

# Title IX Overview

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## 2025

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Wilkes University

# What is Title IX?

- The coordination of our institution's compliance efforts on gender discrimination, sexual harassment, retaliation, sexual assault/misconduct, athletics equity and related civil rights investigations.
- 1972 to Present Day
- Bears!

<https://youtu.be/LNVFPkmZTQ4>

# Title IX OFFICE Covers

- Sexual harassment, sexual assault, dating violence, domestic violence, and stalking are all forms of sex discrimination that are prohibited under Title IX and also our Sexual Misconduct Policy
- Our policy against discriminatory harassment covers all forms of discrimination, (civil rights complaints) including sexual orientation and gender identity and expression.

# consent

- Consent: a knowing and voluntary agreement, with clear permission by **word or action** to engage in sexual activity.
- Since individuals may experience the same interaction in different ways, it is the responsibility of **each party to determine that the other has consented before engaging in the activity.**
- If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct.
- Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain their consent to being kissed back.
- **Consent can also be withdrawn** once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time.

<https://www.youtube.com/watch?v=pZwvrXVavnQ>

# consent

- Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse).
- Moreover, a current or previous intimate relationship is not sufficient to constitute consent.
- Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on the University to determine whether its policy has been violated.
- The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

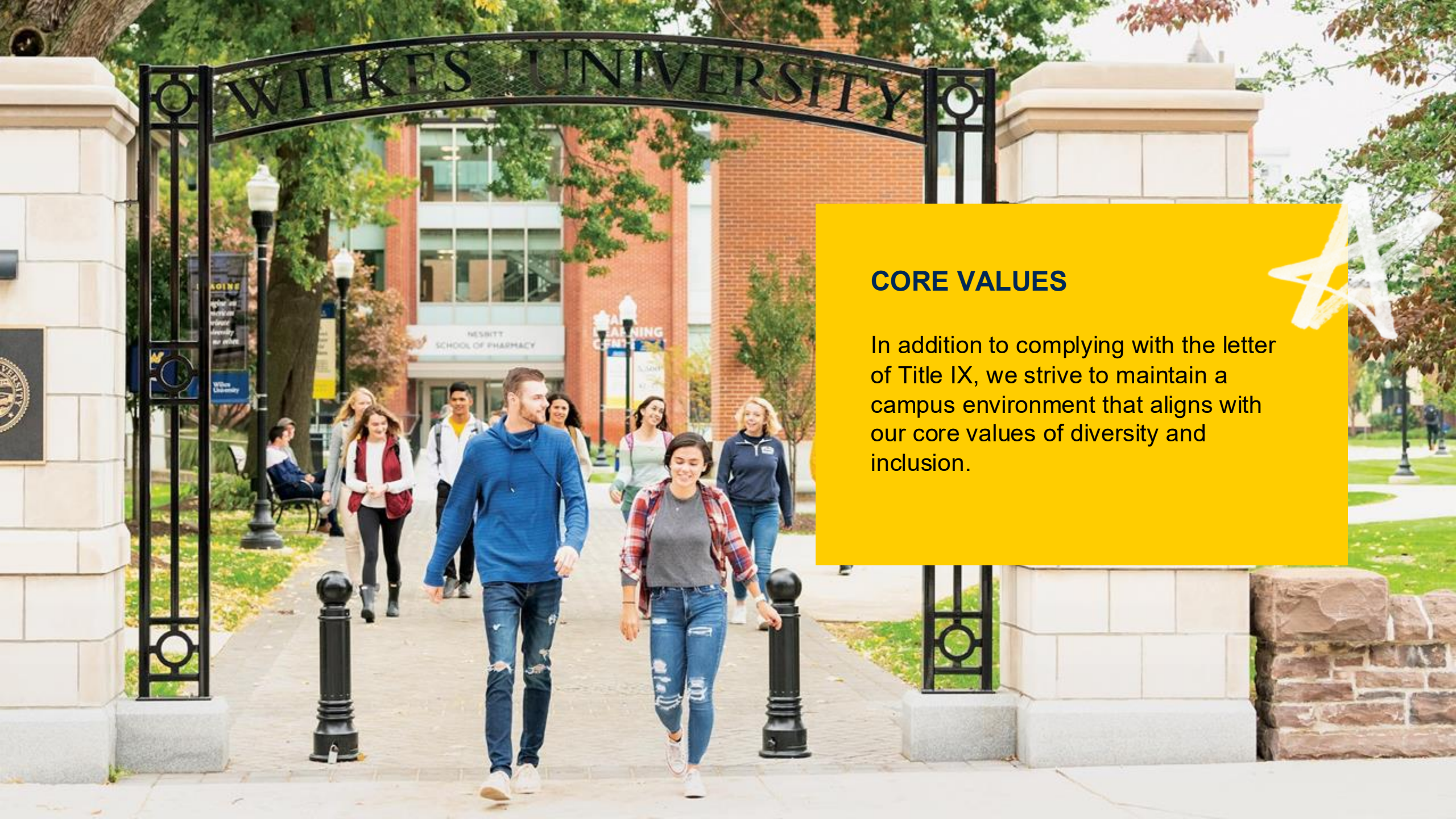
# Incapacitation

- A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs.
- As stated above, a Respondent violates the Policy if they engage in sexual activity with someone who is incapable of giving consent.
- It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. “Should have known” is an objective, reasonable person standard which assumes that a reasonable person is both sober and exercising sound judgment.
- Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction).
- Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk. The Policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

# Incapacitation

- Signs:
  - Inability to speak coherently  
Inability to walk unassisted  
Vomiting  
State beyond drunkenness
- Confusion on basic facts  
Passing out  
Emotional volatility  
Combativeness





## CORE VALUES

In addition to complying with the letter of Title IX, we strive to maintain a campus environment that aligns with our core values of diversity and inclusion.



# Bystander intervention

- Be willing to intervene – depending on the situation, you may confront a peer if they are treating others in your environment inappropriately; or intervene to stop a situation that appears to be leading to inappropriate sexual behavior.
  - Incentives to intervene:
    - Other peers will look up to you as a leader.
    - You will feel good about doing the “right” thing.
    - You will be helping someone who may be in a bad situation.
    - You will contribute to creating an environment the rest of your peers can enjoy for years to come.

# Wilkes University



The University is dedicated to maintaining a culture that is built on:

- Mutual respect
- Inclusion
- Teamwork
- Tolerance

# **Pregnancy and Parenting**

- Accommodating our Pregnant and Parenting students is not new at Wilkes
- Disability Services (Katy Betnar) has been coordinating the accommodation of pregnant and parenting students for years.
- students have resources for accommodations if they become pregnant Accommodations include:
  - Excused absences/tardiness
  - Virtual completion of course (exceptions: labs, clinicals, etc.)
  - Housing accommodations, if needed
  - Making up work

# **Resources offered at Wilkes**

- Equal Opportunity, Harassment, and Nondiscrimination Policy and Procedures
  - Access to Title IX Coordinator
- Nondiscrimination Policy
- **Amnesty provision**
- Confidential resources (counseling, community resources)
- Private resources (student's choice)
- Accompaniment to the hospital/police station (student's choice)
- No-contact orders; academic & living accommodations etc.
- Protection from retaliation



# Resources Are Available

## EMERGENCY RESOURCES

If you are in danger, call 911 or HELP line 570-829-1341  
Campus Public Safety 570-408-4999

### COUNSELING SERVICES:

To speak to a campus counselor  
during regular hours or after hours:

570-408-4730  
570-408-CHAT **24/7 AVAILABILITY**

### DISCREET REPORTING OPTIONS: TO REPORT SEXUAL VIOLENCE

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### COMMUNITY SERVICES:

Victims Resource Center  
570-823-0765

Domestic Violence Service Center  
570-823-7312 or 1-800-424-5600  
*Your call is confidential*

ONLINE REPORTING FORM:  
<http://wilkes.edu/titleixform>

OR SCAN QR CODE:





# Wilkes University



[wilkes.edu](http://wilkes.edu)