

# SEXUAL MISCONDUCT EDUCATION, AWARENESS AND RESOURCES

2017-18



**WOFFORD**

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## **SEXUAL MISCONDUCT ASSISTANCE AND REPORTING**

Sexual misconduct is a violation of Wofford College policy and a form of discrimination prohibited by federal law. It is never an excusable behavior, regardless of your relationship. If you or someone you know needs assistance in response to sexual misconduct, please call any of the following resources listed in this brochure. Please refer to the Sexual Misconduct Policy for complete definitions, policies and procedures.

## **STATEMENT OF NON-DISCRIMINATION**

Wofford College does not discriminate on the basis of race, color, creed, religion, sex, age, national origin, disability, veteran status, sexual orientation, gender identity or any legally protected status.

**SEXUAL MISCONDUCT** is any unwelcome conduct of a sexual nature, including any conduct or act of a sexual nature perpetrated against an individual without consent. Sexual misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual misconduct can be committed by men or by women, and it can occur between people of the same or different sex. The college encourages reporting of all sexual misconduct. Sexual misconduct includes, but is not limited to, dating violence, domestic violence, sexual assault, sexual exploitation, sexual harassment, sexual intimidation and stalking.

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

1. 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.
2. 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.

Sexual harassment also includes acts of intimidation, bullying, aggression or hostility based on gender or gender-stereotyping, even if the acts do not involve conduct of a sexual nature.

**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.

**DOMESTIC VIOLENCE** includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state of South Carolina, or by 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.

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

**SEXUAL INTIMIDATION** includes, but is not limited to, threatening, expressly or impliedly, to commit a sexual act upon another person without his or her consent; stalking or cyber-stalking; and engaging in indecent exposure (intentionally exposing one's sexual organs in public) with the intention of alarming, distressing and/or offending others.

**SEXUAL ASSAULT** means any actual, attempted or threatened sexual act with another person without that person's consent. By way of example and not limitation, sexual assault includes:

1. Fondling (the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances in which the victim is incapable of giving consent because of his or her age or because he or she is temporarily or permanently Incapacitated).
2. Incest (sexual intercourse between persons who are related to each other within degrees wherein marriage is prohibited by South Carolina law).
3. Statutory Rape (sexual intercourse with an individual under the statutory age of consent, as defined by South Carolina law).
4. Rape.

**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:

1. Causing or attempting to cause another person to be incapacitated in order to gain a sexual advantage over such person.
2. Prostituting another person (i.e., personally gaining money, privilege or power from the sexual activities of another).
3. 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.

4. Exceeding the boundaries of consent (e.g., allowing another person to observe consensual sex without the knowledge of or consent from all participants).
5. Voyeurism.
6. Knowingly or recklessly transmitting a sexually transmitted disease (including HIV) to another individual.

**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:

1. Silence, passivity or lack of resistance alone.
2. A current or previous dating or sexual relationship alone (or the existence of such a relationship with anyone else).
3. Attire.
4. The buying of dinner or the spending of money on a date.
5. 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:

1. Minors, even if the other participant did not know the minor's age.
2. Mentally disabled persons, if their disability was reasonably knowable to a sexual partner who is not mentally disabled.
3. 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 misconduct.

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.

**To report sexual misconduct, contact**

**TITLE IX/ADA COORDINATOR**

***Title IX and ADA Coordinator***

Amanda Estabrook • 864.597.4047  
estabrookar@wofford.edu

**TITLE IX DEPUTY COORDINATORS**

***Assistant Dean of Students for Student Involvement***

Matt Hammett • 864.597.4048  
hammettmk@wofford.edu

***Assistant Dean of Students for Diversity and Leadership Development***

Demario L. Watts • 864.597.4066  
wattsdl@wofford.edu

***Director of Human Resources***

Chee Lee • 864.597.4230  
leecj@wofford.edu

***Other on-campus resources that report sexual misconduct to the Title IX Coordinator:***

Campus Emergency..... x4911 or 864.597.4911  
Campus Safety.....864.597.4350  
VP Student Affairs & Dean of Students .....864.597.4044  
Associate VP of Student Affairs..... 864.597.4371  
Office of Diversity and Inclusion.....864.597.4066  
Office of Residence Life (including your RA).....864.597.4064

***Confidential on-campus resources:***

Chaplain's Office ..... 864.597.4051  
Medical Services at the Wellness Center.....864.597.4370  
Campus Counseling.....864.597.4370  
Employee Assistance Program..... 800.854.1446

**To report anonymously**

Complete the silent witness form: <https://www.wofford.edu/SilentWitnessForm/>

(Please note that the college’s ability to investigate and take disciplinary action may be impacted if the report is anonymous).

**Spartanburg community and national resources:**

- Spartanburg City Police ..... 864.596.2096
- Spartanburg County Sheriff ..... 864.503.4500, 596.2222
- Spartanburg County Special Victims Unit... 864.503.4509, 4625, 4626, 4627
- Safe Homes Rape Crisis Coalition ..... 864.583.9803 or 1.800.273.5066
- South Carolina Victim’s Assistance ..... 803-750-1200
- Network Legal Assistance Program
- National Sexual Assault Hotline (RAINN) ..... 1.800.656.HOPE (4673)
- National Domestic Violence Hotline ..... 1.800.799.7233
- 1 in 6 ..... <https://1in6.org>
- Male Survivor ..... <http://www.malesurvivor.org/index.php>

For a list of culturally specific national resources, please visit [ncadv.org/learn-more/resources](http://ncadv.org/learn-more/resources)

**BYSTANDER INTERVENTION**

A bystander is someone other than the victim who is present when sexual misconduct is occurring or when a situation is occurring in which a reasonable person feels as though some protective action is required to prevent sexual misconduct. Bystanders, if active, can prevent harm or intervene before a situation gets worse. Examples of active bystander intervention include: not leaving an overly intoxicated person in a bar/party alone, walking a classmate to his/her car after class, calling police when a potentially violent situation is unfolding, not leaving an unconscious person alone (alerting an RA, EMS, campus police, etc.), or intervening when someone is being belittled, degraded or emotionally abused (walking victim away from abuser, contacting others for help, like counseling center, RA, dean).

## **What to do if you have been the victim of sexual assault, dating violence, domestic violence or stalking**

### **HOW TO GET HELP**

If you are a victim of sexual misconduct:

- Get to a safe place as soon as you can.
- Try to preserve all physical evidence and place in a paper bag.
- Do not bathe if you intend to report the misconduct.
- Get medical attention as soon as possible.
- Contact Campus Safety.
- Talk with a counselor who will maintain confidentiality.
- Contact someone you trust, such as a close friend, to be with you and support you.

Wofford College strongly supports and encourages reporting of sexual misconduct. Reporting provides resources to victims. Sexual misconduct should be reported to Wofford's Title IX coordinator, Amanda Estabrook, at 864.597.4047, or to a Title IX deputy coordinator: Matt Hammett, assistant dean of students for student involvement, at 864.597.4048; Demario Watts, assistant dean of students for diversity and leadership development, at 864.597.4066; or Chee Lee, director of human resources, at 864.597.4230.

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

You may seek help from local law enforcement agencies or by contacting Wofford Campus Safety. Wofford Campus Safety can assist you with contacting local law enforcement and can help you obtain transportation to the local law enforcement office. Officers are on duty at Wofford 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 can also screen for the presence of sedative drugs such as Rohypnol or GHB (date-rape drugs).

Employees at the 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 may request an anonymous kit with no law enforcement involvement. Spartanburg Medical Center has specially trained sexual assault nurse examiners who perform 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 should also 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. You also can preserve evidence by saving text messages, instant messages, social networking pages, other communications and keeping pictures, logs or other copies of documents that would be useful to college hearing boards/investigators or police.

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

The Wellness Center can help students sort through 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 Wellness Center 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 strictly confidential, are not part of student 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).

Safe Homes Rape Crisis Coalition (800.273.5066) has trained advocates who can offer confidential support, information and resources. Safe Homes Rape Crisis Coalition also provides counseling services to survivors of sexual violence and dating or domestic violence.

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

Although the college strongly encourages all members of its community to report sexual misconduct to law enforcement, it is the victim's choice whether or not to make such a report and victims have the right to decline involvement with the police. To report an incident involving a sexual assault, sexual exploitation, sexual intimidation, domestic violence, stalking or dating violence, contact Wofford Campus Safety at 864-597-4911. Reports of all domestic violence, dating violence, sexual assault and stalking made to Campus Safety will automatically be referred to the Title IX coordinator for investigation and support regardless of whether the complainant chooses to pursue criminal charges. The college will assist any victim with notifying local police if they so desire. Spartanburg City Police Department may also be reached directly by calling 911 (or for

non-emergency matters 864-596-2222). The Spartanburg City Police Department is located at 145 West Broad Street in Spartanburg.

Any person who obtains an order of protection from South Carolina or any reciprocal state should provide a copy to Campus Safety and the office of the Title IX Coordinator. A complainant may then meet with Campus Safety to develop a Safety Action Plan, which is a plan for campus police and the victim to reduce risk of harm while on campus or coming and going from campus. Campus Safety also can assist with obtaining a restraining order.

To the extent of the victim's cooperation and consent, college offices, including Campus Safety and the Title IX Coordinator, will work cooperatively to ensure that the complainant's health, physical safety, work and academic status are protected, pending the outcome of a formal college investigation of the complaint. For example, if reasonably available, a complainant may be offered changes to academic, living, or working situations in addition to counseling, health services and assistance in notifying appropriate local law enforcement. The Title IX coordinator or a Deputy Title IX Coordinator will assist with these accommodations. Additionally, personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant. Wofford does not publish the name of crime victims nor house identifiable information regarding victims in the campus safety daily crime log or online.

## **COLLEGE DISCIPLINARY PROCEDURES FOLLOWING A COMPLAINT**

Whether or not criminal charges are filed, you are encouraged to report incidents of sexual misconduct to the college's Title IX Coordinator or a Title IX Deputy Coordinator (even if you have filed a report directly with law enforcement). The Title IX Coordinator can help you access resources (including recommendations for legal counsel, if requested) and can provide support and information, including information on the college's procedures for investigating and addressing instances of sexual assault.

Wofford has its own judicial process for responding to sexual misconduct complaints. Many instances of sexual misconduct also are punishable by civil and criminal legal action, and the college encourages victims to also pursue their cases through these means. The Wofford Campus Safety Office (864.597.4350) can explain the procedures for pursuing civil and criminal options.

The college disciplinary process will include a prompt, fair, and impartial investigation and resolution process. Investigators and hearing board members are trained annually on the issues related to domestic violence, dating violence, sexual assault and stalking and taught how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability.

Retaliation against any person for filing, supporting or providing information in good faith in connection with a complaint of sexual

misconduct is strictly prohibited. Violations of this prohibition will be addressed through the sexual misconduct policy and/or other college disciplinary procedures, as deemed appropriate in the college's discretion. Any person who feels that he or she has been subjected to retaliation should make a report to the assigned Title IX Deputy Coordinator.

## **RISK REDUCTION, WARNING SIGNS OF ABUSIVE BEHAVIOR AND FUTURE ATTACKS**

No victim is ever to blame for being assaulted or abused. Unfortunately, a person who is the victim of sexual or dating violence is more likely to be re-victimized. Below are some tips to help reduce your risk, to recognize warnings signs of abusive behavior and how to avoid potential attacks.

### ***Warning signs of abusive behavior***

Domestic and dating abuse often escalates from threats and verbal abuse to violence. While physical injury may be the most obvious danger, the emotional and psychological consequences of domestic and dating violence are also severe. Warning signs of dating and domestic violence include:

1. Being afraid of your partner.
2. Constantly watching what you say to avoid a "blow up."
3. Feelings of low self-worth and helplessness about your relationship.
4. Feeling isolated from family or friends because of your relationship.
5. Hiding bruises or other injuries from family or friends.
6. Being prevented from working, studying, going home and/or using technology (including your cell phone.)
7. Being monitored by your partner at home, work or school.
8. Being forced to do things you don't want to do.

### **Help reduce your risk and avoid potential attacks**

If you are being abused or suspect that someone you know is being abused, speak up or intervene.

1. Get help by contacting the Wellness Center for support services.
2. Learn how to look for "red flags" in relationships so you can learn to avoid some of those characteristics in future partners.
3. Consider making a report with Campus Safety and/or the Title IX Coordinator and ask for a "no contact" directive from the college to prevent future contact.
4. Consider getting a protective order or restraining order.
5. Learn more about what behaviors constitute dating and domestic violence, understand it is not your fault, and talk with friends and family members about ways you can be supported.

6. Trust your instincts — if something doesn't feel right in a relationship, speak up or end it.

For information on sexual misconduct at Wofford College, visit the Title IX website: [wofford.edu/titleIX](http://wofford.edu/titleIX).

# DID YOU KNOW?

**NATIONALLY, 1 IN 5 WOMEN REPORT EXPERIENCING ATTEMPTED OR COMPLETED SEXUAL ASSAULT IN COLLEGE.**

**1 IN 33 MEN NATIONALLY REPORT EXPERIENCING ATTEMPTED OR COMPLETED RAPE.**

**MORE THAN 75 PERCENT OF RAPES ARE COMMITTED BY SOMEONE KNOWN TO THE VICTIM.**

**MORE THAN 50 PERCENT OF COLLEGE SEXUAL ASSAULTS OCCUR IN EITHER AUGUST, SEPTEMBER, OCTOBER OR NOVEMBER.**

**STUDENTS ARE AT AN INCREASED RISK DURING THE FIRST FEW MONTHS OF THEIR FIRST AND SECOND SEMESTERS IN COLLEGE.**



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