional evidence, the involved parties will receive a **hearing notice** that includes the panelists' identities, hearing date, and witness list. The hearing will review all evidence related to the allegations, including those discussed during the investigation.

At this point, the investigation is considered **closed**, and the hearing process will proceed.

### **Types of Evidence that May or May Not Be Considered at Wiley University**

1. **Investigator's Record:** Only the official report from the investigator, including interviews, audio recordings, and other relevant evidence gathered during the investigation, will serve as the official record for the investigation and resolution process.
2. **Past Sexual History:** The past sexual history or character of any party involved will not be considered relevant to the investigation or hearing unless deemed so by the investigator, Title IX Coordinator, Decision Maker Chair, or their designee.
3. **Privileged Information:** Wiley University will not require, rely upon, or use questions or evidence protected under legally recognized privileges, unless the person holding the privilege has explicitly waived it. This includes:
  - **Medical and Mental Health Records:** The University will not access or use a party's medical or mental health records, created or maintained by a healthcare professional, unless the party provides voluntary written consent for the records to be included in the resolution process.

**4. Prior Conduct Violations:** Previous violations of the Code of Conduct by any party involved are generally not relevant. However, prior violations may be considered if:

- The prior incident is substantially similar to the current allegation, or
- There is a pattern of conduct that shows a similar pattern in the individuals involved. This information may be used in hearings for determining sanctions, if relevant.

### **Hearing Process and Procedures**

1. **Convene Hearing Panel:** Once the Decision Maker Chair receives the final investigative report, a Hearing Panel will be convened. The Hearing Panel serves as the official resolution method for formal complaints, unless the respondent accepts responsibility, or an informal resolution is requested (not available for cases involving both a student and an employee).
2. **Hearing Panel Composition:** The panel typically includes a faculty or staff member as the Decision Maker Chair and two additional trained panelists. Before the hearing, the Title IX Coordinator will notify the parties and their advisors of the panel members. The Title IX Coordinator will ensure that no panelist has any personal conflicts or bias that may affect their impartiality. If either party has concerns about potential bias or conflicts, they must notify the Title IX Coordinator in writing within 24 hours.
3. **Participants in the Hearing:** The hearing will involve the Decision Maker Chair, panelists, the complainant, respondent, their advisors, witnesses, the Title IX Coordinator, and support staff. Witnesses must have been interviewed or provided statements in writing to the investigator prior to the hearing.

### **Hearing Panel Process and Procedures**

#### **1. Pre-Hearing Steps:**

- a. **Pre-Hearing Intake:** A meeting between the complainant, respondent, and their advisors with the Title IX Coordinator and support staff to review the hearing process, expectations, and any questions that may be asked during the hearing.
- b. **Pre-Hearing Submission of Questions:** Parties may submit questions in writing to the Title IX Coordinator prior to the hearing. The Decision Maker Chair will determine the relevance of these questions.
- c. **Pre-Hearing Conference:** The Decision Maker Chair may meet with the Title IX Coordinator to discuss complex cases before the hearing.

#### **2. Before the Hearing:**

- a. Parties will have at least 10 days to review the final investigative report and evidence.

- b. Hearings will be audio recorded, and participants will be placed in separate waiting areas with no recording devices or unauthorized persons present.

### **3. During the Hearing:**

- a. The complainant will present their case first, followed by the respondent. Each party and their advisor will be allowed to ask questions during cross-examination.
- b. All questions must be presented to the Decision Maker Chair for a relevance determination before they are posed to the other party or witness.
- c. After all questions have been asked, the parties and witnesses will return to their respective waiting areas.

### **4. After the Hearing:**

- a. The Decision Maker Chair and panelists will deliberate in private to determine responsibility based on a preponderance of the evidence.
- b. If the respondent is found responsible, the panel will also decide on appropriate sanctions.

### **Outcomes and Confidentiality:**

- The findings and decisions will be communicated to the parties in writing. These outcomes are kept confidential except where a waiver of information release has been signed, or on a need-to-know basis.
- The complainant will be informed in writing of the outcome and any sanctions that directly affect them.

### **Sanctions:**

- The University may impose sanctions such as educational requirements, probation, suspension, expulsion, or termination, as appropriate.
- The panel will consider any prior misconduct when determining sanctions. The primary goals are to prevent recurrence, remedy the effects of the violation, and restore equal access to education.

### **Appeals:**

- Either party may appeal a decision based on procedural irregularity, new evidence, or a conflict of interest or bias in the decision-making process.
- Appeals must be filed within five (5) calendar days, and the opposing party will be notified. Both parties will have the opportunity to respond to the appeal.

This process is designed to ensure a fair and equitable resolution of cases, with the goal of upholding a safe and inclusive environment for all members of the Wiley University community.

### **Appeal of Determination Regarding Responsibility**

Appeals regarding the finding of responsibility under the Title IX policy may be submitted by either party. Such appeals will be reviewed by the Deputy Title IX Coordinator or their designee or trained faculty and staff. The grounds for appeal are limited to one or more of the following:

1. A procedural error that affected the outcome of the matter.
2. New evidence that was unavailable at the time of the determination and could impact the outcome.
3. A conflict of interest or bias by the Title IX Coordinator, investigator(s), or decision-maker(s) that affected the outcome.

Appeals must be submitted in writing to the Title IX Coordinator or designee within five (5) calendar days of receiving the outcome letter. Regardless of whether an appeal is submitted, the five-day appeal period applies. If an appeal is filed, the other party will be notified and given five (5) calendar days to submit a written response. The Title IX Coordinator or designee will forward all appeal documents, responses, and the hearing record to the Deputy Title IX Coordinator.

The Title IX Coordinator will inform the parties involved in writing about the name and contact information of the Deputy Title IX Coordinator. Both parties will be notified once the appeal is submitted.

### **Process for Reviewing and Deciding on an Appeal**

Each party is allowed to have one appeal. The Deputy Title IX Coordinator or their designee will review the full investigation and hearing record, the outcome, any sanctions, the written appeal, and any responses to the appeal. The appellate board may choose to:

1. Affirm the original decision.
2. Affirm the decision but modify the sanction.
3. Return the case to the original decision maker for further consideration.
4. Reverse the decision entirely.

The Deputy Title IX Coordinator will provide the final decision to the Title IX Coordinator in writing within ten (10) calendar days of receiving the appeal materials. If an extension is necessary, the Title IX Coordinator will notify both parties of the delay and provide the new expected date for the appeal decision. Once the appeal is decided, the Title IX Coordinator will notify the parties and their advisors of the final outcome. The decision is final once the appeal is concluded.

### **Support and Other Resources**

### **Students and Employees with Disabilities**

If accommodations are needed during the investigation or hearing process, individuals should contact the Title IX Coordinator at least five (5) calendar days before the first investigative interview or scheduled hearing.

For students, disability accommodations can be arranged by contacting Student Health, Counseling, and Wellness at [shcw@wileyc.edu](mailto:shcw@wileyc.edu) . Faculty or staff should contact Mrs. Krystal Moody, Chief Human Resources Officer at [kmoody@wileyc.edu](mailto:kmoody@wileyc.edu) .

### **Confidential Resources for Reporting and Support**

- Student Health, Counseling, and Wellness services (open weekdays, 8:00 AM - 4:30 PM) and Counseling and Psychological Services are available for students.
- Clergy members, such as the Dean of Chapel, can offer confidential support in their professional capacity.
- Local support agencies include and national resources like the RAINN Hotline (1-800-656-4673).

### **Parental Notification**

The University may notify parents or guardians of dependent students regarding health or safety risks, changes in student status, or conduct situations, particularly related to alcohol or drug violations. The University may also contact parents of non-dependent students under 21 for similar issues.

### **Additional Reporting and Support Resources**

- Equality Texas- <https://equalitytexas.org/>
- Law enforcement support: Wiley University Police (903) 930-1637
- Marshall, TX Police –

### **Contact Information for Title IX Coordinator**

For concerns or reports related to sexual harassment/discrimination under the Title IX policy, please contact Dr. Danielle Sims Brooks, Title IX Coordinator, at (903) 927-3341 or via email at [dsbrooks@wileyc.edu](mailto:dsbrooks@wileyc.edu) .

### **Policy Revision**

Wiley University reserves the right to revise this policy at any time. Updates will be posted on the Title IX webpage and the Provost's policies and procedures webpage.

