

NONDISCRIMINATION POLICY AND TITLE IX

Notice of Nondiscrimination

In accordance with Title IX of the Education Amendments of 1972, it is the policy of Wabash College that no Wabash student will be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any education program or activity on the basis of sex. A student may not, on the basis of sex, be limited in the enjoyment of any right, privilege, advantage or opportunity, including courses, extracurricular activities, benefits and facilities. This policy against sex discrimination includes a prohibition against sexual harassment, including sexual violence. Sexual harassment consists of sexual advances, sexual gestures, requests for sexual favors, or other verbal or physical conduct of a sexual nature that is unwelcome and that limits or denies, on the basis of sex, a student's ability to participate in and benefit from the College's education program. This policy prohibits sex discrimination by an employee or agent of the College, by another student, and by third parties who come into contact with students at College or at College-related activities. The accused harasser can be either male or female, and the target of the harassment can be either male or female. The accused harasser and target can be of the same gender. Title IX applies regardless of the accused harasser's or target's actual or perceived sexual orientation. Sex discrimination prohibited by this policy can include being harassed for failing to conform to stereotypical notions about how a person of the target's gender should behave.

Title IX Coordinator

Wabash has designated a Title IX Coordinator, who has the responsibility for Wabash's compliance with Title IX, including directing the investigation of complaints of sex discrimination and harassment and assuring that prompt and effective corrective action is taken when appropriate.

Wabash College's Title IX Coordinator, who is responsible for coordinating the College's compliance with Title IX, is Heather Thrush, Associate Dean for Student Engagement and Success, Center Hall Room 112-A, Wabash College Crawfordsville, IN 47933, (765) 361-6347, thrushh@wabash.edu.

Making a Complaint

Students and Wabash College employees are encouraged promptly to submit a complaint or provide information about suspected sex discrimination or harassment so that the College can take appropriate action to resolve the situation. Complaints can be made orally or in writing to the Title IX Coordinator, the Director of Safety and Security, the Associate Dean of Students, a Division Chair, the Athletic Director, or directly to the Dean of Students. Complaints should be made as soon as possible after the incident, preferably within ten days. Wabash will accept complaints after the ten-day period.

No Retaliation

This policy also prohibits retaliation against a person who properly reports, complains about, or participates in an investigation of sex discrimination.

Investigation and Corrective Action

The Title IX Coordinator will appoint two investigators and direct the investigation of complaints and reports of sex discrimination or harassment. The investigation will be completed in a timely manner. Depending on the nature and complexity of the issues, it should generally take no more than 30 days.

After the investigation, the investigators will report the results to the Title IX Coordinator. The Title IX Coordinator will then give the report to the senior supervising official. If the person accused of misconduct is a student the Dean of Students may impose discipline up to and including student expulsion. If the person

accused is a Wabash College employee, the senior supervising official may impose discipline up to and including termination. The Dean of Students will advise the Complainant and the person accused of the misconduct, in writing, whether or not the allegations were found to be substantiated. The Dean of Students' decision is final if the decision includes suspension or expulsion. The decision may be appealed to the President.

Grievance Procedures

The following grievance procedures apply in connection with the implementation and enforcement of the Title IX policy to provide a prompt and equitable resolution of sex discrimination complaints.

Making a Complaint or Report

- Students are encouraged promptly to submit a complaint or provide information about suspected sex discrimination or harassment so that Wabash College can take appropriate action to resolve the situation. Such report should be made as soon as possible after the complained-of incident, preferably within ten days. However, Wabash College will continue to accept complaints after the ten-day period.
- A student should make the complaint or report to the Title IX Coordinator, the Director of Safety and Security, the Associate Dean of Students, a Division Chair, the Athletic Director, or directly to the Dean of Students.
- The student making the complaint is encouraged to put the complaint in writing to memorialize the facts in the complainant's own words. Oral complaints of discrimination and harassment will be accepted and reduced to writing by the individual receiving the complaint. The Complainant will be asked to sign the document to verify the accuracy of the information.
- Upon receipt of a report from a third party, the Title IX Coordinator will contact the student to advise that Wabash College will initiate an investigation of the alleged misconduct and to explain the process.
- The Title IX Coordinator will determine whether to take interim measures to protect the student from harassment during the investigation.
- There is no "informal process" for addressing complaints of sex discrimination or harassment of a student.
- Every Wabash College employee is required immediately to report to the Title IX Coordinator suspected sex discrimination or harassment of a student whether it is based on the employee's witnessing such conduct or on information from the student or a third party.

Investigating the Complaint

- The Title IX Coordinator will appoint two investigators who will conduct a prompt investigation of every complaint and complete the investigation in a timely manner. The time to complete the investigation will vary depending on the nature and complexity of the issue but will be concluded within 60 days.
- The investigation may include interviews of the Complainant, the individual accused of engaging in discriminatory or harassing behavior, and any other witness who may reasonably be expected to have

relevant information. All interviewed parties and witnesses will be provided an opportunity to present any information they reasonably believe could be relevant to the situation.

- Wabash College will respect the privacy of the Complainant, the individual(s) against whom the complaint is made, and the witnesses to the extent possible consistent with Wabash College's legal obligations to investigate and take appropriate action and to comply with discovery and disclosure obligations. All records generated in connection with the investigation will be maintained as confidential to the extent permitted by law.
- If a complaint is made about any of the persons having responsibility for the implementation and enforcement of the policy forbidding sex discrimination and harassment, the President of Wabash College will appoint an independent person to assume those responsibilities.
- At the conclusion of the investigation, the investigators will prepare to deliver to the Title IX Coordinator a written report summarizing the evidence gathered during the investigation, providing a determination whether or to what extent the complaint has been substantiated. The corrective action should be designed to stop the harassment or discrimination, prevent it from recurring, and remedy its effects, including services to the target(s) of the misconduct, if appropriate. The written report must be based on the totality of the circumstances, including the nature of the alleged conduct, the context in which the alleged conduct occurred, and the positions of the individuals involved. The Title IX Coordinator will then give the report to the senior supervising official.

Dean of Students' Decision

- Upon review of the written report from the investigators, the Dean of Students will determine whether or not the complaint was substantiated, that is, whether it is more likely than not that sex discrimination occurred.
- If the Dean of Students determines that additional information is needed, he or she may direct that further investigation be conducted.
- After the Dean of Students has made a determination, he or she will advise the Complainant and the person accused of misconduct, in writing, whether or not each allegation was found to be substantiated. That writing will include notice of the prohibition against retaliation.
- The decision of the Dean of Students is final. If the decision includes suspension or expulsion, the decision may be appealed to the President.

Recordkeeping

- The Title IX Coordinator is responsible for making and maintaining for at least three years the following records in connection with implementation of the policy forbidding sex discrimination and harassment of students:
- A written record of every complaint of sex discrimination or harassment.
- A report detailing the investigation of each complaint of sex discrimination or harassment of students, including the findings with respect to each complaint, all disciplinary sanctions applied, and any remedies provided to the student.

Publicity and Training

- The Title IX Coordinator will oversee efforts to publicize the Title IX policy forbidding sex discrimination and harassment, including posting and maintaining it on the Wabash College website and distributing it to administrators, faculty, staff, and students.
- The Title IX Coordinator will organize training to administrators, faculty, staff, and students on the requirements of Title IX and Wabash's policy and implementing procedures, including the grievance procedures.
- The Title IX Coordinator will ensure that appropriate training is provided to all individuals responsible for investigating complaints of sex discrimination and harassment of students, including training on appropriate techniques for responding to and investigating allegations of sex discrimination and harassment, documenting investigations and findings, and analyzing the information obtained during investigations.