

**SEXUAL MISCONDUCT
EDUCATION,
AWARENESS AND
RESOURCES**

2021-22



SEXUAL AND GENDER-BASED MISCONDUCT ASSISTANCE AND REPORTING

Sexual and gender-based 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 and gender-based misconduct, please call any of the following resources listed in this brochure. Please refer to the Nondiscrimination and Anti-Harassment 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.

CONSENT

Wofford policy and local and state law prohibit nonconsensual sexual activity of any kind.

CONSENT is knowing, voluntary and clear permission by word or action to engage in sexual activity.

Since individuals may experience the same interaction in different ways, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain their consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

DEFINING SEXUAL HARASSMENT

SEXUAL HARASSMENT as an umbrella category includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence and stalking.

There are two types of sexual harassment:

- **Quid Pro Quo Sexual Harassment:** An employee of Wofford conditions the provision of an aid, benefit or service of the college on an individual's participation in unwelcome sexual conduct.
- **Hostile Environment Sexual Harassment:** Unwelcome conduct determined by a reasonable person to be so severe and pervasive and objectively offensive that it effectively denies a person equal access to Wofford's educational program or activity.

SEXUAL ASSAULT is any sexual act directed against another person without the consent of the complainant, including instances in which the complainant is incapable of giving consent.

- **Forcible Rape:** Penetration, no matter how slight, of the vagina or anus with any body part or object or oral penetration by a sex organ of another person, without the consent of the complainant.
- **Forcible Sodomy:** Oral or anal sexual intercourse with another person, forcibly and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- **Sexual Assault with an Object:** The use of an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- **Forcible Fondling:** The touching of the private body parts of another person (buttocks, groin, breasts) for the purpose of sexual gratification, forcibly and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

DOMESTIC VIOLENCE, on the basis of sex, committed by a current or former spouse or intimate partner of the complainant, by a person with whom the complainant shares a child in common, or by a person who is cohabitating with, or has cohabitated with, the complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of South Carolina, or by any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family violence laws of South Carolina.

- To categorize an incident as domestic violence, the relationship between the respondent and the complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

DATING VIOLENCE, on the basis of sex, committed by a person who is in or has been in a social relationship of a romantic or intimate nature with the complainant.

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. For the purposes of this definition, 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.

STALKING, engaging in a course of conduct, on the basis of sex, directed at a specific person, that would cause a reasonable person to (1) fear for the person's safety or the safety of others or (2) suffer substantial emotional distress.

For the purposes of this definition:

- **Course of conduct** means two or more acts, including, but not limited to, acts in which the respondent 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 complainant.
- **Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Wofford's Nondiscrimination and Anti-Harassment Policy also forbids Sexual Exploitation.

SEXUAL EXPLOITATION defined as: Taking nonconsensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute sexual harassment under this policy.

Examples of sexual exploitation include, but are not limited to:

- Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed).
- Invasion of sexual privacy.
- Taking pictures, video or audio recording of another in a sexual act, or in any other sexually-related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent), including the making or posting of revenge pornography.
- Prostituting another person.

- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually-transmitted disease (STD) or infection (STI) without informing the other person of the infection.
- Causing or attempting to cause the incapacitation of another person (through alcohol, drugs or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to nonconsensual sexual activity.
- Misappropriation of another person's identity on apps, websites or other venues designed for dating or sexual connections.
- Forcing a person to take an action against that person's will by threatening to show, post or share information, video, audio or an image that depicts the person's nudity or sexual activity.
- Knowingly soliciting a minor for sexual activity.
- Engaging in sex trafficking.
- Creation, possession or dissemination of child pornography.
- 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.

To report sexual and gender-based misconduct, contact the Title IX coordinator:

Matthew Hammett

Director for Civil Rights, Title IX Compliance and Student Risk Assessment

429 N. Church St.
 Snyder House Annex
 Spartanburg, SC 29303

Phone: 864-597-4048

Email: hammettmk@wofford.edu

You may also report allegations of discrimination and harassment using the Discrimination and Harassment Reporting Form available at https://cm.maxient.com/reportingform.php?WoffordCollege&layout_id=4

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

Other on-campus offices and resources that report sexual and gender-based misconduct to the Title IX coordinator:

Campus Emergency.....	4911 or 864-597-4911
Campus Safety.....	864-597-4350
VP Student Affairs and Dean of Students	864-597-4044
Associate VP of Student Affairs	864-597-4371
Chief Equity Officer.....	864-597-4046
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

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 or 4627
Safe Homes Rape Crisis Coalition	864-583-9803 or 800-273-5066
South Carolina Victim’s Assistance Network Legal Assistance Program	803-750-1200
National Sexual Assault Hotline (RAINN).....	800-656-HOPE (4673)
National Domestic Violence Hotline	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.

BYSTANDER INTERVENTION

A bystander is someone other than the victim who is present when sexual and gender-based 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 – such as counseling center, RA, dean).

HOW TO GET HELP IF YOU HAVE BEEN THE VICTIM OF SEXUAL ASSAULT, DATING VIOLENCE, DOMESTIC VIOLENCE OR STALKING

If you are a victim of sexual and gender-based 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 and gender-based misconduct. Reporting provides resources to victims. Sexual and gender-based misconduct should be reported to Wofford's Title IX coordinator, Matthew Hammett, at 864-597-4048.

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.

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.

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.

OBTAIN INFORMATION/REPORT MISCONDUCT

Although the college strongly encourages all members of its community to report sexual and gender-based misconduct to law enforcement, it is the victim's choice whether 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, 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 W. Broad St. 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 an institutional equity case 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 names 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 and gender-based misconduct to the college's Title IX 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 and gender-based misconduct complaints. Many instances of sexual and gender-based 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 and gender-based misconduct is strictly prohibited. Violations of this prohibition will be addressed through the Nondiscrimination and Anti-harassment 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 warning 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 also are severe.

Warning signs of dating and domestic violence include:

- Being afraid of your partner.
- Constantly watching what you say to avoid a “blow up.”
- Feelings of low self-worth and helplessness about your relationship.
- Feeling isolated from family or friends because of your relationship.
- Hiding bruises or other injuries from family or friends.
- Being prevented from working, studying, going home and/or using technology (including your cell phone.)
- Being monitored by your partner at home, work or school.
- 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.
- Get help by contacting the Wellness Center for support services.
- Learn how to look for “red flags” in relationships so you can learn to avoid some of those characteristics in future partners.
- 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.
- Consider getting a protective order or restraining order.
- 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.
- Trust your instincts — if something doesn’t feel right in a relationship, speak up or end it.

For information on sexual and gender-based misconduct at Wofford College, visit the Title IX website: 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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