



# A RESOURCE GUIDE FOR STUDENTS ON SEXUAL MISCONDUCT:

Campus policies, procedures  
and support services





## IF YOU HAVE EXPERIENCED SEXUAL MISCONDUCT,

1. Go to a safe location as soon as you are able.
2. Seek immediate medical attention if you are injured, or believe you may have been exposed to an STI/STD or potential pregnancy.
3. Contact any of the following for immediate assistance via normal business hours, Monday-Friday. Virtual services are also available as appropriate.

### TITLE IX TEAM

Laura Bethea  
Title IX Coordinator  
Southern Wake Campus  
9101 Fayetteville Road  
Raleigh, NC 27603  
[lbethea@waketech.edu](mailto:lbethea@waketech.edu)  
919-866-6361

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919-866-7894

Wellness Services\*  
[Wellness@waketech.edu](mailto:Wellness@waketech.edu)  
919-866-5405  
919-532-5796

For services 24 hours/7 days a week, you may contact Wake Tech Campus Police at 919-866-5911.

*\*Note that campus officials may contact on-call staff from other departments when their offices are closed or they are otherwise unavailable to assist immediately.*

If you are off-campus and experiencing an emergency situation, you can call local police by dialing 911. You may also call your local department's non-emergency numbers.

4. It is important to preserve physical evidence that may include tissue and fluid samples, evidence of violence, sheets, towels, clothing, etc. You may choose to avoid washing, bathing, urinating, etc., until after being examined at a hospital, if possible. Because evidence of a sexual assault can deteriorate quickly, you may choose to seek a medical exam as soon as possible. Evidence collection should be completed within 120 hours of an assault, but fluids, hair samples, and DNA can be collected for a long time thereafter. Even if you have washed, evidence can often still be obtained. After 120 hours, it may still be helpful to have medical attention, even if you are not trying to obtain evidence of an assault. Sexual assault nurse examiners (SANE) are trained in the collection of forensic evidence, and can check for injuries and exposure to sexually transmitted diseases. If you are still wearing any clothes worn during the assault, wear them to the hospital, but bring a change of clothes, as the hospital will keep the clothes you are wearing as evidence. If you have changed clothes, bring the ones you were wearing during the assault to the hospital in a clean paper (not plastic) bag or a wrapped in a clean sheet. Leave sheets/towels at the scene of the assault. Police will collect them. Typically, police will be called to the hospital to take custody of the rape kit, but it is up to you whether you wish to speak with them or file a criminal complaint.

[Review the list of Ncbon-Approved Sexual Assault Nurse Examiner \(Sane\) Programs offered in North Carolina.](#)

5. Choose how to proceed.
  1. Do nothing until you are ready;
  2. Pursue resolution by then College; and/or
  3. Initiate criminal proceedings; and/or
  4. Initiate a civil process against the perpetrator. You may pursue whatever combination of options is best for you. If you wish to have an incident investigated and resolved by the College, students should contact the Title IX or Dean of Students' Office. Employees should contact Human Resources. The College procedures will be explained. Those who wish incidents to be handled criminally should contact Wake Tech Campus Police or local police where the assault occurred. A campus official is available to accompany students in

making such reports, if desired. Contact the Title IX or Dean of Students' Office for more information.

*\*Denotes that this resource is confidential.*

## ABOUT CONFIDENTIALITY

To make informed choices, all parties should be aware of confidentiality and privacy issues, as well as institutional mandatory reporting requirements.

### Confidential Reporting

If reporting students wish that details of an incident be kept confidential, they should speak with the College's licensed professional Wellness Counselors. The Counselors are available to help on an emergency basis. Their service is free of charge. The College's Ombudsman, members of the clergy, chaplains, and off-campus rape crisis center staff can be consulted and maintain confidentiality. Local resources such as crisis centers are also confidential and have no duty to report your information to the College.

### Mandated Reporting

All College employees who are not designated above as confidential, are Mandated Reporters for all the details of which they are aware about an incident. They share this information with the Title IX Coordinator. Giving a Mandated Reporter notice of an incident constitutes official notice to the institution. Incidents of sexual misconduct will be taken seriously when official notice is given to the institution. Such incidents of sexual misconduct will be investigated and resolved in a prompt and equitable manner under the College's resolution procedures. You may request confidentiality and/or that the Title IX Coordinator provide you with remedies and resources without initiating a formal resolution process. The Title IX Coordinator will weigh requests for confidentiality against the institutional need to address and remedy discrimination under Title IX.

Generally, the College will be able to respect your wishes, unless it believes there is a threat to the community based on the use of weapons, violence, pattern, predation, or threatening conduct by the person being accused. In cases where your request for confidentiality is granted, the College will offer you available resources, supports, and remedies. You are not obligated to pursue formal resolution in order to

access the resources that are available. If the College decides that it is obligated to pursue a formal resolution based on the notice you have given, you are not obligated to participate in the resolution process. However, the ability of the College to enforce its policies or provide some remedies may be limited as a result of your decision not to participate.

### Incidents Involving Minors

Please be aware that institutional duties with respect to minors (those under the age of 17) may require reporting sexual misconduct incidents to state agencies and/or local law enforcement. As a result, confidentiality cannot be guaranteed in sexual misconduct incidents involving minors.

### Sexual Misconduct Violations

The College's Sexual Misconduct Policy is intended to define expectations for appropriate conduct and outline resolution processes to address conduct that does not meet these expectations. When individuals accused of sexual misconduct are found to be in violation of the policy, the College will impose serious sanctions. All members of the campus community, guests, and visitors are protected by this policy regardless of their sexual orientation or gender identity. [Additional information about campus crime, state laws, and disclosures related to sexual misconduct can be found online in the campus Annual Security Report.](#)

The following are the definitions of conduct prohibited by the sexual misconduct policy.

#### **SEXUAL HARASSMENT**

**Sexual harassment is:** unwelcome, sexual, sex-based, and/or gender-based verbal, written, online, and/or physical conduct.

#### **HOSTILE ENVIRONMENT**

**A hostile environment is created when sexual harassment is:** sufficiently severe, or persistent or pervasive, and objectively offensive that it: - unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the institution's educational [and/or employment], social, and/or residential program. Sanctions range from warning through expulsion/ termination.

## NON-CONSENSUAL SEXUAL CONTACT

**Non-consensual sexual contact is:** any intentional sexual touching, however slight, with any object, by a person upon another person, that is without consent and/or by force. Sanctions range from warning through expulsion/termination.

## NON-CONSENSUAL SEXUAL INTERCOURSE

**Non-consensual sexual intercourse is:** any sexual intercourse however slight, with any object, by a person upon another person, that is without consent and/or by force. Sanctions typically result in suspension or expulsion/termination.

## SEXUAL EXPLOITATION

Occurs when one person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Sanctions range from warning through expulsion/ termination.

## INTIMATE PARTNER VIOLENCE

**Intimate partner violence is:** violence or emotional and/or psychological abuse between those in an intimate relationship toward each other; Sanctions range from warning through expulsion/ termination.

## STALKING

**Stalking 1:** a course of conduct, directed at a specific person, on the basis of actual or perceived membership in a protected class, that is unwelcome, and, would cause a reasonable person to feel fear. Sanctions range from warning through expulsion/ termination.

**Stalking 2:** repetitive and menacing pursuit, following, harassing, and/ or interfering with the peace and/or safety of another. Sanctions typically result in suspension or expulsion/termination.

## RETALIATION

**Retaliation is:** any adverse action, taken against a person participating in a protected activity, because of that person's participation in that protected activity - subject to limitations imposed by the First Amendment and/or academic freedom. Sanctions range from warning through expulsion/ termination. Sexual misconduct, including sexual

harassment, sexual violence, sexual exploitation, intimate partner violence, and stalking are violations of the College's Student Code of Conduct and its sexual misconduct policy. A number of federal laws and regulations, including Title IX, the Violence Against Women Act, and the Clery Act mandate how institutions respond to such allegations. Many types of sexual misconduct also constitute violations of North Carolina law. Members of the campus community, guests, and visitors have a right to be free from sexual misconduct. All members of the community must conduct themselves in a way that does not infringe upon the rights of others.

## **FORCE**

Force is defined as direct or indirect use of physical violence and/or imposing physically on someone to gain sexual access. Force, unless part of mutually-permissible kink, is a clear demonstration of a lack of consent.

## **INCAPACITATION**

Incapacitation is defined as a state in which individuals are unable to make rational, reasonable decisions because they lack the capacity to understand the "who, what, when, where, why, or how" of a situation or interaction. Individuals cannot give sexual consent if they can't understand what is happening, or if they are disoriented, helpless, asleep, or unconscious for any reason. That applies even if it is because they voluntarily consumed alcohol or drugs. Unless consent is "knowing," it is not valid. Those engaging in sexual activity who know or should have known that the other party is incapacitated are engaging in sexual misconduct. The possession, use, distribution, and/or administration of any incapacitating substances is prohibited. The fact that a responding party was intoxicated, and thus did not realize the reporting party was incapacitated, does not excuse sexual misconduct.

## **YOUR RIGHTS**

**REPORTING** Reporting parties have the right to notify law enforcement of incidents and to receive assistance from campus personnel in doing so. Reporting parties may decline to report to law enforcement if they so wish. Reporting parties have the right to have their allegations investigated and resolved internally by the College.



**FAIRNESS** All members of the campus community have the right to have reported incidents addressed according to the published College procedures. All parties have equal opportunities to have a support person of their choosing or offered by the institution present throughout all resolution proceedings (including intake, interviews, hearings, etc.). This person can be an advisor, advocate, attorney, family member, friend, faculty member, etc. All parties have the right to written notice of the outcome of sexual misconduct resolution proceedings. Reporting parties and witnesses will receive amnesty for minor infractions (e.g., alcohol and drug violations) that are secondary to incidents of sexual misconduct. Reporting parties, their supporters, and witnesses have a right to be free from retaliation.

**SUPPORT** Students have a right to be notified of their ability to access campus counseling and health services. Students and employees have a right to be notified of on and off-campus supportive resources. All parties involved in sexual misconduct allegations will receive the information and assistance needed to effectively participate in all proceedings. Reporting parties have the right to seek orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by criminal, civil, or tribal courts, and may seek the help of Campus Police in requesting and/or enforcing.

### **Remedies**

The College may take whatever steps are deemed necessary to appropriately respond to allegations of sexual misconduct, protect students' rights, and keep members of the campus community safe from further harm.

Measures include, but are not limited to: » Issuing interim suspensions pending a hearing. » Reporting incidents to local police and/or prosecutors. » Referring to counseling and health services. » Referring to the Employee Assistance Program. » Providing education to the community. » Altering the housing situation of the reporting or responding party. » Altering work arrangements for employees. » Providing campus escorts. » Providing transportation assistance. » Implementing contact limitations between the parties. » Offering adjustments to academic deadlines, course schedules, etc.

These measures are available regardless of whether a reporting party seeks formal resolution or makes a crime report.

## Procedures

[Review the College's procedures in full detail.](#)

## Programs

### **VAWA/CLERY TRAINING**

Incoming students are provided with education and training on awareness and risk reduction of sexual violence, dating violence, domestic violence, stalking, and consent in compliance with the Violence Against Women Act and the Clery Act.

**ONGOING CAMPAIGNS:** Ongoing awareness and prevention campaigns are provided throughout the school year to students, faculty, and staff.

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Wake Tech Campus Police at 919-866-5911.