

<p style="text-align: center;">WILKES COMMUNITY COLLEGE POLICY</p>

POLICY NUMBER: 7.07

PAGE 1 OF 14

DATE ADOPTED: July 9, 2015

REVISED: August 10, 2017

TITLE: SEXUAL MISCONDUCT, PROHIBITED RELATIONSHIPS & NON-RETALIATION

I. INTRODUCTION

Title IX of the Education Amendments of 1972 states: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

Under Title IX, federally funded colleges and universities must ensure that students of all ages are not denied or limited in their ability to participate in or benefit from the school's educational programs or activities on the basis of sex. Sexual misconduct as defined in this policy is a form of sex discrimination prohibited by Title IX and this policy.

Wilkes Community College (WCC) is committed to providing a campus environment that is free of sexual misconduct and promotes respect, responsibility, communication, collaboration, critical thinking, and accountability. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. When an allegation of sexual misconduct is brought to an appropriate administrator's attention, and a respondent is found to have violated this policy, sanctions will be imposed to reasonably ensure that such actions are not repeated.

If a guest, student, or employee has been subjected to sexual misconduct, assistance should be sought as soon as possible. Individuals have the option to, or not to, notify and seek assistance from law enforcement and campus authorities. Once a report is brought to the attention of WCC personnel, there is an obligation to determine whether a Title IX investigation is warranted, based on the information provided. If a reporting party requests to remain anonymous, WCC will take all reasonable steps to respond and investigate consistent with the request as long as doing so does not prevent WCC from responding effectively and preventing any other incidents from occurring.

This policy and the related procedure apply to any allegation of Prohibited Conduct (Sexual Misconduct, Prohibited Relationships, or Retaliation) committed or reported by a student, employee or third party, regardless of where the alleged Prohibited Conduct occurred, if the reported conduct occurred on College property or is related to the College's academic, educational, or extracurricular programs or activities; or the reported conduct is sufficiently serious to create a hostile educational/work environment. The College's disciplinary authority, however, may not extend to third parties who are not students or employees of the College.

WILKES COMMUNITY COLLEGE POLICY
--

POLICY NUMBER: 7.07

PAGE 2 OF 14

DATE ADOPTED: July 9, 2015

REVISED: August 10, 2017

TITLE: SEXUAL MISCONDUCT, PROHIBITED RELATIONSHIPS & NON-RETALIATION (continued)

The sexual orientation and/or gender identity of individuals engaging in sexual activity is not relevant to allegations under this policy.

II. PROHIBITED CONDUCT

A. Sexual Misconduct

Sexual Misconduct means any unwelcome conduct of a sexual nature, including any conduct or act of a sexual nature perpetrated against an individual without consent. Sexual Misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual Misconduct can be committed by men or by women, and it can occur between people of the same or different sex. The College encourages reporting of all Sexual Misconduct.

Sexual Misconduct Policy violations include, but are not limited to:

1. Sexual Harassment;
2. Sexual Exploitation;
3. Sexual Assault;
4. Dating Violence;
5. Domestic Violence; and
6. Stalking

Note: For reference to the pertinent state statutes on sex offenses, please see Article 7A of Chapter 14 of the North Carolina General Statutes.

1. Sexual Harassment

Sexual harassment is unwelcome, gender-based verbal or physical conduct that is,

- sufficiently severe, persistent or pervasive that,
- unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the college's educational program and/or activities, and is
- based on power differentials (quid pro quo), the creation of a hostile environment, or retaliation.

Sexual harassment may occur in a single incident, as well as in persistent behaviors. Both men and women are protected from sexual harassment, and sexual harassment is prohibited regardless of the gender of the harasser.

WILKES COMMUNITY COLLEGE POLICY
--

POLICY NUMBER: 7.07

PAGE 3 OF 14

DATE ADOPTED: July 9, 2015

REVISED: August 10, 2017

TITLE: SEXUAL MISCONDUCT, PROHIBITED RELATIONSHIPS & NON-RETALIATION (continued)

Examples include: an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwelcome sexual attention; to punish a person for refusal to comply with a sexual based request; to condition a benefit on submitting to sexual advances; sexual violence; intimate partner violence, stalking; gender-based harassment.

Two Types of Sexual Harassment

a. Hostile Environment

Hostile environment includes any situation in which there is harassing conduct that is sufficiently severe, pervasive/persistent and patently/objectively offensive such that it alters the conditions of education or employment, from both a subjective (the reporting party's) and an objective (reasonable person's) viewpoint.

The determination of whether an environment is "hostile" must be based on the totality of the circumstances. These circumstances may include, but are not limited to:

- i. the frequency of the conduct;
- ii. the nature and severity of the conduct;
- iii. whether the conduct was physically threatening;
- iv. whether the conduct was humiliating;
- v. the effect of the conduct on the reporting party's mental or emotional state;
- vi. whether the conduct was directed at more than one person;
- vii. whether the conduct arose in the context of other discriminatory conduct;
- viii. whether the conduct unreasonably interfered with the reporting party's educational or work performance;
- ix. whether the statement is a mere utterance of an epithet which engenders offense in an employee or student, or offends by mere discourtesy or rudeness; and/or
- x. whether the speech or conduct deserves the protections of academic freedom.

b. Quid Pro Quo

Quid pro quo exists when there are:

- i. unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and/or

<p style="text-align: center;">WILKES COMMUNITY COLLEGE POLICY</p>

POLICY NUMBER: 7.07

PAGE 4 OF 14

DATE ADOPTED: July 9, 2015

REVISED: August 10, 2017

TITLE: SEXUAL MISCONDUCT, PROHIBITED RELATIONSHIPS & NON-RETALIATION (continued)

- ii. submission to or rejection of such conduct results in adverse educational or employment action.

2. Sexual Exploitation

Sexual exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- invasion of sexual privacy;
- prostituting another person;
- non-consensual video or audio-taping of sexual activity;
- going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
- engaging in voyeurism;
- knowingly transmitting an STI or HIV to another person;
- exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals; and
- sexually-based stalking and/or bullying may also be forms of sexual exploitation.

3. Sexual Assault

Sexual assault is non-consensual sexual contact or non-consensual sexual intercourse.

Non-Consensual Sexual Contact is any intentional sexual touching, however slight, with any object, by a man or a woman upon a man or a woman, that is without consent and/or by force. Sexual Contact includes intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch one's self with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/or/by breasts, buttocks, groin, genitals, mouth or other orifice.

Non-Consensual Sexual Intercourse is any sexual intercourse, however slight, with any object, by a man or woman upon a man or a woman, that is without consent and/or by force. Intercourse includes

- vaginal penetration by a penis, object, tongue or finger,

• WILKES COMMUNITY COLLEGE
• POLICY

POLICY NUMBER: 7.07

PAGE 5 OF 14

DATE ADOPTED: July 9, 2015

REVISED: August 10, 2017

TITLE: SEXUAL MISCONDUCT, PROHIBITED RELATIONSHIPS & NON-RETALIATION (continued)

- anal penetration by a penis, object, tongue, or finger, and
- oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

4. Dating Violence

Dating violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the reporting party. The relationship between the respondent and the reporting party is determined based on the following factors:

- the length of the relationship;
- the type of relationship; and/or
- the frequency of interaction between the persons involved in the relationship.

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

5. Domestic Violence

Domestic violence is defined as abuse or violence committed by:

- a current or former spouse of the reporting party;
- a person with whom the reporting party shares a child in common; and/or
- a person who is cohabitating with or has cohabitated with the reporting party as a spouse.

Domestic violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

The state definition of domestic violence can be found in North Carolina General Statute §50B-1, which is applicable to criminal prosecutions for domestic violence in North Carolina, but may differ from the definition used by the college to address policy violations.

http://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByChapter/Chapter_50B.html

WILKES COMMUNITY COLLEGE POLICY
--

POLICY NUMBER: 7.07

PAGE 6 OF 14

DATE ADOPTED: July 9, 2015

REVISED: August 10, 2017

TITLE: SEXUAL MISCONDUCT, PROHIBITED RELATIONSHIPS & NON-RETALIATION (continued)

6. Stalking

Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to feel fear for his or her safety or the safety of others or suffer substantial emotional distress. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. "Course of conduct" is defined as a pattern of two or more acts over a period of time, however short, that evidence a continuity of purpose. Stalking behaviors include, but are not limited to, the following behaviors if they occur when it is known or reasonably should have been known that such behavior or one's presence is unwanted by a recipient:

- non-consensual communication including in-person communication, telephone calls, voice messages, text messages, email messages, social networking site postings, instant messages, postings of pictures or information on websites, written letters, gifts, or any other communications that are undesired and/or place another person in fear;
- following, pursuing, waiting, or showing up uninvited at a workplace, place of residence, classroom, or other locations frequented by a reporting party;
- surveillance and other types of observation, whether by physical proximity or electronic means.

The state definition of stalking can be found in North Carolina General Statute §14-277.3A, which is applicable to criminal prosecutions for domestic violence in North Carolina, but may differ from the definition used by the college to address policy violations.

http://www.ncga.state.nc.us/EnactedLegislation/Statutes/PDF/BySection/Chapter14/GS_14-277.3A.pdf

B. Prohibited Relationships

1. Employee Relationships

Romantic or sexual relationships between College employees in a direct supervisor/supervisee relationship are prohibited. This prohibition shall continue as long as the employees remain in a direct supervisor/supervisee relationship. Employees violating this provision will be subject to disciplinary action up to and including termination of employment.

WILKES COMMUNITY COLLEGE POLICY
--

POLICY NUMBER: 7.07

PAGE 7 OF 14

DATE ADOPTED: July 9, 2015

REVISED: August 10, 2017

TITLE: SEXUAL MISCONDUCT, PROHIBITED RELATIONSHIPS & NON-RETALIATION (continued)

A romantic or sexual relationship between College employees not in a supervisor/supervisee relationship that impairs the College employee's effectiveness, disrupts the workplace/learning environment, and/or impairs the public confidence in the College is prohibited. Employees violating this provision will be subject to disciplinary action up to and including termination of employment.

2. Employee/Student Relationships

Romantic or sexual relationships between College employees and students are prohibited if:

- the student is an Early College high school student or
- the student is enrolled in the Career and College Promise Program or
- the student is under the age of eighteen or
- the employee and the student have an academic relationship.

Academic relationships include any activities in which the employee is a direct or indirect supervisor or instructor for the student, as in a classroom or lab, or is a sponsor for any College activity involving the student, including work study or organizational/club/sport activities. This prohibition shall continue until the student or the employee is no longer affiliated with the College. Employees violating this provision will be subject to disciplinary action up to and including termination of employment.

A romantic or sexual relationship between a College employee and student not in an academic relationship that impairs the College employee's effectiveness, disrupts the workplace/learning environment, and/or impairs the public confidence in the College is prohibited. Employees violating this provision will be subject to disciplinary action up to and including termination of employment.

C. Retaliation is Prohibited

Retaliation is defined as any form, direct or indirect, including through third parties, of intimidation, threat, coercion or any other type of discrimination in response to an individual's report or participation in investigation or conduct processes. It is a violation to retaliate against any person making a report of gender-based/sexual misconduct or against any person cooperating in the investigation, including testifying as a witness. For the purposes of this policy, retaliation includes:

1. intimidation;
2. threats;

**WILKES COMMUNITY COLLEGE
POLICY**

POLICY NUMBER: 7.07

PAGE 8 OF 14

DATE ADOPTED: July 9, 2015

REVISED: August 10, 2017

TITLE: SEXUAL MISCONDUCT, PROHIBITED RELATIONSHIPS & NON-RETALIATION (continued)

3. harassment; and/or
4. any other adverse action taken against any such reporting party or third party.

All persons have the right to raise concerns, to ask questions about WCC's policies prohibiting sex or gender misconduct and sexual violence, and to participate in investigations without fear of retaliation. All persons also have the right to submit a report about retaliatory acts.

Retaliation toward a student or employee who reports sexual misconduct is strictly prohibited. Any act by a respondent, employee, other students or their agents, of reprisal, interference, restraint, discrimination, coercion or harassment against any person using these procedures shall constitute a policy violation and shall be subject to prompt, appropriate and significant disciplinary action.

Retaliation should be reported immediately to the Title IX Coordinator, a Deputy Coordinator, or campus security.

III. RESPONSIBLE EMPLOYEE

A responsible employee is any employee who has the authority to take action to redress sexual misconduct, who has been given the duty to report to appropriate school officials about incidents of sexual misconduct by students, or whom a student could reasonably believe has this authority or responsibility.

WCC has designated all employees as responsible employees with the exception of professional counselors. A professional counselor is a person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of his or her license or certification. When a disclosure regarding an incident of alleged sexual misconduct occurs within the context of a counseling session, professional counselors are not required to report any information. A counselor can report if the student grants permission to do so.

Before a reporting party reveals any information to a responsible employee, the employee should ensure that the reporting party understands the employee's reporting obligations and, if the reporting party wants to maintain confidentiality, direct the reporting party to confidential resources.

WILKES COMMUNITY COLLEGE POLICY
--

POLICY NUMBER: 7.07

PAGE 9 OF 14

DATE ADOPTED: July 9, 2015

REVISED: August 10, 2017

TITLE: SEXUAL MISCONDUCT, PROHIBITED RELATIONSHIPS & NON-RETALIATION (continued)

If the reporting party wants to tell the responsible employee what happened but also maintain confidentiality, the employee should tell the reporting party that the college will consider the request, but cannot guarantee that the college will be able to honor it. In reporting the details of the incident to the Title IX Coordinator or a Title IX Deputy Coordinator, the responsible employee will also inform the Coordinator or Deputy Coordinator of the reporting party's request for confidentiality.

When a reporting party tells a responsible employee about an incident of sexual misconduct, the reporting party has the right to expect the college to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

A responsible employee must report to the Title IX Coordinator or a Deputy Coordinator all relevant details about the alleged sexual misconduct shared by the reporting party, including the names of the reporting party and respondent(s), any witnesses, and any other relevant facts, including the date, time, and specific location of the alleged incident.

To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the college's response to the report. A responsible employee should not share information with law enforcement without the reporting party's consent or unless the reporting party has also reported the incident to law enforcement.

Responsible employees will not pressure a reporting party to request confidentiality, but will honor and support the reporting party's wishes, including for the college to fully investigate an incident. By the same token, responsible employees will not pressure a reporting party to make a full report if the reporting party is not ready.

IV. REPORTING SEXUAL MISCONDUCT

It is important to report any student gender-based/sexual misconduct, dating violence, domestic violence, sexual assault, stalking or harassment as soon as possible, though the college has no formal time limitation imposed on reporting. There are several ways to take action by filing a:

1. criminal report with law enforcement authorities;
2. college report;
3. third-party report.

WILKES COMMUNITY COLLEGE POLICY
--

POLICY NUMBER: 7.07

PAGE 10 OF 14

DATE ADOPTED: July 9, 2015

REVISED: August 10, 2017

TITLE: SEXUAL MISCONDUCT, PROHIBITED RELATIONSHIPS & NON-RETALIATION (continued)

Gender-based/sexual misconduct may constitute both a violation of college policy *and* a criminal offense. The college conduct system is not a substitute for instituting criminal or civil action, so the college encourages students to report alleged gender-based/sexual misconduct promptly to college officials *and* to local law enforcement.

If a criminal report is filed in addition to a report with the college, the college will not wait for the conclusion of any criminal investigation or proceedings before proceeding with its own investigation. The college may need to temporarily delay the fact-finding portion of the investigation while law enforcement gathers evidence. In the event of such a delay, the college will take interim measures as needed to protect the reporting party and the college community. The college will promptly resume and complete its fact-finding portion of the investigation once it learns that law enforcement has gathered evidence for the criminal investigation.

V. CONFIDENTIALITY/PRIVACY

In compliance with applicable laws and regulations, the college will take precautions to protect the confidentiality/privacy of both parties. However, students should understand that under conditions of imminent harm to the community, the college is obligated by federal law to inform the community of the occurrence for the protection of all members of the community. Additionally, the college cannot control confidentiality violations by non-college members who may be involved as witnesses or participants in an investigation or conduct hearing. A reporting party may make a request for confidentiality/privacy at any point. This type of request means that the reporting party does not want her/his identity known to the respondent and witnesses, or that the reporting party wishes to withdraw the report. If at any point the reporting party requests privacy, the college will make all reasonable attempts to comply with this request. In a situation where a reporting party requests privacy, or removes her/himself from the investigative or campus adjudicatory process, the college's ability to investigate, respond to, or assign penalties for the allegations may be more limited.

The college is required by Title IX to weigh the reporting party's request for confidentiality/privacy with the college's commitment to provide a reasonably safe and nondiscriminatory environment. There are situations in which the college may override the reporting party's request for confidentiality in order to meet its Title IX obligations, including but not limited to cases which:

WILKES COMMUNITY COLLEGE POLICY
--

POLICY NUMBER: 7.07

PAGE 11 OF 14

DATE ADOPTED: July 9, 2015

REVISED: August 10, 2017

TITLE: SEXUAL MISCONDUCT, PROHIBITED RELATIONSHIPS & NON-RETALIATION (continued)

1. involved significant violence;
2. the college has reason to believe that the perpetrator has harmed more than one individual;
3. the college has reason to believe there are multiple perpetrators;
4. the college has received prior reports of alleged misconduct at that location;
5. there is deemed to be a threat of significant danger to the college community.

These instances will be limited and, to the extent possible, the college will only disclose information regarding alleged incidents to individuals who are responsible for or involved in the college's response.

VI. PREVENTION AND EDUCATION

The college's support services include, but are not limited to:

- Counseling services for those who have been assaulted or who have concerns regarding gender-based/sexual misconduct, dating/domestic violence or stalking.
- Referral to off-campus agencies that provide services for persons who have experienced gender-based/sexual misconduct, dating violence, domestic violence or stalking.
- Referral and community resource information for persons who have been sexually assaulted or experienced other gender-based/sexual misconduct, dating violence, domestic violence or stalking for medical services.
- Procedures for campus conduct action when persons who have been the victim of gender-based/sexual misconduct, dating violence, domestic violence or stalking wish to pursue formal resolution by the college, including orders of no contact between parties or reassignment of classroom, class section, or work area.
- Provide information to persons who have been sexually assaulted or experienced other gender-based/sexual misconduct, dating violence, domestic violence or stalking about procedures for pursuing criminal action against their assailants, including information about the process for seeking a protective order issued by the courts.
- Year-round primary prevention and education programs, awareness events and print and video resources addressing a variety of topics related to gender-based/sexual misconduct, dating/domestic violence, or stalking. These programs include education for new students, risk reduction strategies, bystander intervention trainings and campaigns, and emerging and established evidence-based prevention efforts. These efforts are designed to stop dating/domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

**WILKES COMMUNITY COLLEGE
POLICY**

POLICY NUMBER: 7.07

PAGE 12 OF 14

DATE ADOPTED: July 9, 2015

REVISED: August 10, 2017

TITLE: SEXUAL MISCONDUCT, PROHIBITED RELATIONSHIPS & NON-RETALIATION (continued)

- Training of students, faculty, and staff on relevant resources, policies and reporting obligations. Additional specialized training is given to college personnel participating in the investigation and adjudication of reports of gender-based/sexual misconduct at least annually regarding issues related to domestic violence, dating violence, sexual assault, and stalking, and how to conduct an investigation and hearing process that protects the safety of a reporting party and promotes accountability.

VII. DEFINITIONS

- A. Coercion** is 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 to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

NOTE: There is no requirement that a party resist the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.

In order to give effective consent, one must be of legal age.

Sexual activity with someone who clearly is -- or based on the circumstances should have been identified as -- mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout), constitutes a violation of this policy.

- B. Consent** – The definition of consent is central to the recognition of both sexual assault and sexual misconduct. The college defines consent as mutually voluntary permission to engage in sexual activity demonstrated by clear actions and/or words. This decision must be made freely, consciously, knowingly and actively by all participants, as shown by the totality of the circumstances. **Intoxication is not an excuse for failure to obtain consent.** Silence, passivity, acquiescence, or lack of active resistance does not constitute or imply consent on its own. In addition, previous participation in sexual activity, however recent, does not indicate current consent to participate, and consent to one form of sexual activity does not imply consent to another form of sexual activity.

WILKES COMMUNITY COLLEGE POLICY
--

POLICY NUMBER: 7.07

PAGE 13 **OF** 14

DATE ADOPTED: July 9, 2015

REVISED: August 10, 2017

TITLE: SEXUAL MISCONDUCT, PROHIBITED RELATIONSHIPS & NON-RETALIATION (continued)

Consent can be withdrawn at any time. Anything less than a clear, knowing and voluntary consent to any sexual activity is equivalent to a "No."

Consent has *not* been obtained in situations where the individual:

1. is forced, coerced (defined as a unreasonable amount of pressure), manipulated, or has reasonable fear as the result of a threat (such as, the individual or another will be injured if the reporting party does not submit to the act); or
2. is incapacitated by alcohol, other drugs, sleep, etc. Because consent must be given consciously, sexual activity is prohibited with someone one knows to be, or should know to be, incapacitated. Incapacitation means the individual cannot make rational, reasonable and informed decisions; or
3. has a mental or physical disability which inhibits or precludes his/her ability to give knowing consent.

In North Carolina, a minor (meaning a person under the age of 16 years) cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 16 years old may be a crime, as well as a violation of this policy, even if the minor willingly engaged in the act.

C. Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that overcome resistance or produce consent ("Have sex with me or I'll hit you." "Okay, don't hit me, I'll do what you want").

D. Gender-based harassment refers to unwelcome conduct based on an individual's actual or perceived sex, including harassment based on gender identity or nonconformity with sex stereotypes, and not necessarily involving conduct of a sexual nature.

E. Incapacitation is a state 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).

This policy also covers a person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of rape drugs. Possession, use and/or distribution of any of these substances, including Rohypnol, Ketomine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another student is a violation of this policy. More information on these drugs can be found at: <http://www.911rape.org/>.

WILKES COMMUNITY COLLEGE POLICY
--

POLICY NUMBER: 7.07

PAGE 14 OF 14

DATE ADOPTED: July 9, 2015

REVISED: August 10, 2017

TITLE: SEXUAL MISCONDUCT, PROHIBITED RELATIONSHIPS & NON-RETALIATION (continued)

Use of alcohol or other drugs will never function as a defense for any behavior that violates this policy.

F. Intimidation is defined as implied threats or acts that cause an unreasonable fear of harm in another and includes, but is not limited to:

1. threatening to commit a sexual act upon another person;
2. stalking; and/or,
3. cyber-stalking.

G. Reporting party refers to the individual reporting a sexual misconduct policy violation.

H. Respondent refers to the individual who is alleged to have committed a violation of the sexual misconduct policy.