

 [Home \(/index.html\)](#) > [About WSSU \(/index.html\)](#) > [Offices and Departments \(/index.html\)](#) > [Legal Affairs \(/index.html\)](#)
> [Policies and Procedures \(/index.html\)](#) > [Chapter 900 - General University Policies \(index.html\)](#)
> [900.2 - Sexual Misconduct & Gender Based Harassment](#)

900.2 - Sexual Misconduct & Gender Based Harassment

University Group Policy #900.2

I. Policy Statement

In accordance with the University's EEO and Non-Discrimination Policy, discrimination and harassment based on an individual's protected class is strictly prohibited. Sexual Harassment is a form of sex discrimination. Sexual harassment by any member of the university is a violation of both law and university policy. This policy is intended to comply with Title IX of the Education Amendments of 1972 ("Title IX"), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"), as amended by the Violence Against Women Reauthorization Act of 2013 (VAWA), and Title VII of the Civil Rights Act of 1964, as they may be amended from time to time.

Beyond compliance, Winston-Salem State University ("WSSU" or "University") is committed to providing an environment that emphasizes the dignity, respect, and self-worth of every member of its community. With this commitment in mind, WSSU strongly condemns all forms of sex discrimination including sexual harassment and promotes a community that is free of any form of discrimination based on sex.

II. Definitions

Actual Knowledge is notice of sexual harassment or allegations of sexual harassment to a Title IX Coordinator or any official with authority to institute corrective measures under this Policy.

Clery Act Reporting – Pursuant to the Clery Act, the University includes statistics about certain offenses in its annual security report, and provides those statistics to the United States Department of Education in a manner that does not include any personally-identifying information about individuals involved in an incident. The Clery Act also requires the University to issue timely warnings to the University community about certain crimes that have been reported and which may continue to pose a serious or continuing threat to campus safety. Consistent with the Clery Act, the University withholds the names and other personally identifying information of Complainants when issuing timely warnings to the University community.

Complainant is the alleged to the victim of any prohibited conduct under this Policy.

Confidential Employee(s) include:

- Any employee who is a licensed medical, clinical, or mental-health professional (e.g., physicians, nurses, physician's assistants, psychologists, psychiatrists, professional counselors, and social workers, and those performing services under their supervision) when acting in that professional role in the provision of services to a patient.
- Employees providing administrative, operational, and/or related support for such health care providers in their performance of such services
- Clergy and other religious or spiritual advisors when serving in their religious or spiritual capacity and any employee providing administrative, operational, and/or related support to clergy or other religious or spiritual providers.

Confidential Employees will not disclose information about prohibited conduct without the individual's permission or as set forth in this Policy. When Confidential Employees receive information outside of the provision of confidential services, the Confidential Employee is required to share that information with the Title IX Office.

**Confidential employees who are also campus security authorities under the Clery Act must submit non-personally identifying information about Clery-reportable crimes to the Winston-Salem State University Police Department for purposes of the anonymous statistical reporting under the Clery Act.*

Consent means words or actions demonstrating a knowing and voluntary agreement to engage in mutually agreed upon sexual activity. Consent cannot be obtained by force, by ignoring or acting in spite of the objections, or by taking advantage of the incapacitation of an individual. Silence or a lack of resistance is not consent. Consent to one sexual act does not constitute consent to any other sexual act.

Formal Complaint is a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the University investigate the allegation of sexual harassment.

Privacy refers to the discretion that will be exercised by the University in the course of any investigation or disciplinary processes under this policy. Information related to a report of prohibited conduct may be shared with a limited circle of University employees who need to know in order to assist in the assessment, investigation, and resolution of the report and related issues. University employees receive training in how to safeguard private information.

The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act (FERPA). The privacy of an individual's medical and related records generally is protected by the Health Insurance Portability and Accountability Act (HIPAA), excepting health records protected by FERPA. Access to an employee's personnel records is governed by the policy stated in the Employee Handbook. It is important to understand the different responsibilities of University employees. Every employee is designated as either a Confidential Employee or a Responsible Employee.

Respondent is the individual who is reported as the perpetrator of prohibited conduct under this Policy.

Responsible Employee is any employee of Winston-Salem State University and anyone employed or retained under contract in a security or safety position or in a University residence hall with the exception of those designated as Confidential Employees. ALL Responsible Employees are required to report any information regarding a known or suspected violation of this policy to a Title IX Officer in a reasonable time after Responsible Employee learns of it no matter how they learn of this information.

Student workers are also considered Responsible Employees when they learn of potential violations of this policy in the scope of their employment. Student workers who are Responsible Employees include but are not limited to resident assistants, teaching assistants, graduate assistants, and tutors provided through any University programs or offices.

Responsible Employees must report all information that is known, including the identities of the parties, the date, time and location, and any details about the reported incident to the Title IX Office. Responsible Employees cannot promise confidentiality or withhold information about prohibited conduct. Failure by a Responsible Employee to report information regarding possible prohibited conduct in a timely manner may subject the employee to appropriate discipline.

Responsible Employees are not required to report information disclosed at public awareness events (e.g., "Take Back the Night") candlelight vigils, protests, "survivor speak-outs," or other public forums in which students may disclose prohibited conduct. The University may provide information about Title IX rights and available University and community resources and support at public awareness events.

Sexual Harassment and Prohibited Conduct is conduct on the basis of sex that satisfies one or more of the following:

- An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct, or
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the institution's education program or activity; or
- "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C 12291(a)(30).

Supportive Measures are non-disciplinary and non-punitive measures that do not unreasonably burden the other party. The University will offer reasonably available individualized services, without any fee or charge, to the parties involved in a reported incident of Sexual Misconduct with or without the filing of a Formal Complaint, when applicable. Supportive Measures may include but are not limited to housing reassignment, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, increased security or monitoring of certain areas of campus, or other similar measures tailored to the individualized needs of the parties. Any disciplinary or punitive measures may only be implemented following the conclusion of the grievance, unless an emergency removal is appropriate

III. Guidelines

Employees are cautioned that the defense of mutual consent may be difficult to prove where a power differential exists (i.e., faculty-student, supervisor-employee). The University reserves the right to determine whether to pursue violations of policy by students or employees, including a complainant or witness, which become known during an investigation of an incident of sexual harassment.

In determining whether alleged conduct constitutes prohibited conduct under this policy, the University will look at the entire record as a whole and consider the totality of the circumstances. This inquiry will examine information such as the nature of the conduct and the context in which the alleged incidents occurred. All determinations regarding whether a Respondent has engaged in prohibited conduct will be based upon a thorough and comprehensive review of the facts and made on a case-by-case basis utilizing the preponderance of the evidence standard.

Issues of privacy and confidentiality play important roles in this policy and may affect individuals differently. While they are closely related, the concepts of privacy and confidentiality are distinct terms that are specifically defined in this policy.

Reporting Options

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment) Any person wishing to report an incident that violates this Policy should refer to the Resolution Procedures for Sexual Harassment and Sexual Violence, or contact the Title IX Coordinator:

✉ Mrs. Aniya Sutton-Ward (mailto:wardas@wssu.edu)
[336-750-8759](tel:336-750-8759)
115 Blair Hall
601 S Martin Luther King Jr. Drive
Winston-Salem NC 27110

Any employee that is made aware of an allegation of sexual harassment or sexual violence is required to report it to the Title IX Coordinator or online, with the exception of confidential employees. Failure to report an allegation of sexual harassment or sexual violence may result in disciplinary action, up to, and including dismissal.

Private vs. Confidential Reporting Resources

Under this Policy, privacy generally means that information related to a report under this Policy will only be shared with those University employees who "need to know" in order to assist in the active review, investigation, or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process. By contrast, confidential reporting resources will NOT disclose individually identifiable information related to a report without the individual's express written permission, unless there is a continuing threat of serious harm to the patient/client or to others or there is a legal obligation to reveal such information (e.g., where there is suspected abuse or neglect of a minor). University reporting resources include:

Licensed University Counselors (Confidential)
The Counseling Center
A.H. Ray Student Health Services
Winston-Salem State University
601 Martin Luther King Jr. Dr. Suite 244
Winston-Salem, NC 27110
[336-750-3270](tel:336-750-3270)

Office of Interpersonal Violence Prevention
✉ Ms. LaKrista L. Page (mailto:pagell@wssu.edu), Director of Interpersonal and Single Stop Intervention
Student Affairs
C F Thompson Student Center, Room G05
601 Martin Luther King Jr. Dr.
Winston-Salem, NC 27110
[336-750-8531](tel:336-750-8531)

Office of EEO/AA & Diversity/Title IX
✉ Mrs. Aniya Sutton-Ward (mailto:wardas@wssu.edu), Interim Title IX Coordinator
[336-750-8759](tel:336-750-8759)
115 Blair Hall
601 S Martin Luther King Jr. Drive
Winston-Salem NC 27110

University Athletics
✉ Mrs. Lataya Hilliard-Gray (mailto:hilliardl@wssu.edu), Deputy Title IX Coordinator

Senior Woman Administrator
Whitaker Gym
601 Martin Luther King Jr. Dr.
Winston-Salem, NC 27110

Winston-Salem State University Campus Police
Old Maintenance Public Safety Building
601 Martin Luther King Jr. Dr.
Winston-Salem, NC 27110
[336-750-2900](tel:336-750-2900) or [336-750-2911](tel:336-750-2911)



External Reporting

University community members may raise concerns about the University's application of Title IX or Title VII with the United States Department of Education, Office for Civil Rights ("OCR"). The address and telephone number of the appropriate OCR District are as follows:

U. S. Department of Education
Office for Civil Rights
District of Columbia Office
400 Maryland Avenue, S.W.
Washington, D.C. [202-202-1475](tel:202-202-1475)
Telephone: [\(202\) 453-6020](tel:202-453-6020)
FAX: [\(202\) 453-6021](tel:202-453-6021)
TDD [\(877\) 521-2172](tel:877-521-2172)

Coordination with Policies and Process

This policy addresses discrimination on the basis of sex or gender as it relates to sexual and gender-based harassment and sexual assault, and other forms of interpersonal violence defined in more detail below. Other forms of sex discrimination (not based on harassment or violence), and discrimination and harassment based on race, color, nationality or ethnic origin, sex, age, or disability are governed by the Winston-Salem State University Policy and Procedure on Equal Opportunity in Employment and Education Program and Activities. In addition, the conduct of students, employees, and faculty are governed or impacted by the following:

- Student Code of Conduct
- Students Privacy Rights Policy (FERPA)
- Clery Act Disclosure Policy (200-004)
- SHRA Guidelines
- EHRA (Non-Faculty) Guidelines
- Faculty Guidelines
- Sexual Misconduct Process & Procedures

IV. Applicability

The policy applies to the faculty, students and staff of Winston-Salem State University.

V. Compliance

This policy is maintained by the Office of EEO/AA and reviewed on an annual basis. The review will capture evolving legal requirements, evaluate the supports and resources available to the parties, and assessing the effectiveness of the resolution process, including but not limited to, the fairness of the process, the time needed to complete the process, and the sanctions and remedies imposed.

False Reporting Statement

The sexual harassment policy is designed to encourage students, faculty, and staff to express freely, responsibly, and in an orderly way their opinions and feelings about any problem or complaint of sexual harassment. The university takes allegations of sexual harassment and sexual violence very seriously and recognizes the consequences such allegations may have on a respondent as well as the complainant. Any individual who knowingly provides false information regarding the filing of a complaint or report of sexual harassment/violence during an investigation of such a complaint or report may be subject to discipline or under certain circumstances, legal action. Complaints of conduct that are found not to violate policy are not assumed to be false. Any act by a University employee or agent of retaliation, reprisal, interference, restraint, penalty, discrimination, coercion or harassment-overtly or covertly-against a student or an employee for using the policy, will necessitate appropriate and prompt disciplinary action.

Responsible Division: Vice Chancellor and Chief of Staff

Authority: Board of Trustees

History:

- Adopted December 19, 2014
- Amended March 16, 2018
- Amended by Chancellor September 18, 2020

Related Resources:

- Complaints Involving Students Procedures ([_Files/documents/title-ix-procedures.pdf](#))
- 301.8 - Student Code of Conduct ([../chapter-300-undergraduate-and-graduate-students/301-general/301.8.html](#))
- 200.13 - Release of Student Information and Education Records ([../chapter-200-academic-policies/200.13.html](#))
- 102.1 - Policy for EHRA Non-Faculty Employees ([../chapter-100-personnel-policies/102-ehra-employees/102.1.html](#))
- 103.1 - SHRA Employee Grievance Policy ([../chapter-100-personnel-policies/103-shra-employees/103.1.html](#))
- Jeanne Clery Act (<https://www.gpo.gov/fdsys/pkg/FR-2014-10-20/pdf/2014-24284.pdf#page=33>)
- Violence Against Women Act (VAWA) (<https://www.federalregister.gov/documents/2014/10/20/2014-24284/violence-against-women-act>)
- Title IX (<https://www2.ed.gov/policy/rights/reg/ocr/edlite-34cfr106.html>)
- 1300.11[R] Regulation Applicable to Policy on Title IX Sexual Harassment (<https://www.northcarolina.edu/apps/policy/index.php?section=1300.11%5BR%5D>)



 (<https://www.facebook.com/WSS>)

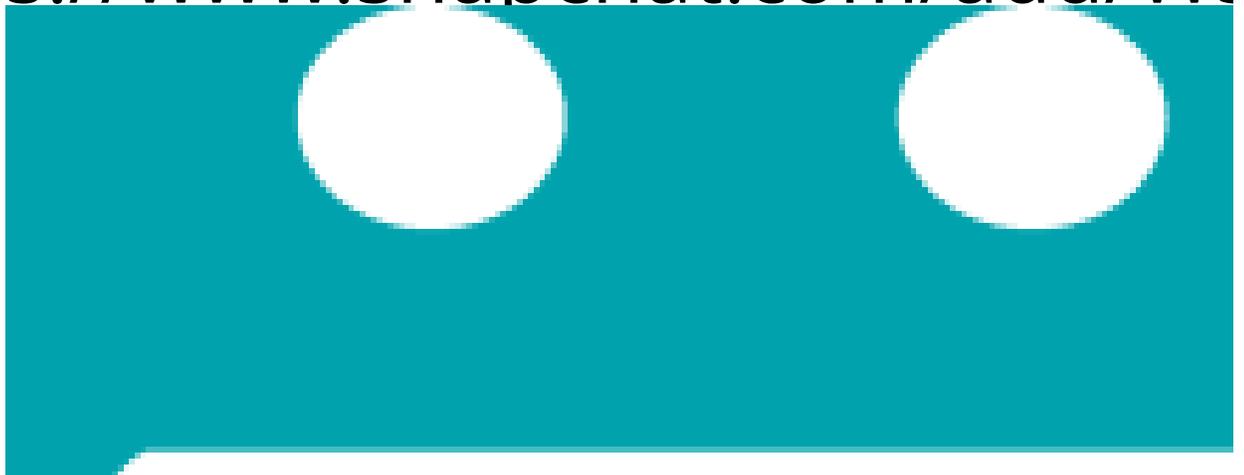
 (<http://www.instagram.com/wss>)

 (<http://twitter.com/wssurar>)

 (<https://www.youtube.com/wss>)

 (<https://www.linkedin.com/company/wss>)

 (<https://www.snapchat.com/add/WSS>)





(<https://wssu.smugmug.com>)



WINSTON-SALEM
STATE UNIVERSITY

601 S. Martin Luther King Jr. Drive
Winston-Salem, NC 27110

 336-750-2000 ()

[Privacy Statement \(/about/offices-and-departments/the-office-of-information-technology/it-security-standards/privacy-statement-standard.html\)](/about/offices-and-departments/the-office-of-information-technology/it-security-standards/privacy-statement-standard.html)

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[Accreditation \(/about/accreditation.html\)](/about/accreditation.html)

[Title IX \(/administration/human-resources/eo-aa/title-ix.html\)](/administration/human-resources/eo-aa/title-ix.html)

[SAFE @ WSSU \(/safe-wssu/index.html\)](/safe-wssu/index.html)

[Site Map \(/site-map.html\)](/site-map.html)

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[technology/departments/application-administration-services/content-management.html](#)

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