Title IX
Gender Discrimination,
Sexual Harassment & Sexual Misconduct

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Title IX
Gender Discrimination, Sexual Harassment & Sexual Misconduct
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Furman University is a community committed to the goal of educating individuals to become responsible citizens and leaders in the human community. The university aims to develop individual excellence and to prepare students for life after college. Therefore, Furman University is committed to a campus environment that will neither tolerate nor condone sexual harassment, gender discrimination or sexual misconduct.

Title IX of the Education Amendments of 1972 states, “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 educational program or activity receiving federal financial assistance.”

Notice of Nondiscrimination
Furman University does not unlawfully discriminate on the basis of race, color, national origin, sex, sexual orientation, gender identity, disability, age, religion, veteran status, or any other characteristic or status protected by applicable local, state, or federal law in admission, treatment, or access to, or employment in, its programs and activities.

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“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 university activity.

   Examples of this type of sexual harassment include:
   a. pressuring an individual to engage in sexual behavior for some educational or employment benefit, or
   b. making a real or perceived threat that rejecting sexual behavior will carry a negative educational or employment consequence for the individual.

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 university activity.

   Examples of this type of sexual harassment include:
   a. one or more instances of sexual assault;
   b. persistent unwelcome efforts to develop a romantic or sexual relationship;
   c. unwelcome sexual advances or requests for sexual favors;
   d. unwelcome commentary about an individual’s body or sexual activities;
   e. repeated and unwelcome sexually-oriented teasing, joking, or flirting; or
   f. verbal abuse of a sexual nature.

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.

File 122.1 – Professional Ethics and Responsibilities
Faculty are prohibited from dating or having sexual relations with any student at Furman unless they are married to each other.
“Sexual misconduct” means 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 university encourages reporting of all sexual misconduct. Sexual misconduct includes but is not limited to:

- Intimate partner violence
- Non-consensual sexual contact
- Non-consensual sexual penetration
- Sexual exploitation
- Sexual harassment
- Sexual intimidation
- Stalking

**Intimate Partner Violence**

“Intimate partner violence” is actual or threatened physical violence, intimidation or other forms of physical, emotional or sexual abuse that would cause a reasonable person to fear harm to self or others and which is committed by a person who is 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 with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Intimate partner violence can occur between persons of any gender identity, any sexual orientation, and it can occur in any type of intimate relationship including monogamous, non-committed, and relationships involving more than two partners. Intimate partner violence can be a single act or a pattern of behavior. Intimate partner violence is sometimes referred to as, and includes behaviors that would be considered, dating violence, domestic violence, or relationship abuse. Intimate partner violence can take many forms. Examples include, but are not limited to, situations in which the following behaviors are directed toward a partner in a current or former intimate relationship: hitting, kicking, punching, strangling, or other physical violence; property damage; and threat of violence to one’s self, one’s partner, or the family members, friends, pets, or personal property of the partner.

**Non-consensual Sexual Contact**

“Non-consensual sexual contact” is any physical contact with another person of a sexual nature without that person’s consent. The touching of a person’s intimate parts (such as genitalia, groin, breast, buttocks or clothing covering same); touching a person with one’s own intimate parts; or forcing a person to touch another’s intimate parts is non-consensual sexual contact if it occurs without consent.
Non-consensual Sexual Penetration
“Non-consensual sexual penetration” is the sexual penetration of any bodily opening with any object or body part without consent. This could be committed by force, threat, intimidation, coercion, or through exploitation of another’s mental or physical condition (such as incapacitation) of which the respondent was aware or which a reasonable person in the respondent’s position should have been aware.

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:
1. Causing or attempting to cause the incapacitation of another person 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 these materials 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; and
7. Sexually based stalking and/or bullying may also be forms of sexual exploitation.

“Sexual Intimidation” Includes but Is Not Limited to:
1. Threatening, expressly or implied, to commit a sexual act upon another person without his or her consent,
2. Stalking or cyber-stalking, and
3. Engaging in indecent exposure (intentionally exposing one’s sexual organs in public) with the intention of alarming, distressing, and/or offending others.

Stalking
“Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
1. fear for his or her safety or the safety of others; or
2. suffer substantial emotional distress.
Acquaintance Rape
Acquaintance rape is the most prevalent form of rape on college campuses. Over 90% of campus rapes are committed by dates, friends, acquaintances, or friends of friends. Regardless of the relationship, if a person uses coercion or force to accomplish a sexual act, it is rape. The same criminal laws and university sanctions apply in cases of acquaintance rape as in cases of stranger rape. Many complainants mistakenly believe they are to blame because they agreed to meet their assailant at a party, accept a ride, flirt, stop for a casual conversation, or allow the assailant into their residence. Rape is never an excusable behavior. It is important to remember that regardless of the relationship, the rapist, not the victim, is responsible.
“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 mutually understandable 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); or
6. Accepting an invitation to one’s apartment/room.

Consent is not effective if it is obtained through the use of physical force, violence, duress, 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 (whether as a result of drugs, alcohol or otherwise), unconscious, asleep, or otherwise physically helpless or mentally or physically unable to make informed, rational judgments. 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.

CONSENT MAY BE WITHDRAWN AT ANY TIME.
Ensure Your Physical Safety
You may seek help from local law enforcement agencies or by contacting the Furman University Police Department. The Furman University Police Department can assist you with contacting local law enforcement and can help you obtain transportation to the local law enforcement office. The police are on duty at the Furman University Police Department 24 hours a day, seven days a week.

Seek Medical Assistance and Treatment
Local options for medical care include Student Health Services, North Greenville Hospital, Greer Memorial Hospital, St. Francis Hospital, and Greenville 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).

The staff at Student Health Services can help you obtain transportation to North Greenville Hospital, Greenville Memorial Hospital, or St. Francis 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. The evidence can be collected confidentially with an anonymous kit until you choose whether to report. The kit is paid for by the state. St. Francis Hospital, Greenville Memorial Hospital, and Greer Memorial Hospital administer evidence collection kits. Support and advocacy will be provided through the Julie Valentine Center, Greenville County’s rape crisis center.

Preserve the Evidence
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. Also, don’t clean up or move items located where the assault occurred. Write down as many details as possible.
Obtain Emotional Support
The Counseling Center can help student victims sort through their feelings and begin the recovery process. The professionals at the Counseling Center are trained to provide crisis intervention on short-term and emergency issues. The Counseling Center can also 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 students’ university records, and will not be reported to other university personnel. Students, faculty, and staff may also contact the Julie Valentine Center for emotional support and advocacy.

Faculty and staff may contact the Employee Assistance Program to obtain emotional support (available at 800.854.1446).

Obtain Information/Report Misconduct
You are encouraged to report incidents of sexual assault to the university’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 options for legal counsel, if requested) and can provide you with support and information, including information on the university’s procedures for investigating and addressing instances of sexual assault.
Reporting and Retaliation

Reporting to Furman University Police
Individuals may file a complaint directly with the Furman University Police Department, 24 hours a day, seven days a week (available by phone at 864.294.2111 and located in Hipp Hall).

Individuals may inform the Furman Police about sexual misconduct and discuss the matter with an officer without making a formal criminal complaint (or a university complaint). Individuals who make a criminal complaint may also choose to pursue a university complaint simultaneously.

A criminal investigation into the matter does not preclude the university from conducting its own investigation. However, the university’s investigation may be delayed temporarily while the criminal investigators are gathering evidence. In the event of such a delay, the university may take interim measures when necessary to protect the alleged victim and the university community.

Filing a Complaint with University Administration
Any student or employee may file a complaint against other students or faculty and staff of the university. Students and faculty and staff of the university may also file complaints against individuals not enrolled at or employed by the university if the conduct giving rise to the complaint is related to the university’s academic, educational, athletic, or extracurricular programs or activities. Finally, individuals who are not enrolled at or employed by the university may file a complaint against students or faculty and staff of the university if the conduct giving rise to the complaint is related to the university’s academic, educational, athletic, or extracurricular programs or activities.

Complaints may be filed with one of the following individuals or offices:
• Title IX coordinator
• Furman University Police
• Student Life
• Human Resources

Strictly Confidential Resources
For confidential reporting, seek out licensed counselors in the Counseling Center, pastoral counselors in the Chaplain’s Office or medical professionals in Student Health Services. Faculty and staff may also speak confidentially with the ombudspersons.
Individuals may also file **anonymous reports** by calling the Campus Conduct Hotline at 866.943.5787. Individuals who choose to file anonymous reports are advised that it may be very difficult for the university to follow up or take action on anonymous reports, where corroborating information is limited.

**Responsible Employee**

A responsible employee is an employee of the university who has the obligation to report to the Title IX coordinator any complaints or allegations of sexual misconduct of which he or she becomes aware while he or she is serving in one of the capacities listed below. Strictly confidential resources are not responsible employees.

The following individuals are the University’s Responsible Employees:

- All vice presidents, associate vice presidents, assistant vice presidents, provosts, deans, department chairs, directors, and coaches;
- All deputy Title IX coordinators;
- All Human Resources staff;
- All Student Life staff, including, resident assistants (RAs) and first-year advisors (FRADs);
- All faculty and staff serving in a supervisory or management role (including, for purposes of clarity, all employees who supervise activities or programs that involve direct contact with students, such as advisors to recognized student organizations);
- All members of the faculty; and
- All Furman University police officers and contracted security personnel.

**Retaliation**

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 university disciplinary procedures, as deemed appropriate in the university’s discretion. Any person who feels that he or she has been subjected to retaliation should make a report to the assigned deputy Title IX coordinator.
Policies and Disciplinary Procedures

• We will investigate Title IX complaints in a timely, fair and impartial manner.

• Investigations will be conducted by trained university officials.

• We will take steps to prevent the recurrence of any harassment and to correct its discriminatory effects on the complainant and others.

• Both the complainant and respondent can identify witnesses and provide evidence during the university’s investigation.

• Mediation will not be used to resolve sexual assault complaints.

• The time frame for an investigation will typically take up to 60 days, unless it’s particularly complicated.

• Trained hearing boards will be used during a formal resolution.

• Both the complainant and respondent will be notified of the outcome of a complaint.

• The appeal process will be explained to both the complainant and respondent.

• Appeals by tenured faculty of a sanction of termination shall be made pursuant to the Due Process Policy (File 131.5) set forth in the Faculty Policies and Procedures Manual.

Amnesty

The university considers the reporting and adjudication of sexual misconduct cases on campus to be of paramount importance. The university does not condone underage drinking. However, the university will extend amnesty to alleged victims, third-party reporters, and those assisting victims of sexual misconduct from punitive sanctioning for illegal use of drugs and/or alcohol. Similarly, the university may, in its discretion, provide amnesty for other minor conduct code violations that are discovered in the course of a sexual misconduct report or investigation.

Support for Respondents

Those accused of sexual assault or harassment can also find support through counseling, student success coordinators and other services. Please ask a Title IX Deputy if you’re unsure of where to find the support you need.

All cases will be handled with care, compassion and concern for all involved.
No victim is ever to blame for being assaulted or abused. While you can never completely protect yourself from sexual assault there are some things you can do to help reduce your risk of being assaulted.

- **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- **Try to avoid isolated areas.** It is more difficult to get help if no one is around.
- **Walk with purpose.** Even if you don’t know where you are going, act like you do.
- **Trust your instincts.** If a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be.
- **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
- **Make sure your cell phone is with you** and charged and that you have money for a cab.
- **Don’t allow yourself to be isolated** with someone you don’t trust or someone you don’t know.
- **Avoid putting earbuds in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
- **When you go to a social gathering or party,** go with a group of friends. Arrive together, check in with each other and leave together.
- **Practice safe drinking.** Know your limit. Do not leave any beverages unattended or accept drinks from someone you don’t know or trust (this includes non-alcoholic drinks).
- **Have a buddy system.** Don’t be afraid to let a friend know if something is making you uncomfortable or if you are worried about you or your friend’s safety.
- **If someone you don’t know or trust asks you to go somewhere alone,** let him or her know that you would rather **stay with the group.**

**Walking/Running**

- Make sure your cell phone is easily accessible.
- Have enough money for cab fare should you need it.
- Take major, public streets and paths rather than less populated shortcuts.
- Avoid dimly lit places and talk to authorities if lights need to be installed in an area.
Risk Reduction

- Avoid walking/running alone whenever possible.
- Carry a small noisemaker (like a whistle) and/or flashlight on your person.
- Remain mentally alert and aware of your surroundings.
- Plan your route and know what “safe” places are on it (police stations, hospitals, etc.)

Driving
- Keep your doors locked.
- Have extra car necessities (oil, jumper cables, etc.).
- Try not to wait until the last minute to fill your gas tank; always keep it at least half full.
- Have your keys ready when you go to unlock your car.
- Plan your route and know what “safe” places are on it (police stations, hospitals, etc.).

At Parties
- Be aware of date-rape drugs.
- Try not to leave your drink unattended.
- Only drink from unopened containers or from drinks you have watched being made and poured.
- Avoid group drinks like punch bowls.
- Cover your drink. It is easy to slip in a small pill even while you are holding your drink. Hold a cup with your hand over the top, or choose drinks that are contained in a bottle and keep your thumb over the nozzle.
- If you feel extremely tired or drunk for no apparent reason, you may have been drugged. Find your friends and ask them to leave with you as soon as possible.
- Keep track of how many drinks you have had.
- Try to come and leave with a group of people you trust.
- Avoid giving out your personal information (phone number, where you live, etc.). If someone asks for your number, take his/her number instead of giving out yours.

Rape, Abuse, and Incest National Network (RAINN) – available at www.rainn.org
Warning Signs of Abusive Behavior
Domestic and dating abuse often escalates from threats and verbal abuse to violence. And, 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 Counseling Center or Student Health Services 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 Furman University Police Department and/or the Title IX coordinator and ask for a “no contact” directive from the university to prevent future contact.
4. Consider getting a protective order or restraining order. Safe Harbor can assist you with obtaining a protective order (for an abusive intimate partner), and Furman University Police Department can direct you on obtaining a 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. Trust your instincts—if something doesn’t feel right in a relationship, speak up or end it.
To combat sexual assault on campus, the most powerful tool is your conveying your concern. The best way bystanders can assist in creating an empowering climate free of interpersonal violence is to diffuse the problem behaviors before they escalate.

• Educate yourself about interpersonal violence AND share this info with friends.
• Confront friends who make excuses for other people’s abusive behavior.
• Speak up against racist, sexist, and homophobic jokes or remarks.

Bystander Intervention Model
Research shows that people are more likely to help others under certain conditions.

• **Notice the Incident.** Bystanders first must notice the incident taking place.

• **Interpret Incident as Emergency.** Bystanders also need to evaluate the situation and determine whether it is an emergency, or at least one in which someone needs assistance.

• **Assume Responsibility.** Another decision bystanders make is whether they should assume responsibility for giving help. One repeated finding in research studies on helping is that a bystander is less likely to help if there are other bystanders present. When other bystanders are present responsibility for helping is diffused. If a lone bystander is present he or she is more likely to assume responsibility.

• **Attempt to Help.** Whether this is to help the person leave the situation, confront a behavior, diffuse a situation, or call for other support/security.

Tips for Intervening
In a situation potentially involving sexual assault, relationship violence, or stalking:

• Approach everyone as a friend
• Do not be antagonistic
• Avoid using violence
• Be honest and direct whenever possible
• Recruit help if necessary
• Keep yourself safe
• If things get out of hand or become too serious, contact the police
The Bystander Intervention Playbook
The College of William and Mary put together a playbook of advice for bystander intervention. These tips may be useful.

- **Defensive Split.** Step in and separate two people. Let them know your concerns and reasons for intervening. Be a friend and let them know you are acting in their best interest. Make sure each person makes it home safely.

- **Pick and Roll.** Use a distraction to redirect the focus somewhere else: “Hey, I need to talk to you.” or “Hey, this party is lame. Let's go somewhere else.”

- **The Option.** Evaluate the situation and people involved to determine your best move. You could directly intervene yourself, or alert friends of each person to come in and help. If the person reacts badly, try a different approach.

- **Full Court Press.** Recruit the help of friends of both people to step in as a group.

- **Fumblerooski.** Divert the attention of one person away from the other person. Have someone standing by to redirect the other person’s focus (see Pick and Roll). Commit a party foul (i.e. spilling your drink) if you need to.
Resources

Title IX Investigations
The assigned deputy Title IX coordinator will meet with a complainant, will outline the process for filing a complaint and explain university procedures. Furman University’s Title IX coordinator and deputy coordinators are listed below:

TITLE IX COORDINATOR
Melissa Nichols................................................................. 864.294.2221
Title IX and ADA/Section 504 Coordinator

DEPUTY TITLE IX COORDINATORS
Jason Cassidy................................................................. 864.294.2093
AVP for Student Life & Dean of Students
Stephanie Boyd.......................................................... 864.294.2292
Assistant Dean of Students / Alcohol and Drug Education Coordinator
Elaine Baker................................................................. 864.294.2130
Associate Athletic Director & Senior Woman Administrator
Kristen Davis............................................................... 864.294.3101
Human Resource Generalist

OTHER NON-CONFIDENTIAL RESOURCES TO WHICH YOU CAN REPORT SEXUAL MISCONDUCT:
Student Life Office
  Vice President............................................................ 864.294.2202
  AVP & Dean of Students............................................. 864.294.2093
Housing & Residence Life............................................. 864.294.2092
Human Resources....................................................... 864.294.2217
University Police Department...................................... 864.294.2111
Local Police................................................................. 911
Campus Conduct Hotline (can report anonymously)......... 866.943.5787

FOR CONFIDENTIAL SUPPORT FOR SEXUAL MISCONDUCT, CONTACT:
Chaplain’s Office.......................................................... 864.294.2133
Counseling Center........................................................ 864.294.3031
Employee Assistance Program...................................... 800.854.1446
Student Health Services.............................................. 864.294.2180
Julie Valentine Center for Sexual Assault and Child Abuse Recovery (24/7 hotline)........................... 864.467.3633
Safe Harbor (dating or domestic violence help).............. 800.291.2139