

Wofford College Annual Security and Fire Report

**CLERY ACT**

CRIME \* EMERGENCY \* FIRE

For students, employees and guests of Wofford College

October 2018

Published by Wofford College on the college website to comply with Title II of Public Law 101-542 Student Right to Know Act-Crime Awareness and Campus Security Act of 1990 and the Higher Education Amendments of 1998 known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, Section 486(e) of Public Law: 105-244 (H.R. 6).

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## **Introduction to Annual Security and Fire Safety Reporting Requirements and the Jeanne Clery Act**

The Jeanne Clery Disclosure of Campus Security Policy and Campus Statistics Act, part of the Student Right-to-Know and Campus Security Act, was passed in 1990. Since then, it has been amended no less than four times and requires all institutions of higher education that receive federal funding to produce an annual times security report. This report will be available to all current and prospective students, visitors and employees. As required by the act, Wofford maintains and presents for public display crime statistics for the past three calendar years for the campus, immediately adjacent public property and college property maintained away from the main campus location. These statistics can be found in this document as well as on the Wofford College website at [www.wofford.edu/campussafety/reports/](http://www.wofford.edu/campussafety/reports/). The Annual Security and Fire Safety Report will be prepared prior to Oct. 1 and will be posted to the college website through the Department of Campus Safety web page. The report will be made available to the entire campus community, prospective students and prospective employees. The report is available in a printed format and may be requested from the director of campus safety at 864-597-4351.

Campus crime, arrests and referral statistics used by this report include those reported to the Wofford College Department of Campus Safety, designated campus security authorities (including, but not limited to, directors, student organization advisers, athletic coaches and staff of the Office of Student Affairs, to include the director of the Wellness Center (when not acting in the role as a professional counselor), the assistant dean of students for student involvement, the dean of diversity and Inclusion, the assistant dean of students for diversity and leadership development, the assistant director of student activities and campus life, resident assistants and resident directors) as well as local law enforcement agencies. These crime statistics also may include incidents that have occurred on public or private property adjacent to the campus as reported by local law enforcement.

Wofford College, established in 1854, is an independent liberal arts college with its main campus located in Spartanburg, S.C. The Goodall Environmental Studies Center, controlled and operated by the Wofford Department of Environment Studies in Glendale, S.C., is considered under the Student Right-to-Know and Campus Security Act to be a separate campus with courses taught there that lead to an environmental studies degree, a program director and its own budget. The center is eight miles from campus. Students taking classes at the Goodall Environmental Studies Center are there for several hours a week with their other classes taught on the main campus. All students are provided the same emergency, crime prevention, sexual assault and other programs and training at the main campus. All resident students live at the main campus. The college community historically has enjoyed a low crime rate as compared to the surrounding city area. The campus, like those in every part of the country, is not totally immune from crime and social problems facing modern urban areas. The Department of Campus Safety is charged with keeping the campus safe and works diligently to encourage community members to be safety conscious and develop security and property protection habits. Officers of the Spartanburg County Sheriff's Office respond to incidents at the Glendale location.

### **Arrest Authority and Relationship with Other Agencies**

Wofford College Campus Safety officers have the authority and power to arrest persons violating South Carolina law and enforce Spartanburg City and county ordinances on Wofford's campus and on college-owned, non-campus property, to include the Goodall Environmental Studies Center property. Wofford College, operating under the college premise security license # 1021 as issued by the South Carolina State Law Enforcement Division (SLED), employs both sworn, commissioned state constables and premise security officers to patrol and maintain good order on campus. Premise security officers are certified by SLED and complete a standardized security officer basic course. The sworn, commissioned officers are certified law enforcement officers who have been through training and certification at the S.C. Criminal Justice Academy and are state constables. All officers wear Wofford College Campus Safety uniforms and are armed and have the power of arrest on campus. All officers operate under the department's policy and procedures manual and other requirements set by the college. The department also employs an emergency dispatch unit that assists officers with calls from the campus and by maintaining communications with the Spartanburg County Communications Department.

Campus safety staff members work closely with local law enforcement agencies, in particular, the City of Spartanburg Police Department, the Spartanburg County Sheriff's Office and SLED. In addition, the department works closely with the security and public safety departments of the county's six other colleges and universities and shares information and intelligence readily. On occasion, the department has worked with law enforcement agencies outside of the county and

state and has worked with the Federal Bureau of Investigation. The department has a sitting member of the Seventh Judicial Circuit Alcohol and Drug Abuse Task Force. The City of Spartanburg Police Department and the Spartanburg County Sheriff's Office provide crime statistics for inclusion into the Annual Security and Fire Safety Report. In addition, the Spartanburg Police Department provides individual incident reports electronically shortly after their officers respond to an incident on or in close proximity to the campus. The college has a memorandum of agreement with the Sheriff's Office for investigative support to include NCIC reports and forensics services of the crime lab. By state law, SLED provides assistance with investigations when asked by the department. In cases of sexual assault and any death on campus, the college is mandated to report to SLED, which provides investigators and support. In addition, the Spartanburg County Communications Department works closely with Wofford campus safety and has conducted several training classes for the department. County communications notifies campus safety any time there is an event on or in proximity of campus that may affect the safety and security of the campus, enabling the prompt issuance of a campus-wide alert or warning. When Wofford College students are involved in off-campus offenses, campus safety personnel may assist with the investigations in cooperation with local, state or federal law enforcement. Campus safety officers have direct radio communications with the Spartanburg Police Department officers and will respond to an incident involving any Wofford student when asked by that agency. The Campus Safety Dispatch Center and individual officers have direct radio communication with county communications in order to facilitate rapid emergency dispatch of fire, EMS and other law enforcement support personnel.

### **Campus Safety Services**

Wofford College Department of Campus Safety provides services 24 hour a day, seven days each week. Officers patrol campus grounds, buildings, and parking lots. Officers also provide vehicle registration, on-campus escort and lock-out services to students and employees. The department also is responsible for making identification cards for students and employees as well as maintaining the building access control system for college buildings with electronic door locks on campus. Campus safety also maintains and operates the emergency communication mass notification system and tests it regularly. A dispatch center augments and supports officer actions seven days per week. Although not 24-hour coverage, the dispatch center provides critical coverage and support during key hours each day. Dispatch services include video camera monitoring and rapid communications support with the Spartanburg City Police and Fire Departments and the Spartanburg County 911 Center. The dispatch center also acts as a warning center for the campus.

### **Crime Prevention/Safety Services**

Campus safety conducts safety programs for students during the summer FYI Orientation Programs for all incoming students. FYI Orientation Programs for new students are conducted twice each summer for incoming first-year students and their parents and in August and February for transfer students each year. Topics covered include personal safety, property protection and campus alcohol and drug policies. Officers work with residence life staff and conduct crime prevention presentations during residence hall meetings and programs as well as contribute information for the student newspaper. Campus safety directs fire safety and prevention classes for resident directors and resident assistants each year, and campus safety executes fire safety and evacuation training for residents during the first 10 days of each semester. Officers also conduct evacuation drills of academic buildings as well as administrative buildings on campus. Campus safety officers organize other programs for resident students and campus organizations, including bike safety, vehicle maintenance, personal safety presentations and sexual assault awareness programs throughout the year. Officers take part annually in facility safety tours that focus on working with the student-led Campus Union Facility Affairs Committee and other concerned students and employees, including physical plant staff, in identifying areas of concern, especially areas with poor lighting. Risk mitigation actions to identified areas of concern are taken quickly, usually within a week. Campus safety provides escorts for employees and students and are available 24 hours a day for this service.

Typical crime prevention services and programming include:

- **Operation Property Identification:** The Operation Property Identification program is presented during all orientation programs and is on the campus safety website. Campus safety encourages all students to log in information about valuable and pilferable items that they bring to campus; forms are available online. These forms can be stored at campus safety and copies retained by the students for identification in case items are stolen. Engravers also are available in the office to mark property.

- **Alcohol Awareness:** Campus safety partners with residence life to sponsor alcohol awareness programs that include those focusing on effects of alcohol impairment and related laws and a controlled drinking exercise. Other programs sponsored by the Wellness Center, Greek Life and the Wofford Activities Council also are conducted throughout the year. All first-year students have a module in their first-year seminar that covers the college alcohol and drug policy and bystander intervention.
- **Personal Safety:** Safety tips are provided for students during orientation programs and in residence life programming in conjunction with campus safety. Emergency phones are located throughout campus and are explained in new student orientation presentations. Campus safety provides safety escorts for any student or employee on campus 24 hours a day, seven days a week.
- **Workplace Violence Prevention/Active Shooter Training:** Campus safety provides training on workplace violence on the campus safety website for all students and employees. Campus safety officers conducted three active shooter classes for employees and students.
- **Domestic/Dating Violence:** Various programs are conducted on campus for employees and students on the topics in conjunction with the Seventh Judicial Circuit Rape Crisis Office, the Wellness Center, the college Title IX coordinator and campus safety. Campus safety and residence life also provide a written campaign.
- **Sexual Assault Prevention:** Campus safety provides publications as part of the residence life newsletter campaign as well as conducts residence halls or the general campus community programming in conjunction with the SAFE Homes-Rape Crisis Coalition.
- **Freshmen, Transfer and Parent Orientation:** The director of campus safety educates students and their parents on security programs, services, the card key access system, emergency notification, campus parking policies, vehicle registration and property theft protection and identification.
- **Escorts from Parking Lots and to/from Buildings:** Campus safety officers provide escort services for students and employees to ensure that they reach their destinations safely. Escorts may be requested by calling 864-597-4350.
- **Self-Defense and Sexual Assault Awareness Training:** Officers conduct on-going self-defense and sexual assault awareness training in conjunction with the campus Wellness and Safety Committee of the Campus Union. Officers conduct self-defense and sexual assault awareness for sororities and athletic teams.
- **Environmental Safety Surveys for the Campus:** Campus safety works with Campus Union and the physical plant by conducting lighting and safety surveys of the campus. Information gained is collected and evaluated by the physical plant for safety and security improvement actions.
- **Bicycle Registration Program:** Campus safety offers a free bicycle registration program that allows bike owners to register bikes on campus with Department of Campus Safety. Campus safety provides registration permits at no cost.

The Department of Campus Safety is the only office on campus open seven days a week, 24 hours a day. The officers receive calls for maintenance when the college is closed. They register these requests into the online facility maintenance request system. Staff and students frequently call during the workweek as well with maintenance issues. Campus safety registers these maintenance requests through the physical plant's automated maintenance work order system (School Dude) or, in the case of emergencies, safety/security issues or other urgent-need situations, officers call the physical plant staff on-duty or on-call worker directly. Campus safety responds directly to emergency maintenance issues when required, especially when the maintenance issue affects security or safety.

### **Emergency Call Boxes**

The Department of Campus Safety maintains a system of emergency call boxes throughout campus. These are located in and around high-use parking lots and along sidewalks. These boxes are mounted on tall, blue metal pedestals with blue lights on the top. To make an emergency call directly to campus safety, one must push the button on the face of the phone. Some call boxes will announce the location so one will not have to wait until the announcement is complete to speak. After pushing the button, one may either wait until the phone announces the location (if so configured) or speak directly to the phone face when campus safety answers. Most residence halls also have emergency call boxes mounted at main entrances. Conventional residence halls as well as the Michael S. Brown Village Center have emergency call boxes on every hall. Each fraternity and sorority house in the Stewart H. Johnson Greek Villages also has an emergency call box. To activate these, one must simply push the "on" button and dial the four-digit campus phone number (4911 for campus safety). When the call is completed, one must push the "off" button to terminate the call. For Greene Hall phones, simply push the single button to contact campus safety. Campus safety officers perform tests on these phones and the components of the mass-notification system (email, text and outdoor warning siren system) at least monthly.

## **Building Access Policy**

Wofford College maintains an open campus. As such, the public (including, but not limited to, students, visitors, alumni and parents) can and do come onto college property throughout the day and night. Residence halls and apartments are secured 24 hours a day through a campus key card security system. Campus safety issues each student an ID card that serves as a key card to access his or her residence hall. The card also opens the Roger Milliken Science Center, the first floor of the Michael S. Brown Village Center, the Rosalyn Sallenger Richardson Center for the Arts, the Jerry Richardson Indoor Stadium and the Richardson Physical Activities Building on weeknights and on weekends. During business hours, the college buildings (except residence facilities) are open to students, guests, parents, contractors and employees. During non-business hours, access to college facilities is gained through employee-issued keys or by campus safety personnel (with prior approval). During academic holidays, residence halls are locked by deactivating student key card systems.

## **Crime or Emergency Reporting**

Students and employees are encouraged to report all crimes, emergencies and safety issues to the Department of Campus Safety in a timely manner. To report an emergency or crime, call 864-597-4350 or 864-597-4911 in the event of an active criminal/emergency incident. Officers will answer that number 24 hours a day and will respond to the caller. Students also may report issues and concerns to those employees listed below as Campus Security Authorities as well. Key phone numbers to report emergencies are:

1. Campus Safety	864-597-4911
2. Dean of Students	864-597-4044
3. Wellness Center	864-597-4370
4. Assistant Dean of Students for Residence Life	864-597-4068
5. Assistant Dean of Students for Student Involvement	864-597-4048
6. Assistant Director of Student Activities and Campus Life	864-597-5107
7. Title IX Coordinator (Sexual Misconduct/Harassment)	864-597-4047
8. Title IX Deputy Coordinators	864-597-4048/4066
9. Spartanburg City Police/Fire Department	911

## **Campus Security Authorities**

Wofford College is required to disclose “statistics concerning the occurrence of certain criminal offenses reported to local law enforcement agencies or any official of the institution who is defined as a ‘campus security authority’ or CSA.”

The law defines “campus security authority” as “an official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings.” Officials at Wofford include the dean of students, who has overall responsibility for student discipline and all student programming; the assistant dean of students for residence life, who oversees student housing; the assistant dean of students for student involvement, who oversees student co-curricular activities and has significant responsibility for Greek life; campus safety officers; campus safety dispatchers; the Title IX coordinator and all deputy coordinators; the director of human resources; the athletics director and associate athletic directors; team coaches; the director of the Wellness Center; all faculty and staff members who lead student short-stay trips; student workers who provided safety escorts for the college; and faculty and staff advisers to student organizations who have significant responsibility for student and campus activities.

The criminal offenses for which these officials are required to disclose statistics are murder/non-negligent manslaughter, negligent manslaughter, sex offenses (forcible and non-forcible), robbery, aggravated assault, burglary, motor vehicle theft, arson, liquor law violations, drug abuse violations and weapons (carrying, possessing). The director of campus safety conducted campus security authority training for resident assistants and resident directors on July 26, 2017, and all identified CSA employees in October 2017 through an online CSA module through D. Stafford and Associates. The

director of campus safety provided CSA training through a training video produced by the National Association of Campus Safety Administrators to all contracted event staff, security and off-duty law enforcement officers conducting security for events on campus. Student workers providing safety escorts for the Department of Campus Safety completed the same video CSA training as the contracted security and event staff.

### **Confidential Reporting Procedures**

Victims of crime sometime do not want to pursue action through either the college judicial system or local or state legal system. The college encourages victims to consider making a confidential report in cases in which the victim does not want to pursue action so that incident can be dealt with and/or documented. With the victim's permission, the director of campus safety can file a report on the incident without revealing the identity of the victim. With such information, the college can maintain an accurate record of the number of incidents involving students and other members of the college community and quickly notify the campus of an immediate danger or threat. The information also allows campus officials to identify patterns of crime on or near the campus. These reports are counted and disclosed in the annual crime statistics for the college. If a victim or witness desires to make a confidential report, they may do so through campus safety or any other Campus Security Authority on campus. Any Campus Security Authority can be reached by dialing 864-597-4000 and asking for the official by name or position. These officials include, but are not limited to, any member of the staff of the Office of the President, the provost and members of his staff, professor, instructor, coach, athletics trainer, employee of the Wellness Center and any staff member of the Office of Student Affairs. The college chaplain, when acting as a pastoral counselor, or employees of the Wellness Center who are licensed counselors and serving in that capacity, are not considered Campus Security Authorities and are not required to report crimes for inclusion into the Annual Security and Fire Safety Report. These counselors are encouraged to inform persons being counseled of the procedures to report crimes on a voluntary basis, if and when such counsel is appropriate. When a student or employee informs one of these Campus Security Authorities about a crime or emergency situation, the official will notify campus safety immediately. If the complainant is a client of the Wellness Center or sports medicine, the official will make the report detailed, but limited to preclude any HIPAA violation. If there is a life-threatening situation or one that potentially involves the loss of sight or limb unless an immediate, fully disclosed report is made, the official will notify campus safety immediately. Students also may disclose a crime or situation anonymously through the Silent Witness reporting system. This system can be found at <http://www.wofford.edu/campusSafety/form.aspx?ekfrm=4204> and goes directly to the director of campus safety and is completely anonymous. The Silent Witness form is easy to use, quickly delivered and can be responded to 24 hours a day.

### **Weapons on Campus**

The possession and/or use of firearms, weapons and other propelling devices as well as explosives such as fireworks, ammunition or chemicals that are explosive in nature are prohibited on campus. Unauthorized use, possession or storage of any weapon on campus constitutes a violation of the Code of Student Rights and Responsibilities and college policy. All weapons are strictly prohibited in students' rooms and elsewhere on campus. Firearms are permitted for official use by the Department of Military Science and the college rifle team.

Weapon is defined by the college as any object or substance designed to cause reasonable apprehension of physical harm to any person, inflict a wound, cause injury, incapacitate or damage personal property and includes, but is not limited to, all firearms, guns, Airsoft guns, BB guns, potato guns, paint guns, pellet guns, stun guns, axes, saws, slingshots, nunchakus, knives (with blades three inches or more in length and all switchblades), box cutters, darts and bows and arrows. The official policy of the college is that no weapons, other than those officially used by campus safety, ROTC or the rifle team, are permitted on campus, even in cases allowed by South Carolina law in the possession of concealed weapons permit holders.

*Wofford College reserves the right to confiscate anything it deems hazardous or dangerous.*

### **Missing Residential Student Policy**

Wofford College establishes the following policies and procedures concerning when a student residing in on-campus housing is determined to be missing in compliance with 20 U.S.C. § 1092 and 34 C.F.R. § 668.46.

Most missing person reports in the college environment result from students changing their routines without informing roommates and/or friends of the change. For purposes of this policy, a student will be considered missing if a roommate, classmate, faculty member, staff member, friend, family member or other campus person has not seen or heard from the student in a reasonable amount of time. In general, a reasonable amount of time is 24 hours or more but may vary with the time of day and information available regarding the missing person's daily schedule, habits and reliability. Individuals also will be considered missing immediately if their absence has occurred under circumstances that are suspicious or cause concerns for their safety, such as if a student has expressed suicidal thoughts or may be in a life-threatening situation.

### **Designation of emergency contact information**

All residential students (currently enrolled students residing in on-campus housing), including students age 18 and above and emancipated minors (emancipated minors are those students under the age of 18 who have been legally granted adult status), will be given an opportunity to confidentially identify and designate one or more individuals to be contacted by the college within 24 hours after the student is determined to be missing. The contact person may be anyone, including, but not limited to, the person the student otherwise has identified as an emergency contact. Students may register and update this contact information at any time. The contact person information will be registered confidentially, accessible only to authorized campus officials, and it will not be disclosed, except to law enforcement personnel to further a missing person investigation. The designation will remain in effect until changed or revoked by the student.

Students over the age of 18 and those under the age of 18 but otherwise emancipated may designate their missing student contact person by going to the student tab on the myWofford page and selecting the Personal Information tab and selecting missing student contact. Students may make changes to their missing student contact information at any time.

If a student *under* the age of 18 and not emancipated is determined to be missing, the college is required by federal law to notify a custodial parent or guardian no more than 24 hours after the student is determined to be missing, in addition to notifying any additional contact person designated by the student.

### **Missing Student Procedure**

- a. Any individual at Wofford who has information that a residential student may be a missing person must notify the Department of Campus Safety immediately at 864-597-4911. Any missing student report must be referred immediately to the Department of Campus Safety.
- b. Campus safety will begin an immediate investigation and gather all essential information about the missing student from the reporting person, from the student's acquaintances, from college personnel and from official college information sources.
- c. Campus safety will notify the dean of students, the residence life staff and the Wellness Center to aid in the search and location of the student.
- d. A person shall be determined to be missing if:
  - (i) Search efforts are unsuccessful in locating the student in a reasonable amount of time.
  - (ii) It is apparent immediately that the student is a missing person (e.g. witnessed abduction).
  - (iii) It has been determined that the student has been missing for more than 24 hours.
- e. No later than 24 hours after determining that a student is missing, the dean of students or his/her designee or the director of campus safety will notify the confidential contact person previously identified by the student and the custodial guardian/parent (for students under the age of 18 and not emancipated) and advise that the student is believed to be missing.
- f. Regardless of whether the student has identified a missing person contact person, is over the age of 18 or is an emancipated minor, campus safety also will notify local law enforcement agencies to report the student as a missing person no later than 24 hours after determining the student to be missing.

## Responsibilities

### a. Campus Safety

- Begin an immediate investigation that includes gathering the following information:
  - A physical description of the missing person, including the clothes that were last worn.
  - Student's cellular telephone number (if known).
  - Location where the student may be, with whom the student may be and a description of any vehicle registered by the student.
  - Information about the physical and emotional well-being of the student.
  - A class schedule and when the student last attended class.
  - Last time the student used his/her ID card.
  - Data from the surveillance camera system.
- Attempt to contact the student and others that might know the missing student's whereabouts by the following:
  - Calling the student's cell phone.
  - Emailing and/or texting the student.
  - Entering the student's residence hall room.
  - Interviewing roommates, hall mates and other friends.
  - Notifying external law enforcement agencies, including the State Law Enforcement Division (if appropriate) no later than 24 hours after the student is deemed missing.

### c. Dean of Students:

- Notify the president and other appropriate members of the college staff.
- Notify the confidential contact previously identified by the student and the custodial parent/guardian (if the under the age of 18 and not emancipated) and advise that the student is believed to be missing. Maintain contact with the contact person/custodial guardian or parent throughout the investigation.

### d. Director of Residence Life:

- Assist in the attempt to locate the student by making frequent checks of the student's room.
- Utilize resident assistants to inquire of their residents about the possible locations of the student or possible reasons for the disappearance.

### e. Registrar:

- Ensure that the mechanism for students over the age of 18 or emancipated minors exists to list and identify confidential missing person contact person information.
- Provide class schedule information for the missing student in order to assist in the investigation.

The college notifies all resident students of the ability of students over the age of 18 or who are otherwise emancipated of their right and ability to choose a contact to be notified in the event that they become missing by email/other electronically transmitted means at the beginning of each semester.

## Drug and Alcohol Policy

The college, concerned about substance abuse by students on campus, has implemented a detailed substance abuse policy that is centered on enforcement of state and federal laws, personal responsibility and substance abuse education. The college's alcohol and drug policy is available to every current and prospective student and their parents online at <http://www.wofford.edu/uploadedfiles/studentlife/Alcohol%20Policy.pdf>. Additional information about the policy and substance programs is available by calling 864-597-4370. The policy is reviewed and updated every two years by a committee composed of faculty, student affairs staff, students, parents and trustees. The last revision was approved by the Wofford College Board of Trustees in May 2018. The policy and its programs, education, sanctions and publications ensure that the college is in compliance with the Federal Drug-Free Schools and Communities Acts Amendments of 1989. The director of the Wellness Center, responsible for on-campus substance abuse education, refers students to the Spartanburg Alcohol and Drug Abuse Commission as necessary or in accordance with sanctions imposed by the college administrative court system. Violators of alcohol and drug laws typically are referred to the student administrative court system although serious violation violations of the drug law will be referred to the Seventh Judicial Circuit Solicitor's Office to be disposed of through the South Carolina Criminal Justice System.

In keeping with the Federal Drug-Free Schools and Communities Act Amendments of 1989, which require that all college students receive annual notice of the laws regarding alcohol and other drug use, the following information is offered: The Wofford College community is one in which students, faculty and staff are devoted to learning and to the development of the whole person. Part of being a responsible and caring member of the college community is to recognize that we are situated in a state and a community that has specific laws and ordinances prohibiting the sale, possession and consumption of alcohol and controlled substances. The college upholds these laws and assists local and state law enforcement agencies. These laws are in place because they serve an important role in protecting individuals and our community from the unwanted effects of the misuse of alcohol and other drugs that can lead to serious health risks and behavioral problems, such as violence, sexual assault, accidents, vandalism and other dangerous acts. The Wofford community does not condone members who make irresponsible choices, including violating the laws of the state of South Carolina, ordinances of the city of Spartanburg or policies of Wofford College. The purpose of the following policies is to aid in the development of a safe and healthy educational environment for all members of the college community.

### Definitions

1. Alcoholic beverages: Any spirituous malt, vinous, fermented, brewed (whether lager or rice beer) or other liquors or any compound or mixture thereof, by whatever name called or known, that contains alcohol and is used as a beverage.
2. Common container: Any container (such as kegs, pony kegs, trash cans, punch bowls, etc.) in which a quantity of alcohol can be stored or mixed in order to be distributed to or consumed by more than one person as well as alcohol delivery devices (such as funnels, gelatin shots or ice luge) used for the rapid administration of alcohol in unknown quantities.
3. Event: Party, concert or other social gathering attended by undergraduate students.
4. Public areas/places: All locations other than a student's private room or apartment or houses in the Stewart H. Johnson Greek Village, including, but not limited to, common rooms, hallways, restrooms, balconies, courtyards, the areas between the houses in the Greek Village, benches, classrooms, athletics facilities, campus grounds and sidewalks. The definition includes, but is not limited to, any public access outdoor areas, the Richardson Family Pavilion, the Pavilion by Wightman Hall, the dining hall, hallways, lobbies, stairwells, bathrooms, lounges, the lawns at the Greek Village, study areas, classrooms and the Goodall Environmental Studies Center at Glendale, S.C.
5. Sale of alcohol: Any transfer, trade, exchange or barter in any manner by any means for consideration of alcohol (e.g., cover charges, mug/T-shirt sales, etc.)
6. Use of alcoholic beverages: Includes possession, consumption, distribution, purchase, sale or transfer of alcoholic beverages.
7. Hall party: See residence hall policy.
8. Possession is defined to include, but is not limited to:
  - a. Individual possession: Any alcohol, drugs or drug paraphernalia within immediate proximity of an individual person or that is being transported by or carried on an individual person.

- b. Residential possession: Storage of any quantity of alcohol, drugs or drug paraphernalia not deemed individual possession will be attributed to the assigned residents of the residence hall room or vehicle. In the event that no individual resident claims the alcohol, drugs or drug paraphernalia, the possession will be assigned to all residents assigned to the residence hall room or the processor of the vehicle.
- 9. Drinking contests: Activities in which students consume alcoholic beverages in a risky manner, such as beer pong, shot parties, pre-gaming.
- 10. Student's record: A record of code of conduct violations for each Wofford College student is maintained by the Office of Student Affairs. This record is kept on file for seven years after termination of a student's enrollment or as required by law.

**General Provisions Regarding the Consumption and Possession of Alcohol**

- 1. Alcoholic beverage(s) are prohibited in the following areas:
  - a. Marsh, Greene and Carlisle halls (regardless of age).
  - b. Residence hall rooms in which both residents are under the age of 21.
  - c. Other residence areas designated by the Office of Student Affairs as dry (regardless of age), including, but not limited to bathrooms, hallways and lounges.
  - d. Public areas of Wofford College (unless officially designated by the college for special events).
- 2. Areas where alcohol is allowed to be consumed by students 21 years of age and older:
  - a. Patios and the inside of houses in the Stewart H. Johnson Greek Village.
  - b. Individual residence hall rooms where both residents are 21 years or older (except Marsh, Greene and Carlisle halls) and the porches in the Village apartment houses.
- 3. For information on residence hall rooms shared by a student who is at least 21 years of age and a student who is under the age of 21, read the Residence Life Policy in the Student Handbook online.
- 4. The use of alcoholic beverages on campus or at college-sponsored functions (on or off campus) is permitted only by those of legal age as specified in accordance with South Carolina law or the state law of the state/nation in which the event is located. A list of applicable local, state and federal laws may be viewed in the Student Handbook online.
- 5. Aiding and abetting in the sale or transfer and the actual sale and transfer of alcoholic beverages to any person under 21 years of age is prohibited.
- 6. Any individual consuming or possessing alcohol must have a valid picture identification card on his or her person proving that he or she is 21 years of age or older. Use of another individual's identification or the possession of false identification is prohibited.
- 7. Under no circumstances will college-appropriated funds be used by individual students, student groups or student organizations for the purchase of alcoholic beverages for student events.
- 8. Drinking contests or alcoholic delivery devices resulting in rapid consumption of alcohol are prohibited. No prizes or incentives may be awarded for consuming alcoholic beverages nor may alcoholic beverages be awarded as prizes or incentives.

Individual student violations of the general provisions of alcohol policy and associated sanctions violations by individuals of the general provisions of this college policy will be assigned to one of three categories: A, B or C, as defined below.

Category A: Definition

The following are considered Category A violations:

- 1. Underage possession, consumption or use of alcoholic beverages.
- 2. Aiding and abetting the underage possession, consumption and or use of alcoholic beverages.
- 3. Possession and or consumption of alcoholic beverages or possession of an open container in areas where alcoholic beverages are prohibited.

Category A: Sanctions

Alcohol Education Option: Formal Written Warning

The alcohol education option is available once to a student with no prior alcohol or drug violations. The student must complete the following requirements of the alcohol education option within 30 days of selecting the option.

Requirements of the alcohol education option:

1. Education: An educational workshop led by a staff in the Wellness Center addressing the issue of alcohol use and abuse must be completed.
2. Fine: A \$50 fine must be paid to Wofford College.
3. Parental notification: A letter (hard copy or email) will be sent to the parent(s) or guardian(s) of the student notifying them of the election to complete the alcohol education option in response to the charge of the students violating the general provisions of this policy.

Students who fail to complete the requirements of the alcohol education option will have a judicial hold placed on their accounts. These holds may affect the students' ability to view their grades, make changes in their academic schedule, participate in registration, participate in the housing lottery and maintain their financial aid. Completion of the alcohol education option will be noted in the student's record maintained within the Office of Student Affairs, and the charge against the students will be rescinded.

Category A: First Offense Sanctions

Students charged with a first offense Category A violation must meet with a member of the student affairs staff. The students may accept responsibility and agree to complete the sanctions listed below within 30 days, or they may request an administrative hearing to determine a resolution. If found responsible at an administrative hearing, the following sanctions will be imposed:

1. Education: An individual assessment by the director of the Wofford College Wellness Center who may require an assessment at the Forrester Center for Behavioral Health for further assessment and treatment, if indicated, with any associated costs or fees incurred by the students.
2. Fine: A \$100 fine must be paid to Wofford College.
3. Community restitution: Completion of up to 10 hours of community restitution on campus. These hours will be completed under the direction of the Judicial Commission's clerk of court or a designee of the dean of students.
4. Documentation: The violation will be noted in the student's record maintained in the Office of Student Affairs.

Parental notification: A letter (hard copy or email) will be sent to the parent(s) or guardian(s) notifying them of the violation. Students who fail to complete the sanctions will have a judicial hold placed on their accounts. These holds may affect the students' ability to view their grades, make changes in their academic schedule, participate in registration, participate in the housing lottery and maintain their financial aid.

Category A: Second Offense Sanctions

Students charged with a second offense Category A violation as defined above will appear at an administrative hearing. Wofford College will notify the student's parent(s) or guardian(s) of the pending charge and the hearing date by letter, email, fax or telephone call. Students who accept responsibility or who are found responsible must complete the following sanctions as well as any others deemed appropriate within 30 days of the sanction:

1. Education: Completion of an individual assessment and treatment (if indicated) at the Forrester Center for Behavioral Health with all associated costs or fees incurred by the student.
2. Formal warning: Notification (oral, written or electronic) that the student will be suspended or expelled if found guilty of a third violation of this policy.
3. Fine: A \$200 fine must be paid to Wofford College.
4. Community restitution: Completion of up to 20 hours of community restitution on campus. These hours will be completed under the direction of the Judicial Commission's clerk of court or a designee of the dean of students.
5. Documentation: The violation will be noted in the student's record maintained in the Office of Student Affairs.
6. Parental notification: A letter (hard copy or email) will be sent to the parent(s) or guardian(s) notifying them of the findings of the hearing.

Students who fail to complete the sanctions will have a judicial hold placed on their accounts. These holds may affect the students' ability to view their grades, make changes in their academic schedule, participate in registration, participate in the housing lottery and maintain their financial aid.

#### Category A: Third Offense Sanctions

Students charged with a third offense Category A violation will appear in an administrative hearing. Wofford College will notify the student's parent(s) or guardian(s) of the pending charge and the hearing date by letter, email, fax or telephone call. If the student accepts responsibility or is found responsible, the student will be suspended or expelled from Wofford College. The violation will be noted in the student's record maintained in the Office of Student Affairs. A letter will be sent notifying the parent(s) or guardian(s) of the findings and actions of the hearing. The dean of students, the registrar, the director of financial aid and the director of residence life at Wofford College will be notified that the student has been suspended or expelled. In the event of suspension, the report from the administrative hearing will confirm the length of the suspension and the dean of students will confirm any terms or conditions for readmission to Wofford College.

If the members of the administrative hearing determine that there are extenuating circumstances and the student should be allowed to remain enrolled the following sanctions will be imposed as well as others deemed appropriate:

1. Education: Completion of an individual assessment at the Forrester Center for Behavioral Health with all associated costs or fees incurred by the student.
2. Formal warning: The student will be notified in writing that he/she may be suspended or expelled if found responsible of another violation of this policy.
3. Fine: A \$300 fine must be paid to Wofford College within 30 days of the date of the sanction.
4. Community restitution: Completion of up to 50 hours of community restitution on campus within 30 days of the date of the sanction. These hours will be completed under the direction of the Judicial Commission's clerk of court or a designee of the dean of students.
5. Documentation: The violation will be noted in the student's record maintained in the Office of Student Affairs.
6. Parental notification: A letter (hard copy or email) will be sent to the parent(s) or guardian(s) notifying them of the findings of the hearing.

Students who fail to complete the sanctions will have a judicial hold placed on their accounts. A judicial hold may affect a students' ability to view grades, make changes in their academic schedule, participate in registration, participate in the housing lottery and maintain their financial aid.

#### Category B: Definition

The following actions of an individual while under the influence of alcohol are considered Category B violations:

1. Causing harm to oneself, others or college property.
2. Engaging in physical violence or vandalism.
3. Showing disrespect to an employee of Wofford College.
4. Possessing a keg or common container except for nonstudent events approved by the Wofford College administration.
5. Operating a motor vehicle under the influence of alcoholic beverages and or other drugs.

A Category B violation also will count as two (2) violations of this policy.

#### Category B: First Offense Sanctions

Students charged with a first offense Category B violation may accept responsibility or request an administrative hearing for a resolution. If the students accept responsibility or are found responsible, the following sanctions will be imposed as well as others deemed appropriate:

1. Education: Completion of an individual assessment and treatment (if indicated) at the Forrester Center for Behavioral Health with all associated costs or fees incurred by the student.
2. Fine: A \$300 fine must be paid to Wofford College.

3. Formal warning: The student shall be notified in writing that he/she may be suspended or expelled if found responsible of a second offense Category B violation.
4. Documentation: The violation will be noted in the student's record maintained in the Office of Student Affairs.
5. Parental notification: A letter (hard copy or email) will be sent to the parent(s) or guardian(s) notifying them of the violation or the findings of the hearing.

Students who fail to complete the sanctions will have a judicial hold placed on their accounts. A judicial hold may affect a students' ability to view grades, make changes in their academic schedule, participate in registration, participate in the housing lottery and maintain their financial aid.

#### Category B: Second Offense Sanctions

Students charged with a second offense Category B violation will appear in an administrative hearing. Wofford College will notify the student's parent(s) or guardian(s) of the pending charge and the hearing date by letter, email, fax or telephone call. If the student accepts responsibility or is found responsible for the violation, the following sanctions will be imposed as well as others deemed appropriate:

1. Suspension: Suspension from the college for a minimum of one semester. The dean of students, the registrar, the director of financial aid and the director of residence life at Wofford College will be notified that the student has been suspended. In the event of suspension, the administrative hearing will confirm the length of the suspension and the dean of students will confirm any term or conditions for readmission to Wofford College.
2. Documentation: The violation will be noted in the student's record maintained in the Office of Student Affairs.
3. Parental notification: A letter (hard copy or email) will be sent to the parent(s) or guardian(s) of the findings of the hearing.

#### Category C: Definition

Violations include a student found producing, possessing and/or using a false identification. A Category C violation will also count as one (1) violation of this policy.

#### Category C: First Offense Sanctions

Students charged with a Category C violation must meet with a member of the staff of the Office of Student Affairs. The students may accept responsibility and agree to complete the sanctions listed below or request an administrative hearing for a resolution. If found responsible at an administrative hearing, the following sanctions will be imposed:

1. Education: Referral to the director of the Wofford Wellness Center or an outside agency for the purposes of an individual assessment and treatment, if indicated, with any associated costs or fees incurred by the student.
2. Fine: A \$200 fine must be paid to Wofford College within 30 days of the date of the sanction.
3. Community restitution: Completion of up to 15 hours of community restitution on campus within 30 days of the date of the sanction. These hours will be completed under the direction of the Judicial Commission's clerk of court or a designee of the dean of students.
4. Documentation: The violation will be noted in the student's record maintained in the Office of Student Affairs.
5. Parental Notification: A letter (hard copy or email) will be sent to the parent(s) or guardian(s) notifying them of the violation.

Students who fail to complete the sanctions will have a judicial hold placed on their accounts. A judicial hold may affect a students' ability to view grades, make changes in their academic schedule, participate in registration, participate in the housing lottery and maintain their financial aid.

#### Category C: Second Offense Sanctions

Students charged with a second offense Category C violation will appear in an administrative hearing. Wofford College will notify the student's parent(s) or guardian(s) of the pending charge and the hearing date by letter, email, fax or telephone call. If the student accepts responsibility and admits to a second Category C violation or is found responsible, the administrative hearing will impose some or all of the following sanctions as appropriate:

1. Education: If the administrative hearing board determines that further education is necessary, the student will be referred to the director of the Wofford Wellness Center or an outside agency for the purposes of an individual assessment and treatment, if indicated, with any associated costs or fees incurred by the student.
2. Formal warning: The student will be notified in writing that he/she may be suspended or expelled if found responsible of another violation of this policy.
3. Fine: A \$300 fine must be paid to Wofford College within 30 days of the date of the sanction.
4. Community restitution: Completion of up to 25 hours of community restitution on campus within 30 days of the date of the sanction. These hours will be completed under the direction of the Judicial Commission's clerk of court or a designee of the dean of students.
5. Documentation: The violation will be noted in the student's record maintained in the Office of Student Affairs.
6. Parental notification: A letter (hard copy or email) will be sent to the parent(s) or guardian(s) notifying them of the findings of the hearing.

Students who fail to complete the sanctions will have a judicial hold placed on their accounts. A judicial hold may affect a students' ability to view grades, make changes in their academic schedule, participate in registration, participate in the housing lottery and maintain their financial aid.

## Sexual and Gender-Based Misconduct Policy 2018-2019

### ARTICLE I. INTRODUCTION

#### Section 1.01 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 class. (*Wofford Board of Trustees, adopted October 2012*).

Wofford College believes that all members of the college community and visitors have the right to be free from all forms of sexual and gender-based misconduct. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. The college will not tolerate sexual or gender-based misconduct. Wofford College complies with Title VII of the Civil Rights Act of 1964, which prohibits employers from discriminating against employees on the basis of sex, race, color, national origin and religion. Further, as a recipient of federal funds, Wofford College complies with Title IX of the Education Amendments of 1972 (20 U.S.C. §1681, et seq. and its implementing regulations, 34 C.F.R., Part 106) which prohibits discrimination on the basis of sex in federally assisted education programs and activities: **“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 aid . . . .”** In addition, the Supreme Court, Congress, and federal executive department and agencies, including the Department of Education, have recognized that sexual harassment can constitute discrimination which is prohibited by Title IX.

The following individuals have been designated to handle inquiries regarding Wofford College's nondiscrimination policies.

- Inquiries concerning nondiscrimination related to sex or gender may be referred to **Wofford College's Title IX coordinator**, Amanda Estabrook. Estabrook's office is located on the second floor of the Campus Life Building, 429 N. Church St., Spartanburg, S.C. 29303. Estabrook may be contacted by phone at 864-597-4047 or by email at [estabrookar@wofford.edu](mailto:estabrookar@wofford.edu).
- Inquiries concerning nondiscrimination related to a student's disability may be referred to **Wofford College's director of accessibility services**, Perry Henson. Henson's office is located on the second floor of the Hugh R. Black Wellness Center, 429 N. Church St., Spartanburg, S.C. 29303. Henson may be contacted by phone at 864-597-4373 or by email at [hensonpv@wofford.edu](mailto:hensonpv@wofford.edu).
- Inquiries concerning nondiscrimination related to an employee's disability may be referred to **Wofford College's director of human resources**, Chee Lee. Lee's office is located on the first floor of the Snyder House, 429 N. Church St., Spartanburg, S.C. 29303. Lee may be contacted by phone at 864-597-4230 or by email at [leeecj@wofford.edu](mailto:leeecj@wofford.edu).
- All other inquiries concerning nondiscrimination not addressed in this policy may be referred to **Wofford College's Bias Incident Response Team coordinator**, Demario Watts. Watts' office is located in the Campus Life Building, 429 N.

Church St., Spartanburg, S.C. 29303. Watts may be contacted by phone at 864-597-4066 or by email at [wattsdl@wofford.edu](mailto:wattsdl@wofford.edu).

Concerns regarding discrimination may also be reported using the Bias Incident Report Form: <https://connect.wofford.edu/mywofford/campusLife/biasIncident.aspx>.

Individuals have the right to file a formal complaint or make any other inquiry concerning the application of Title IX also may be referred to the United States Department of Education’s Office of Civil Rights (OCR) at the following:

Office for Civil Rights  
U.S. Department of Health and Human Services  
400 Maryland Avenue, S.W.  
Washington, DC 20202-1475  
202-453-6020  
Fax: 202-453-6021  
[ocr.dc@ed.gov](mailto:ocr.dc@ed.gov)

### **Section 1.02 Background and Community Expectations**

Sexual and gender-based misconduct are forms of discrimination and are prohibited under this policy. This policy has been developed to reaffirm these principles, define community expectations and outline Wofford College’s response to reports of sexual and gender-based misconduct and related conduct prohibited under this policy (referred to collectively as “prohibited conduct”).

Wofford College strongly urges all members of the campus community to play a role in discouraging, responding to and preventing sexual and gender-based misconduct prohibited by this policy. The college encourages the community to speak up when an incident occurs and to report prohibited conduct. Further, any individual who feels that they<sup>1</sup> have been subjected to prohibited conduct under this policy is encouraged to seek assistance and resolution. This policy provides a variety of ways in which an individual may proceed in cases of sexual or gender-based misconduct so that each individual may choose an avenue for reporting appropriate to their particular situation, whether that be internally through Wofford College’s facilitated or formal resolution or externally through law enforcement or criminal or civil processes.

The college is committed to providing programs, activities and an educational and work environment free from sex and gender-based discrimination and to fostering a community that promotes prompt reporting of all prohibited conduct and timely and fair resolution of complaints of prohibited conduct. In furtherance of these commitments, this policy sets forth available resources ([Exhibit A](#)), describes and defines prohibited conduct (Article II and [Exhibit C](#), respectively) and establishes procedures for responding to complaints of prohibited conduct (Articles III-VIII).

The college will make this policy and information about recognizing and preventing sexual and gender-based misconduct readily available to all members of the college community.

The college is committed to eliminating sexual and gender-based misconduct, preventing its recurrence and addressing its effects.

### **Section 1.03 Applicability of This Policy**

This policy applies to any allegation of prohibited conduct made by or against a student or an employee of the college or a third party, regardless of the sex, sexual orientation, sexual identity, gender or gender identity of any party and wherever the alleged prohibited conduct occurred, if the conduct giving rise to the complaint is related to or impacts the college’s academic, educational, athletic or extracurricular programs or activities. There is no geographical limitation to invoking this policy.

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<sup>1</sup> Throughout the Sexual and Gender-Based Misconduct Policy, “they,” “them,” and “their” are used as gender-inclusive pronouns.

Students and employees participating in Wofford Interim, study abroad and internship programs are subject to this policy. When prohibited conduct 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.

In the case of allegations of prohibited conduct under this policy, unless otherwise stated, this policy supersedes and applies in lieu of all other procedures and policies set forth in other college documents.

#### **Section 1.04 Period of Limitations**

A complaint of sexual or gender-based misconduct may be filed at any time, regardless of the length of time between the alleged conduct and the decision to file the complaint. However, the college strongly encourages individuals to file complaints promptly in order to preserve evidence for a potential legal or disciplinary proceeding. A delay in filing a complaint may compromise the subsequent investigation, particularly if neither the complainant nor the respondent is employed by the college or enrolled as a student at the time.

Complaints 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 Title IX coordinator has the discretion to re-open a case at any time should germane new evidence become available that the Title IX coordinator determines would significantly impact the outcome of the case.

#### **Section 1.05 Definitions Applicable to This Policy**

Certain important terms used in this policy have their meanings described in [Exhibit C](#) or [Exhibit D](#).

### **ARTICLE II. STATEMENTS OF POLICY**

#### **Section 2.01 Prohibition on Sexual and Gender-Based Misconduct**

The college prohibits sexual and gender-based misconduct. The college strongly encourages prompt reporting of all types of prohibited conduct and is committed to fostering a community that promotes timely and fair resolution of sexual and gender-based misconduct cases. To that end, the college has defined sexual and gender-based misconduct broadly, and the college will properly address all allegations of sexual and gender-based misconduct. Wofford College is committed to fostering a campus environment that promotes prompt and effective resolution of sexual and gender-based misconduct cases. The college's procedures are designed to protect the rights, needs and privacy of the person reporting prohibited conduct ("complainant"), the rights of those accused of engaging in prohibited conduct ("respondent") and of the campus community as a whole. However, not all unwelcome sexual or gender-based conduct rises to the level of warranting adjudication and/or discipline pursuant to this policy. Although the college will properly address all allegations of sexual and gender-based misconduct, this policy uses the term "material sexual misconduct," as defined in [Exhibit D](#), to identify those acts of sexual and gender-based misconduct that do warrant adjudication under, and discipline pursuant to, this policy.

#### **Section 2.02 Prohibition on Retaliation**

Retaliation against any person for filing, supporting or providing information in good faith in connection with a complaint of prohibited conduct is strictly prohibited. Violations of this prohibition will be addressed through this policy and/or other college disciplinary procedures, as deemed appropriate in the college's discretion. Any person who feels that they have been subjected to retaliation should make a report to the assigned Title IX deputy coordinator or to the Title IX coordinator.

#### **Section 2.03 Prohibition on Providing False Information or Interfering with an Investigation**

Any individual who knowingly files a false complaint 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 a complaint or encouraging others to do so.

#### **Section 2.04 Related Misconduct**

Alleged misconduct that is related to the prohibited conduct at issue, even if such related misconduct is not, when standing alone, governed by this policy, may be adjudicated under this policy. Similarly, complaints of retaliation, providing false information and counterclaims by a respondent may be adjudicated in the same proceeding as the original complaint or in a separate proceeding. Determinations regarding adjudication of related misconduct will be made by the Title IX coordinator, assigned Title IX deputy coordinator and appropriate administrators.

#### **Section 2.05 Amnesty**

The college considers the reporting and adjudication of sexual and gender-based misconduct 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 sexual or gender-based misconduct from punitive sanctioning for illegal use of drugs and/or alcohol.

#### **Section 2.06 Individuals with Disabilities**

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).

### **ARTICLE III. CONFIDENTIALITY**

#### **Section 3.01 Confidentiality in Reporting and Disclosure**

The college encourages anyone who has experienced sexual or gender-based misconduct to talk to someone about what happened, both so that they can get the support they need and so that the college can respond appropriately. The college wants individuals to be aware of the various reporting and confidential disclosure options available to them so that they can make informed choices about where to turn should they be subjected to sexual or gender-based misconduct.

**A. Licensed mental health professionals, pastoral counselors and health services professionals.** Licensed mental health professionals and pastoral counselors who provide mental health counseling to members of the Wofford College community, registered nurses, nurse practitioners and off-campus rape crisis resources are not required to report any information about an incident to the college or the Title IX coordinator without the reporting individual’s permission. Individuals may discuss alleged sexual or gender-based misconduct in strict confidence with these individuals (“confidential resources”). The following is contact information for these individuals:

- Wellness Center (864-597-4370 or ext. 4371).
- Chaplain (864-597-4050 or ext. 4051).

This means that personally identifiable information shared with confidential resources is not part of students’ or employees’ college records and will not be reported to other college personnel (including the Title IX coordinator) or to anyone else (unless the disclosing individual gives their consent to the disclosure or the law requires it – as may be the case with alleged sexual or gender-based misconduct involving a minor or under conditions involving imminent physical harm, for example).

Confidential resources will assist both parties in receiving necessary protection and support, including referrals to external resources, such as academic support or accommodations, disability, health or mental health services and changes to living, working or course schedules. A complainant who first requests confidentiality may later decide to

file a complaint with the college or report the incident to local law enforcement and thus have the incident fully investigated.

Confidential resources are not “responsible employees,” and therefore are not required to (and will not, absent direction from the disclosing individual, to do so) report incidents of alleged sexual or gender-based misconduct to the Title IX coordinator. For purposes of clarity, understand that all other college employees who are not confidential resources are “responsible employees.” Communications made to “responsible employees” are not entitled to the same confidentiality protections as those made to confidential resources. Note that people who serve more than one role at the college (e.g. chaplain and faculty member) will be a confidential resource when serving in the role designated as confidential (e.g. chaplain) but will be a “responsible employee” when serving in a role designated as a “responsible employee” role (e.g. faculty member). Confidential resources may report non-identifying statistical information to the college.

- B. The Title IX coordinator and “responsible employees.”** When a complainant tells a “responsible employee” about an incident of sexual or gender-based misconduct, the complainant has the right to expect the college to take appropriate steps to investigate what happened and to resolve the matter promptly and equitably. A disclosure to the Title IX coordinator or a “responsible employee” constitutes a report to the college and obligates the college to investigate the incident and take appropriate steps to address the allegations, which may include disclosures as contemplated by Section 3.02(A). See the definition of “responsible employee” in Exhibit D.

A “responsible employee” must share all relevant details about reported sexual and gender-based misconduct shared by the complainant or a third party to the Title IX coordinator or a Title IX deputy coordinator – including the names of the complainant and the alleged perpetrator(s), any witnesses and any other relevant facts, including the date, time and specific location of the alleged incident.

### **Section 3.02 Confidentiality in the Investigation and Resolution Processes**

- A. Sharing of information (applicable to all complaints).** The college will respect and will make every feasible effort to avoid the inappropriate disclosure of the information shared by and the identities of the parties involved in sexual and gender-based misconduct matters.

Information regarding reported sexual or gender-based misconduct generally will be disclosed by college personnel during the investigation and resolution processes only as follows:

College personnel will (and are obligated to) handle information regarding reported sexual and gender-based misconduct in accordance with applicable local, state and federal laws. For example:

- Under conditions of potential imminent harm to the community, the college may be required by federal law to inform the community of the occurrence of the alleged incident(s) of sexual or gender-based misconduct. Any such warning would not include information that identifies the complainant.
- Information regarding the alleged sexual or gender-based misconduct may be used as a statistical, anonymous report for data collection purposes under the Clery Act.
- The college may be required by state law to inform the South Carolina State Law Enforcement Division of the occurrence of the reported incident(s) of sexual assault.
- College personnel may share reports of sexual or gender-based misconduct to local law enforcement if warranted by the nature of the allegations at issue (e.g. incidents involving minors).
- College administrators will share information regarding reported sexual and gender-based misconduct, as appropriate and necessary, in order to address and resolve the allegation(s) at issue, prevent the recurrence of similar misconduct and address the effects of the misconduct.

- B. Requests for confidentiality.** If information regarding alleged prohibited conduct is shared with the Title IX coordinator and/or a “responsible employee,” but the complainant desires that (1) the information not be shared with other “responsible employees,” with the respondent or with others, even as appropriate and necessary to address the allegation; (2) that the college not investigate the information; or (3) that no disciplinary action be taken, the complainant must request that the college treat such information as confidential. This request must be made to the assigned Title IX deputy coordinator (or, if such determination has not yet been made, to the Title IX coordinator).

- i. **Evaluation of the request.** The college takes requests for confidentiality seriously; however, granting such requests may limit the college's ability to investigate and take reasonable action in response to a complaint. The Title IX coordinator will evaluate the request for confidentiality in the context of the college's commitment to provide a reasonably safe and non-discriminatory environment and will determine whether such request will be granted. In order to make such a determination, the assigned Title IX deputy coordinator (or, if such determination has not yet been made, the Title IX coordinator) may conduct a preliminary investigation into the reported prohibited conduct and may weigh requests for confidentiality against the following factors, among others:
- The seriousness of the reported prohibited conduct (including, but not limited to, whether sexual or gender-based misconduct was perpetrated with a weapon).
  - The increased risk that the alleged perpetrator will commit additional acts of prohibited conduct, such as (A) whether there have been other reports or complaints against the reported perpetrator, (B) whether the reported perpetrator has a history of arrests or records from a prior school indicating a history of sexual or gender-based misconduct or a history of violence, (C) whether the reported perpetrator threatened further sexual or gender-based misconduct or threatened violence against the victim or others, or (D) whether the sexual or gender-based misconduct was committed by multiple perpetrators.
  - Whether the information reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group or person.
  - The respondent's right to receive information about the allegations if the information is maintained by the college as an education record.
  - Whether the victim is a minor.
  - Whether the college possesses other means to obtain relevant evidence of the sexual or gender-based misconduct (e.g., security cameras or security personnel, physical evidence).

The presence of one or more of these factors may lead the college to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the college likely will honor the request for confidentiality.

- ii. **Determination as to whether request can be granted.** The assigned Title IX deputy coordinator (or, if such determination has not yet been made, the Title IX coordinator) will inform the person requesting confidentiality whether the college intends to honor the request or whether the college intends to pursue investigation and/or resolution despite the request.

**If the college determines that it cannot maintain confidentiality**, it will inform the complainant prior to starting an investigation and will, to the extent possible, only share information with people responsible for addressing the allegations. The college also will take ongoing steps to protect the complainant from retaliation or harm and work with the complainant to create a safety plan, if warranted, and assist the complainant in accessing other services and interim safety measures (see Section 6.02(A)).

**If the college honors the request for confidentiality**, the college's ability to investigate and take reasonable action in response to an allegation of sexual or gender-based misconduct may be limited. A respondent is entitled to know the name of the complainant and information regarding the nature of the allegations in order to defend against the allegations; thus, the college may not be able both to adjudicate the complaint and to maintain confidentiality during that process.

Even when the college determines to abide by a request for confidentiality (and even if such request limits the college's ability to take disciplinary action against the respondent):

- a. To the extent practicable and appropriate, the college will take prompt action to limit the effects of the reported sexual or gender-based misconduct and to prevent its recurrence. For instance, the college may take appropriate interim measures to ensure an individual's safety even in the absence of a college proceeding. The college also may consider broader remedial action (such as increased monitoring, supervision or security at locations where reported conduct occurred, increased education and prevention efforts, including to targeted population groups, and climate assessments).

- b. Information regarding the reported sexual or gender-based misconduct may be included in college records, as necessary and appropriate.
- c. College personnel will (and are obligated to) handle information regarding reported sexual and gender-based misconduct in accordance with applicable local, state and federal laws and may take the steps outlined in Section 3.02(A)(i).

Note that the college cannot control disclosure by third parties.

## **ARTICLE IV. HOW AND WHERE TO REPORT SEXUAL AND GENDER-BASED MISCONDUCT**

*For information about seeking medical assistance and emotional support as well as important contact information for local law enforcement agencies, hospitals and other resources, see Exhibit A attached to this policy.*

Because sexual and gender-based misconduct may in some instances constitute both a violation of college policy and criminal activity, and because the college processes are not a substitute for instituting legal action, **the college encourages individuals to report sexual and gender-based misconduct promptly to college officials and to law enforcement authorities, where appropriate.**

Individuals who have experienced sexual and gender-based misconduct have the option not to report it to campus officials or to law enforcement authorities. The college respects the individual's decision in regard to reporting; however, subject to the confidentiality provisions outlined in Article III of this policy, if information about sexual or gender-based misconduct comes to the attention of the college, the college (1) may start an investigation even in the absence of a filed complaint and/or (2) may notify appropriate law enforcement authorities if required or warranted by the nature of the information of which it becomes aware.

### **Section 4.01 Reporting to Local Law Enforcement**

**Individuals may file a complaint directly with local law enforcement agencies by dialing 911.**

Individuals may contact any of the following for assistance in filing a complaint with local law enforcement:

- Wofford College Department of Campus Safety, 24 hours a day, seven days a week (available by phone at 864-597-4911 and located in Andrews Field House).
- The college's Title IX coordinator, Amanda Estabrook (Title IX and ADA coordinator), (available by phone from 8:30 a.m. to 5 p.m. Monday through Friday at 864-597-4047 or by email at [estabrookar@wofford.edu](mailto:estabrookar@wofford.edu) and located in the Campus Life Building).

Individuals may inform law enforcement authorities about sexual or gender-based misconduct and discuss the matter with a law enforcement officer without requesting an investigation under this policy. Individuals who make a criminal complaint also may choose to pursue a college complaint simultaneously.

### **Section 4.02 Reporting to the College**

If an individual wishes for information regarding prohibited conduct to be investigated and addressed pursuant to this policy, they must disclose such information to the Title IX coordinator or to a "responsible employee." See the definition of "responsible employee" in Exhibit D. These individuals are REQUIRED to report allegations of sexual and gender-based misconduct to the Title IX coordinator (or, if the Title IX coordinator is implicated in the allegations, to a Title IX deputy coordinator). Individuals who are not "responsible employees" are not subject to the same requirement (and in some instances, such as is generally the case with confidential resources, are prohibited from reporting alleged sexual and gender-based misconduct to others absent an express directive from the alleged victim to do so).

Individuals may report information regarding prohibited conduct on their own behalf (i.e., as complainants) or on behalf of the complainant (i.e., as third-party reporters).

If the Title IX coordinator is the respondent or is otherwise at issue in a complaint, or if an individual is otherwise uncomfortable making a complaint to the Title IX coordinator, they may report prohibited conduct to a Title IX deputy coordinator or any other “responsible employee.”

No member of the college community may discourage an individual from reporting prohibited conduct. With the exception of certain research-based disclosures described in the following paragraph, a “responsible employee” with any knowledge (including firsthand observation) about a known or suspected incident of sexual or gender-based misconduct must report the incident to the Title IX coordinator (or, if the Title IX coordinator is implicated in the allegations, a Title IX deputy coordinator). No employee is authorized to investigate or resolve complaints without the approval and involvement of the Title IX coordinator or an assigned Title IX deputy coordinator.

Disclosures of incidents of sexual or gender-based misconduct made by an individual during such individual’s participation as a subject in an institutional review board–approved human subjects research protocol (an “approved research protocol”) will not be considered notice to the college of sexual or gender-based misconduct for purposes of triggering its obligation to investigate the incident at issue. (More specifically, a “responsible employee” whose knowledge of a known or suspected incident of sexual or gender-based misconduct is gained as a result of conducting an approved research protocol is not required to report the incident to the Title IX coordinator.) Institutional review boards may, in appropriate cases, require researchers to provide information to all subjects of a study about the subjects’ Title IX rights and about available college and community resources and support services with regard to sexual or gender-based misconduct.

Individuals also may file anonymous reports by visiting [www.wofford.edu/titleix](http://www.wofford.edu/titleix). Individuals who choose to file anonymous reports are advised that it may be very difficult for the college to follow up or take action on anonymous reports when corroborating information is limited. Anonymous reports may be used for Clery Act data collection purposes.

#### **Section 4.03 Reporting to Campus Safety**

Department of Campus Safety staff members are “responsible employees” for the purpose of Title IX. A report to campus safety constitutes a report to the college. When campus safety receives a report related to prohibited conduct under this policy, an officer may conduct an investigation to determine whether there is an ongoing or imminent threat to the campus community or for law enforcement purposes. Any information that campus safety receives related to a report of prohibited conduct will be shared with the Title IX coordinator. Information provided to the Title IX coordinator by campus safety will be used at the discretion of the Title IX coordinator, assigned Title IX deputy coordinator and other college administrators to assist in the resolution of a complaint under this policy.

<b>Reporting to the College: What happens when someone reports?</b>	
If someone reports directly to the <b>Title IX coordinator</b> :	<b>The Title IX coordinator will initiate the processes listed in this policy</b> (unless the person requests confidentiality pursuant to Section 3.02(B), in which case the information will be held in confidence unless the Title IX coordinator determines that, due to the college’s commitment to provide a reasonably safe and non-discriminatory environment, the request cannot be granted).
If someone reports to a “ <b>responsible employee</b> ” (including a <b>Title IX deputy coordinator</b> ): <i>(See the definition of “responsible employee” in Exhibit D)</i>	<b>The “responsible employee” will forward the information to the Title IX coordinator, who will initiate the investigation and resolution process</b> (unless the person requests confidentiality pursuant to Section 3.02(B) in which case the information will be held in confidence unless the Title IX coordinator determines that, due to the college’s commitment to provide a reasonably safe and non-discriminatory environment, the request cannot be granted).
If someone confides in a <b>counselor, registered nurse, nurse practitioner or the chaplain</b> :	<p><b>The information provided will remain confidential</b> and will not* be reported to the Title IX coordinator (or anyone else) for investigation and resolution. (refer to Section 3.01(A))</p> <p><i>*Remember that in unusual circumstances, information someone shares with the counselors, registered nurses, nurse practitioners or the chaplain (such as situations involving imminent harm to the community or situations involving abuse of a minor) may be disclosed without that person’s consent.</i></p>
If a person reports to someone else (i.e. <b>someone other than the Title IX coordinator, a “responsible employee,” a counselor, registered nurse, nurse practitioner or the chaplain</b> ):	<p><b>The individual may or may not report details regarding the information provided to the Title IX coordinator.</b> This is because the individual to whom the information is reported is not <i>obligated</i> to report allegations of sexual or gender-based misconduct to the Title IX coordinator (and conversely, is not <i>obligated</i> to maintain information you shared in confidence).</p> <p><i>For this reason, if a reporting party would like the information to be addressed by Wofford College, they should direct it to a Title IX coordinator or a “responsible employee.” Conversely, if the reporting party would like the information they share to be maintained in strict confidence, they should share it with a counselor, registered nurse, nurse practitioner or the college chaplain.</i></p>

## **ARTICLE V. POLICIES APPLICABLE TO ALL COMPLAINTS OF PROHIBITED CONDUCT**

### **Section 5.01 Oversight**

The assigned Title IX deputy coordinator will be responsible for overseeing the prompt, fair, thorough and impartial investigation and resolution of complaints filed with or disclosed to the college. The Title IX coordinator also may serve the function of the assigned Title IX deputy coordinator in the resolution of a complaint. When that is the case, the vice president for student affairs or the director of human resources or their designee will serve the appeal function set forth in Section 6.04 or Section 7.02.

### **Section 5.02 Conflicts**

If any employee designated by this policy to participate in the investigation or resolution of a complaint is the respondent, then the Title IX coordinator will appoint another college administrator or a third party to perform such person's duties under this policy. (If the Title IX coordinator is the respondent, then the president of the college will appoint another college employee or a third party to perform their duties under this policy.)

### **Section 5.03 Support Persons**

Both the complainant and the respondent may have one support person present to support and assist them throughout the complaint process (including, but not limited to, during related meetings and investigative interviews (for purposes of this section, "meetings")). The complainant and the respondent are not limited in their choice of support person. However, a person may not serve as both a support person and a witness in a proceeding. Support persons may be friends, family members, victim advocates, lawyers or others. The complainant and the respondent may consult with their respective support persons during meetings, provided that such consultation is not disruptive. Support persons may not, however, have a speaking role during any meeting. In addition, the support person's attendance may be disallowed if such support person's presence would be obstructive or would otherwise warrant his or her removal. Absent accommodation for disability, the complainant and the respondent may not be accompanied by more than one support person or by other individuals during meetings.

For the avoidance of doubt, the college may seek advice from the college's counsel at any time (including during any proceeding).

### **Section 5.04 Timing**

The college will make every reasonable effort to ensure that the investigation and resolution of a complaint occurs in as timely and efficient a manner as possible. The timelines set forth in this policy are intended as guidelines and may be altered for good cause. The college will strive to complete its investigation and resolution of a complaint (not including an appeal, if applicable) within 60 calendar days of the receipt of the complaint, absent extenuating circumstances. If circumstances, such as complexity of the case, non-availability of parties or witnesses, college breaks or other circumstances require the college's investigation and resolution to extend past 60 calendar days, the college will notify the parties of that fact.

Any party may request an extension of any deadline by providing the Title IX coordinator with a written request for an extension that includes reference to the duration of the proposed extension and the basis for the request. The Title IX coordinator may modify any deadlines contained in this policy as necessary and for good cause; in such case, the Title IX coordinator will provide the complainant and the respondent with written notice of the modification and the reason therefore.

### **Section 5.05 Documentation and Recording**

The college will retain documentation (including, but not limited to, the written complaint, notifications, the investigative report, written findings of fact, petitions for appeal, notifications of decisions – including the outcome letter and sanction letter – and any written communication between the parties) for at least seven (7) years. Documentation pertaining to expulsions or degree revocations will be retained indefinitely or in accordance with college policy.

The college may record any interviews, meetings or proceedings related to this policy. Any recordings will be the property of the college, and copies of any recordings will not be available except as required or authorized by law. Any

technological problems that result in no recording or an inaudible one will not affect the validity of the outcome of a case. Parties and witnesses are not permitted to record any of the proceedings.

### **Section 5.06 Confidentiality and Disclosure**

In order to comply with FERPA, Title IX and other applicable laws, and to provide an orderly process for the presentation and consideration of relevant information without undue intimidation or pressure, the resolution processes are not open to the general public. Accordingly, documents prepared in anticipation of the facilitated and/or the formal resolution processes (including the complaint, the investigative report and notices and communications to or from the complainant or the respondent); documents, statements or other information introduced in the interviews and meetings; and the outcome and sanction letters may not be disclosed outside of those processes except as may be required or authorized by law. The college reserves the right to notify parent(s) or guardian(s) of a student respondent of the outcome of any investigation involving that respondent, redacting names of any other students who do not consent to the disclosure of their information.

College policy does not prohibit the further disclosure of outcome or sanction letters by either the complainant or the respondent. However, the college strongly encourages parties to maintain privacy in proceedings pursuant to this policy.

### **Section 5.07 Violations Involving Groups of Individuals**

Members of a student group, an organization, a college department or a team, or individuals collusively acting in concert in violation of this policy may be charged as a group and/or as individuals, and an investigation may proceed against the group as joint respondents or against one or more involved individuals as appropriate given the available information and the circumstances.

A student group, an organization or a team's officers and members may be held collectively and individually responsible when violations of this policy by the organization or its members include any of the following circumstances:

- Occurred at organization-sponsored events.
- Received the consent or encouragement of the organization or of the organization's leaders or officers.
- Were known or reasonably should have been known to the membership or its officers.

In any such action, individual determinations as to responsibility will be made and sanctions may be assigned collectively and/or individually in proportion to the involvement of each individual. Moreover, consistent with the provisions of Section 6.02(B)(i), the college may impose interim measures against a group, including, but not limited to, social suspension and restriction of access to college facilities.

### **Section 5.08 Consolidation of Investigation**

The Title IX coordinator may consolidate multiple reports against a single respondent or group of respondents into one investigation if the evidence related to each incident would be relevant and probative in reaching a determination on the other incident(s).

## **ARTICLE VI. PROCESSES APPLICABLE TO ALL COMPLAINTS OF PROHIBITED CONDUCT**

### **Section 6.01 A Report of Prohibited Conduct Becomes a Complaint**

A complaint may be initiated in one of the following ways:

- An individual may file a written complaint with the college through the online reporting form at [www.wofford.edu/titleix](http://www.wofford.edu/titleix) or may submit a written statement in their own words providing sufficient information for the college to investigate the allegations contained therein (including, but not limited to, the names of the parties involved and the date, location and nature of the alleged prohibited conduct).
- An individual may report violations of this policy in person to the Title IX coordinator or a Title IX deputy coordinator. In such a situation, the Title IX coordinator will ask the reporting party for the names of the individuals involved and the date, location and nature of the prohibited conduct and/or a written statement.

- The college may determine, based on information of which it becomes aware, that it is necessary and/or appropriate for it to investigate the information available to it.

Once a complaint is initiated, the individual reported to have experience the prohibited conduct will be referred to as a “complainant” and the individual(s) reported to have engaged in prohibited conduct will be referred to as a “respondent.”

## **Section 6.02 Evaluation of Interim Safety Measures and Interim Disciplinary Measures**

Following the initiation of a complaint (and at any point during the complaint, investigative or disciplinary processes, if the assigned Title IX deputy coordinator deems it necessary for the protection of any member of the college community), the assigned Title IX deputy coordinator will determine which, if any, of the following measures and/or actions should be taken:

- A. Interim safety measures.** When warranted to ensure the safety and well-being of the parties, the assigned Title IX deputy coordinator may implement one or more interim measures, if appropriate and/or reasonably available, including, but not limited to, the following:
- Issuing no-contact orders to prevent any contact between or among the complainant, the respondent, witnesses and/or third parties.
  - Providing an individual to escort a complainant and/or respondent between classes, work and/or activities.
  - Changing a complainant’s or a respondent’s on-campus housing, if any, to a different on-campus location and providing assistance from college personnel in completing the relocation.
  - Changing a complainant’s or a respondent’s work arrangements or schedules.
  - Changing academic schedules (such as moving the complainant or the respondent from one class section to another).
- B. Interim disciplinary measures**
- i. Student respondents.** When a student respondent's alleged actions or behaviors affect the safety, health or general welfare of the complainant, other students and/or the college community, the assigned Title IX deputy coordinator may impose interim disciplinary measures prior to the adjudication of the complaint pursuant to this policy.
- Possible interim measures include, but are not limited to, requesting that the vice president for student affairs or their designee (1) impose on the respondent an administrative withdrawal from the college, (2) summarily suspend the respondent from campus housing on an interim basis and/or (3) restrict the respondent’s access to college facilities.
- The assigned Title IX deputy coordinator will notify the respondent of the proposed interim measure(s) in writing. These actions may be appealed to the vice president for student affairs (available by phone at 864-597-4040 and located in the Campus Life Building) or their designee. Any appeals must be made in writing within 72 hours of notification of the imposing interim measure. The decision of the vice president for student affairs regarding the imposition of these actions will be final.
- ii. Employee respondents.** When an employee respondent's alleged actions or behaviors affect the safety, health or general welfare of the complainant, students, other employees and/or the college community, the assigned Title IX deputy coordinator will coordinate with human resources and/or the employee’s supervisor to (1) take such steps as are reasonable, appropriate and necessary to restrict the respondent’s access to college facilities and/or (2) temporarily adjust the job duties of or place on administrative leave such respondent.
- These actions may be appealed to the director of human resources (available by phone at 864-597-4230 and located in the Snyder House). The decision of the director of human resources regarding the imposition of these actions will be final.
- C. Compliance with interim safety measures and interim disciplinary measures.** Individuals subject to interim safety measures and interim disciplinary measures are expected to adhere to the measures put in place by college officials until such measures are revoked or revised. Any allegations that individuals are not complying with the

measures put in place will be reviewed by the assigned Title IX deputy coordinator. The assigned Title IX deputy coordinator may interview the complainant, respondent or any other individuals with information about the alleged noncompliance, or the assigned Title IX deputy coordinator may request that the appointed investigator(s) or other trained individuals conduct interviews to determine what, if any, additional steps need to be taken. Additional steps may include, but are not limited to, additional interim safety measures or interim disciplinary measures, adjudication under this policy or a referral to the director of human resources, the provost or the vice president of student affairs for adjudication under other campus policies.

### **Section 6.03 Initial Meetings with the Assigned Title IX Deputy Coordinator**

- A. Complainant's initial meeting with the assigned Title IX deputy coordinator.** As soon as is practicable, the assigned Title IX deputy coordinator will contact the complainant to schedule an initial meeting to discuss the complaint and avenues for its resolution. (If the person who reported the prohibited conduct is a third-party reporter, the assigned Title IX deputy coordinator will attempt to meet with them as soon as possible to gather information.)

Following the meeting with the complainant, the assigned Title IX deputy coordinator will, if applicable, promptly determine any interim measures to be provided to the complainant during the investigative and resolution processes. (If interim safety measures already have been implemented pursuant to Section 6.02(A), the assigned Title IX deputy coordinator will evaluate whether they should continue to be provided and whether other interim measures also should be implemented.) These interim measures may include the safety measures listed in Section 6.02(A) and/or other appropriate interim measures, such as:

- Arranging to dissolve a campus housing contract and offering a pro-rated refund.
- Rescheduling class work, assignments and examinations.
- Arranging for the complainant to withdraw from or take an incomplete in class without penalty.
- Providing academic support services.
- Providing alternative course completion options.
- Providing counseling services.

Such determination will be communicated promptly to the complainant (no later than it is communicated to the respondent) and, to the extent that it directly affects them, the respondent.

- B. Respondent's initial meeting with the assigned Title IX deputy coordinator.** As soon as is reasonably practicable after the assigned Title IX deputy coordinator's initial meeting with the complainant, the assigned Title IX deputy coordinator will schedule an initial meeting with the respondent to discuss the complaint, to inform the respondent of any interim measures already determined and being provided to the complainant that directly affect the respondent and to discuss the process for resolving the complaint. Following the meeting with the respondent, the assigned Title IX deputy coordinator will, if applicable, promptly determine any interim measures to be provided to the respondent during the pendency of the investigative and resolution processes (such as those listed in Section 6.02 and/or Section 6.03(A) above). Such determination will be communicated promptly to the respondent (no later than it is communicated to the complainant) and, to the extent that it directly affects them, the complainant.

### **Section 6.04 The Assigned Title IX Deputy Coordinator's Initial Determination**

The assigned Title IX deputy coordinator will review the information available and the complaint will move forward to either formal resolution or facilitated resolution pursuant to this policy unless it is clear on its face and/or based on the assigned Title IX deputy coordinator's initial meetings with the parties that no reasonable grounds exist for believing that the conduct at issue constitutes material sexual misconduct or is otherwise a violation of this policy.

In the event that the complaint was made by a third-party reporter, the assigned Title IX deputy coordinator also will consider the following factors in determining whether to move forward with either formal resolution or facilitated resolution pursuant to this policy:

- The source and nature of the information.
- The seriousness of the alleged incident.

- The specificity of the information.
- The objectivity and credibility of the source of the information.
- Whether the individuals allegedly subjected to the prohibited conduct can be identified.
- Whether those individuals wish to pursue the matter.

If the assigned Title IX deputy coordinator determines that an investigation of the complaint is not warranted they will close the complaint, document the closure and promptly notify the complainant and the respondent of the closure and the rationale for the closure.

The complainant and/or the respondent may appeal the assigned Title IX deputy coordinator’s decision in writing to the Title IX coordinator or their designee and provide a copy of the appeal to the assigned Title IX deputy coordinator within five (5) calendar days of receipt of the notice of closure. The assigned Title IX deputy coordinator will promptly inform the other party of the appeal.

Following receipt of the appeal, the Title IX coordinator or their designee will determine whether the complaint warrants further investigation and whether any additional or different remedial action is necessary. The Title IX coordinator will notify the complainant and the respondent concurrently of their decision within five (5) days of receipt of the appeal. The decision of the Title IX coordinator is final. If the Title IX coordinator is serving the functions of the assigned Title IX deputy coordinator, this appeal will be forwarded to the vice president for student affairs (if the respondent is a student) or the director of human resources (if the respondent is an employee), who then will make the determination described above or designate another individual to do so.

### **Section 6.05 Determination of Formal Versus Facilitated Resolution**

At any time before the parties receive the final investigative report during the formal resolution process (see Section 7.01(E)), the parties may elect to resolve the complaint through the facilitated resolution process in accordance with Article VIII of this policy. Otherwise, a complaint that is not closed pursuant to the assigned Title IX deputy coordinator’s initial meetings with the complainant and respondent will proceed to formal resolution in accordance with Article VII of this policy.

### **Section 6.06 Respondent’s Acknowledgement of Responsibility**

At any time prior to receiving the outcome letter during the formal resolution process or the conclusion of the facilitated resolution process, the respondent may elect to acknowledge their actions and take responsibility for the reported prohibited conduct. In such a situation, the complaint will proceed pursuant to Section 7.02(D) for the determination of sanctions. If the respondent acknowledges responsibility for the prohibited conduct, the sanction(s) determination only may be appealed pursuant to Section 7.04 of this policy.

## **ARTICLE VII. FORMAL RESOLUTION**

### **Section 7.01 The Investigation**

- A. Effect of corollary criminal investigation.** The college’s investigation may be delayed temporarily while criminal investigators are gathering evidence. In the event of such a delay, the college may take interim measures when necessary to protect the complainant/respondent and/or the college community. Neither the results of a criminal investigation nor the decision of law enforcement to investigate or decline to investigate a matter is determinative of whether prohibited conduct, for the purposes of this policy, has occurred.
- B. Appointment of investigators.** The assigned Title IX deputy coordinator, in consultation with the Title IX coordinator, promptly will appoint one or more investigators and send written notice of investigation, including the name(s) of the assigned investigator(s), to both parties.

Within three (3) calendar days of receiving notice, the complainant and/or respondent may identify to the assigned Title IX deputy coordinator in writing alleged conflicts of interest posed by assigning such investigator(s) to the matter. The assigned Title IX deputy coordinator carefully will consider such statements and will assign different individual(s) as investigator(s) if it is determined that a material conflict of interest exists.

**C. Overview of the investigation.** Parties will have an equal opportunity to submit evidence, to identify witnesses and provide an explanation of their relevancy to the investigation, and to submit questions they believe should be directed by the investigator(s) to any witness or to each other.

The investigator(s) promptly will begin their investigation, taking such steps as:

- Conducting interviews with the complainant, the respondent and third-party witnesses (including expert witnesses, where applicable) and either summarizing such interviews in written form or recording the interviews.
- Visiting, inspecting and taking or reviewing photographs at relevant sites where applicable.
- Collecting and preserving relevant evidence (in cases of corresponding criminal complaints, this step may be coordinated with law enforcement agencies) where applicable. Throughout the investigation, the investigators will remain neutral.

**D. Evidentiary matters.** Formal rules of evidence will not be observed. The investigator(s) will review evidence submitted by the parties and witnesses and determine what information is relevant and appropriate to the investigation. The investigator(s) may redact any information that is deemed irrelevant, prejudicial or otherwise inappropriate pursuant to this section.

- Any identification of witnesses and evidence the parties wish the review panel to consider should be presented to the investigator(s) as early as possible during the investigation process. If a party wishes to submit evidence in response to the draft investigative report, that evidence must be submitted during the review and response period. Any evidence not presented in a timely manner during the investigation or prior to the investigative report being finalized may be excluded at the discretion of the Title IX coordinator or assigned Title IX deputy coordinator.
- Character evidence generally is inadmissible.
- Evidence of the sexual histories of the complainant and the respondent, prior or subsequent to the allegation(s) in question, will be inadmissible with the following exceptions:
  - Evidence is permitted to show that the complainant has in the past been formally disciplined by the college for falsely filing complaints alleging sexual or gender-based misconduct.
  - Evidence is permitted to show that the respondent has in the past been either convicted in a criminal proceeding or formally disciplined by the college for sexual or gender-based misconduct.
  - Evidence regarding the past sexual activity of the respondent (regardless of whether the respondent was charged formally with a violation of the policy with respect to such conduct) may be permitted to show that the respondent has engaged in a pattern of behavior similar to the alleged sexual or gender-based misconduct at issue, provided that (1) the respondent has not been found "not responsible" by the college in a proceeding related to such sexual activity and (2) the investigator(s) have found both that the evidence is reliable and credible and that the conduct is sufficiently and substantially similar to the conduct at issue to suggest a pattern of behavior.

Relevancy and admissibility of witnesses and evidence is determined by the investigator(s). For the avoidance of doubt, the investigator(s) may consult with and/or ask for assistance from the assigned Title IX deputy coordinator or the Title IX coordinator in order to make a determination about relevancy of witnesses or admissibility of evidence.

**E. Draft investigative report.** At the conclusion of the investigation, the investigator(s) will write summaries of each interview and provide the parties and each witness a reasonable timeframe to review and provide feedback of their own summary.

The investigator(s) will prepare a draft investigative report that includes items such as the written complaint, interview summaries, photographs, written statements, descriptions of relevant evidence, summaries of relevant electronic records and a detailed report of the events in question.

The assigned Title IX deputy coordinator will make the draft investigative report concurrently available to both parties and will designate a reasonable time for review and response by the parties, not to exceed five (5) calendar days ("review and response period"). In the absence of good cause, information discoverable through the exercise of due diligence that is not provided to the investigator(s) during the designated review and response period will not be

considered in the determination of responsibility for a violation of the Sexual and Gender-Based Misconduct Policy and will not be considered for appeal.

The draft investigative report will not include any findings. The complainant and respondent will have an opportunity to review the draft investigative report, meet with the investigator(s), submit additional comments and information to the investigator(s), identify any additional witnesses or evidence for the investigator(s) to pursue and submit any further questions that they believe should be directed by the investigator(s) to the other party or to any witness.

The investigator(s) will review any responses submitted during the review and response period and determine any additional steps that need to be taken before finalizing the report.

Due to the sensitive nature of the information in this report, neither the parties nor their support persons may copy, remove, photograph, print, image, record or in any other manner duplicate or remove the information provided. The complainant and respondent may not make copies of the draft investigative report. All parties to whom the draft investigative report is distributed pursuant to this policy must maintain it in confidence (even after the resolution of the complaint); the draft investigative report may only be disclosed as is contemplated by this policy.

**Final investigative report.** The investigator(s) will complete a final written investigative report that includes items such as the written complaint, any written statements of position, summaries of all interviews conducted, photographs, descriptions of relevant evidence, summaries of relevant electronic records and a detailed report of the events in question (final investigative report). The investigator(s) will submit the final investigative report to the assigned Title IX deputy coordinator. If the matter proceeds to a review panel as set forth in Section 7.02, the assigned Title IX deputy coordinator will make it (concurrently) available to the complainant and to the respondent to review for three (3) calendar days, after redacting any information that would not be admissible pursuant to this policy.

Due to the sensitive nature of the information in this report, neither the parties nor their support persons may copy, remove, photograph, print, image, record or in any other manner duplicate or remove the information provided. The complainant and respondent may not make copies of the final investigative report.

All parties to whom the final investigative report is distributed pursuant to this policy must maintain it in confidence (even after the resolution of the complaint); the final investigative report may only be disclosed as is contemplated by this policy.

## **Section 7.02 The Outcome.**

**A. The assigned Title IX deputy coordinator's evaluation of the final investigative report.** The assigned Title IX deputy coordinator will evaluate the final investigative report and will direct that the complaint proceeds 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 material sexual misconduct or is otherwise a violation of this policy.

The assigned Title IX deputy 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 assigned Title IX deputy coordinator finds that it is clear from the final investigative report that no reasonable grounds exist to believe that the conduct at issue constitutes material sexual misconduct or is otherwise a violation of this policy, they will close the complaint, document the closure, and promptly notify the complainant and the respondent of the closure and the rationale for the closure.

The complainant and/or the respondent may appeal the assigned Title IX deputy coordinator's decision in writing to the Title IX coordinator or their designee and provide a copy of the appeal to the assigned Title IX deputy coordinator within five (5) calendar days of receipt of the notice of closure. The assigned Title IX deputy coordinator will promptly inform the other party of the appeal.

Following receipt of the appeal, the Title IX coordinator or their designee will determine whether the complaint warrants further investigation and whether any additional or different remedial action is necessary. The Title IX coordinator will notify the complainant and the respondent concurrently of their decision within five (5) days of receipt of the appeal. The decision of the Title IX coordinator is final. If the Title IX coordinator is serving the functions of the assigned Title IX deputy coordinator, this appeal will be forwarded to the vice president for student affairs (if the respondent is a student) or the director of human resources (if the respondent is an employee), who then will make the determination described above or designate another individual to do so.

**B. Composition of the review panel.** Findings regarding all charges of prohibited conduct and related misconduct will be determined by a three (3) person review panel consisting of the appointed investigators and one (1) other trained investigator (when only one Investigator previously was appointed to investigate the case, the assigned Title IX deputy coordinator will appoint two trained investigators to the review panel) appointed by the assigned Title IX deputy coordinator in consultation with the Title IX coordinator.

The assigned Title IX deputy coordinator will notify both parties concurrently in writing of the composition of the review panel and of the alleged prohibited conduct and related conduct that will move forward for resolution. The parties may challenge the participation of any member of the review panel by submitting a written objection to the assigned Title IX deputy coordinator within three (3) calendar days of receipt of the notice of the composition of the review panel. Such objection must state the specific reason(s) for the objection. The assigned Title IX deputy coordinator will evaluate the objection and determine, in consultation with the vice president for student affairs or their designee (where the respondent is a student) or the director of human resources or their designee (where the respondent is an employee), whether a material conflict exists. Failure to submit a timely and proper objection will constitute a waiver of any right of objection to the composition of the review panel. Any changes in the composition of the review panel will be provided in writing to both parties prior to the review panel making a finding.

**C. Findings.** Once the composition of the review panel has been finalized, the assigned Title IX deputy coordinator will make the final investigative report available for the entire review panel. The review panel will find, by a majority and based on a preponderance of the evidence, that the respondent is either responsible or not responsible for violating the Sexual and Gender-Based Misconduct Policy and related misconduct (where applicable). The review panel will make a separate finding for each charge of prohibited conduct and related misconduct. The assigned Title IX deputy coordinator will send written notification concurrently to both parties of the findings and rationale (outcome letter).

**i. Findings of “not responsible.”** When the review panel finds that the respondent is not responsible, the complainant may appeal per Section 7.03.

**ii. Findings of “responsible.”** When the review panel finds the respondent responsible (on one or more of the charges) for violating the Sexual and Gender-Based Misconduct Policy, the complainant and respondent may submit an impact or mitigation statement to the assigned Title IX deputy coordinator to be considered during the determination of sanctions. Impact and mitigation statements must be submitted to the assigned Title IX deputy coordinator within three (3) calendar days of receipt of the findings. When the review panel finds that the respondent is responsible for one or more violations of the Sexual and Gender-Based Misconduct Policy, any appeal should not be submitted until after sanctions have been determined and the sanction letter has been sent to both parties.

**D. Sanctioning.** The Title IX coordinator or their designee and appropriate administrator will review the findings, rationale, any impact/mitigation statements submitted by the parties, and the final investigative report to determine sanctions that are appropriate, consistent with those issued in similar cases and are intended to end the misconduct and remedy the effects.

<b>If the Respondent is a...</b>	<b>The Appropriate Administrator is:</b>
Student	Vice president for student affairs or their designee
Faculty member	Provost or their designee
Staff member	Director of human resources or their designee

Sanctions for a finding of responsibility depend upon the nature and gravity of the misconduct, any record of prior discipline for prohibited conduct, or both. As a guide, general recommended ranges of sanctions for individual violations are listed below. However, individual sanctions may be combined (e.g. a period of suspension from the college may be combined with disciplinary probation and social probation upon return to the college). The Title IX coordinator (or their designee) and appropriate administrator will determine sanctions, giving consideration to whether a given sanction will (a) bring an end to the violation in question, (b) reasonably prevent a recurrence of a similar violation, and (c) remedy the effects of the violation. Sanctions imposed are effective immediately upon issuance of the sanction letter described below, in accordance with federal law.

### Recommended Ranges of Sanctions

<b>Violation</b>	<b>Recommended Range of Sanctions for Students</b>	<b>Recommended Range of Sanctions for Employees</b>
<b>Sexual harassment, retaliation, failure to comply</b>	Educational sanctions (such as community service, reflection paper(s), and/or fines), social restrictions, disciplinary probation, expulsion or suspension from campus housing, suspension** or expulsion*** from the college	Written warning/probation, withholding a promotion or pay increase, reassigning employment, terminating employment, temporary suspension without pay, compensation adjustments
<b>Sexual exploitation</b>	Disciplinary probation, social restrictions, expulsion or suspension from campus housing, suspension** or expulsion*** from the college	Written warning/probation, withholding a promotion or pay increase, reassigning employment, terminating employment, temporary suspension without pay, compensation adjustments
<b>Sexual intimidation, stalking, dating violence, domestic violence</b>	Disciplinary probation, social restrictions, expulsion or suspension from campus housing, completion of batterer intervention program, suspension** or expulsion*** from the college	Written warning/probation, withholding a promotion or pay increase, reassigning employment, terminating employment, temporary suspension without pay, compensation adjustments, completion of batterer intervention programs
<b>Sexual assault*</b>	Disciplinary probation, social restrictions, expulsion or suspension from campus housing, suspension** or expulsion*** from the college	Terminating employment, temporary suspension without pay

\*The appropriate sanctions for any penetrative sexual assault will include at a minimum a period of suspension from the college.

\*\*Suspension is defined as exclusion from classes and other privileges or activities as set forth in the notice of suspension for a defined period of time. The student cannot take part in clubs, musical groups, athletics teams and other student organizations during this time period. When a student is suspended, they should leave the Wofford College

campus within 24 hours after receipt of the sanction letter or any decision by the appeals officer, whichever is later. A suspended student is not allowed to return to campus without written permission of the vice president for student affairs. \*\*\*Expulsion is defined as termination of student status for an indefinite period of time. The conditions of readmission, if any are permitted, shall be stated in the order of expulsion. When a student is expelled, they should leave Wofford College campus within 24 hours after receipt of the sanction letter or any decision by the appeals officer, whichever is later. An expelled student is not allowed to return to campus without written permission of the vice president for student affairs.

**E. The sanction letter.** Within five (5) business days of the Title IX coordinator and appropriate administrator’s determination, the assigned Title IX deputy coordinator will notify the complainant and respondent concurrently and in writing of the sanction(s) and rationale.

**Section 7.03 Final Accommodations and Corrective Action.**

In addition to any sanctions imposed on the respondent, promptly following the outcome of the formal resolution process, the assigned Title IX deputy coordinator will determine the final accommodations to be provided to the complainant, if any, and the assigned Title IX deputy coordinator will communicate such decision to the complainant, and, to the extent that it affects them, to the respondent. Such accommodations may include, but are not limited to, those listed Section 6.03(A) of this policy.

The assigned Title IX deputy coordinator will also take steps, where necessary, to prevent the further harassment of or retaliation against the complainant or third parties, such as informing them about how to report subsequent problems, following up with them to ensure that there are no subsequent problems, providing trainings for the college community, and providing counseling. The assigned Title IX deputy coordinator will also, where appropriate, take steps to prevent the harassment of the respondent.

Furthermore, the assigned Title IX deputy coordinator will take prompt corrective action if the complainant experiences retaliation or is subjected to further prohibited conduct or if the original sanctions imposed on the respondent are ineffective to protect the safety and well-being of the complainant or other members of the college community. In appropriate cases (such as those involving sexual harassment), the assigned Title IX deputy coordinator will also take reasonable steps to eliminate any hostile environment that has been created. In taking the above-outlined steps, the assigned Title IX deputy coordinator will make every reasonable effort to minimize the burden on the complainant.

**Section 7.04 Appeals.**

The complainant or the respondent may appeal the decision of the review panel and/or the sanction(s) imposed on the respondent within three (3) calendar days from the date of the outcome letter (when the respondent has been found not responsible) or the date of the sanction letter (when the respondent has been found responsible for one or more charges). The decision of the review panel and the sanction imposed on the respondent may, if desired, be appealed simultaneously.

**A. Grounds for appeal.**

**Appeal of findings.** The only permissible grounds for an appeal of the review panel’s finding of responsible or not responsible are (1) availability of germane new evidence not available at the time of the review panel’s decision that could significantly impact the outcome and/or (2) procedural errors that significantly impacted the outcome.

**B. Generally.** Appeals must be made in writing to the assigned Title IX deputy coordinator. The assigned Title IX deputy coordinator will promptly inform the other party of the filing of the appeal and will forward the appeal and all relevant materials to the appeals officer.

<b>If the Respondent is a...</b>	<b>The Appeals Officer is:</b>
Student	Vice president for student affairs or their designee
Faculty member	Provost or their designee
Staff member	Director of human resources or their designee

**C. Review of the appeal.** The appeals 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 and/or the decision of the Title IX coordinator and appropriate administrator should stand; (3) the decision of the review panel and/or the decision of the Title IX coordinator and appropriate administrator should be overturned.

In the event that the appeals officer determines that the decision of the review panel and/or the Title IX coordinator and appropriate administrator should be overturned, the appeals officer will specify, after consultation with the assigned Title IX deputy coordinator and appropriate administrators, the appropriate steps to be taken to come to a final resolution of the complaint.

- D. Notification of determination.** Within ten (10) days of receipt of the appeal, the appeals officer will inform the assigned Title IX deputy coordinator of their decision and rationale. The assigned Title IX deputy coordinator promptly will notify the complainant and the respondent of the appeal officer's decision concurrently and in writing. There shall be no further appeals.

## **ARTICLE VIII. FACILITATED RESOLUTION**

Facilitated resolution is only appropriate if (a) the complainant and respondent voluntarily agree to such resolution after receiving full disclosure of the allegations and their options for formal resolution, (b) the complainant and the respondent are both students or are both employees of the college, (c) the assigned Title IX deputy coordinator determines that facilitated resolution is an appropriate mechanism for resolving the complaint, and (d) the complaint does not involve sexual assault (see Exhibit C (E)). To make their determination about the appropriateness of facilitated resolution or to assist in the in the process of the facilitated resolution, the assigned Title IX deputy coordinator may conduct interviews of the parties and/or witnesses or may assign investigator(s) to do so. If the assigned Title IX deputy coordinator determines any investigation is warranted, the appointment of investigator(s) may be appealed in accordance with Section 7.01(B).

Facilitated resolution may not be selected for less than all of the misconduct alleged in the complaint (for example, the parties may not choose to resolve a claim of sexual assault according to the formal resolution process but use the facilitated resolution process for all other claims). If the parties agree to facilitated resolution (and facilitated resolution is appropriate for all of the claims at issue), then all of the claims must be resolved according to the facilitated resolution process.

Both parties have the right to terminate the facilitated resolution process at any time and proceed with formal resolution. Furthermore, the assigned Title IX deputy coordinator may, where appropriate, terminate or decline to initiate facilitated resolution and proceed with the formal resolution process instead. In such cases, statements or disclosures made by the parties in the course of the facilitated resolution process, or in any interviews or investigation related to facilitated resolution, may be considered in the subsequent formal resolution proceedings.

### **Section 8.01 Facilitated Resolution, Generally.**

- A. The facilitator.** When the complainant's complaint is to be resolved according to the facilitated resolution process, the assigned Title IX deputy coordinator will oversee the process. The assigned Title IX deputy coordinator will involve other individuals as deemed beneficial to the process (e.g. a human resources representative for matters involving employees).
- B. Notice of facilitated resolution.** The assigned Title IX deputy coordinator will provide concurrent written notice to the complainant and the respondent setting forth the names of any individuals who will assist in the facilitated resolution, the alleged prohibited conduct that will be subject to the facilitated resolution process, and information regarding initial steps for facilitated resolution.

Any party may challenge the participation of the assigned Title IX deputy coordinator, or the individual(s) designated by the assigned Title IX deputy coordinator to assist in the process, and/or the alleged prohibited conduct subject to the facilitated resolution process by submitting a written objection to the Title IX coordinator within three (3) calendar days of receipt of the notice of the facilitated resolution process. Such objection must state the specific reason(s) for the objection. Failure to submit a timely and proper objection will constitute a waiver of any right of objection. The Title IX coordinator will evaluate the objection and determine whether to assign a different individual to facilitate the process.

Any substitution of the Title IX deputy coordinator or individual(s) designated by the assigned Title IX deputy coordinator to assist in the process will be provided in writing to both parties prior to the commencement of facilitated resolution.

- C. **Support persons.** As provided in Section 5.03, both the complainant and respondent may have a support person present to support and assist them during the facilitated resolution process.
- D. **No contact prior to facilitated resolution.** The complainant and the respondent may not contact each other outside of the facilitated resolution process, even to discuss the process.
- E. **Participation.** Both the complainant and the respondent are expected to participate in the facilitated resolution. If either party fails to fully participate in the facilitated resolution, and such party was provided proper notice of the terms of facilitated resolution, including notice of any meetings, then absent extenuating circumstances, the assigned Title IX deputy coordinator may direct that resolution of the complaint be determined according to the formal resolution process set forth in Article VII or may reschedule or reevaluate the facilitated resolution.

### **Section 8.02 The Facilitated Resolution Process.**

Facilitated resolution may include the following:

- **Resolution with the assistance of a third party.** A complainant may seek assistance in informally resolving a report of prohibited conduct from the assigned Title IX deputy coordinator who may directly facilitate or may arrange to have a trained representative facilitate a meeting or meetings between the parties or individually with the parties. The availability of this form of facilitated resolution, and any resolution reached through such form of facilitated resolution, is subject to the agreement of the assigned Title IX deputy coordinator in consultation with the Title IX coordinator, the complainant and the respondent.
- **Interventions and remedies.** Facilitated resolution agreements may involve a host of interventions and remedies, such as actions designed to maximize the complainant's access to educational, extracurricular, and/or college employment activities; increased monitoring, supervision, and/or security at locations or activities where the prohibited conduct is alleged to have occurred or is likely to reoccur; targeted or broad-based educational programming or training for relevant individuals or groups; academic and/or college housing modifications for student complainants; workplace modifications for employee complainants; one or more of the restorative remedies or other sanctions described in this policy; and/or any other remedial or protective measures that can be tailored to the involved individuals to achieve the goals of the Sexual and Gender-Based Misconduct Policy.

Any form of facilitated resolution and any combination of interventions and remedies may be utilized. If an agreement acceptable to the college, the complainant and the respondent is reached through facilitated resolution, the terms of the agreement are implemented, and the matter is resolved and closed. If an agreement is not reached, and the assigned Title IX deputy coordinator 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.

The Title IX coordinator will maintain records of all reports and conduct referred for facilitated resolution, which typically will be completed within thirty (30) calendar days.

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

## **EXHIBIT A**

### **Suggested Actions for Victims of Sexual Assault**

While all types of sexual and gender-based misconduct are inappropriate and taken seriously by the college, actions involving sexual assault (as defined in Exhibit C) are particularly concerning. Thus, if you are the victim of **sexual assault**, the college's first priority is to help you take steps to address your safety, medical needs and emotional well-being. You are encouraged to take the following actions, as applicable, regardless of whether you have made a decision about whether to pursue a criminal or college complaint.

#### **1. Ensure your physical safety**

You may seek help from local law enforcement agencies or by contacting the Wofford College Department of Campus Safety. Campus safety can assist you with contacting local law enforcement and can help you obtain transportation to the local law enforcement office. Security personnel are on duty at campus safety 24 hours a day, seven days a week.

#### **2. Seek medical assistance and treatment**

Local options for medical care include Spartanburg Medical Center and Mary Black Memorial Hospital. It is crucial that you obtain medical attention as soon as possible after a sexual assault to determine the extent of physical injury and to prevent or treat sexually transmitted diseases (such as HIV). Medical facilities also can screen for the presence of sedative drugs such as Rohypnol or GHB (date-rape drugs).

Employees at the Wofford Wellness Center can help you obtain transportation to a local hospital and can help you contact a support person, such as a family member, a friend or a roommate.

If you choose to have an evidence collection kit (or "rape kit") completed, it is important to do so within 72 hours. Even if you have not decided whether to file charges, it is advisable to have the evidence collection kit completed so that you can better preserve the options of obtaining a protective order and/or filing criminal charges at a later date. Spartanburg Medical Center and Mary Black Memorial Hospital administer evidence collection kits, and you can request an anonymous kit with no law enforcement involvement. Spartanburg Medical Center has specially trained sexual assault nurse examiners (SANEs) who administer these kits. The cost of these kits will be paid for from a crime victim fund, and you will not be billed for the kits.

In order to best preserve evidence for an evidence collection kit, it may be advisable to avoid showering, bathing, going to the bathroom, or brushing your teeth before the kit is completed. You also should wear (or take with you in a paper – not plastic – bag) to the hospital the same clothing that you were wearing during the assault. An evidence collection kit can still be completed even if you have showered or bathed.

#### **3. Obtain emotional support**

The Wellness Center can help students process their emotions and begin the recovery process. The counselors at the Wellness Center are trained to provide crisis intervention on short-term and emergency issues. The center staff also can provide referral services for outside providers and law enforcement. Counseling is free of charge to all students. In some instances, the law may require the disclosure of information shared by students with counselors. However, absent a legal mandate to the contrary, counseling services are confidential and are not part of students' college records and will not be reported to other college personnel.

Employees may contact the Employee Assistance Program to obtain emotional support (available at: 800-854-1446).

#### **4. Obtain information/report misconduct**

You are encouraged to report incidents of sexual assault to the college's Title IX coordinator (even if you have filed a report directly with law enforcement). Further information about how to report sexual assault is provided in the body of this policy. The Title IX coordinator can help you access resources and can provide support and information, including information on the college's procedures for investigating and addressing instances of sexual assault.

## EXHIBIT B

### Campus and Community Resources

The below list of campus and community resources was compiled for the use of the entire campus community. Any individuals seeking assistance from campus resources should note that college employees, with the exception of those noted “confidential,” are considered “responsible employees.” Individuals who cannot find an appropriate resource below are encouraged to contact the Wellness Center (864-597-4370) or the Title IX coordinator (864-597-4047) for assistance in identifying other options.

#### 1. Campus resources

**Wofford College’s Title IX coordinator** is Amanda Estabrook, whose office is in the Campus Life Building. She may be contacted during business hours Monday through Friday (8:30 a.m. to 5 p.m.) by phone at 864-597-4047 or in person in the Campus Life Building. She also can be contacted by email at [estabrookar@wofford.edu](mailto:estabrookar@wofford.edu).

**Wofford Department of Campus Safety** is located in Andrews Field House and is available by phone at 864-597-4911. Campus safety officers are available 24/7. Campus safety also can contact the staff member on call.

**Medical services** (confidential) are located in the Wellness Center and are available by phone at 864-597-4370 or 597-4371. The office is staffed from 8:30 a.m. to 5 p.m. Monday through Friday during the academic term.

**The Office of Student Affairs** is located in the Campus Life Building and is available by phone at 864-597-4040 or 597-4044. The office is staffed from 8:30 a.m. to 5 p.m. Monday through Friday.

**The Office of Human Resources** is located in the Snyder House and is available by phone at 864-597-4230. The office is staffed from 8:30 a.m. to 5 p.m. Monday through Friday.

**Counseling Services** staff (confidential) are located in the Wellness Center and are available by phone at 864-597-4370 or 597-4371. The center is staffed from 8:30 a.m. to 5 p.m. Monday through Friday.

**The Office of Financial Aid** is located in the Hugh S. Black building and can be contacted by phone at 864-597-4160. Financial aid is staffed from 8:30 a.m. to 5 p.m. Monday through Friday.

**The Office of International Programs** is located in the Michael S. Brown Village Center and can be contacted by phone at 864-597-4430. International programs is staffed from 8:30 a.m. to 5 p.m. Monday through Friday.

#### 2. Community resources

**Spartanburg City Police Department** can be reached by calling 911 (or, for non-emergency matters, by calling 864-596-2222). The Spartanburg City Police Department is located at 145 W. Broad St. in Spartanburg.

**Spartanburg Medical Center** is located at 101 E. Wood St. in Spartanburg and is available by phone at 864-560-6000. Spartanburg Medical Center has special sexual assault nurse examiners (SANEs) who can collect evidence.

**Mary Black Memorial Hospital** is located at 1700 Skylyn Drive in Spartanburg. The emergency department can be reached at 864-573-3000.

**Emergency Medical Services (EMS)** can be reached at 911.

**SAFE Homes-Rape Crisis Coalition** is located at 236 Union St. in Spartanburg and is available by phone at 864-585-9569. Its crisis hotline is available 24/7 at 800-273-5066. SAFE Homes provides services to people affected by sexual violence, dating violence, domestic violence or stalking.

**South Carolina Legal Services (Spartanburg)** provides legal assistance in Spartanburg, including assistance with immigration matters. The office is located at 148 E. Main St. in Spartanburg and can be reached at 864-582-0369.

**South Carolina Victims Assistance Network** provides free legal assistance to survivors of sexual assault. They can be reached at 803-750-1200, Option 2, for the Legal Assistance to Victims Program.

**National Suicide Prevention Lifeline** provides free and confidential support for people in distress. Counselors are available 24/7 at 800-273-8255. Additional information and resources are available at

[www.suicidepreventionlifeline.org](http://www.suicidepreventionlifeline.org).

## EXHIBIT C

### Prohibited Conduct under this Policy

Conduct defined in Exhibit B of this policy is prohibited regardless of the sex, sexual orientation, sexual identity, gender or gender identity of the complainant or respondent.

- A. Dating violence.** “Dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the complainant’s statement and with consideration of the length of the relationship, the type of relationship and 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. Dating violence does not include acts covered under the definition of domestic violence.
- B. Domestic violence.** “Domestic violence” includes felony or misdemeanor crimes of violence committed by:
- i. A current or former spouse of the victim.
  - ii. A person with whom the victim shares a child in common.
  - iii. A person who is cohabiting with or has cohabited with the victim as a spouse or intimate partner.
  - iv. A person similarly situated to a spouse of the victim under the domestic or family violence laws of the state of South Carolina.
  - v. Any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the state of South Carolina.
- C. Failure to comply.** “Failure to comply” means any action taken in opposition to a college directive under this policy. For the purposes of this policy, “college directive” includes, but is not limited to, sanctions, no contact orders, facilitated resolution agreements and interim and final accommodations and corrective action.
- D. Gender-based harassment.** “Gender-based harassment” is any unwelcome verbal, nonverbal, written, electronic, or physical conduct based on gender identity or expression, sexual orientation, pregnant or parenting status, and nonconformity with gender stereotypes which may include acts of aggression, intimidation, or hostility. Examples of gender-based harassment include instances in which:
- i. Submission or consent to the behavior is reasonably believed to carry consequences for the individual’s education, employment, on-campus living environment or participation in a college activity.
  - ii. The behavior is so severe or pervasive that it has the effect of substantially interfering with the individual’s work or educational performance by creating an intimidating, hostile or demeaning environment for employment, education, on-campus living or participation in a college activity.
- E. Sexual assault.** “Sexual assault” consists of (i) sexual contact and/or (ii) sexual intercourse without consent (as defined in “related definitions.”)
- i. Sexual contact:
    - Any intentional sexual touching
    - However slight
    - With any object or body part (as described below)
    - Performed by a person upon another person
- Sexual contact includes (a) intentional touching of the breasts, buttocks, groin or genitals, whether clothed or unclothed, or intentionally touching another with any of these body parts; and (b) making another touch your or themselves with or on any of these body parts.
- ii. Sexual intercourse:
    - Any penetration
    - However slight
    - With any object or body part (as described below)

- Performed by a person upon another person

Sexual intercourse includes (a) vaginal penetration by a penis, object, tongue or finger; (b) anal penetration by a penis, object, tongue or finger; and (c) any contact, no matter how slight, between the mouth of one person and the genitalia of another person.

**F. Retaliation.** “Retaliation” means any adverse action threatened or taken against a person because they have filed, supported or provided information in connection with a complaint of prohibited conduct, including but not limited to, direct and indirect intimidation, threats and harassment. The prohibition of retaliation does not end with the resolution of the complaint. Retaliation may be present even after a finding of “not responsible” on allegations of prohibited conduct. Retaliatory behavior is not limited to behavior by the accused individual and covers behaviors by their associates as well as third parties. Retaliation does not include good faith actions lawfully pursued in response to a report of prohibited conduct.

**G. Sexual and gender-based misconduct.** “Sexual and gender-based misconduct” is an overarching term for any unwelcome conduct of a sexual nature or directed at someone because of their gender identity or expression or sexual orientation, including any conduct or act of a sexual nature perpetrated against an individual without consent. Sexual and gender-based misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual and gender-based misconduct can be committed by anyone regardless of gender, and it can occur between people of the same or different gender. The college encourages reporting of all sexual and gender-based misconduct. Sexual and gender-based misconduct includes but is not limited to:

- Dating violence.
- Domestic violence.
- Gender-based harassment.
- Sexual assault.
- Sexual exploitation.
- Sexual harassment.
- Sexual intimidation.
- Stalking.

**H. Sexual exploitation.** “Sexual exploitation” means any act of taking non-consensual, unjust or abusive sexual advantage of another person for one’s own advantage or benefit or to benefit or advantage anyone other than the person being exploited. Sexual exploitation includes, but is not limited to:

- Causing or attempting to cause another person to be incapacitated in order to gain a sexual advantage over such person.
- Prostituting another person (i.e., personally gaining money, privilege or power from the sexual activities of another).
- Non-consensual videotaping, photographing or audio-taping of sexual activity and/or distribution of private sexual activity or a person’s intimate parts (including genitalia, groin, breast or buttocks) without consent via media such as, but not limited to, the internet.
- Exceeding the boundaries of consent (e.g., allowing another person to observe consensual sex without the knowledge of or consent from all participants).
- Voyeurism.
- Knowingly or recklessly transmitting a sexually transmitted disease (including HIV) to another individual.

**I. Sexual harassment.** “Sexual harassment” is any unwelcome verbal, nonverbal, written, electronic or physical conduct of a sexual nature. Examples of sexual harassment include instances in which:

- Submission or consent to the behavior is reasonably believed to carry consequences for the individual’s education, employment, on-campus living environment or participation in a college activity. Examples of this type of sexual harassment include:
  - Pressuring an individual to engage in sexual behavior for some educational or employment benefit.
  - Making a real or perceived threat that rejecting sexual behavior will carry a negative educational or employment consequence for the individual.

- The behavior is so severe or pervasive that it has the effect of substantially interfering with the individual's work or educational performance by creating an intimidating, hostile or demeaning environment for employment, education, on- campus living or participation in a college activity. Examples of this type of sexual harassment include:
  - One or more instances of sexual assault.
  - Persistent unwelcome efforts to develop a romantic or sexual relationship.
  - Unwelcome sexual advances or requests for sexual favors.
  - Unwelcome commentary about an individual's body or sexual activities.
  - Repeated and unwelcome sexually-oriented teasing, joking or flirting.
  - Verbal abuse of a sexual nature.

**J. Sexual intimidation.** "Sexual intimidation" includes but is not limited to:

- Threatening, expressly or impliedly, to commit a sexual act upon another person without their consent.
- Engaging in indecent exposure (intentionally exposing one's sexual organs in public) with the intention of alarming, distressing and/or offending others.

**K. Stalking.** "Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

For purposes of this definition, "course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens or communicates to or about a person, or interferes with a person's property; "reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim; and "substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

## EXHIBIT D

### Related Definitions

- A. Appeals officer.** “Appeals officer” is defined in Section 7.04(B). Individuals who may serve in this capacity will receive regular professional training in investigation and determination practices and procedures and issues related to sexual and gender-based misconduct.
- B. Assigned Title IX deputy coordinator.** The “assigned Title IX deputy coordinator” means the Title IX Deputy coordinator assigned by the Title IX coordinator to handle a given complaint. In some cases, the Title IX coordinator may serve this function.
- C. Clery Act.** The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the “Clery Act”) is a federal statute codified at 20 U.S.C. § 1092(f), with implementing regulations in the U.S. Code of Federal Regulations at 34 C.F.R. § 668.46. The Clery Act requires all colleges and universities that participate in federal financial aid programs to keep and disclose information about crime on and near their respective campuses.
- D. Complainant.** A “complainant” is an individual who files a complaint of prohibited conduct or on whose behalf a complaint is filed.
- E. Complaint.** A “complaint” is an allegation of prohibited conduct asserted against another party and initiated pursuant to Section 6.01.
- F. Confidential resource.** “Confidential resource” is defined in Section 3.01.
- G. Consent.** “Consent” is informed, freely and actively given, and mutually understandable words or actions that indicate a willingness to participate in mutually agreed-upon sexual activity. Consent is mutually understandable when a reasonable person would consider the words or actions of the parties to have manifested a clear and unambiguous agreement between them to engage in certain conduct with each other. Consent cannot be gained by ignoring or acting in spite of the objections of another.

Consent cannot be inferred from:

- Silence, passivity or lack of resistance alone.
- A current or previous dating or sexual relationship alone (or the existence of such a relationship with anyone else).
- Attire.
- The buying of dinner or the spending of money on a date.
- Consent previously given (i.e., consenting to one sexual act does not imply consent to another sexual act).

Consent is not effective if it is obtained through the use of physical force, violence, duress, deception, intimidation, coercion or the threat, expressed or implied, of bodily injury. Whether a party used intimidation or coercion to obtain consent will be determined by reference to the perception of a reasonable person found in the same or similar circumstances.

Consent may never be given by:

- Minors, even if the other participant did not know the minor’s age.
- Mentally disabled persons, if their disability was reasonably knowable to a sexual partner who is not mentally disabled.
- Persons who are incapacitated. The use of alcohol or drugs does not diminish one's responsibility to obtain consent and does not excuse conduct that constitutes sexual or gender-based misconduct under this policy.

If at any time during a sexual act any confusion or ambiguity is or should reasonably be apparent on the issue of consent, it is incumbent upon each individual involved in the activity to stop and clarify the other's willingness to continue and capacity to consent. Neither party should make assumptions about the other’s willingness to continue.

**H. Day.** A “day” is a business day, unless otherwise specified.

**I. Education record.** “Education record” has the meaning assigned to it under FERPA.

**J. FERPA.** The Family Educational Rights and Privacy Act (“FERPA”) is a federal statute codified at 20 U.S.C. § 1232g, with implementing regulations at 34 § C.F.R. 99. FERPA protects the privacy of student education records. FERPA grants to eligible students the right to access, inspect, and review education records, the right to challenge the content of education records and the right to consent to the disclosure of education records.

**K. Outcome letter.** The “outcome letter” is the notice provided concurrently to the complainant and respondent after the review panel makes a determination that a respondent is “responsible” or “not responsible” for violating the Sexual and Gender-Based Misconduct Policy at the conclusion of the formal resolution process.

**L. Incapacitated.** “Incapacitated” means lacking the physical and/or mental ability to make informed, rational judgments. A person may be incapacitated for a variety of reasons, including but not limited to being asleep or unconscious, having consumed alcohol or taken drugs, or experiencing blackouts or flashbacks.

**M. Investigators.** The “investigators” are neutral fact-finders who are designated by the assigned Title IX deputy coordinator to investigate a complaint. The investigators will be trained annually on (1) reasonable and appropriate investigative techniques and (2) issues related to sexual and gender-based misconduct.

**N. Material sexual misconduct.** “Material sexual misconduct” is sexual and gender-based misconduct that, taking into account the totality of the circumstances, is sufficiently serious and significant to warrant adjudication under, and discipline pursuant to, this policy. Specifically, to determine whether sexual or gender-based misconduct rises to the level of material sexual misconduct, consideration will be given to the following criteria: (1) the type, frequency and duration of the conduct (the more severe the conduct, the less the need to show a repetitive series of incidents, particularly if the conduct is physical), (2) the identity of and relationship between the alleged victim and the respondent, (3) the number of individuals involved, (4) the age and sex of the alleged victim and the respondent, (5) the location of the incidents and the context in which they occurred, and (6) whether there have been similar incidents.

**O. Personally identifiable information.** “Personally identifiable information” (as that term is defined by FERPA) includes, but is not limited to:

- A student's name.
- The name of a student's parent(s) or other family members.
- The address of a student or a student's family.
- A personal identifier, such as a student's social security number, student number or biometric record.
- Other indirect identifiers, such as a student's date of birth, place of birth or mother's maiden name.
- Other information that, alone or in combination, is linked or linkable to a specific student and that would allow a reasonable person in the college community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.
- Information requested by a person whom the college reasonably believes knows the identity of the student to whom the education record relates.

**P. Preponderance of the evidence.** “Preponderance of the evidence” is the evidentiary standard used in this policy to determine whether the sum of all the evidence shows that it is more likely than not that a respondent violated the Sexual and Gender-Based Misconduct Policy.

**Q. Respondent.** A “respondent” is an individual who has been accused in a complaint of violating the Sexual and Gender-Based Misconduct Policy.

**R. Responsible employee.** A “responsible employee” is an employee of the college who has the obligation to report to the Title IX coordinator any complaints or allegations of sexual or gender-based misconduct of which he or she becomes aware. Confidential resources are not “responsible employees,” but all other employees are “responsible employees” and are required to share all available information related to sexual and gender-based misconduct with the Title IX coordinator.

- S. Review panel.** The “review panel” is defined in Section 7.02(B). The review panel consists of trained investigators.
- T. Sanction letter.** The “sanction letter” is the notice of sanctions provided concurrently to the complainant and respondent during the formal resolution process when a review panel finds a respondent responsible for violating the Sexual and Gender-Based Misconduct Policy and the Title IX coordinator and appropriate administrator determine sanctions.
- U. Third-party reporter.** A “third-party reporter” is an individual who reports or files a complaint alleging that another individual is the victim of sexual or gender-based misconduct.
- V. Title IX coordinator.** The college’s “Title IX coordinator” is Amanda Estabrook. Ms. Estabrook’s office is located in the Campus Life Building, and she may be contacted by phone at 864-597-4047 or by email at [estabrookar@wofford.edu](mailto:estabrookar@wofford.edu). The Title IX coordinator has ultimate oversight responsibility for handling Title IX–related complaints and for identifying and addressing any patterns or systemic problems involving sexual and gender-based misconduct. The Title IX coordinator is available to meet with individuals who are involved with or concerned about issues or college processes, incidents, patterns or problems related to sexual or gender-based misconduct. All allegations involving sexual and gender-based misconduct should be directed to the Title IX coordinator.

The Title IX coordinator will receive regular professional training in resolution practices and procedures. More specifically, the Title IX coordinator will receive annual training on (1) issues related to dating violence, domestic violence, sexual assault and stalking, and (2) how to conduct a fair and equitable resolution process.

**W. Title IX deputy coordinator(s).** The college’s “Title IX deputy coordinators” are:

- Matt Hammett, assistant dean of students for student involvement. Hammett can be reached by telephone at 864-597-4048, by email at [hammettmk@wofford.edu](mailto:hammettmk@wofford.edu) or in person on the second floor of the Campus Life Building.
- Demario Watts, assistant dean of students for diversity and leadership development. Watts may be reached by telephone at 864-597-4066, by email at [wattsdl@wofford.edu](mailto:wattsdl@wofford.edu) or in person on the second floor of the Campus Life Building.
- Amy Lancaster, dean of international programs. Lancaster can be reached by telephone at 854-597-4430, by email at [lancasterae@wofford.edu](mailto:lancasterae@wofford.edu) or in person on the first floor of the Michael S. Brown Village Center.

The Title IX deputy coordinators work under the oversight of the Title IX coordinator to assist with the handling of Title IX-related complaints. The Title IX coordinator may, at their discretion, assign a Title IX deputy coordinator as the assigned Title IX deputy coordinator in connection with a given complaint.

The Title IX deputy coordinators will receive regular professional training in resolution practices and procedures. More specifically, the Title IX deputy coordinators will receive annual training on (1) issues related sexual and gender-based misconduct and (2) how to conduct a fair and equitable resolution process.

## **EXHIBIT E**

### **Sexual and Gender-Based Misconduct Education**

#### **OUTREACH AND PREVENTION**

Wofford College is committed to the prevention of sexual and gender-based misconduct and routinely conducts outreach and educational programming designed to increase awareness of the prevalence of sexual and gender-based misconduct involving college-age students and other college constituents, inform the Wofford community about issues related to sexual and gender-based misconduct such as substance abuse and the role of the bystander and promote knowledge of the college's Sexual and Gender-Based Misconduct Policy.

#### **TRAINING**

The college regularly conducts training for its constituents, including the following groups:

- Title IX coordinator and Title IX deputy coordinators.
- Investigators.
- Appeals officers.
- Employees.
- Students.
- Campus Safety officers.

These groups are trained, as appropriate and applicable, on such subjects as:

- The Sexual and Gender-Based Misconduct Policy.
- Title IX and related regulatory guidance.
- The college's responsibility to address allegations of sexual and gender-based misconduct.
- Recognizing and responding to reports of sexual and gender-based misconduct.
- Understanding common and counterintuitive victim responses (during and after an incident) and the effect of sexual and gender-based misconduct on victims.
- Understanding the link between substance abuse and sexual and gender-based misconduct.
- Which employees are "responsible employees" and which individuals and offices are confidential resources.
- Reasonable, appropriate and sensitive investigative and interview techniques.
- Issues related to dating violence, domestic violence, sexual assault and stalking.
- Conducting reliable, impartial and fair investigations and determinations.

## Sexual Assault Education Programs

The Office of Campus Safety, in conjunction with other departments on campus, conducts several sexual assault awareness and education programs for employees and students throughout 2017. For example, all first-year students completed one phase of the EverFi online sexual assault and dating violence prevention course prior to beginning the first semester and the second, follow-up phase midway through the fall semester. Employees also completed an employee version of the EverFi course. In addition, each first-year student attended a mandatory sexual assault prevention workshop that was presented by a nationally known speaker, Lindsay Drakulic, as part of the first-year student seminar program. Drakulic presented an intense program on sexual assault, stalking and dating violence prevention and awareness. In addition, the college opened up an iteration of Drakulic's program for the entire campus community, including faculty and staff. Other sexual assault awareness programs and offerings are listed below.

The college offered the following primary prevention and awareness programs for all incoming students in 2017:

<b>Name of Program</b>	<b>Date Held</b>	<b>Location Held</b>	<b>Which Prohibited Behavior* Covered?</b>
Everfi online training mandatory for first-year students	August-Sept. 1	Online	Sexual assault Dating violence Bystander intervention
First-Year Seminar (required for all first year students)	Oct. 2-6	Classrooms throughout campus	Bystander intervention Sexual assault prevention
Lindsay Drakulic (national speaker, open to entire campus)	Oct. 5	Leonard Auditorium	Sexual assault Bystander intervention
Everfi follow-up for all first year students	Oct. 15	Online	Sexual assault Dating violence Bystander intervention

The college offered the following primary prevention and awareness programs for all new employees in 2017:

<b>Name of Program</b>	<b>Date Held</b>	<b>Location Held</b>	<b>Which Prohibited Behavior* Covered?</b>
Everfi for employees	Upon hiring and orientation	Online	Sexual assault Misconduct awareness

The college offered the following programs for the entire campus community in 2017:

<b>Name of Program</b>	<b>Date Held</b>	<b>Location Held</b>	<b>Which Prohibited Behavior* Covered?</b>
Self-defense	March 24	Richardson Physical Activities Building	Sexual assault
Spring bBreak Safety Fair	March 27	Burwell Building	Sexual assault prevention

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			Bystander intervention
Fundraiser for SAFE Homes-Rape Crisis Coalition (donate a meal event)	April 12	Burwell Dining Hall, Zach's Snack Bar	Domestic violence Dating violence
Lindsay Drakulic (national speaker, open to entire campus)	April 12	McMillan Theater, Campus Life Building	Sexual assault Bystander intervention
Sex trafficking in South Carolina	April 13	McMillan Theater, Campus Life Building	Sexual assault Sexual abuse
"Finding Voice" exhibit	April 24	Martha Cloud Chapman Gallery, Campus Life Building	Sexual assault prevention
Bystander Intervention Workshop	April 28	Olin Building	Dating violence Domestic violence Sexual assault Bystander intervention
Denim Day	April 27	Main Building	Sexual assault prevention Relationship violence prevention
Take Back the Night (with self-defense class)	April 27	Stewart H. Johnson Greek Village	Sexual assault
Lindsay Drakulic (national speaker, open to entire campus)	Oct. 5	Leonard Auditorium, Main Building	Sexual assault Bystander intervention
Domestic/Dating Violence Awareness and Prevention	Oct. 9	Meadow Multicultural House, Stewart H. Johnson Greek Village	Domestic violence Dating violence

The college offered the following programs for employees in 2017:

<b>Name of Program</b>	<b>Date Held</b>	<b>Location Held</b>	<b>Which Prohibited Behavior* Covered?</b>
Campus Safety training for Campus Safety staff: New S.C. statutes by SAFE Homes-Rape Crisis Coalition	April 19	Anna Todd Wofford Center, Andrews Field House	Sexual assault Domestic violence Dating violence Stalking
New faculty "Responsible Employee" training	Aug. 28	McMillan Theater, Campus Life Building	Title IX "responsible employee" responsibilities and reporting
Athletics Department	Sept. 11	Richardson Physical Activities Building	Bystander intervention

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			“Responsible employee” training
Resident assistants Title IX Training	Aug. 28	Anna Todd Wofford Center, Andrews Field House	Resident assistants Title IX responsibilities training
Short-Stay-Away Leaders Title IX Training	Oct. 11, Oct. 15, Nov. 30	Michael S. Brown Village Center	Interim trip leader Title IX reporting procedures and requirements

### Sex Offender Registry

In accordance with the Federal Crime and Safety Reporting Act, Wofford College provides the website of South Carolina sex offenders on the Office of Campus Safety website. Sex offender information also can be found at <http://scor.sled.sc.gov/ConditionsOfUse.aspx>. The site lists the addresses of registered sex offenders and provides pictures of the offenders. To determine whether any offenders are registered within proximity of the campus, enter 429 North Church Street, Spartanburg, SC 29303 and hit search. Students who live off campus and want to determine whether any sex offenders live near their addresses should enter their complete address and hit search.

### Discrimination and Harassment Policy

#### 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 incidents of bias. Bias incidents are any action(s) or statement(s) that intimidates, demeans, mocks, degrades, marginalizes or threatens individuals or groups based on that individual’s or group’s actual or perceived identities. A bias incident can occur whether the act is intentional or unintentional and may or may not be a legal act.<sup>2</sup> The Bias Incident Response Team (BIRT) oversees the process and resolution of all complaints 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:**

**Demario Watts, M.Ed., MHRD**

*He, Him, His*

<sup>2</sup> Definition adapted from Virginia Tech and the American College Personnel Association-College Student Educators International.

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Assistant Dean of Students for Diversity and Leadership Development  
 Campus Life Building, Second Floor  
 Wofford College  
 429 N. Church Street  
 Spartanburg, SC 29303  
 Office: 864-597-4066  
 Email: [wattsdl@wofford.edu](mailto:wattsdl@wofford.edu)

### 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 complaints 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 or the responding party, another member of the BIRT will oversee the case through its resolution.

<b>Reporting Options:</b>	<b>Directions:</b>	<b>Hours:</b>
<b>Online</b>	To report a bias incident online, complete the Bias Incident Reporting Form. The form will be submitted to the BIRT coordinator.	24 hours for submission
<b>By Phone</b>	To report a bias incident by phone to the BIRT coordinator at 864-597-4066.	Business hours: 8:30 a.m.- 5 p.m. (M-F) <i>Outside of normal business hours, please leave a message. Your call will be returned at the earliest convenience.</i>
<b>In Person</b>	To report a bias incident report in person: Office of Diversity and Inclusion in the Campus Life Building, Second Floor, Office #18.	Business hours: 8:30 a.m.- 5 p.m. (M-F)

\*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

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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.

### Resources

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

<b>Office</b>	<b>Contact Information</b>	<b>Locations</b>
<b>Campus Safety</b>	864-597-4911 or 864-597-4350	Andrews Field House
<b>Office of Diversity and Inclusion</b>	864-597-4066 or <a href="mailto:odi@wofford.edu">odi@wofford.edu</a>	Campus Life Building, 2 <sup>nd</sup> Floor
<b>Office of Human Resources</b>	864-597-4230 or <a href="mailto:hr@wofford.edu">hr@wofford.edu</a>	Snyder House
<b>Office of Residence Life</b> (including RAs)	864-597-5100	Campus Life Building, 2 <sup>nd</sup> Floor
<b>Office of Title IX</b>	864-597-4047	Campus Life Building, 2 <sup>nd</sup> Floor
<b>Dean of Diversity and Inclusion</b>	864-597-4901	Franklin W. Olin Building
<b>Office of Student Affairs</b>	864-597-4040	Campus Life Building, 2 <sup>nd</sup> Floor

### 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:

<b>Office</b>	<b>Contact Information</b>	<b>Locations</b>
<b>Counseling Services</b>	864-597-4370 or by appointment on visiting: <a href="http://www.wofford.edu/wellnessCenter">www.wofford.edu/wellnessCenter</a>	Hugh R. Black Wellness Center
<b>Chaplin's Office</b>	864-597-4051 or by email at <a href="mailto:robinsonrr@wofford.edu">robinsonrr@wofford.edu</a>	Main Building, 1 <sup>st</sup> Floor

### 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 complaint is related to or impacts the college's academic, educational, athletic, study abroad or extracurricular programs or activities. Any allegations regarding ability are only accepted by referral from the director of accessibility services, Perry Henson, or her designee. 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 complaints of discrimination and/or harassment that involve the protected classes of sex, sexual orientation, sexual identity, 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](http://www.wofford.edu/titleix).

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### **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](mailto: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.

### **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 incident. 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. Campus Safety will determine whether a timely warning should be issued and will send information to the South Carolina State Law Enforcement Division (SLED), pursuant to the Jessica Horton Act, whenever legally required. For more information regarding the Clery Act compliance, please contact Randy Hall, director of campus safety ([halljr@wofford.edu](mailto:halljr@wofford.edu)).

### **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.

#### **Discrimination**

Discrimination under this policy is conduct that denies 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.<sup>3</sup>

#### **Harassment**

Harassment is the unwelcomed conduct 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.<sup>4</sup>

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<sup>3</sup> For discrimination involving sex, sexual orientation, gender identity and pregnancy refer to the Sexual and Gender-Based Misconduct Policy.

<sup>4</sup> For harassment involving sex, sexual orientation, gender identity and pregnancy refer to the Sexual and Gender-Based Misconduct Policy.

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Harassment is also conduct that creates or attempts to create an intimidating or hostile environment for another person. Such conduct includes, but is not limited to, action(s) or statement(s) that threaten, harm or intimate a person or any other form of unwanted contact.

Harassment does not refer to behavior acceptable to or consented to by both parties or to the normal exchange of ideas within the academic environment, nor is it intended to discourage the introduction of unpopular or controversial relevant ideas in the classroom.

### **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 complaint 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 complaint. 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 complaint 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:

- 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 complaint or encouraging others to do so.

### **Additional Applicable Definitions**

#### **Hostile Environment**

“A hostile environment is defined as an environment on campus that, through harassing conduct (e.g., physical, verbal, graphic or written) based on a person’s protected status (e.g., sexual orientation, age, etc.), 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 university program or activity.”<sup>5</sup>

#### **Standard of Proof: Preponderance of the Evidence**

“The preponderance of evidence standard is defined as the proof need only show the facts are more likely to be than not so.”<sup>6</sup>

*Procedures of this policy are available online and/or upon request from the BIRT coordinator.*

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<sup>5</sup> <https://hr.umich.edu/working-u-m/workplace-improvement/campus-commitment/what-hostile-environment>

<sup>6</sup> Loschiavo, C., & Waller, J. L. (n.d.). The Preponderance of Evidence Standard: Use in Higher Education Campus Conduct Processes. Retrieved from <https://www.theasca.org/files/The Preponderance of Evidence Standard.pdf>

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### Emergency Notification to the Campus Community

In the event that an immediate threat is confirmed by college officials, Wofford immediately will notify the campus community concerning the dangerous situation in order to account of the safety of the campus community providing the alert will interfere or compromise assistance and aid to a victim(s), impact the college's ability to contain, mitigate or respond to the emergency. Either the Department of Campus Safety, the Office of Marketing and Communications or the Office of Student Affairs (or all) will confirm the nature, immediacy and severity of the threat and the appropriateness of the emergency communication by communicating with news sources, other institutions, Spartanburg County Emergency Management and local law enforcement agencies. In most cases and if time permits, the director of campus safety will coordinate with the senior director of public relations and communications in order to draft the message. The vice president for student affairs will alert the provost and the president. Both the senior director of public relations and communications and the director of campus safety are authorized to release an emergency notification concerning an immediate threat to all or part of the campus. The alert will be distributed to the entire campus but (depending on the nature of the threat) likely will include directions and specific notifications for different areas of the campus. Even though the protocol of a thorough but brief analysis and collaboration between the vice president of student affairs, the senior director of public relations and communications, the director of campus safety – and the director of the Wellness Center, if appropriate – is standard, any one of the group can initiate the emergency warning based on the severity and immediacy of the event. Simultaneously, the director of campus safety will inform department staff to immediately begin to make emergency preparations for the event.

The warning will include, but is not limited to, the following:

- Type of crime or incident.
- Location of the incident.
- Available suspect information.

The campus may be notified by one or more of the following methods:

- Electronic communications that include text and email messaging.
- Campus-wide outdoor notification system that includes both voice and tone sirens.
- Social media sites such as Facebook and Twitter.

### Enrollment into the College Electronic Alert System

All students and employees with a college email address are registered in the electronic emergency alert system (Rave Mobile Safety). Cellular phone numbers of entering students also are enrolled in the system. All employees of the college who have a college-owned phone or tablet are required to enter the cellular phone number into the system in their accounts. Students and parents are informed at orientation of the importance of ensuring that their cell phone information is correct in their accounts. During each monthly test of the system, an email explains that in the event that the student or employee did not receive a text alert test, he or she must check with the Department of Campus Safety to ensure the cellular phone information is correctly entered into the system. The emergency alert sign-up procedures are located on the Department of Campus Safety website at <http://www.wofford.edu/campusSafety/>. In addition, reminders about emergency alert sign-up are on every Wofford Daily Announcement publication.

### Timely Warnings

When there is an incident on campus or off campus in proximity to the college that would constitute an ongoing or continuing threat, the college will issue a warning to the campus community in a timely manner. The warning will be issued either through the campus emergency communications text and email system or through the campus-wide email distribution system. Any member of the campus community with knowledge of a threat that would warrant a timely warning or emergency alert will notify the Department of Campus Safety immediately.

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The decision to issue a timely warning will be made on a case-by-case basis in compliance with the Jeanne Clery Act and considering all available facts and upon determining whether the crime or threat is considered a serious or continuing threat to the campus community. These warnings will be made for the entire campus and will include an educational or prevention component.

Timely warnings are issued for the following Clery reportable events when they are determined to pose a threat to the campus community:

- Arson.
- Robbery.
- Burglary.
- Aggravated assault.
- Criminal homicide/negligent/non-negligent manslaughter.
- Motor vehicle theft.
- Sex offenses.
- Hate crimes.
- Domestic or dating violence.
- Stalking.
- Weapons offenses.
- Alcohol and drug offenses.

Alcohol and drug offenses generally are not considered a threat to the campus community unless specific incidents of intentionally used to harm students or others can be determined.

### Emergency Response and Evacuation Testing

The college conducts at least one response and or evacuation drill per year. Such drills may include, but are not limited, to shelter-in-place drills, mass evacuation exercises and table top exercises with college and local responders and tornado drills. Campus safety will coordinate these exercises and drills and maintains records of each to include the time and date of the exercise, number of participants, an evaluation of the drill or exercise and whether the exercise or drill was announced. When possible, campus safety will invite evaluators from other agencies or departments to evaluate the effectiveness of the activity. Campus safety will record the event on the campus safety website. The college, based on severe weather and emergencies throughout the country in 2017, conducted severe weather drills on Feb. 10 and 28 and on Oct. 25. In addition, fire and evacuation drills were conducted for the entire campus several times during the year. Campus safety conducted active shooter training for the campus three times in 2017. The department also hosted the county-wide CSX railroad disaster tabletop exercise. Fire drills for residence halls are conducted at least once (during the first 10 days of the semester and usually again during most semester and during summer school. Administrative and academic buildings were tested in September. Emergency mass notification was tested regularly throughout the semester. Campus safety exercised the Rave Mobile Safety electronic notification system monthly, usually in conjunction with the outdoor siren system (when there was no danger of unduly alarming the community during periods of possible dangerous weather that had not yet either developed or come into the community proximity area or where an on-campus or community outdoor event would otherwise be too disrupted by the siren system). Officers test both the outdoor warning system and the Rave Mobile Safety electronic mass notifications at least three times a semester, usually on the first Saturday of the month to coincide with Spartanburg County Emergency Management testing.

## Wofford College 2018 Annual Security and Fire Safety Report

### Campus Crime Log

The director of campus safety maintains a daily campus crime log that records all crimes reported to the department. This log contains the incident location, date of occurrence, date report was made, incident report number, disposition or action taken on the case, and description of the incident for each crime reported. The director of campus safety maintains a copy of the crime log for public inspection at the campus safety office. In addition, the crime log is posted on the campus safety website at <http://www.wofford.edu/campusSafety/>. A three-year crime synopsis is located on the following pages that represent offenses that have occurred on the main Wofford Campus and the Goodall Environmental Studies Center in Glendale, S.C.. Data also is provided for offenses that have occurred on public property in the immediate vicinity of Wofford-owned or leased property. For purposes of the report, the section of the Spartanburg Memorial Auditorium parking lot leased for college use is reported as on-campus property as is the former Calvary Baptist Church building and lot that is leased to the college. As such, any offenses reported on an adjacent sidewalk, the public road adjacent to the property and the sidewalk beyond on the other side of the public street will be reported as offenses occurring on public property as long as there is no fence that prohibits access to the public property. Any offenses occurring on adjacent property that is private will not be included in the reporting statistics.

The Goodall Environmental Studies Center in Glendale is considered a separate campus for crime reporting because courses taught there count toward a degree, the center has its own budget and program director (although not always on site and the director has an office on main campus). Offenses occurring in the adjacent post office lot of Goodall Center will be recorded as offenses occurring on public property as will those occurring on the 111-437 block of Glendale Ave., 341 Broadway St. and Emma Cudd Road adjacent to the Glendale dam.

Wofford College also uses, by written agreement, property on the 100 block of Lake Forest Drive in the county that includes the golf practice facility and the banks and streambed of Lawson Fork Creek that is used by the Department of Environmental Studies. This also is considered to be non-campus property.

### Three-Year Campus Crime Report

Public law and the federal government require the college to maintain and publish a three-year crime log listing certain crimes. Crimes are reported based on location. For Wofford, all crimes occurring on the geographical limits of main campus are reported as “on campus.” This also includes the leased lot spaces at the Spartanburg Memorial Auditorium, Calvary Baptist Church building and lot on Osage Street, Terrier Plaza located at 544 N. Church St., and the leased adjunct faculty housing at Magnolia Lofts located at 249 Magnolia St. because of the contiguous proximity to campus, there is a standard of use and because the college leases these areas. Any crime occurring in “residential facilities” are those in the residence halls, the Village and the Michael S. Brown Village Center (except the first floor, which has no housing). Crimes occurring on “public property” are those crimes occurring on public property that is within the campus such as on city streets (Evins to Osage Street, McDowell, Charlevoix Streets and Cumming Street from McDowell to Pinewood Place, and East Cleveland loop at the end of Memorial Drive) and any public property that borders and is accessible from campus. This includes Memorial Drive from East Cleveland Street to the area just beyond the leased parking area in the Spartanburg Memorial Auditorium lot, both sidewalks and road surface of North Church Street from the Church Street auditorium entrance to Evins Street, Pearl Street from Edgewood Street to 214 East Pearl St., and the Liberty Trail public park between Pearl Street and Cumming Street from the leased Calvary Baptist Church lot to Pearl Street and Pearl Street only from North Church Street to the Village fence at Osage Street. Public property is not counted in public areas bordering the campus that is enclosed by a fence with a gate that is not usually opened. Crimes occurring at the golf facility on Lake Forest Drive and the easement on Lake Forest used by the Department of Environmental Studies are listed as occurring on “non-campus” property. Crimes committed in locations that frequently are used such as hotels used by a sports team or a group of students annually or locations where students are housed for more than two days (such as on Interim trips in January) also are recorded as occurring on non-campus property.

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### Three-Year Crime Report (includes reported offenses occurring from Jan. 1-Dec. 31 of each year)

Offense	Year	On-Campus Property	On-Campus Student Housing	Non-Campus	Public Property
<b>Murder/Non-Negligent Manslaughter</b>	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
<b>Manslaughter by Negligence</b>	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
<b>Rape</b>	2017	7	4	0	0
	2016	1	1	0	0
	2015	6	0	0	0
<b>Fondling</b>	2017	10	3	0	0
	2016	2	1	0	0
	2015	0	0	0	0
<b>Incest</b>	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
<b>Statutory Rape</b>	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
<b>Robbery</b>	2017	1	0	0	0
	2016	1	1	0	0
	2015	1	0	0	0
<b>Aggravated Assault</b>	2017	2	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
<b>Burglary</b>	2017	6	4	0	0
	2016	4	3	0	0
	2015	3	2	0	0
<b>Motor Vehicle Theft</b>	2017	2	0	1	0
	2016	3	0	0	1
	2015	1	0	0	0
<b>Arson</b>	2017	0	0	0	0
	2016	1	0	0	0
	2015	0	0	0	0
<b>Unfounded Crimes</b>	2017	0			
	2016	1			
	2015	1			

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<b>Offense</b>	<b>Year</b>	<b>Goodall Environmental Studies Center</b>
<b>Murder/Non-Negligent Manslaughter</b>	2017	0
	2016	0
	2015	0
<b>Manslaughter by Negligence</b>	2017	0
	2016	0
	2015	0
<b>Rape</b>	2017	0
	2016	0
	2015	0
<b>Fondling</b>	2017	0
	2016	0
	2015	0
<b>Incest</b>	2017	0
	2016	0
	2015	0
<b>Statutory Rape</b>	2017	0
	2016	0
	2015	0
<b>Robbery</b>	2017	0
	2016	0
	2015	0
<b>Aggravated Assault</b>	2017	0
	2016	0
	2015	0
<b>Burglary</b>	2017	0
	2016	0
	2015	0
<b>Motor Vehicle Theft</b>	2017	0
	2016	0
	2015	0
<b>Arson</b>	2017	0
	2016	0
	2015	0
<b>Unfounded Crimes</b>	2017	0
	2016	0
	2015	0

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### Violence Against Women Act Violations

Offense	Year	On-Campus Property	On-Campus Student Housing	Non-Campus	Public Property
Domestic Violence	2017	2	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
Dating Violence	2017	2	1	0	0
	2016	1	0	0	0
	2015	0	0	0	0
Stalking	2017	0	0	0	0
	2016	1	1	0	0
	2015	0	0	0	0

Offense	Year	Goodall Environmental Studies Center
Domestic Violence	2017	0
	2016	0
	2015	0
Dating Violence	2017	0
	2016	0
	2015	0
Stalking	2017	0
	2016	0
	2015	0

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## Arrest and Disciplinary Referrals

Offense	Year	On-Campus Property	On-Campus Student Housing	Non-Campus	Public Property
<b>Arrests: Weapons: Carrying/Possessing</b>	2017	0	0	0	0
	2016	1	1	0	0
	2015	0	0	0	0
<b>Disciplinary Referrals: Weapons: Carrying/Possessing</b>	2017	1	1	0	0
	2016	0	0	0	0
	2015	0	0	0	0
<b>Arrests: Drug Abuse Violations</b>	2017	1	0	0	0
	2016	1	1	0	0
	2015	2	2	0	0
<b>Disciplinary Referrals: Drug Abuse Violations</b>	2017	25	13	0	0
	2016	13	8	0	0
	2015	19	17	0	0
<b>Arrests: Liquor Law Violations</b>	2017	0	0	0	0
	2016	0	0	0	0
	2015	2	0	0	0
<b>Disciplinary Referrals: Liquor Law Violations</b>	2017	194	106	0	0
	2016	171	128	0	0
	2015	233	186	0	0

Offense	Year	Goodall Environmental Studies Center
<b>Arrests: Weapons: Carrying/Possession</b>	2017	0
	2016	0
	2015	0
<b>Disciplinary Referrals: Weapons: Carrying/Possession</b>	2017	0
	2016	0
	2015	0
<b>Arrests: Drug Abuse Violations</b>	2017	0
	2016	0
	2015	0
<b>Disciplinary Referrals: Drug Abuse Violations</b>	2017	0
	2016	0
	2015	0
<b>Arrests: Liquor Law Violations</b>	2017	0
	2016	0
	2015	0
<b>Disciplinary Referrals: Liquor Law Violations</b>	2017	0
	2016	0
	2015	0

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**Hate Crime Reporting:** Hate crimes include any of the crimes listed above and any incidents of larceny/theft, simple assault, intimidation or destruction of property that are motivated by bias.

Hate Crime Offense	Year	On-Campus Property	On-Campus Student Housing	Non-Campus	Public Property
<b>Murder/Non-Negligent Manslaughter</b>	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
<b>Manslaughter by Negligence</b>	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
<b>Rape</b>	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
<b>Fondling</b>	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
<b>Incest</b>	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
<b>Statutory Rape</b>	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
<b>Robbery</b>	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
<b>Aggravated Assault</b>	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
<b>Burglary</b>	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
<b>Motor Vehicle Theft</b>	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
<b>Arson</b>	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
<b>Simple Assault</b>	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
<b>Larceny/Theft</b>	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
<b>Intimidation</b>	2017	0	0	0	0
	2016	0	0	0	0
	2015	1 (Gender)	1 (Gender)	0	0

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<b>Vandalism</b>	2017	2 (Race)	1 (Race)	0	0
	2016	0	0	0	0
	2015	0	0	0	0
<b>Domestic Violence</b>	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
<b>Dating Violence</b>	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
<b>Stalking</b>	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0

<b>Hate Crime Offense</b>	<b>Year</b>	<b>Goodall Environmental Studies Center</b>
<b>Murder/Non-Negligent Manslaughter</b>	2017	0
	2016	0
	2015	0
<b>Manslaughter by Negligence</b>	2017	0
	2016	0
	2015	0
<b>Rape</b>	2017	0
	2016	0
	2015	0
<b>Fondling</b>	2017	0
	2016	0
	2015	0
<b>Incest</b>	2017	0
	2016	0
	2015	0
<b>Statutory Rape</b>	2017	0
	2016	0
	2015	0
<b>Robbery</b>	2017	0
	2016	0
	2015	0
<b>Aggravated Assault</b>	2017	0
	2016	0
	2015	0
<b>Burglary</b>	2017	0
	2016	0
	2015	0
<b>Motor Vehicle Theft</b>	2017	0
	2016	0
	2015	0

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<b>Arson</b>	2017	0
	2016	0
	2015	0
<b>Simple Assault</b>	2017	0
	2016	0
	2015	0
<b>Larceny/Theft</b>	2017	0
	2016	0
	2015	0
<b>Intimidation</b>	2017	0
	2016	0
	2015	0
<b>Domestic Violence</b>	2017	0
	2016	0
	2015	0
<b>Dating Violence</b>	2017	0
	2016	0
	2015	0
<b>Stalking</b>	2017	0
	2016	0
	2015	0

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## Annual Fire Safety Report

The Annual Fire Report will be completed at the same time as the Annual Security Fire Safety Report. The report will contain statistics on fires on campus and in any residence halls and the cause of each, any deaths or injuries caused by fire and any property damage that resulted from a fire. The report will outline fire evacuation procedures for each residence facility, policies on contraband items that could cause fires, fire safety equipment on campus and residence halls, policies on fire safety training, fire reporting procedures and plans for future improvements in fire safety. The report also includes a fire log that records each fire, the time and date it occurred and the nature of the fire.

## 2017 Fire Statistics

There was one fire in residence facilities in 2017 involving a candle that was left unattended and burning in a residence hall bathroom. The bathroom countertop was slightly damaged by the incident. No other part of the building was damaged or individuals injured.

## Fire Safety Equipment and Systems on Campus

Residence Hall Fire Safety Systems Status:

- Marsh: Hardwired detectors tied to monitoring station throughout the building; the building has sprinklers throughout.
- Greene: Hardwired detectors tied to monitoring station throughout the building; the building has sprinklers throughout.
- Carlisle: Hardwired detectors tied to monitoring station throughout the building; the building has sprinklers throughout.
- Shipp: Hardwired detectors tied to monitoring station throughout the building; the building has sprinklers throughout.
- DuPre: Hardwired detectors tied to monitoring station throughout the building; the building has sprinklers throughout.
- Wightman: Detectors are hard-wired in hallways. Battery-operated detectors in rooms (except in designated handicap rooms) do not go to alarms; fully sprinkled.
- Lesesne: Detectors hard-wired and 100 percent tied to monitored alarms; fully sprinkled.
- Village Apartments (considered to be 30 separate residence hall facilities since each unit has its own fire safety system): Detectors hard-wired and 100 percent tied to monitored alarms; fully sprinkled. Each unit has smoke and heat detectors.
- Michael S. Brown Village Center: Same as the Village.

## Administrative/Educational Buildings

- Andrews Field House: Detectors/alarms monitored; no sprinklers.
- Black Science Annex: Alarms not tied to detectors or monitored; no sprinklers: evacuees must pull alarm at sign of fire/smoke.
- Burwell: Alarms tied to detectors and monitored; no sprinklers.
- Cumming Street Facility: Alarms tied to detectors and monitored; no sprinklers.
- Campus Life: Detectors tied to alarms and are monitored; no sprinklers.
- Daniel Building: No detectors; must pull alarm.
- DuPre Administration: Alarm not monitored; building has no sprinklers.
- Gibbs Stadium: Alarms monitored; no sprinklers.
- Goodall Environmental Studies Center: Alarms monitored; no sprinklers.

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- Main Building: Alarms monitored and has sprinklers.
- Roger Milliken Science Center: Alarms monitored and has sprinklers on west side addition.
- Franklin W. Olin Building: Alarms monitored with sprinklers.
- Papadopoulos/Hugh Black Buildings: Alarms not monitored; no sprinklers.
- Richardson Physical Activities Building: Alarms monitored; sprinklers only in weight room.
- Sandor Teszler Library: Alarm not monitored; building not sprinkled.
- Snyder House: Alarms not tied to detectors or monitored, no sprinklers; evacuees must pull alarm at sign of fire/smoke.
- Joe E. Taylor Center: Alarms monitored with sprinklers.

Note: All buildings have fire extinguishers in addition to alarms and or sprinkler systems.

### Fire Drills

The Department of Campus Safety conducts fire drills for each residence facility. Fire drills are observed and monitored by campus safety officers and residence life staff. Each drill concludes with an after-action review conducted by the officer and other staff present. At least one fire drill per semester will be conducted at night. Campus safety also conducts fire drills during the year for administrative and classroom buildings during business hours. All fire drills are recorded on a fire drill log. Campus safety conducted fire drills on each residence hall and apartment building a total of four times in 2017. Campus safety also conducted fire drills for 14 academic and administrative buildings during the year.

### College Policies on Prohibited Items

The college outlines specific rules for materials and items that are considered dangerous or that could cause fires. The current policy is located in the Wofford College Student Handbook, located at <http://www.wofford.edu/uploadedfiles/studentlife/Student%20Handbook.pdf> on the college website. In addition, incoming students and their parents are presented a list of prohibited items during the residence life/campus safety presentation at orientation. The student handbook includes the following rules:

#### Open Flames:

No open flames, such as candles, oil lamps or incense are allowed in residence hall rooms. If observed, members of the residence life, student affairs or campus safety staff will confiscate these items. Students found in violation of this policy will be fined \$20 plus \$5 per item and will be subject to disciplinary actions.

#### Prohibited Appliances:

The following appliances have been deemed fire hazards and are not allowed in the residence halls: hot plates, Bunsen burners, toasters, toaster ovens, George Foreman grills and halogen lamps. Additionally, microwave/toaster combination appliances are not permitted. Any student found in possession of these items will be subject to disciplinary action, and the items will be confiscated.

### Procedures for Residence Facility Evacuation

Campus safety provided fire safety and evacuation training for building captains and floor wardens (building emergency responders) in January 2017. Every resident assistant (RA) and resident director (RD) completed fire safety training that was conducted by campus safety before students arrive on campus in August. This training, conducted during RA/RD orientation and training in July and August 2017, consisted of evacuation assembly areas, primary and alternate routes and exits, fire safety equipment and systems for each residence facility, and hands-on extinguisher deployment training. Campus safety teamed up with the Spartanburg City Fire Marshall's Office to conduct this training. When students arrive on campus, RAs conduct evacuation procedures and route training for residents of their halls. Every resident is given a copy of both fire and severe weather evacuation locations. Campus safety conducts fire drills for each facility within the first 10 days of students'

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arrival. RAs and RDs take a very active role in the drills and use these as training events and assist in conducting the after-action review at the end of the drill. These evacuation areas are:

<b>BUILDING</b>	<b>SAFE LOCATION</b>
<b>Carlisle Hall</b>	Lawn at west end of Daniel Building between Daniel and Milliken
<b>DuPre Hall</b>	Lawn of mall behind Main Building
<b>Greene Hall</b>	Lawn in front of building on south side of Daniel Building
<b>Lesesne Hall</b>	Lawn beside Olin Building (stay away from curb and FDC at east end of bldg.).
<b>Marsh Hall</b>	Lawn in front of Greene Hall (to right of central sidewalk)
<b>Michael S. Brown Village Center</b>	Lawn vicinity of House 110
<b>Shipp Hall</b>	Mall area behind Main (do not go to parking lots or paved roads)
<b>Village Units 110-140; 210&amp;220</b>	Central lawn area vicinity the trees (stay away from hydrants vicinity 170 and Osage St.)
<b>Village Units 150-170</b>	Same as above
<b>Village Units 230-250</b>	Grass between 150/390 vic emergency pole
<b>Village Units 270 &amp; 280</b>	Lawn in front of House 310
<b>Village 300 Series Units</b>	Gravel lot behind units; stay away from fire lanes
<b>Wightman Hall</b>	Level grassy area between Pavilion and Papadopoulos Bldg. (stay away from hydrant at Butler Circle and FDA on front of dorm)

In the event of a fire, persons must pull an alarm if alarm has not yet sounded and get out the nearest exit. People should never attempt to use an elevator. If in a class, students and their professor should move directly to the assembly area. The faculty member will account for students. Students and staff must try to stay out of parking lots because that is a likely place for emergency vehicles to gather. Persons should never assemble near a hydrant or fire department connection (FDC). Persons should never gather along curbs or fire lanes. These will be used by the emergency vehicles and crews. Despite that some of the assembly areas seem a long distance from the residence halls, the assembly areas are clear of hydrants and FDCs.

In addition to fire drills, campus safety also conducted a tornado drill on March 1 in conjunction with county and state drills. Wofford exercised its siren-driven outdoor mass notification system as well as the college's text and email notification tools.

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### **Reporting Fires on Campus**

Students, faculty and staff should report fires, alarms or annunciator horn activation immediately to campus safety at 864-597-4911. Notification of campus safety ensures that officer can respond immediately, often before the alarm monitoring company can call the office (always after local fire departments are called and dispatched). In addition to campus safety, anyone observing an actual fire on campus also should call 911 but always with a follow-up call with campus safety. If a fire is seen but no alarms are present, persons should attempt to activate a pull station if they can get to one safely.

### **Fire Log**

Campus safety will maintain a fire log similar to the daily crime log. This log will be available for review in the campus safety office or in printed form by request by calling 864-597-4352. The log will contain:

- The nature of the fire.
- The date and time of the fire.
- Location of the fire.

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## Fires - On-campus Student Housing Facilities Three-Year Report

Residence Hall Facility	Address	Number of Fires		
		2015	2016	2017
Michael S. Brown Village Center	160 Evins Street	0	0	0
Carlisle Hall	275 Wofford Campus Drive	0	0	0
DuPre Hall	235 Evins Street	0	0	0
Greene Hall	273 Wofford Campus	0	0	0
Lesesne Hall	121 Evins Street	0	0	0
Marsh Hall	229 Wofford Campus Drive	0	1	0
Shipp Hall	229 Evins Street	0	0	0
The Village				
Unit 110	180 Evins Street Unit 110	0	0	0
120	180 Evins Street Unit 120	0	0	0
130	180 Evins Street Unit 130	0	0	0
140	180 Evins Street Unit 140	0	0	0
150	180 Evins Street Unit 150	0	0	0
160	180 Evins Street Unit 160	0	0	0
170	180 Evins Street Unit 170	0	0	0
210	180 Evins Street Unit 210	0	0	0
220	180 Evins Street Unit 220	0	0	0
230	180 Evins Street Unit 230	0	0	0
240	180 Evins Street Unit 240	0	0	0
250	180 Evins Street Unit 250	0	0	0
260	180 Evins Street Unit 260	0	0	0
270	180 Evins Street Unit 270	0	0	0
280	180 Evins Street Unit 280	0	0	0
310	180 Evins Street Unit 310	0	0	0
315	180 Evins Street Unit 315	0	0	0
317	180 Evins Street Unit 317	0	0	0
318	180 Evins Street Unit 318	0	0	0
319	180 Evins Street Unit 319	0	0	0
320	180 Evins Street Unit 320	0	0	0
325	180 Evins Street Unit 325	0	0	0
330	180 Evins Street Unit 330	0	0	0
335	180 Evins Street Unit 335	0	0	0
340	180 Evins Street Unit 340	0	0	0
350	180 Evins Street Unit 350	0	0	0
360	180 Evins Street Unit 360	0	0	0
365	180 Evins Street Unit 365	0	0	0
380	180 Evins Street Unit 380	0	0	0
390	180 Evins Street Unit 390	0	0	0
Wightman Hall	101 Evins Street	0	0	1

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### Plans for Improvement

The college has worked to improve fire safety systems in residence halls on campus by renovating systems in Carlisle and Marsh Halls throughout the summer of 2018. In Carlisle, hardwired, monitored detectors replaced the battery operated non-monitored detectors in each bedroom. Hardwired, monitored detectors and a sprinkler system were installed throughout Marsh Hall. A new fire system panel and wired detectors in resident rooms are planned for upcoming years for two other residence halls. The department will send appropriate officers to scheduled fire safety and systems training as available. Campus safety will work to conduct fire drills every semester for administrative and academic buildings instead of drills once per year. Campus safety staff will volunteer to visit department meetings at least annually and conduct fire safety training for each staff. The Emergency Preparedness Committee has developed and implemented a building captain and floor warden program to ensure that each building on campus has appropriately trained personnel to assist during emergencies, particularly during evacuations. This system, in its second year of implementation and continues to improve communication and emergency response capabilities in Wofford's buildings.