

TITLE IX (SEXUAL MISCONDUCT AND SEXUAL VIOLENCE)

Policy

WITS is committed to maintaining an environment where all students are granted equal access to education based on the federal Title IX of the Education Amendments of 1972, and subsequent revisions.

WITS will adhere to a strict policy with regard to sexual violence, which includes any form of sexual assault, domestic violence, dating violence, stalking or any other form of sexual misconduct. WITS has developed a policy to promptly and effectively respond to any incident of sexual violence or sexual misconduct in accordance with the Title IX Final Rule.

WITS takes as a serious responsibility the obligation to address all incidents of sexual misconduct, violence, and offensive or inappropriate demeanor that take place in the educational program or activity. Policies are articulated that address behaviors falling under the following three categories:

- Quid pro quo harassment by an institutional employee;
- Unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that the conduct denies a person equal educational access; and
- Instance of sexual assault (as defined in the Clery Act), including dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).

WITS strives to go beyond compliance and is dedicated to maintaining a supportive environment for victims of abuse and discrimination. WITS makes available a list of resources and support that are culturally sensitive to Orthodox Jewish victims.

WITS has a designated Title IX Coordinator who is responsible for ensuring that the formal complaint and grievance process is carried out in accordance with the protocol set forth in this policy. A key principle throughout this policy is to ensure the safety and privacy of all parties. Any student who is the victim of sexual misconduct or any person, employee, or student who has witnessed sexual misconduct may report the incident to the Title IX Coordinator. All students, faculty, and staff, as well as applicants for admission and employment, are formally notified of the Title IX Coordinator's name and contact information, which is also available on the institutional website (wits.edu) as follows:

Ellyn McLaughlin, EdD
6602 Park Heights Ave, Baltimore, MD 21209
emclaughlin@wits.edu
Phone: 410-358-3144, Extension 25

Grievance Process

WITS will adhere to an articulated process when responding to any complaint of sexual violence or harassment. Key participants of the grievance process are defined as follows:

- Complainant – individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- Respondent – An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
- Title IX Coordinator – The institutional employee who receives the initial complaint and oversees the grievance process.
- Investigators – Institutional employee(s) who investigate(s) the complaint and produce(s) evidence regarding the alleged incident(s).
- Advocates – Third parties who represent the complainant and respondent in a live hearing.
- Decision Maker – Institutional employee(s) who review(s) evidence, listen(s) to the arguments of the advocates at a live hearing, and determine innocence or guilt.

All Title IX personnel, including the Title IX Coordinator, Investigators, and Decision Makers, must be free from conflict of interest or bias for or against either party. All personnel will receive training on:

- Definition of sexual harassment as per the current federal rules;
- Scope of activities covered (i.e. the institution's education programs, activities, and campus facilities);
- Processes for conducting investigations of grievances and complaints, including hearings, appeals, and informal resolution processes; and
- How to serve impartially, including the avoidance of prejudgment of facts, conflict(s) of interest, and bias.

To begin the process, a document known as a Formal Complaint, which alleges an incident of sexual harassment must be filed by the Complainant and signed by the Title IX Coordinator. Formal Complaints must be filed in writing and may be submitted in-person, by mail, or email. If the allegations in the Formal Complaint are behaviors that do not meet the definition of sexual harassment as defined by Title IX, or the allegations took place outside of the WITS educational program or activity, or were against a person outside of the United States, the Formal Complaint will be dismissed as not being in the jurisdiction of the institution, and the complainant will be referred to other resources, including law enforcement and supportive resources.

If at any point, the Complainant informs the Title IX Coordinator in writing that he/she requests a dismissal, the complaint will be dismissed. If all parties are willing, they may meet with a mediator to try to reach an informal resolution. If all parties are satisfied with the resolution, the complaint may be dismissed. If at any point either party chooses to discontinue mediation, the grievance process will continue. All parties will be notified, in writing, of a dismissal.

If the allegations are behaviors that meet the definition of sexual harassment as defined by Title IX and took place within the WITS educational program or activity against a person inside the United States, the Title IX Coordinator will send the Complainant and Respondent written notice of the complaint and allegations and will proceed to initiate an investigation. The assigned Investigator(s) will be responsible to research the incident and gather evidence. WITS, and not the parties, will bear the primary burden of gathering evidence. To protect the privacy of all parties, and in accordance with HIPPA, WITS will not access or disclose any party's medical, psychological, or treatment records without voluntary written consent. All parties retain the right to gather evidence independently and discuss the allegations directly with the assigned Investigator(s).

Both the Complainant and Respondent have the right to select an advisor of their choice who may be, but need not be, an attorney. If a party does not have an advisor present at the live hearing, WITS will provide, without fee or charge to that party, an advisor of the institution's choice who is acceptable to that party. This may be, but is not required to be, an attorney. The advisor will be empowered to conduct cross examination during the hearing on behalf of the party they represent.

WITS will provide written advance notice of any investigative interviews, meetings, or hearings. WITS will provide the parties and their advisors a summary of the evidence directly related to the allegations, in electronic format or hard copy, with at least 10 days for the parties to inspect, review, and respond to the evidence before a formal hearing.

WITS will schedule a live hearing with the right of cross-examination. At the live hearing, the institutional Decision Maker(s) will allow each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Live hearings may be conducted with all parties physically present in the same geographic location; or at the Complainant's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually (e.g. video, Zoom, etc.). WITS will create a recording or transcript of any live hearing for the record. The Decision Maker(s) will receive proper training on any technology that will be used at the live hearing. The Decision Maker will issue a written determination with conclusions. The determination will employ a clear and convincing standard of evidence regarding culpability. The written determination will detail findings of fact as to whether the alleged conduct occurred, and the rationale for findings as to each allegation. The written determination will describe any disciplinary sanctions imposed on the Respondent and identify whether other specific remedies will be provided to the Complainant. The written determination will be sent to both parties simultaneously, along with information about how to file an appeal.

All parties will have the right to file an appeal on the following basis:

- Procedural irregularity that affected the outcome of the matter;
- Newly discovered evidence that could affect the outcome of the matter and investigation; and/or

- An assertion that institutional Title IX personnel had a conflict of interest or bias that affected the outcome of the matter and investigation.

Supportive Resources

WITS will inform the Complainant of the following national and regional supportive resources and WILL assist the Complainant in accessing these resources:

National Domestic Violence Hotline (<https://www.thehotline.org>)
800-799-7233

National Sexual Violence Resource Center (<https://www.nsvrc.org>)
800-656-4673

RAINN National Sexual Assault Hotline (<https://www.rainn.org/>)
800-656-4673

Title IX.com (<https://www.titleix.com/campuses/>)
admin@titleIX.com

Department of Education – Know Your Rights
<https://www2.ed.gov/about/offices/list/ocr/docs/know-rights-201404-title-ix.pdf>

Maryland Coalition Against Sexual Assault (<https://mcasa.org/>)

WITS will inform the Complainant of the following additional resources that are bilingual and culturally sensitive to the needs of the Orthodox Jewish community:

Chana (<https://chanabaltimore.org>)
410-234-0030 (confidential hotline)

Amudim/Project Heal (<http://projecthealusa.org/>)
929-425-8780 or 646-517-0222 (confidential hotline)

These supportive resources have been determined to be non-punitive, non-disciplinary, and not unreasonably burdensome to the Respondent, while also committed to providing equal access, protecting safety, and deterring sexual harassment. Supportive resources may be advised regardless of whether the Complainant files a Formal Complaint and before the Respondent is found to be responsible.

Remedies

Remedies will be enforced only after the grievance process is completed and once a Respondent is found to be culpable. Remedies will be designed to maintain the Complainant's

equal access to education and may include the same individualized services identified as supportive resources. Remedies may be punitive, disciplinary, and burdensome for the respondent. Remedies will be implemented based on what is reasonable under the circumstances.