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Important Information

Wofford faculty and staff are devoted to creating a welcoming and inclusive college community where everyone can pursue their academic and professional ambitions. Wofford recognizes diversity as a vital component of a high-quality education. It is our commitment to provide students, faculty and staff with the opportunity to embrace differences and learn to appreciate and practice civil discourse that can occur between individuals willing to share experiences and beliefs.

The Discrimination and Harassment Policy addresses bias incidents. Under this Policy, “bias incidents” encompasses discrimination and harassment directed at or impacting a group or an individual based on a legally protected class.¹ The Bias Incident Response Team (BIRT) oversees the process and resolution of all reports and includes members of the faculty and staff who serve as case coordinators and/or investigators.

If you or someone you know may have been a victim of discrimination and/or harassment prohibited under this policy, you are strongly encouraged to seek immediate assistance. Assistance can be obtained 24 hours a day, seven days a week from the Wofford College Office of Campus Safety at 864-597-4911 or from a student affairs staff member on call.

During business hours (8:30 a.m. to 5 p.m. Monday through Friday), you also are encouraged strongly to contact:

Bias Incident Response Team (BIRT) Coordinator
INTERIM Coordinator
Amanda Estabrook, JD
Title IX/ADA Coordinator
She, Her, Hers
Campus Life Building, Second Floor
Wofford College

Bias Incident Response Team (BIRT Case Coordinators)
Case Coordinator for Students
James Stukes, M.Ed.
He, Him, His
Coordinator of College Access and Student Success
Center of Community-Based Learning, Office 113C
Wofford College
429 N. Church Street
Spartanburg, SC 29303
Office: 864-597-4406
Email: stukesje@wofford.edu

¹ Discrimination and harassment related to sex, gender identity, sexual orientation, and pregnancy are addressed through Wofford’s Sexual and Gender-based Misconduct Policy.
Notice of Nondiscrimination
Wofford College does not discriminate on the basis of race, color, creed, religion, sex, age, national origin, disability, veteran status, sexual orientation or any legally protected status. (Wofford Board of Trustees, adopted October 2012). The following persons have been designated to handle inquiries regarding the nondiscrimination policies: director of human resources, 864-597-4230, and assistant dean of students for diversity and leadership development, 864-597-4066.

Reporting Discrimination and Harassment
Below are the reporting options for individuals who wish to report an incident involving discrimination and/or harassment. Individuals who wish to report anonymously can do so through the online reporting form. All reports are private and are shared only with those who are directly involved in the process. Individuals have the option to request the report be used for informational purposes only; however, such requests limit the college’s response. Requests that the report be used for informational purposes only will be evaluated by the BIRT coordinator or their designee to determine whether similar incidents have been reported and/or whether the incident impacts to the greater campus community. In those instances, the BIRT coordinator or their designee may determine further steps will need to be taken.

If the BIRT coordinator is listed as a witness, the reporting party or the responding party, another member of the BIRT will oversee the case through its resolution.
Discrimination and Harassment Policy

Reporting Options:

<table>
<thead>
<tr>
<th></th>
<th>Directions:</th>
<th>Hours:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Online</strong></td>
<td>To report a bias incident online, complete the Bias Incident Reporting Form. The form will be submitted to the BIRT coordinator.</td>
<td>Available for submission 24 hours a day</td>
</tr>
<tr>
<td><strong>By Phone</strong></td>
<td>To report a bias incident by phone to the BIRT coordinator at 864-597-4066.</td>
<td>Business hours: 8:30 a.m.- 5 p.m. (M-F)</td>
</tr>
<tr>
<td><strong>In Person</strong></td>
<td>To report a bias incident in person: Office of Diversity and Inclusion in the Campus Life Building. Second Floor, Office #18.</td>
<td>Business hours: 8:30 a.m.- 5 p.m. (M-F)</td>
</tr>
</tbody>
</table>

*In case of an emergency, individuals should call 911 or the Office of Campus Safety at 864-597-4911 for immediate assistance. Campus Safety officers on duty will provide appropriate protection and resources, document the incident, secure the scene (if on campus) and begin an investigation.

Amnesty

The college considers the reporting and adjudication of discrimination and harassment cases on campus to be of paramount importance. The college does not condone underage drinking or use of illegal drugs. However, the college will extend amnesty to complainants, third-party reporters and those assisting victims of discrimination and harassment from punitive sanctioning for illegal use of drugs and/or alcohol.

Accommodations

The College will make arrangements to ensure that individuals with disabilities are provided appropriate accommodations, to the extent necessary and available, to participate in the procedures outlined in this Policy. Student requests for accommodations must be made to the director of accessibility services (located on the second floor of the Wellness Center and available from 8:30 a.m. to 5 p.m.). All other requests for accommodations must be made to the director of human resources (located in Snyder House).

Resources

Below are on-campus resources that will report discrimination or harassment to the BIRT coordinator:

<table>
<thead>
<tr>
<th>Office</th>
<th>Contact Information</th>
<th>Locations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Campus Life &amp; Student Development</td>
<td>864-597-4040</td>
<td>Campus Life Building, 2nd Floor</td>
</tr>
<tr>
<td>Campus Safety</td>
<td>864-597-4911 or 864-597-4350</td>
<td>Andrews Field House</td>
</tr>
<tr>
<td>Office of Diversity and Inclusion</td>
<td>864-597-4066</td>
<td>Campus Life Building, 2nd Floor</td>
</tr>
<tr>
<td>Office of Human Resources</td>
<td>864-597-4230</td>
<td>Snyder House</td>
</tr>
<tr>
<td>Office of Residence Life (including RAs)</td>
<td>864-597-5100</td>
<td>Campus Life Building, 2nd Floor</td>
</tr>
<tr>
<td>Office of Title IX</td>
<td>864-597-4047</td>
<td>Campus Life Building, 2nd Floor</td>
</tr>
<tr>
<td>Office of the Provost</td>
<td>864-597-4020</td>
<td>DuPre Admin Building 2nd Floor</td>
</tr>
<tr>
<td>Dean of Diversity and Inclusion</td>
<td>864-597-4901</td>
<td>Franklin W. Olin Building</td>
</tr>
</tbody>
</table>
Confidential Resources
Anyone who desires anonymity in discussing and seeking assistance about discrimination and/or harassment should contact or be referred to one of the resources below:

<table>
<thead>
<tr>
<th>Office</th>
<th>Contact Information</th>
<th>Locations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Counseling Services</td>
<td>864-597-4370 (or) by appointment:</td>
<td>Hugh R. Black Wellness Center</td>
</tr>
<tr>
<td>(for students)</td>
<td><a href="http://www.wofford.edu/wellnessCenter">www.wofford.edu/wellnessCenter</a></td>
<td></td>
</tr>
<tr>
<td>Chaplain’s Office</td>
<td>864-597-4051 or by email at</td>
<td>Main Building, 1st Floor</td>
</tr>
<tr>
<td>(for students, faculty and staff)</td>
<td><a href="mailto:robinsonrr@wofford.edu">robinsonrr@wofford.edu</a></td>
<td></td>
</tr>
</tbody>
</table>

Applicability of this Policy
This policy applies to any allegation of discrimination and/or harassment made by or against a student or an employee of the college or a third party, regardless of the race, color, national origin, ability (physical, psychological, cognitive), age, religion or veteran status or any characteristic or status protected by applicable local, state or federal law and wherever the alleged discrimination and/or harassment occurred, if the conduct giving rise to the report is related to or impacts the college’s academic, educational, athletic, international study away or extracurricular programs or activities. There is no geographical limitation to invoking this policy.

When discrimination and/or harassment is alleged by or against a college employee or student in a college-affiliated internship or educational program of another entity, the college may, in its sole discretion, conduct its own investigation pursuant to this policy, conduct a joint investigation with the affiliated entity or utilize the investigation of the other entity as a basis for further investigation. All reports of discrimination and/or harassment that involve the protected classes of sex, sexual orientation, gender or gender identity and pregnancy will be forwarded to Wofford’s Title IX coordinator. The policy can be found at www.wofford.edu/titleix.

Title IX Coordinator:
Amanda Estabrook, JD
She, Her, Hers
Campus Life Building, Second Floor
Wofford College
429 N. Church Street
Spartanburg, SC 29303
Office: 864-597-4047
Email: estabrookar@wofford.edu

In the case of allegations of discrimination and/or harassment, unless otherwise stated, this policy supersedes and applies in lieu of all other procedures and policies set forth in other college documents with the exception of the Sexual and Gender-based Misconduct Policy.
Period of Limitations
A report of discrimination and/or harassment may be filed at any time, regardless of the length of time between the alleged conduct and the decision to submit a report. However, the College strongly encourages individuals to file promptly in order to preserve evidence for a potential legal or disciplinary proceeding. A delay in filing a report may compromise the subsequent investigation, particularly if neither the reporting party nor the responding party is employed by the College or enrolled as a student at the time.

Reports of prohibited conduct reported to have occurred prior to the implementation of this policy will be adjudicated pursuant to this policy and utilizing the prohibited conduct definitions in place when the alleged conduct occurred.

The BIRT Coordinator or their designee has the discretion to reopen a case if germane new evidence is found or submitted that the BIRT Coordinator or their designee determines could be substantial enough to have impacted the outcome.

Clery Act Compliance
Pursuant to the Clery Act, the college includes statistics about certain offenses in its annual security report and provides those statistics to the United States Department of Education in a manner that does not include any personally identifying information about individuals involved in an report. The Clery Act also requires the college to issue timely warnings to the college community about certain crimes that have been reported and may continue to pose a serious or continuing threat to students and employees. Consistent with the Clery Act, the college withholds the names and other personally identifying information of the reporting party when issuing timely warnings to the college community.

When the BIRT coordinator receives a report, they may forward any relevant information, but no personally identifiable information, to Campus Safety. The college will determine whether a timely warning should be issued. For more information regarding the Clery Act compliance, please contact Randy Hall, director of campus safety (halljr@wofford.edu).

Academic Freedom and Free Expression
Students, staff, and faculty are entitled to learn, live, and work in an educational and employment environment that is free of discrimination and harassment. This Policy is not intended to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane by controversial or sensitive subject matters protect by academic freedom. When speech or conduct is protected by academic freedom, it will not be considered a violation of this Policy, though remedies may be offered to those impacted.

Prohibited Conduct Definitions
Prohibited Conduct may include, but is not limited to, the terms defined below. All alleged conduct will be reviewed to determine, based on the preponderance of the evidence, whether the alleged conduct constitutes discrimination and/or harassment in violation of this policy.

Discrimination
Discrimination under this policy is decision-making that denies and/or significantly impacts any individual or group equal privileges or access to a particular activity or opportunity because of the
individual’s or group’s race, color, national origin, ability (physical, psychological, cognitive), age, religion or veteran status or any characteristic or status protected by applicable local, state or federal law.2

Harassment
Harassment is unwelcome conduct (e.g., physical, verbal, graphic or written), based upon race, color, national origin, ability (physical, psychological, cognitive), age, religion or veteran status or any characteristic or status protected by applicable local, state or federal law,3 that creates an intimidating or hostile environment for another person. A hostile environment is defined as an environment on campus that becomes sufficiently severe, pervasive or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from a college program or activity.”4

Retaliation
Retaliation is any adverse action threatened or taken against a person because he or she has filed, supported or provided information in connection with a report of discrimination and/or harassment including, but not limited to, direct and indirect intimidation, threats and harassment. The prohibition of retaliation does not end with the resolution of the report. Retaliation may be present even after a finding of not responsible on allegations of discrimination and/or harassment. Retaliatory behavior is not limited to behavior by the accused individual and covers behaviors by his or her associates as well as third parties. Retaliation does not include good faith actions lawfully pursued in response to a report of Prohibited Conduct.

Providing False Information or Interfering with an Investigation
Any individual who knowingly files a false report and/or false information under this policy or who interferes with an investigation may be subject to disciplinary action. Interference with an investigation may include, but is not limited to the following:

- Attempting to coerce, compel or prevent an individual from providing testimony or relevant information.
- Removing, destroying or altering documentation relevant to the investigation.
- Providing false or misleading information to college officials who are involved in the investigation and resolution of the report or encouraging others to do so.

Standard of Proof: Preponderance of the Evidence
“Preponderance of the Evidence” is the evidentiary standard used to determine whether the sum of all the evidence shows that it is more likely than not that a responding party violated this policy.

Process Applicable to All Discrimination and Harassment Reports

Step 1: Intake Meeting
A. The report is received by the BIRT Coordinator.

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2 For discrimination involving sex, sexual orientation, gender identity and pregnancy refer to the Sexual and Gender-based Misconduct Policy.
3 For harassment involving sex, sexual orientation, gender or gender identity and pregnancy refer to the Sexual and Gender-based Misconduct Policy.
4 https://hr.umich.edu/working-u-m/workplace-improvement/campus-commitment/what-hostile-environment
B. Once a report has been received, the individual who reportedly experienced the discrimination and/or harassment will be referred to as the “reporting party” and the individual who reportedly engaged in discriminatory or harassing behavior will be referred to as the “responding party.”

C. The reporting party may meet in person with the BIRT Coordinator or their designee.

D. The BIRT Coordinator or their designee will provide possible options for resolution of the report.

Possible options include but are not limited to the following:

- Request for documentation purposes only
- Referral to another campus office for additional assistance
- Request for an educational conversation
- Request for a resolution under this policy

Step 2: Evaluation of Interim Safety and Disciplinary Measures

Following the intake meeting, the BIRT Coordinator, or their designee will determine which, if any, of the interim measures and/or actions should be taken. The BIRT Coordinator, or their designee may consult with other campus partners to assist in implementing interim safety or disciplinary measures. The BIRT Coordinator or their designee, when warranted to ensure safety and well-being of both parties (to include third-parties and witnesses), may implement one or more interim measures, if appropriate and/or reasonably available, including but not limited to the following:

<table>
<thead>
<tr>
<th>Student Reporting Party</th>
<th>Employee Reporting Party</th>
<th>Student Responding Party</th>
<th>Employee Responding Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Issuing mutual no-contact orders, providing an escort, changing on-campus housing assignments, changing work arrangements or schedules, changing academic schedules</td>
<td>Issuing mutual no-contact orders, providing an escort, changing office locations, changing work arrangements or schedules, changing academic schedules</td>
<td>Issuing mutual no-contact orders, *impose administrative withdrawal from the college, *suspend campus housing on interim basis, *restrict access to college facilities</td>
<td>Issuing mutual no-contact orders, **restrict access to college facilities, **temporarily adjust job duties or place on administrative leave,</td>
</tr>
</tbody>
</table>

*The BIRT Coordinator or their designee will notify the reporting party of the proposed interim measures in writing. These actions may be appealed by the responding party to the vice president of student affairs or their designee within 3 calendar days in writing. The vice president of student affairs will respond in writing within 5 business days. The vice president of student affairs’ decision is final.

** The BIRT Coordinator or their designee will notify the reporting party of the proposed interim measures in writing. These actions may be appealed by the responding party to the director of human resources or their designee within 3 calendar days in writing. The director of human resources will respond in writing within 5 business days. The director of human resources’ decision is final.

Step 3: Initial Meetings with the Case Coordinator

The BIRT Coordinator will assign a member of the BIRT to be “Case Coordinator” of the report. The case coordinator will assist in overseeing the process of the case.

A. Initial Meeting between the Reporting Party and the Case Coordinator
i. The Case Coordinator will meet with the reporting party as soon as is practicable. During the initial meeting with the reporting party, the Case Coordinator will discuss the report and avenues for its resolution.

ii. The Case Coordinator will promptly determine if any interim safety measures and/or disciplinary measures are necessary. (Refer to possible interim measures in Step 2.)

B. Initial Meeting between the Responding Party and the Case Coordinator

The Case Coordinator will schedule a meeting with the responding party as soon as is practicable. During the initial meeting with the responding party the Case Coordinator will discuss the report and resolution process and inform the responding party of any interim safety measures and/or disciplinary measures.

C. Responding Party Acknowledgement of Responsibility

At any time prior to the resolution of the report or complaint, the responding party may acknowledge responsibility for violating the discrimination and harassment policy and the case will proceed to the Sanction Decision Meeting (Step 6, E).

Step 4: The Case Coordinator’s Initial Determination

In the event the Case Coordinator determines that it is clear on its face and/or based on the Case Coordinator’s initial meeting with the parties and/or other individuals that no reasonable grounds exist for believing that the conduct at issue constitutes discrimination and/or harassment in violation of this policy, the Case Coordinator will close the case, document the closure and promptly notify the parties of the closure and rationale.

Either party may appeal the decision to close the case. Appeals should be submitted to the BIRT Coordinator or their designee in writing within three (3) calendar days of the closure. The BIRT Coordinator or their designee will inform the other party of the appeal.

Following the receipt of the appeal, the BIRT Coordinator or their designee will make a determination within 10 business days as to whether any additional or different remedial action is necessary.

In the event the Case Coordinator determines that the report will move forward for resolution under this policy, the case will proceed to step 5 or step 6.

Step 5: Facilitated Resolution

Facilitated Resolutions are designed to address reports in the most effective and expeditious manner possible. Facilitated Resolutions can be accomplished with the assistance of other offices or administrators on campus in the area relevant to the report.  

Any form of facilitated resolution and any combination of interventions and remedies may be utilized. If an agreement acceptable to the College and the parties is reached through facilitated resolution, the terms of the agreement are implemented, and the matter is resolved and closed. There shall be no opportunity for appeal.

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5 https://diversity.uiowa.edu/policies/discrimination-complaint-procedures
If an agreement is not reached, and the Case Coordinator or their designee determines that further action is necessary, or if either party fails to comply with the terms of the facilitated resolution, the matter may be referred for an investigation and formal resolution under these procedures.

NOTE: A resolution that is reached pursuant to this section will not be included in a student responding party’s student conduct record or in an employee responding party’s personnel record, unless the inclusion of such information is agreed to as part of the facilitated resolution of the matter.

Step 6: Formal Resolution

A. **Appointment of Investigator(s)**
   Case Coordinator will promptly appoint an investigator(s). The Case Coordinator will share their names and contact information with both parties and will forward the complaint to the investigator(s). Within three calendar days of the appointment of investigator(s), the parties may identify to the Case Coordinator in writing of any alleged conflicts posed by assigning such investigator(s) to the matter. The Case Coordinator will consider the statements and assign different investigator(s) if necessary.

B. **The Investigators’ Activities**
   The investigator(s) will conduct interviews of all parties and witnesses involved and summarize such interviews in written form. The investigator(s) may collect and preserve evidence where applicable. At the conclusion of the investigation, the investigator(s) will write summaries of each interview. The parties and witnesses will have the opportunity to review and provide feedback of their own interview summary. The investigators will submit the final investigative report to the Case Coordinator.

C. **Case Coordinator Evaluation of Final Investigative Report**
   The Case Coordinator will evaluate the final investigative report and will direct that the case proceed to a Review Panel for a finding of “responsible” or “not responsible” unless it is clear from the final investigative report that no reasonable grounds exist for believing that the conduct at issue constitutes a violation of this Policy. The case coordinator will specify which allegations of Prohibited Conduct and, if applicable, which other related alleged misconduct, will move forward to a Review Panel under this Policy. Any allegations that move forward to a Review Panel will be referred to as “charges.” If the Case Coordinator finds that it is clear from the final investigative report that no reasonable grounds exist to believe that the conduct at issue constitutes a violation of this Policy, they will close the case, document the closure, and promptly notify the Complainant and the Respondent of the closure and the rationale for the closure.

Both parties may appeal the Case Coordinator’s decision in writing to the BIRT Coordinator or their designee within three calendar days of receipt of the notice of closure. The BIRT Coordinator or their designee will notify the other party and the Case Coordinator of the appeal.

Following receipt of the appeal, the BIRT Coordinator or their designee will determine whether the case warrants further investigation and whether any additional or different remedial action is necessary. The BIRT Coordinator will notify both parties of their decision within five business days of receipt of the appeal. The decision of the BIRT Coordinator is final.
D. **Review Panel**
The composition of the review panel will consist of three trained investigators: the appointed investigator(s) and one or two other trained investigators.

The review panel will meet to review each summary and all the evidence collected during the investigation. The review panel will confer and render, by majority vote, a finding of “responsible” or “not responsible” using a preponderance of the evidence standard. The review panel will forward the decision along with all summaries and evidence to the Case Coordinator.

The Case Coordinator will send an outcome letter to both parties. If the responding party is found “responsible,” the sanctions will be decided by the BIRT Coordinator or their designee and the appropriate administrator.

In cases where the investigation indicates that no violation of the Discrimination and Harassment policy has occurred (“not responsible”), the case will be closed.

E. **Sanction Decision Meeting**
The Sanction Decision Meeting will occur following the distribution of the outcome letter.

The parties will be provided an opportunity to submit impact and mitigation statements to be considered during the sanctioning process.

IF the responding party is a **student**, the BIRT Coordinator or their designee and the vice president of the Division of Campus Life and Student Development or their designee will determine appropriate sanctions.

IF the responding party is a **faculty member (employee)**, the BIRT Coordinator or their designee and the provost or their designee will determine appropriate sanctions.

IF the responding party is a **staff member (employee)**, the BIRT Coordinator or their designee and the director of human resources or their designee will determine appropriate sanctions.

Sanctions may include but are not limited to those listed in the table below.

<table>
<thead>
<tr>
<th>Student Reporting Party</th>
<th>Employee Reporting Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Education conversation, apology letter, research paper, reflection paper, disciplinary probation, social restrictions, removal from campus housing, suspension, expulsion</td>
<td>Education conversation, written warning, probation, withholding a promotion or pay increase, reassigning employment, terminating employment, temporary suspension without pay, compensation adjustments</td>
</tr>
</tbody>
</table>
After the sanctions have been determined, the BIRT Coordinator or their designee will meet with the responding party to discuss sanctions and provide the responding party a sanction decision letter.

F. Appeals
Within three (3) days of receipt of the outcome letter, either party may submit an appeal in writing to the BIRT Coordinator or their designee. The only ground for appeal is procedural errors that significantly impacted the outcome of the case.

The BIRT Coordinator or their designee will inform all parties of the appeal. The BIRT Coordinator or their designee will forward the appeal to the appropriate appellate officer depending on their role on campus.

IF the responding party is a student, the appeal will be forwarded to the vice president of student affairs or their designee.

IF the responding party is a faculty member (employee), the appeal will be forwarded to the provost or their designee.

IF the responding party is a staff member (employee), the appeal will be forwarded to the director of human resources or their designee.

The appellate officer will review the appeal and all relevant materials to make one of the following determinations: (1) the appeal does not meet the permissible grounds for appeal; (2) the decision of the Review Panel should stand; (3) the decision of the Review Panel should be overturned. In the event that the Appellate Officer determines that the decision of the Review Panel should be overturned, the Appeals Officer will specify, after consultation with the BIRT Coordinator or their designee and appropriate administrators, the appropriate steps to be taken to come to a final resolution of the complaint. Within 10 business days of receiving the appeal, the BIRT Coordinator will forward the appellate officer’s decision to both parties and the case coordinator. There shall be no further appeals and the decision is final.