



Eastern Wyoming College
Sexual Misconduct Guidebook

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EWC Mission

Student success is our first priority; as a learning community we provide opportunities that enable students to achieve their goals and enrich our unique region through work, partnerships, and student achievement.

Sexual Misconduct Guidebook

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Sexual Misconduct Guidebook

Eastern Wyoming College (College) is committed to providing students, staff and visitors an environment free from any form of sexual misconduct and considers such actions to be inconsistent with the College's mission to which tolerance and respect are central.

The sexual orientation and/or gender identity of individuals engaging in sexual activity is not relevant to implementation of the procedures outlined in this Guidebook. **If an incident occurs, individuals who may be victims of Sexual Misconduct should first get to a place of safety.** Student Services strongly advocates that Sexual Misconduct victims report incidents in a timely manner.

The following is a list of available EWC Title IX Counseling Assistance resources.

Counseling Assistance

EWC Counseling and Disability Services	(307) 532-8238 (Office)
PEAK Wellness	(307) 532-4091 (24-hour Hotline)
Converse County Coalition Against Violence	(307) 358-4800 (24-hour Crisis Line) (307) 358-6148 (Office)
Goshen County Task Force on Family Violence & Sexual Assault	(307) 532-2118

I. Definitions

- A. **College Community.** Faculty, staff, students, contractors, guests and visitors of Eastern Wyoming College.
- B. **Consent.** Knowing, voluntary and clear permission communicated either by words or action, to participate in mutually agreed upon sexual activity or behavior.
 1. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in sexual activity.
 2. A person may withdraw consent at any time during sexual activity by expressing in words or actions that he or she no longer wants the act to continue, and, if that happens, the other person must stop immediately. Continued pressure can be coercive and is also a violation of this policy and the laws of the State of Wyoming.
 - a. Coercion is defined as unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear they do not want to engage in particular sexual activity or behavior, they want the activity to stop, or they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.
 3. Silence or the absence of resistance is not consent and protest is clear non-consent.
 4. Past consent does not imply future consent.

5. Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse).
 6. A current or previous dating relationship is not sufficient to constitute consent.
 7. The following persons are unable to give consent:
 - a. Persons who are asleep or unconscious.
 - b. Persons who are known to be or should be known to be incapacitated, including by sleep, drugs, alcohol or medication. It is not an excuse that the accused party was under the influence of alcohol and/or drugs, and did not realize the incapacity of the other party.
 - c. Persons who are unable to communicate consent due to a mental or physical condition that prevents the person from having the capacity to consent.
 - d. Persons who are under the legal age of consent.
- C. Domestic Violence.** Occurs when a member of an individual's household does any of the following things to them: 1) Physically abuses them; 2) Threatens physical abuse to them; 3) Attempts to cause or causes physical harm or acts which unreasonably restrains the family member's personal liberty (i.e. forcibly holds them down); 4) Puts a family member in fear of immediate physical harm; 5) Makes a family member feel reasonably afraid that she/he is going to physically hurt the family member in the near future; or 6) Makes the family member have sex or engage in sexual activity by force, threat of force or duress (pressure or coercion).
- D. Hostile Environment Sexual Harassment.** Unwelcome conduct that is sex or gender-based or of a sexual nature that is sufficiently severe or persistent/pervasive and objectively offensive that it affects an individual's ability to participate in or benefit from an education program or activity, or creates an intimidating, threatening or abusive educational environment.
- E. Incapacitation.** Incapacitation is a state of consciousness where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the "who, what, when, where, why or how" of their sexual interaction).
- F. Intimate/Interpersonal Partner Violence.** Physical violence (including fights), sexual violence, stalking, and psychological or emotional aggression or abuse by a current or former intimate partner. The violence can also occur within a dating, co-worker, friend, or co-habitation relationship. An intimate partner is a person with whom one has a close personal relationship that can be characterized by: emotional connectedness, regular contact, identity as a couple, ongoing physical contact and/or sexual behavior, or familiarity and knowledge about each other's lives. Contact can occur in person or electronically and might occur between a current or former partner.
- G. Intimidation.** Overt or implied threats that would cause a reasonable person to fear that he/she is in danger of injury or harm.
- H. Nonconsensual Sexual Contact.** Any intentional sexual contact, however slight, by one person

upon another person, that is without consent and/or by force.

Sexual contact includes, but is not limited to, intentional contact with breasts, buttocks, groin, genitals, mouth or other bodily orifice of another individual, or any other bodily contact in a sexual manner; or making another person touch you or themselves with or on any of these body parts.

- I. **Nonconsensual Sexual Intercourse.** Any sexual penetration or intercourse (anal, oral or vaginal), however slight, with any object, by a person upon another person, that is without consent and/or by force. Sexual intercourse includes, but is not limited to, vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.
- J. **Reporting Party.** The person impacted by discrimination who brings or initiates an allegation under this policy or on whose behalf such an allegation is brought.
- K. **Responding Party.** The party against whom a complaint is brought or initiated.
- L. **Retaliation.** An adverse action made against any individual who participates as an actual or potential party, witness or representative relating to a report under this Policy, because of their actual or potential role. Retaliation includes but is not limited to, intimidation, threats and menacing behavior, coercion or discriminatory acts. A claim of retaliation will be investigated immediately and addressed as a separate offense, though it may be resolved in the same process as any underlying offenses, wherever possible.
- M. **Sexual Exploitation.** An act attempted or committed by a person for sexual gratification, financial gain or other advancement through the abuse or exploitation of another person's sexuality. Examples include, but are not limited to: non-consensual observation or photographing of individuals who are undressing or engaging in sexual acts; non-consensual use of electronic or other devices to make an audio or video record of sexual activity; prostituting another person; allowing others to observe a personal consensual sexual act without the prior knowledge and consent of all involved parties; and, knowingly exposing an individual to a sexually transmitted infection without his or her knowledge.
- N. **Sexual Harassment.** Unwelcome sexual, or sex or gender-based conduct that may include sexual advances, requests for sexual favors, sexually motivated physical conduct or other unwelcome verbal or physical conduct or communication of a sexual nature.
- O. **Sexual Misconduct.** Sexual misconduct incorporates a range of behaviors including the offenses of intimate partner violence, hostile environment sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse, sexual exploitation, stalking and any other conduct of a sexual nature or on the basis of sex/gender that is discriminatory.
- P. **Stalking.** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others.
- Q. **Statutory Sexual Violence.** Sexual intercourse with a person who is under the statutory age of consent.

II. Reporting

A. Reporting Options

Impacted parties, including third parties, have a number of options for reporting sexual misconduct incidents on and off-campus. These options, more fully explained below, include: 1) Reporting at the EWC Main Campus; 2) Reporting at the EWC Douglas Campus; 3) Notifying law enforcement (e.g. Police or Sheriff) with or without assistance by College campus authorities; 4) Decline to inform law enforcement and EWC but report to a confidential resource (see details below). Options 1-3 will generally result in a review and inquiry, and may result in an investigation by the College administration.

Individuals should be aware of confidentiality and reporting requirements (as described in the following) when discussing their concerns.

1. Reporting at the College Main Campus

a. Vice President for Student Services

Any impacted person who wishes to have an allegation reviewed and investigated by College administration should contact the Vice President for Student Services located at the Student Services Office/Activities Center Room 209 on the EWC campus. The telephone number is (307) 532-8257; e-mail is donald.appiarus@ewc.wy.edu

b. EWC Campus Resource Officer

Any impacted person who wishes to have to have misconduct handled as a criminal matter but prefers not to report directly to local law enforcement may contact the EWC Campus Resource Officer at Tebbet Room 266. The telephone number is (307) 532-8343; e-mail is beth.bryan@ewc.wy.edu

The EWC Campus Resource Officer is a member of the Torrington Police Department, working in support of the College, pursuant to a Memorandum of Understanding. The EWC Campus Resource Officer works on behalf of and under the auspices of the Torrington Police Department, and not the College.

c. Residence Life Staff

Any impacted party may report to the Residence Life Director, Coordinator, or a Resident Assistant. Such reports will be forwarded to the Vice President for Student Services.

2. Reporting at the Douglas Campus

Any impacted party may report to the following:

a. Associate Vice President for Academic Services

Phone: (307) 624-7010
Address: 800 South Wind River Drive, Douglas, WY 82633
E-Mail: margaret.farley@ewc.wy.edu

b. Douglas Police Department (Law Enforcement)

Phone: Non-emergency Dispatch: (307) 358-3311
Address: 101 N. 4th St. , Douglas, WY 82633
Website: cityofdouglas.org

c. Converse County Sheriff Department (Law Enforcement)

Phone: Non-emergency Dispatch: (307) 358-4700

Address: 107 N. 5th St. , Douglas, WY 82633

Website: conversesheriff.info

3. Reporting to Law Enforcement

In addition to reporting incidents to the College, impacted parties are strongly encouraged to report the incident to law enforcement. The EWC Campus Resource Officer and/or Vice President for Student Services is available to assist students wishing to report to law enforcement, whether anonymously or not.

There are three law enforcement agencies in Goshen County:

a. Torrington Police Department

Phone: Non-emergency Dispatch: (307) 532-7001

Address: 436 E 22nd Ave. , Torrington, WY 82240

Website: torringtonpolice.org

b. Goshen County Sheriff

Phone: Non-emergency Dispatch: (307) 532-4026

Address: 2120 E B St. , Torrington, WY 82240

Website: goshensheriff.org

c. Wyoming State Highway Patrol

Phone: Non-emergency Dispatch: (307) 777-4321

Address: 5300 Bishop Blvd. , Cheyenne, WY 82009

Website: whp.dot.state.wy.us/home.html

4. Reporting to Confidential Resources

EWC and the local community offer a number of confidential resources for individuals who are unsure whether to report misconduct or who seek counseling or other emotional support without making a report to the College. Conversations with these resources are kept strictly confidential and will not be shared without explicit permission. Local clergy and chaplains, and individuals who are acting in those official capacities, are also confidential resources and may be used for counseling, advice, and reporting of misconduct incidents.

a. Confidential Resources On-Campus (Main & Douglas Campus)

EWC Counseling & Disability Services, 307-532-8238

b. Confidential Resources Off-Campus

Main Campus/Torrington

Peak Wellness Professional Counselors, 307-532-4091 (24-hour Hotline)

Goshen County Task Force on Family Violence & Sexual Assault, 307-532-2118

Physicians / Banner Health Community Hospital, 307-532-4181

Douglas Campus

Converse County Coalition Against Violence, 307-358-4800 (24-hour Crisis Line)

307-358-6148 (Office)

Specialty Counseling & Consulting, 307-717-0002

Memorial Hospital of Converse County, 307-358-2122

B. Reporting Obligations and Confidentiality

1. To Report Confidentially

Any report of sexual misconduct to College mental health counselors (or other mental health counselors, medical professionals, victim advocates or rape crisis resources, or clergy members) is confidential by law and will not be reported to the Title IX Coordinator or other entities unless the reporting party requests, or there is concern for the immediate health and safety of any individual or when a minor is involved in an incident of abuse. Information about an incident of sexual violence, intimate partner violence or stalking does not automatically meet the threshold of “immediate health and safety.”

On-campus mental health counseling is available from the EWC Counseling & Disability Services staff during their posted business hours, or at a scheduled date/time, and may be available on an emergency basis, at no cost.

2. Reporting to Other College Employees

Aside from the exceptions listed in this document, individuals should assume that information about an incident shared with a College employee will be reported to the Vice President for Student Services (VPSS). While the College will treat information it has received with appropriate sensitivity, the College has certain mandatory reporting obligations under federal and state law, as outlined in this document. Individuals who are required to notify the VPSS of any allegation of sexual misconduct are listed in the EWC Employee Directory found on the EWC Home Page (ewc.wy.edu) which is updated annually.

However, individuals can seek advice from certain resources who are not required to tell anyone else their private, personally identifiable information unless there is an immediate health or safety concern. The College has specifically designated these individuals (see list on pg 24) as Confidential Resources for whom mandatory reporting is not required, other than in immediate health and safety situations. Designated confidential resources do report anonymous statistical information for purposes of Clery Act compliance.

If an individual is unsure of someone’s duties and ability to maintain your privacy, ask before talking to him or her. That person can communicate his or her responsibility to report and help make decisions about who can best assist.

3. Mandatory Reporting

The College has certain mandatory reporting requirements under federal and state law.

a. Title IX of the Education Amendments Act of 1972

Title IX of the Education Amendments Act of 1972 protects individuals from discrimination based on sex in education programs or activities which receive federal financial assistance. Under Title IX, the College has a responsibility to take immediate and effective steps to respond to sexual violence and/or sexual harassment. Title IX mandatory reporters are required to notify the Vice President of Student Services of any allegation of sexual misconduct. Mandatory reporters at the College include all college benefited employees (faculty, staff and administrators) and adjunct instructors (face-to-face and online but not concurrent instructors) with some limited exceptions. However, the College does not consider disclosures made in the course of academic research, classroom writing assignments, classroom discussions, speak outs, Take Back the Night and similar events as a reported incident unless a Reporting Party specifically requests

that the incident be reported. See the EWC Employee Directory found on the EWC Home Page (ewc.wy.edu) for a complete list of College mandatory reporters.

b. Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

The Clery Act requires the College to disclose crime statistics for certain crimes that occur on-campus and at certain non-campus facilities. These statistics are gathered from campus authorities, local law enforcement and other school officials who have "significant responsibility for student and campus activities." Such reports are confidential and do not include identifying information.

C. Jurisdiction

This policy applies to behaviors that take place on-campus, at College-sponsored events and may also apply off-campus and to actions online when the Title IX Coordinator determines that the off-campus conduct constitutes a substantial College interest. A substantial College interest is defined to include:

1. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state or federal law;
2. Any situation where it appears that the Responding Party may present a danger or threat to the health or safety of self or others;
3. Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder or a hostile environment; and/or
4. Any situation that is detrimental to the educational interests of the College.

Any online postings or other electronic communication by students, including cyber-bullying, cyber-stalking, cyber-harassment, etc. occurring completely outside of the College's control (e.g. not on College networks, websites or between College email accounts) will only be subject to this policy when those online behaviors can be shown to cause a substantial on-campus disruption. Otherwise, such communications are considered speech protected by the First (1st) Amendment. Remedies for such conduct will be provided, but protected speech cannot be legally subjected to discipline.

Off-campus discriminatory or harassing speech by employees may be regulated by the College only when such speech is made in an employee's official or work-related capacity.

D. Prohibition Against Sexual Misconduct

Wyoming law defines various violent and/or non-consensual sexual acts as crimes. While some of these acts may have parallels in criminal law, the College has defined categories of sex/gender discrimination as sexual misconduct, as stated above, for which action under this policy may be imposed. Generally speaking, the College considers Non-Consensual Sexual Intercourse violations to be the most serious of these offenses, and therefore typically imposes the most severe sanctions, including suspension or expulsion for students and termination for employees. However, the College reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/ termination, for any act of

sexual misconduct or other sex/gender-based offenses, including intimate partner (dating and/or domestic) violence, non-consensual sexual contact and/or stalking based on the facts and circumstances of the particular allegation. Acts of sexual misconduct may be committed by any person upon any other person, regardless of the sex, sexual orientation and/or gender identity of those involved. The College prohibits all forms of sexual misconduct as policy offenses, as defined above in Section I, Definitions.

If a Reporting Party does not wish for their name to be shared, does not wish for an investigation to take place or does not want a formal resolution to be pursued, the Reporting Party may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and comply with federal law. Note that the College's ability to remedy and respond to a reported incident may be limited if the Reporting Party does not want the institution to proceed with an investigation and/or the resolution.

In cases indicating pattern, predation, threat, weapons and/or violence, the College will likely be unable to honor a request for confidentiality. In cases where the Reporting Party requests confidentiality and the circumstances allow the College to honor that request, the College will offer interim supports and remedies to the Reporting Party and the community, but will not otherwise pursue formal action. A Reporting Party has the right, and can expect, to have allegations taken seriously by the College when formally reported, and to have those incidents investigated and properly resolved through these procedures.

E. Prohibition Against Retaliation

The College prohibits retaliation against those who make an allegation or third-party report, or otherwise participate in the investigative and/or resolution process. The College will take remedial action if any retaliation occurs.

F. Amnesty

Reporting Parties and witnesses may receive amnesty for minor conduct violations, such as alcohol or drug violations, if the violation is revealed in the course of investigation of a good-faith report of sexual misconduct.

G. Federal Timely Warning Obligations

Parties reporting sexual misconduct should be aware that under the Clery Act, College administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. The College will ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

H. False Allegations

Deliberately false and/or malicious accusations under this policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action.

I. Preservation of Information and Materials

If an individual is unsure about reporting to the College and/or law enforcement, the College strongly encourages the individual to take certain steps to preserve information and materials. These steps include:

1. Preserving any materials connected to the incident(s), including but not limited to text messages, emails, voicemails, letters and photos of injuries or property damage.
2. Writing down a complete account of the incident(s). Such account can assist in memory recall.
3. If applicable, obtaining a sexual assault forensic examination. The results of these exams will not result in a report to local law enforcement. Examinations can be done at the:

Torrington Community Hospital
2000 Campbell Drive
Torrington, WY 82240
Phone: (307) 532-4181

Memorial Hospital of Converse County
111 South 5th Street
Douglas, WY 82633
Phone: (307) 358-2122

J. Remedial Action

Upon notice of alleged discrimination, the College will implement initial remedial, responsive and/or protective actions upon notice of alleged harassment, retaliation and/or discrimination. Such actions could include but are not limited to: no contact orders, providing counseling and/or medial services, academic support, living arrangement adjustments, transportation accommodations, visa and immigration assistance, student financial aid counseling, providing a campus escort, academic or work schedule and assignment accommodations, safety planning and referral to campus and community support resources.

The College will take additional prompt remedial and/or disciplinary action with respect to any member of the College Community, guest or visitor upon a finding that they have engaged in harassing or discriminatory behavior or retaliation.

The College will maintain as confidential any accommodations or protective measures, provided confidentiality does not impair the College's ability to provide the accommodations or protective measures.

Procedures for addressing reported incidents are fully described as follows.

III. Investigation and Disciplinary Action

The College shall provide a prompt, fair and impartial investigation and resolution. The investigation and hearing shall be conducted by officials who receive annual training on the issues related to sexual misconduct.

Advisors

Each party is allowed to have an Advisor of their choice present with them for all resolution meetings and proceedings, from intake through to final determination. The parties may select whomever they wish to serve as their Advisor as long as the Advisor is eligible and available, and usually otherwise not involved in the resolution process, such as serving as a witness. The Advisor may be a friend, mentor, family member, attorney or any other supporter a party chooses to advise them who is available and eligible. Witnesses cannot also serve as Advisors. The parties may choose Advisors from inside or outside the College Community.

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help their advisees prepare for each meeting, and are expected to advise ethically, with integrity and in good faith. The College cannot guarantee equal advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not, or cannot afford an attorney, the College is not obligated to provide one.

All Advisors are subject to the same campus rules, whether they are attorneys or not. Advisors may not address campus officials in a meeting or interview unless invited to. The Advisor may not make a presentation or represent the Reporting Party or the Responding Party during any meeting or proceeding and may not speak on behalf of the advisee to the investigators or hearing panelists. The parties are expected to ask and respond to questions on their own behalf, without representation by their Advisor. Advisors may confer quietly with their advisees or in writing as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their Advisors should ask for breaks or step out of meetings to allow for private conversation. Advisors will typically be given an opportunity to meet in advance of any interview or meeting with the administrative officials conducting that interview or meeting. This pre-meeting will allow Advisors to clarify any questions they may have, and allows the College an opportunity to clarify the role the Advisor is expected to take.

Advisors are expected to refrain from interference with the investigation and resolution. Any Advisor who steps out of their role will be warned once and only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the Advisor will be asked to leave the meeting. When an Advisor is removed from a meeting, that meeting will typically continue without the Advisor present. Subsequently, the Title IX Coordinator will determine whether the Advisor may be reinstated, may be replaced by a different Advisor, or whether the party will forfeit the right to an Advisor for the remainder of the process.

The College expects that the parties will wish to share documentation related to the allegations with their Advisors. The College will provide a consent form that authorizes such sharing. The parties must complete this form before the College is able to share records with an Advisor, though parties may share the information directly with their Advisor if they wish. Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with 3rd parties, disclosed publicly or used for purposes not explicitly authorized by the College. The College

may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the College's privacy expectations.

The College expects an Advisor to adjust their schedule to allow them to attend meetings when scheduled. The College does not typically change scheduled meetings to accommodate an Advisor's inability to attend. The College will, however, make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video and/or virtual meeting technologies as may be convenient and available.

A party may elect to change Advisors during the process, and is not locked into using the same Advisor throughout. The parties must advise the investigators of the identity of their Advisor at least one (1) day before the date of their first meeting with investigators (or as soon as possible if a more expeditious meeting is necessary or desired). The parties must provide timely notice to investigators if they change Advisors at any time.

Interim Remedies/Actions

The Title IX Coordinator may provide interim remedies intended to address the short-term effects of harassment, discrimination and/or retaliation, i.e., to redress harm to the Reporting Party and the community and to prevent further violations.

These remedies may include, but are not limited to:

- Referral to counseling and health services
- Referral to Human Resources
- Education to the community
- Altering the housing situation of the Responding Party (resident student or resident employee (or the Reporting Party, if desired))
- Altering work arrangements for employees
- Providing campus escorts
- Providing transportation accommodations
- Implementing contact limitations between the parties
- Offering adjustments to academic deadlines, course schedules, and changing classes

The College may interim suspend a student, employee or organization pending the completion of the investigation and procedures, particularly when in the judgment of the Title IX Coordinator the safety or well-being of any member(s) of the College Community may be jeopardized by the presence on-campus of the Responding Party or the ongoing activity of a student organization whose behavior is in question. In all cases in which an interim suspension is imposed, the student, employee or student organization will be given the option to meet with the Title IX Coordinator prior to such suspension being imposed, or as soon thereafter as reasonably possible, to show cause why the suspension should not be implemented. The Title IX Coordinator has sole discretion to implement or stay an interim suspension and to determine its conditions and duration. Violation of an interim suspension under this policy will be grounds for expulsion or termination.

During an interim suspension or administrative leave, a student or employee may be denied access to College housing and/or the College campus, facilities, equipment or events. As determined by the Title IX Coordinator, this restriction can include classes and/or all other College activities or privileges for which the student or employee might otherwise be eligible. At the discretion of the

Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an impact as possible on the Responding Party.

The institution will maintain as confidential any interim actions or protective measures, provided confidentiality does not impair the institution's ability to provide the interim actions or protective measures.

A. Process

Following receipt of notice or a report of misconduct, the Title IX Coordinator¹ engages in a preliminary inquiry to determine if there is reasonable cause to believe the nondiscrimination policy has been violated. The preliminary inquiry is typically 1-3 days in duration. This inquiry may also serve to help the Title IX Coordinator to determine if the stated allegations include any evidence of violence, threat, pattern, predation and/or weapon, in the event that the Reporting Party has requested the College take no action. In any case where violence, threat, pattern, predation and/or weapon is not evidenced, the Title IX Coordinator may respect a reporting party's request for no action, and will investigate only so far as necessary to determine appropriate remedies. In cases where violence, threat, pattern, predation, and/or weapon use is evidenced the Title IX Coordinator may proceed with an investigation, despite the Reporting Party's request for no action, when there is a substantial College interest and the safety of others among the College Community may be at risk. As necessary, the College reserves the right to initiate resolution proceedings without a formal report or participation by the Reporting Party.

In cases where the Reporting Party wishes to proceed or the College determines it must proceed, and the preliminary inquiry shows that reasonable cause exists, the Title IX Coordinator will direct a formal investigation to commence and the allegation will be resolved through one of the processes discussed briefly here and in greater detail below:

- Conflict Resolution – typically used for less serious offenses and only when both parties agree to conflict resolution
- Formal Resolution – Including an Investigation, Hearing and Appeal

The process followed considers the preference of the parties, but is ultimately determined at the discretion of the Title IX Coordinator. Conflict Resolution may only occur if selected by all parties, otherwise the Formal Resolution Process applies.

If Conflict Resolution is desired by the Reporting Party, and appears appropriate given the nature of the alleged behavior, then the reported incident does not proceed to investigation unless: 1) a pattern of misconduct is suspected, or 2) there is an actual or perceived threat of further harm to the community or any of its members, or 3) if the Reporting Party has agreed to Conflict Resolution due to pressure applied by the Respondent.

Once a Formal Resolution investigation is commenced, the Title IX Coordinator will provide written notification of the investigation to the Responding Party at an appropriate time during the investigation.² The College aims to complete all investigations within a sixty (60) calendar

¹ If circumstances require, the President or Title IX Coordinator may designate another person to oversee the process below, should an allegation be made against the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.

² Notification will be made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official College records; or emailed to the parties' College-issued email

day time period, which can be extended as necessary for appropriate cause by the Title IX Coordinator with notice to the parties as appropriate.

If, during the preliminary inquiry or at any point during the Formal Resolution investigation, the Title IX Coordinator determines that there is no reasonable cause to believe that policy has been violated, the process will end unless the Reporting Party requests that the Title IX Coordinator makes an extraordinary determination to re-open the investigation. This decision lies in the sole discretion of the Title IX Coordinator.

If there is reasonable cause to proceed, the College will initiate the following steps, in a prompt, equitable, impartial and effective manner, if they have not been undertaken already:

1. Investigation
2. Appropriate and immediate measures to stop harassing or discriminatory behavior
3. Remedial support for the Reporting Party and the College
4. Notice of Allegation
5. Hearing
6. Appeal

B. Investigation

Once the decision is made to commence a Formal Resolution investigation, the Title IX Coordinator conducts an investigation or appoints investigators, usually within two (2) days of determining that an investigation should proceed. The assigned investigators will be free of actual, or reasonably perceived, conflicts of interest and biases for or against any of the involved parties. Too, one person will be identified as the Lead Investigator. Investigations are completed expeditiously, normally within fifteen (15) days, though some investigations take weeks or even months, depending on the nature, extent and complexity of the allegations, availability of witnesses, police involvement, etc.

When criminal charges are being investigated by law enforcement on the basis of the same reported incident and behaviors that invoked the College's Title IX investigative process, EWC will not delay its investigation several days to weeks to allow for evidence collection. The College will promptly resume its investigation and resolution processes once notified by law enforcement the initial evidence collection process is complete. Thus, EWC's investigation may run concurrently with the law enforcement, criminal investigation following the initial collection of evidence. Normally, College action will not typically be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced except to allow initial evidence collection.

All investigations will be thorough, reliable, impartial, prompt and fair. Investigations entail interviews with all relevant parties and witnesses, obtaining available evidence and identifying sources of expert information, as necessary.

The investigators will typically take the following steps, if not already completed (not necessarily in order):

- In coordination with campus partners (e.g.: the Title IX Coordinator), initiate or assist with any necessary remedial actions;

account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered. The Reporting Party is typically copied on such correspondence.

- Determine the identity and contact information of the Reporting Party;
- Identify all policies allegedly violated;
- Assist the Title IX Coordinator with an immediate preliminary inquiry to determine if there is reasonable cause to believe the Responding Party has violated policy.
 - If there is insufficient evidence to support reasonable cause, the inquiry should be closed with no further action;
- Commence a thorough, reliable and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe and order of interviews for all witnesses and the Responding Party, who may be given notice prior to or at the time of the interview;
- Prepare the notice of allegation on the basis of the preliminary inquiry;
- Meet with the Reporting Party to finalize their statement, if necessary;
- Provide the relevant Reporting Party with a notice that an investigation will take place or has been initiated;
- Inform the Responding Party as to what charges have been made against them;
- If possible, provide written notification to the parties prior to their interviews that they may have the assistance of an Advisor of their choosing present for all meetings attended by the advisee;
- Provide Reporting Party and Responding Party with a written description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures and a statement of the potential sanctions/responsive actions that could result;
- Prior to the conclusion of the investigation, provide the Reporting Party and the Responding Party with a list of witnesses whose information will be used to render a finding;
- Allow each party the opportunity to suggest questions they wish the investigators to ask of the other party and witnesses;
- Provide parties with all relevant evidence to be used in rendering a determination and provide each with a full and fair opportunity to address that evidence prior to a finding being rendered;
- Complete the investigation promptly, and without unreasonable deviation from the intended timeline;
- Provide regular updates to the Reporting Party throughout the investigation, and to the Responding Party, as appropriate;
- A draft report will be shared with the parties and they will be allowed the opportunity to provide a comment on the report before it is finalized. Once the report is complete, the report is shared with the parties for their review and comment. The investigators may incorporate feedback from the parties as appropriate;
- Make a finding, based on a preponderance of the evidence (whether a policy violation is more likely than not);
- Investigators and/or the Title IX Coordinator finalize and present the findings to the parties, without undue delay between notifications;

At any point during the investigation, if it is determined there is no reasonable cause to believe that College policy has been violated, the Title IX Coordinator has authority to terminate the investigation and end resolution proceedings.

Witnesses (as distinguished from the parties) are expected to cooperate with and participate in the College's investigation and resolution process. Failure of a witness to cooperate with and/or participate in the investigation or resolution process constitutes a violation of policy and may be

subject to discipline. Witnesses may provide written statements in lieu of interviews during the investigation and may be interviewed remotely by phone, Skype (or similar technology), if they cannot be interviewed in person or if the investigators determine that timeliness or efficiency dictate a need for remote interviewing. Parties who elect not to participate in the investigation or to withhold information from the investigation do not have the ability to offer evidence later during the appeal if it could have been offered during the investigation unless there was concerns for personal safety (e.g. witness was pressured or threatened by the Respondent or others not to participate and give evidence). Failure to offer evidence prior to an appeal does not constitute grounds for appeal on the basis of new evidence.

No unauthorized audio or video recording of any kind is permitted during investigation meetings or other resolution process proceedings.

C. Resolution

Proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accord with College policy. While the contents of the hearing are private, the parties have discretion to share their own experiences if they so choose, and should discuss doing so with their Advisors.

1. Conflict Resolution

Conflict Resolution is often used for less serious, yet inappropriate, behaviors and is encouraged as an alternative to the Formal Resolution process to resolve conflicts. The Title IX Coordinator will determine if Conflict Resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue and the suitability of the conduct to Conflict Resolution. In a Conflict Resolution meeting, a trained administrator will facilitate a dialogue with the parties to an effective resolution, if possible. Sanctions are not possible as the result of a Conflict Resolution process, though the parties may agree to appropriate remedies. The Title IX Coordinator will keep records of any resolution that is reached, and failure to abide by the accord can result in appropriate responsive actions.

Conflict Resolution will never be the resolution mechanism used to address reports of violent behavior of any kind or in other cases of serious violations of policy, though it may be made available after the Formal Resolution process is completed should the parties and the Title IX Coordinator believe that it could be beneficial. Mediation will not be used in cases of sexual or other violence. It is not necessary to pursue conflict resolution first in order to pursue Formal Resolution, and any party participating in Conflict Resolution can stop that process at any time and request a shift to Formal Resolution.

2. Formal Resolution by Hearing

Formal Resolution can be pursued for any behavior that falls within the policy on Equal Opportunity, Harassment and Nondiscrimination, at any time during the process.

In Formal Resolution, a Hearing Officer is first appointed by the Title IX Coordinator. The Hearing Officer has the authority to address all collateral misconduct, meaning that they hear all allegations of discrimination, harassment and retaliation, but also may address any additional alleged policy violations that have occurred in concert with the discrimination, harassment or retaliation, even though those collateral allegations may not specifically fall within this policy.

Formal Resolution relies on the evidence, information and recommended findings within the investigation report to render a determination. Upon completion of the investigation, the investigator(s) will provide the Hearing Officer with a written report summarizing the evidence gathered and examined, including an assessment of credibility of the parties and witnesses, an analysis of the information and a recommended finding and sanction (if applicable). The Hearing Officer will conduct any additional necessary inquiry and then finalize a determination in accordance with the procedures below. The Hearing Officer will consider, but is not bound by, the recommendations of the investigation.

Any evidence that the Hearing Officer believes is relevant and credible may be considered, including history and pattern evidence. The Hearing Officer may exclude irrelevant or immaterial evidence and may choose to disregard evidence lacking in credibility or that is improperly prejudicial.

Unless the Hearing Officer determines it is appropriate, the investigation and the finding will not consider: 1) incidents not directly related to the possible violation, unless they show a pattern; 2) the sexual history of the Reporting Party (though there may be a limited exception made in regards to the sexual history between the parties); or 3) the character of the Reporting Party. While previous conduct violations by the Responding Party are not generally admissible as information about the present allegation, the investigators will supply the Hearing Officer with information about previous good faith allegations and/or findings to consider as evidence of pattern and/or predatory conduct.

Neither the Hearing Officer nor investigators will meet with character witnesses, but investigators will accept up to two (2) letters supporting the character of each of the parties.

The Hearing Officer will base the determination(s) on the preponderance of the evidence, whether it is more likely than not that the Responding Party violated policy as alleged.

The Responding Party may choose to admit responsibility for all or part of the alleged policy violations at any point during the investigation or Administrative Resolution process. If the Responding Party admits responsibility, the Hearing Officer will render a determination that the individual is in violation of College policy.

If the Responding Party admits the violation, or is found in violation, the Hearing Officer will determine and recommend an appropriate sanction or responsive action. If accepted, the Title IX Coordinator will implement the recommendation and act promptly and effectively to stop the harassment or discrimination, prevent its recurrence and remedy the effects of the discriminatory conduct. If not accepted, the Title IX Coordinator will consult with others as appropriate on the Hearing Officer's recommendation and determine a more suitable sanction or responsive action and ensure its implementation promptly and effectively.

The Hearing Officer will inform the parties of their final determination and recommendation within three (3) days of the resolution, without significant time delay between notifications. Notification will be made in writing and may be delivered by one or more of the following methods: 1) in person; 2) mailed to the local or permanent address of the parties as indicated in official College records; or 3) emailed to the parties' College-issued email account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered. The notification of outcome will specify the finding on each alleged policy violation, any sanctions that may result which the College is permitted to share according to

Wyoming or federal law, and the rationale supporting the essential findings to the extent the College is permitted to share under Wyoming or federal law. The notice will also include information on when the results are considered by the College to be final, any changes that occur prior to finalization, and any appeals options available, and appeal procedures. Any assigned sanctions must be a proportionate response to the violation.

D. Appeals

All requests for appeal consideration must be submitted in writing to the Title IX Coordinator within three (3) days of the delivery of the written findings of the Hearing Officer. Any party may appeal the findings and/or sanctions only under the grounds described, below.

A three-member trained Appeals Panel is designated by the Title IX Coordinator from those who have not been involved in the process previously. Any party may appeal, but appeals are limited to the following grounds:

- A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.).
- To consider new evidence, unknown or unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.
- The sanctions imposed fall outside the range of sanctions the College has designated for this offense and the cumulative record of the Responding Party.

The Appeals Panel will review the appeal request(s). The original finding and sanction/responsive actions will stand if the appeal is not timely or is not based on the grounds listed above, and such a decision is final. The party requesting appeal must show that the grounds for an appeal request have been met, and the other party or parties may show the grounds have not been met, or that additional grounds are met. The original finding and sanction are presumed to have been decided reasonably and appropriately. When any party requests an appeal, the Title IX Coordinator will share the appeal request with the other party(ies), who may file a response within three (3) days and/or bring their own appeal on separate grounds. If new grounds are raised, the original appealing party will be permitted to submit a written response to these new grounds within three (3) days. These response or appeal requests will be shared with each party.

Where the Appeals Panel finds that at least one of the grounds is met by at least one party, additional principles governing the hearing of appeals will include the following:

- Decisions by the Appeals Panel are to be deferential to the original decision, making changes to the finding only where there is clear error and to the sanction/responsive action only if there is a compelling justification to do so.
- Appeals are not intended to be full re-hearings (de novo) of the allegation. In most cases, appeals are confined to a review of the written documentation or record of the investigation, and pertinent documentation regarding the grounds for appeal. An appeal is not an opportunity for appeals panelists to substitute their judgment for that of the original investigator(s) or Hearing Officer merely because they disagree with its finding and/or sanctions.
- Appeals granted based on new evidence should normally be remanded to the investigator(s) for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, heard by the three-member Appeals

Panel.

- Sanctions imposed as the result of Formal Resolution are implemented immediately unless the Title IX Coordinator or designee stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
 - For students: Graduation, study abroad, internships/ externships, etc. do NOT in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal.
- The Title IX Coordinator will confer with the Appeals Panel, incorporate the results of any remanded grounds, and render the result of their decision on the appeal to all parties within three (3) days of the resolution of the appeal on remand.
- Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand.
- All parties will be informed in writing within three (3) days of the outcome of the Appeals Panel, without significant time delay between notifications, and in accordance with the standards for notice of outcome as defined above.
- In rare cases where a procedural or substantive error cannot be cured by the original investigator(s) and/or Hearing Officer (as in cases of bias), the Appeals Panel may recommend a new investigation and/or Formal Resolution process, including a new Hearing Officer. The results of a remand case can be appealed. The results of a new Formal Resolution process can also be appealed, once, on any of the three applicable grounds for appeals.
- In cases where the appeal results in reinstatement to the College or resumption of privileges, all reasonable attempts will be made to restore the Responding Party to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

E. Failure to Complete Sanctions/Comply with Interim and Long-term Remedies/Responsive Actions

All responding parties are expected to comply with conduct sanctions, responsive actions and corrective actions within the timeframe specified by the Title IX Coordinator. Failure to abide by these conduct sanctions, responsive actions and corrective actions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions/responsive/corrective actions and/or suspension, expulsion and/or termination from the College.

F. Records

In implementing this policy, records of all allegations, investigations, resolutions and hearings will be kept by the Title IX Coordinator for seven years in the Title IX Coordinator database.

G. Sanctions

An individual determined to be in violation of the EWC Sexual Misconduct policies could be criminally prosecuted in the state courts and may be subject to a range of sanctions depending on the severity of the incident, and taking into account any previous disciplinary violations; and may be suspended, expelled or terminated from Eastern Wyoming College for the first offense.

The College may impose one or more of the following sanctions for any violation of the Sexual Misconduct Policies:

1. Student Sanctions (as defined in the EWC Student Code of Conduct)

- a. Warning
- b. Restitution or Reimbursement
- c. Mandatory Community Work
- d. Mandatory Workshop for Alcohol or Drug-Related Misconduct
- e. Personal Counseling Referral
- f. Restriction or Revocation of Privileges
- g. Residence Hall Probation
- h. Disciplinary Probation
- i. Suspension
- j. Disciplinary Dismissal / Expulsion
- k. Other sanctions permissible under existing College rules

2. Employee Sanctions (defined by Board Policy)

- a. Written Reprimand
- b. Demotion
- c. Transfer
- d. Required Professional Counseling
- e. Termination of Employment

IV. Education and Training

The College offers education and training to students, faculty and staff that promotes the prevention and awareness of sexual misconduct.

A. Prevention and Education

The College **will provide a comprehensive** education and prevention program, offering students training on federally mandated topics including consent/sexual assault, bystander intervention, verbal defense, alcohol use, intimate partner violence, sexual harassment and stalking. The program also offers students guidance on action to take in regard to these situations, **and may be presented in a variety of formats.**

B. Training

The College educates its community about sexual misconduct and effective prevention strategies. These topics are presented to students in the required education and prevention program. Faculty and staff are trained on these topics at new employee orientation, in-service and other College trainings. The local County Task Force on Family Violence and Sexual Assault offers sexual assault education and information programs to college students and employees upon request. Educational programming concerning sexual misconduct, risk reduction and EWC's response is available through Residence Life and other Student Services offices.

V. Title IX Coordinator

A. Contact Title IX Coordinator

A student or employee should contact the Title IX Coordinator in order to:

1. Seek information or training about rights and courses of action available to resolve reports or complaints that involve potential sex discrimination, including sexual misconduct;
2. File a complaint or make a report of sex discrimination, including sexual misconduct;
3. Notify the College of an incident or policy or procedure that may raise potential Title IX concerns;
4. Get information about available resources (including confidential resources) and support services relating to sex discrimination, including sexual misconduct; and
5. Ask questions about the College's policies and procedures related to sex discrimination, including sexual misconduct.

B. Functions and Responsibilities of the Title IX Coordinator

The Title IX Coordinator's functions and responsibilities include the following:

1. Training for Students, Faculty and Staff

The Title IX Coordinator provides or facilitates ongoing training, consultation and technical assistance on Title IX for all students, faculty and staff, including:

- a. Regular training for faculty and staff outlining their rights and obligations under Title IX, including the appropriate response to reports of sexual misconduct, the obligation to report sexual misconduct to appropriate College officials and the extent to which counselors and advocates may keep a report confidential; and
- b. Regular training for students outlining their rights under Title IX. With regard to sexual misconduct, this training will include what constitutes sexual misconduct and when it creates a hostile environment, the definition of consent, reporting options (including reports to responsible employees, campus and local law enforcement, and confidential reporting to counselors or advocates), the grievance procedures used to process complaints, applicable disciplinary code provisions relating to sexual misconduct and the consequences of violating those provisions, the role of alcohol and drugs in sexual misconduct, the effects of trauma, strategies and skills for bystander intervention, the offices or individuals with whom students can speak to confidentially, the offices or individuals who can provide support services and the employees who must report incidents to the Title IX Coordinator and Title IX's protections against retaliation.

The Vice President for Student Services serves as the Title IX Coordinator and oversees and directs the implementation of the College's policy (i.e. this Guidebook) on sexual misconduct. The Title IX Coordinator acts with independence and authority free of conflicts of interest. To raise any concern involving a conflict of interest by the Title IX Coordinator, contact the College President, Dr. Lesley Travers [e-mail lesley.travers@ewc.wy.edu or call (307) 532-8202]. To raise concerns regarding a potential conflict of interest with any other administrator involved in this process, please contact the Title IX Coordinator.

Inquiries about and reports regarding this Guidebook and its procedures may be made internally to:

Dr. Don Appiarius – Vice President for Student Services
Title IX Coordinator
3200 West C Street
Torrington, WY 82240
Telephone: (307) 532-8257
Email: don.appiarius@ewc.wy.edu

The Title IX Coordinator is responsible for ensuring the College has individuals trained and ready to serve as Title IX Investigators. When incidents occur and an investigation is warranted, the Title IX Coordinator will assign individuals from among this pool to perform investigation duties.

Title IX related inquiries may be made externally to:

Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-1100
Customer Service Hotline #: (800) 421-3481
Facsimile: (202) 453-6012
TDD#: (877) 521-2172
Email: OCR@ed.gov
Web: www.ed.gov/ocr

HHS/Office for Civil Rights
1961 Stout Street
Room 08-148
Denver, CO 80294
Customer Response Center: (800) 368-1019
Fax: (202) 619-3818
TDD: (800) 537-7697
Email: ocrmail@hhs.gov
Web: <http://www.acf.hhs.gov/region8>

Equal Employment Opportunity Commission (EEOC)
Contact: www.eeoc.gov/contact/

VI. EWC Title IX Resources

Counseling Assistance

Counseling and Disability Services	(307) 532-8238 (Office)
PEAK Wellness	(307) 532-4091 (24-hour hotline)
Converse County Coalition Against Violence	(307) 358-4800 (24-hour crisis line) (307) 358-6148 (Office)
Goshen County Task Force on Family Violence & Sexual Assault	(307) 532-2118

Emergency

Douglas Police Department	911
Torrington Police Department	911 (If calling from off-campus) 9-911 (If calling from on-campus)

Confidential Reporting Resources

EWC Counselors	307-532-8238, Room FAC 106/106A
Physicians at Torrington Community Hospital	307-532-4181
Physicians at Memorial Hospital of Converse County	307-358-2122

Non-Emergency Law Enforcement

Douglas Police Department	(307) 358-3311
Torrington Police Department	(307) 532-7001
EWC Campus Resource Officer	(307) 532-8343

Medical

Torrington Community Hospital	(307) 532-4181
Memorial Hospital of Converse County	(307) 358-2122

Title IX Administrators

Dr. Don Appiarius (Torrington & Outreach)	(307) 532-8257 (Office)
Ms. Margaret Farley (Douglas)	(307) 624-7010 (Office)

Additional Resources

Title II, Americans with Disabilities Act of 1990, as amended

http://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htm#title2regs

Title VII of the Civil Rights Act of 1964, as amended <http://www.eeoc.gov/laws/statutes/titlevii.cfm>

Title IX of the Education Amendments Act of 1972, as amended

http://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html

VII. Statement of the Rights of the Parties

Statement of the Reporting Party's Rights: A Reporting Party has the right to:

- Investigation and appropriate resolution of all credible allegations of sexual misconduct or discrimination made in good faith to College officials;
- Be informed in advance of any public release of information regarding the incident;
- Not have any personally identifiable information released to the public, without their consent;
- Be treated with respect by College officials;
- Have College policies and procedures followed without material deviation;
- Not be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence;
- Not be discouraged by College officials from reporting sexual misconduct or discrimination to both on-campus and off-campus authorities;
- Be informed by College officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the Reporting Party so chooses. This also includes the right not to be pressured to report, as well;
- Have reports of sexual misconduct responded to promptly and with sensitivity by campus law enforcement and other campus officials;
- Be notified of available counseling, mental health, victim advocacy, health, legal assistance, student financial aid, visa and immigration assistance, or other student services, both on-campus and in the community;
- A campus no contact order (or a trespass order against a non-affiliated third party) when someone has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the Reporting Party or others;
- Notification of and options for, and available assistance in, changing academic and living situations after an alleged sexual misconduct incident, if so requested by the Reporting Party and if such changes are reasonably available (no formal report or investigation, campus or criminal, need occur before this option is available). Accommodations may include:
 - Change of an on-campus student's housing to a different on-campus location;
 - Assistance from College support staff in completing the relocation;
 - Transportation accommodations;
 - Arranging to dissolve a housing contract and pro-rating a refund;
 - Exam (paper, assignment) rescheduling;
 - Taking an incomplete in a class;
 - Transferring class sections;
 - Temporary withdrawal;
 - Alternative course completion options.

- Have the College maintain such accommodations for as long as is necessary, and for protective measures to remain confidential, provided confidentiality does not impair the institution's ability to provide the accommodations or protective measures;
- Be fully informed of campus policies and procedures as well as the nature and extent of all alleged violations contained within the report;
- Ask the investigators to identify and question relevant witnesses, including expert witnesses;
- Review all documentary evidence available regarding the report, subject to the privacy limitations imposed by state and federal law, prior to a finding by the Hearing Officer;
- Be informed of the names of all witnesses whose information will be used to render a finding, in advance of that finding, except in cases where a witness's identity will not be revealed to the Responding Party for compelling safety reasons (this does not include the name of the Reporting Party, which will always be revealed);
- Not have irrelevant prior sexual history admitted as evidence;
- Regular updates on the status of the investigation and/or resolution;
- Have reports addressed by investigators and Hearing Officers who have received annual sexual misconduct training;
- Preservation of privacy, to the extent possible and permitted by law;
- Meetings and/or interviews that are closed to the public;
- Petition that any College representative in the process be recused on the basis of demonstrated bias or conflict-of-interest;
- Bring a victim advocate or Advisor of the Reporting Party's choosing to all phases of the investigation and resolution proceeding;
- Have the College compel the participation of student, faculty and staff witnesses, and the opportunity (if desired) to provide the investigators with a list of potential questions to ask of witnesses, and the right to challenge documentary evidence;
- Submit an impact statement in writing to the Hearing Officer following determination of responsibility, but prior to sanctioning;
- Be promptly informed of the outcome and sanction of the resolution process in writing, without undue delay between the notifications to the parties;
- Be informed in writing of when a decision by the College is considered final, any changes to the sanction to occur before the decision is finalized, to be informed of the right to appeal the finding and sanction of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the College.

Statement of the Responding Party's Rights: A Responding Party has the right to:

- Investigation and appropriate resolution of all credible reports of sexual misconduct and/or discrimination made in good faith to College administrators;
- Be informed in advance, when possible, of any public release of information regarding the report;
- Be treated with respect by College officials;
- Have College policies and procedures followed without material deviation;
- Be informed of and have access to campus resources for medical, health, counseling and advisory services;
- Timely written notice of all alleged violations, including the nature of the violation, the applicable policies and procedures and possible sanctions;
- Review all documentary evidence available regarding the report, subject to the privacy limitations imposed by state and federal law, prior to the finding by the Hearing Officer;
- Be informed of the names of all witnesses whose information will be used to render a finding, prior to final determination, except in cases where a witness's identity will not be revealed to the Responding Party for compelling safety reasons (this does not include the name of the Reporting Party, which will always be revealed);
- Not have irrelevant prior sexual history admitted as evidence in a campus resolution process;
- Have reports addressed by investigators and Hearing Officers who have received annual training;
- Petition that any College representative be recused from the resolution process on the basis of demonstrated bias and/or conflict-of-interest;
- Meetings and interviews that are closed to the public;
- Have the College compel the participation of student, faculty and staff witnesses, and the opportunity to provide the investigators with a list of potential questions to ask of witnesses, and the right to challenge documentary evidence;
- Have an Advisor of their choice to accompany and assist throughout the campus resolution process;
- A fundamentally fair resolution, as defined in these procedures;
- Provide an impact statement in writing to the Hearing Officer following any determination of responsibility, but prior to sanctioning;
- A decision based solely on evidence presented during the resolution process. Such evidence shall be credible, relevant, based in fact, and without prejudice;

- Be promptly informed of the outcome and sanction of the resolution process in writing, without undue delay between the notifications to the parties;
- Be informed in writing of when a decision of the College is considered final, any changes to the sanction to occur before the decision is finalized, to be informed of the right to appeal the finding and sanction of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the College.

VIII. Disabilities Accommodation in the Equity Resolution Process

Eastern Wyoming College is committed to providing qualified students, employees or others with disabilities with reasonable accommodations and support needed to ensure equal access to the Informal and Formal Processes at the College. Anyone needing such accommodations or support should contact the Coordinator of Counseling & Disability Services, who will review the request and, in consultation with the person requesting the accommodation, and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation.

IX. Resources

Revision

These policies and procedures will be reviewed and updated annually by the Title IX Coordinator. The College reserves the right to make changes to this document as necessary and once those changes are posted online, they are in effect. The Title IX Coordinator may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party, such as to accommodate Summer schedules, etc. The Title IX Coordinator may also vary procedures materially with notice (on the institutional website, with appropriate date of effect identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedure. Procedures in effect at the time of the resolution will apply to resolution of incidents, regardless of when the incident occurred. Policy in effect at the time of the offense will apply even if the policy is changed subsequently but prior to resolution, unless the parties consent to be bound by the current policy. If government regulations change in a way that impacts this document, this document will be construed to comply with government regulations in their most recent form.

This document does not create legally enforceable protections beyond the protection of the Wyoming state and federal laws which frame such codes generally.

Appendix A

Title IX Mandatory Reporters

Mandatory reporters at EWC include all benefited employees (faculty, staff and administrators) and adjunct instructors (face-to-face and online but not concurrent instructors). The following is a list of 2018-2019 school year Title IX mandatory reporters who are required to notify the Vice President for Student Services (VPSS) of any sexual misconduct allegations. This list is current as of August 1, 2018 and may include the names of individuals who are no longer EWC employees. For a complete list of current benefited employees, visit HR or see the EWC Directory located on the College home page at www.ewy.wy.edu.

TRAVIS ACKERMAN, Lead Custodian
 TAMI AFDAHL, Director of College Relations
 STEVE AKRIGHT, Grounds Supervisor
 CALLIE ALLRED, Grants Analyst & Instructor
 JOEL ALWORTH, Welding
 JESSICA ANDERS, Library Technician
 TOM ANDERSEN, Athletic Director / Women's Basketball Coach
 DON APPIARIUS, Vice President for Student Services
 AMANDA ASMUS, Cosmetology
 AARON BAHMER, Instructional Technologist
 LYNN BEDIENT, Welding
 ED BITTNER, Veterinary Technology
 HOLLY BRANHAM, Executive Assistant to the President
 LISA BRIGGS, Accounts Payable Technician
 LORI BRITTON, Science
 JUDY BROWN, GEAR UP Director
 SRIDHAR BUDHI, Chemistry
 BRANDON BURRIS, Custodian
 MARCIA CEARNIS, Animal Technician
 MARISOL CHAVEZ, Admissions Senior Admin Assistant
 CHRISTINE CHESSER, Cosmetology
 APRIL CLARK, Nursing
 CURTIS CLARK, Facilities Maintenance Specialist
 JAKE CLARK, Rodeo Coach
 JOHN CLINE, Art
 TRISH COLBY, Accounts Receivable Technician
 IAN COTTRELL, Computer Technician
 HELEN COURTNEY, Cook
 BOB CREAGAR, Mathematics
 ELLEN CREAGAR, Social Science, Business
 CASEY DEBUS, Library Director
 REBECCA DEEN, GEAR UP Coordinator
 SUZEY DELGER, Nursing
 HEIDI EDMUNDS, Dean of Instruction
 PAT EILERT, Facilities Maintenance Supervisor
 DIXIE ELDER, Cook
 LINDA EVANS, Graphic Designer
 MARGARET FARLEY, Associate Vice President for Academic Services
 XI FENG, Data Analyst
 ROB FREEMAN, Douglas Maintenance Supervisor
 DEAN GORSUCH, Welding
 J. R. GUTIERREZ, Custodian
 JOHN HANSEN, Institutional Development Director
 RICK HAROLD, Cook
 JENNIFER HART, Psychology
 TERI HAUF, Financial Aid Specialist
 CINDY HIEGEL, Custodian
 ROGER HUMPHREY, Vice President for Academic Services
 KEITH JARVIS, Physical Plant Director

KIM JONES, College Relations Senior Admin Assistant
DINESH KASTI, Mathematics
JO ELLEN KEIGLEY, Testing & Career Center Coordinator
CHUCK KENYON, Information Technology Coordinator
DIXIE KROENLEIN, Info Center Senior Admin Assistant
HANK KRZYZANOWSKI, Custodian
HOLLY LARA, Institutional Development Admin Specialist
JOHN MARRIN, Business & Economics
VICKY MAYFIELD, Mathematics
KELCIE MCBRIDE, Financial Aid Specialist
DIANE MCQUEEN, Adult Education (AE/GED/ESL) Director
COURT MERRIGAN, Student Success Director
ED MEYER, Human Resources Director
JAMIE MICHAEL, Veterinary Technology
JENNIFER MINKS, Business
COLLEEN MITCHELL, Biology
LORI MOORE, Payroll & Benefits Specialist
TIM MOSER, Head Men's Basketball Coach / Fitness Center Director
LAURIE MUELLER, Food Services Manager
JOHN NESBITT, English
STAN NICOLLS, Welding Lab Coordinator
DEBBIE OCHSNER, Social Science
KAREN PARRIOTT, Business Office Director
KAREN POSTEN, Outreach Senior Admin Assistant
ELAINE RUSH, Food Services Assistant Manager
KIM RUSSELL, Residence Life Director
EMILIO SANCHEZ, Custodian
SUE SCHMIDT, Registration & Records Admin Specialist
MARCELLA SCHWEITZER, Cook
BRANDON SEMLER, Communications
CRISTI SEMMLER, Veterinary Technology
JULIE SHERBEYN, Head Volleyball/Retention
AMY SMITH, Agriculture & Academic Services Coordinator
KEITH SMITH, Webmaster
ZACH SMITH, Director of Enrollment Management
DON SNYDER, Grounds Assistant
KAITLYN STEBEN, Agriculture
KATE STEINBOCK, Education
SUSAN STEPHENSON, Director of Financial Aid
MONTE STOKES, Agriculture
SHANE STONE, Criminal Justice
KELLY STRAMPE, Composition and Literature
JAMIE SULLIVAN, Douglas Admin Specialist
LESLEY TRAVERS, President
TYLER VASKO, Software Administrator
ANTONIO VELAZQUEZ, Custodian/Bus Driver
SUSAN WALKER, Veterinary Technology
LYNN WAMBOLDT, Institutional Effectiveness & Accreditation Specialist
SHERRI WARREN, Mathematics
SALLY WATSON, Academic Services Admin Assistant
REBEKAH WELLS, Residence Life Coordinator
CHRIS WENZEL, Biology, Zoology, Rangeland Ecology, Watershed Management, Renewable Resources
HOLLY WEST, Financial Aid Technician
DONNA WHITE, Community Ed/Workforce Development Associate Director
KWIN WILKES, Vice President for Administrative Services
GEORGIA YOUNGLOVE, Agriculture/Livestock Judging
GWEN YUNG, Health Technology