



SEXUAL MISCONDUCT POLICY

2019-20
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IMPORTANT INFORMATION FOR INDIVIDUALS WHO MAY BE VICTIMS OF SEXUAL ASSAULT:

If you or someone you know may have been a victim of Sexual Assault (defined in this Policy as Non-consensual Sexual Contact and Non-consensual Sexual Penetration), you are strongly encouraged to seek immediate assistance.

**ASSISTANCE CAN BE OBTAINED 24 HOURS A DAY, 7 DAYS A WEEK, FROM
THE FURMAN UNIVERSITY POLICE DEPARTMENT
(LOCATED IN ESTRIDGE COMMONS AND AVAILABLE BY PHONE AT 864-294-2111).**

During business hours (8:30 a.m. to 5:00 p.m., Monday through Friday), you are also strongly encouraged to contact one of the following individuals:

Melissa Nichols, Title IX Coordinator

Title IX and ADA Coordinator

864-294-2221; melissa.nichols@furman.edu

Ms. Nichols's office is located in Suite 215 of the Trone Student Center.

Jason Cassidy, Deputy Title IX Coordinator

Associate Vice President for Student Life and Dean of Students

864-294-2093; jason.cassidy@furman.edu

Dr. Cassidy's office is located in Suite 215 of the Trone Student Center.

Stephanie Boyd, Deputy Title IX Coordinator

Assistant Dean of Students/Alcohol and Drug Education Coordinator

864-294-2292; stephanie.boyd@furman.edu

Ms. Boyd's office is located in Suite 215 of the Trone Student Center.

Rachael Simpson, Deputy Title IX Coordinator

Assistant Athletic Director/Compliance & Student-Athlete Development

864-294-2370; rachael.simpson@furman.edu

Ms. Simpson's office is located in the Alley Gymnasium.

Kristen Davis, Deputy Title IX Coordinator

Employee Relations Manager

864-294-3101; kristen.davis@furman.edu

Ms. Davis's office is located at 5013-D Old Buncombe Road.

For additional 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.



SEXUAL MISCONDUCT POLICY

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ARTICLE I. INTRODUCTION

Section 1.01 Notice of Nondiscrimination.

Furman University does not unlawfully discriminate on the basis of race, color, national origin, sex, sexual orientation, gender identity, pregnancy, 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.

Inquiries concerning nondiscrimination on the basis of sex, sexual orientation, gender identity, or disability may be referred to **Furman University's Title IX and ADA/Section 504 Coordinator**. Furman University's Title IX and ADA/Section 504 Coordinator is Melissa Nichols, whose office is located in Suite 215 of the Trone Student Center, 3300 Poinsett Highway, Greenville, SC 29613. Ms. Nichols may be contacted by phone at 864-294-2221 or by email at melissa.nichols@furman.edu. Individuals also have the right to file a formal complaint with the U.S. Department of Education's office for Civil Rights by contacting the District of Columbia Office, 400 Maryland Avenue, SW, Washington, D.C. 20202-1475; Phone 800-421-3481; email: OCR@ed.gov.

All other inquiries concerning nondiscrimination involving students not addressed in this Policy may be referred to Furman University's Vice President for Student Life, Connie Carson. Ms. Carson's office is located in the Trone Student Center, 3300 Poinsett Highway, Greenville, SC 29613. Ms. Carson may be contacted by phone at 864-294-2202 or by email at connie.carson@furman.edu. Individuals with inquiries concerning nondiscrimination involving employees not addressed in this Policy may contact the Assistant Vice President (AVP) for Human Resources. The Human Resources office is located at 5013-D Old Buncombe Road. The AVP for Human Resources may be contacted by email at humanresources@furman.edu. In the event an incident involves alleged misconduct by the Title IX and ADA/Section 504 Coordinator, reports may be made directly to Ms. Connie Carson (for students) or to the AVP for Human Resources (for employees). Members of the community may also report concerns regarding discrimination using the Campus Conduct Hotline at 866-943-5787 or online at: www.furman.edu/birs.

Section 1.02 Background.

Furman University (the "University") is committed to maintaining and strengthening an environment founded on civility and respect. Sexual Misconduct, as defined by this Sexual Misconduct Policy (this "Policy"), is antithetical to the values and standards of the University community, is incompatible with the safe, healthy environment that the University community expects and deserves, and will not be tolerated.

The University is committed to providing programs, activities, and an educational and work environment free from sex and gender discrimination and to fostering a community that promotes prompt reporting of all types of Sexual Misconduct and timely and fair resolution of Sexual Misconduct Complaints. In furtherance of these commitments, this Policy sets forth available resources ([Exhibit A](#)), describes prohibited conduct (Article II), and establishes procedures for responding to Complaints of

Sexual Misconduct (Articles III-VIII).

The University will make this Policy and information about recognizing and preventing Sexual Misconduct readily available to all members of the University community.

The University is committed to eliminating Sexual Misconduct, preventing its recurrence, and addressing its effects. Investigations to determine whether this Policy has been violated will be thorough, reliable, impartial and fair.

Section 1.03 Applicability of This Policy.

This Policy applies to any allegation of Sexual Misconduct made by or against a student or an employee of the University or a third party, regardless of the sex, sexual orientation, sexual identity, gender expression, or gender identity of any party and wherever the alleged Sexual Misconduct occurred, if the conduct giving rise to the Complaint is related to the University's academic, educational, athletic, extracurricular, internship or practicum programs or activities. There is no geographical limitation to invoking this Policy. Allegations of gender-based discrimination, hazing or bullying may also be investigated and addressed under this Policy. If the University investigates a report of Sexual Misconduct that is alleged to have occurred during a time a different Sexual Misconduct Policy or version was in effect, the policy currently in place will govern the procedures utilized in investigating and adjudicating the report, while the Sexual Misconduct Policy definitions in effect at the time of the alleged conduct will apply in determining whether a University policy was violated.

Furman affirms its commitment to academic freedom, but notes that academic freedom does not allow any form of Sexual Misconduct. Furman recognizes that an essential function of education is a probing of opinions and an exploration of ideas, some of which, because they are controversial, may cause students and others discomfort. This discomfort, as a product of free academic inquiry within a faculty member's area(s) of expertise, shall in no way be considered or construed as a form of discrimination or harassment. Academic inquiry may involve teaching, research and extramural speech. Furthermore, nothing in this Policy shall be interpreted to prohibit bona fide academic requirements for a specific University program, course or activity. When investigating complaints that a party or the Title IX Coordinator believes may involve issues of academic freedom, the Title IX Coordinator will consult with the Dean of Faculty with respect to contemporary academic practices and standards.

Students and employees participating in Furman study away and internship programs are protected by and accountable under this Policy. When sexual misconduct is alleged by or against a University employee or student in a Furman-affiliated internship or educational program of another organization, the University may, in its discretion, choose to: 1) conduct its own investigation pursuant to the procedures set forth in this Policy; 2) conduct a joint investigation with the affiliated entity; 3) defer to the findings of an investigation by the other entity where the University has reviewed the investigation process and is satisfied that it was fairly conducted; or 4) use the investigation and findings of the other entity as a basis for further investigation.

In the case of allegations of Sexual Misconduct, unless otherwise stated, this Policy supersedes and applies in lieu of all other procedures and policies set forth in other University documents.

Section 1.04 Period of Limitations.

A Complaint of Sexual Misconduct may be filed at any time, regardless of the length of time between the alleged Sexual Misconduct and the decision to file the Complaint. However, the University 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 University or enrolled

as a student at the time.

Section 1.05 Definitions Applicable to This Policy.

Capitalized terms used in this Policy have the meanings given to them in Exhibit B.

ARTICLE II. STATEMENTS OF POLICY

Section 2.01 Prohibition on Sexual Misconduct.

This Policy is designed to protect the rights and needs of alleged victims and Respondents. Creating a safe environment is the responsibility of all members of the University community.

The University prohibits Sexual Misconduct. The University strongly encourages prompt reporting of all types of Sexual Misconduct and is committed to fostering a community that promotes timely and fair resolution of Sexual Misconduct cases. To that end, the University has defined Sexual Misconduct broadly to include any unwelcome conduct of a sexual nature, and the University will properly address all allegations of Sexual Misconduct.

However, not all unwelcome conduct of a sexual nature rises to the level of warranting adjudication and/or discipline pursuant to this Policy. Although the University will properly address all allegations of Sexual Misconduct, this Policy uses the term “Material Sexual Misconduct,” as defined in [Exhibit B](#), to identify those acts of Sexual Misconduct that do warrant adjudication under, and discipline pursuant to, this Policy.

Sexual Misconduct offenses include the following (see Exhibit B for definitions):

1. Sexual Harassment;
2. Gender-based Harassment;
3. Non-consensual Sexual Contact;
4. Non-consensual Sexual Penetration;
5. Sexual Intimidation;
6. Sexual Exploitation;
7. Stalking; and
8. Intimate Partner Violence.

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 Sexual Misconduct is strictly prohibited. Violations of this prohibition will be addressed through this 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 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:

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

Section 2.04 Related Misconduct.

The Hearing Board may hear allegations of and impose sanctions for alleged misconduct that is related to the Sexual Misconduct at issue, even if such related misconduct is not, when standing alone, governed by this Policy. Similarly, complaints of retaliation, providing false information and counterclaims may be adjudicated in the same proceeding as the original complaint or in a separate proceeding before either the same or a different hearing board.

Section 2.05 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 or use of illegal drugs. However, the University will extend amnesty to Complainants, Third-Party Reporters, witnesses, and those assisting a potential victim of Non-consensual Sexual Contact or Non-consensual Sexual Penetration from punitive sanctioning for illegal use of drugs and/or alcohol when evidence of such use is discovered in the course of a Sexual Misconduct report or investigation or while individuals are assisting a potential victim. Similarly, the University may, in its discretion, provide amnesty for other minor conduct code violations that are discovered in the course of Sexual Misconduct report or investigation.

Section 2.06 Individuals with Disabilities.

The University will make arrangements to ensure that individuals with disabilities are provided appropriate accommodations, to the extent necessary and available, to participate in the steps and procedures outlined in this Policy. Student requests for accommodations must be made to the **Student Office for Accessibility Resources** (located in Room 002 of the Earle Student Health Center and available from 8:00 a.m. until 4:30 p.m.). All other requests for accommodations must be made to the Office of Human Resources (located at 5013-D Old Buncombe Road).

ARTICLE III. CONFIDENTIALITY

Section 3.01 Confidentiality in Reporting and Disclosure.

The University encourages people who have experienced Sexual Misconduct to talk to someone about what happened, both so that they can get the support they need and so that the University can respond appropriately. The University 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 Misconduct.

(a) Strictly Confidential Resources

(i) **For Students: Chaplains, Licensed Mental Health Counselors, and Medical Staff.** Students may discuss alleged Sexual Misconduct in strict confidence with University employees in the following offices (“Strictly Confidential Resources”):

- Counseling Center (864-294-3031),
- Office of Spiritual Life (864-294-2133), and
- Earle Student Health Center (864-294-2180).

(ii) **For University Employees: Chaplains, Medical Staff and Ombudspersons.** University employees in the following offices are Strictly Confidential Resources for faculty and staff:

- Office of Spiritual Life (864-294-2133),
- Employee Wellness Clinic (864-455-2455), and
- Faculty or staff ombudspersons: Dr. Victoria Turgeon and Dr. Joe Pollard (faculty); Dr. Gary Clark (staff)

Personally Identifiable Information shared with Strictly Confidential Resources is not part of students’ or employees’ University records and will not be reported to other University personnel (including the Title IX Coordinator), to the Respondent, or to others (unless the disclosing individual gives his or her consent to the disclosure or the law requires it (as may be the case with alleged Sexual Misconduct involving a minor or under conditions involving imminent physical harm, for example)).

Strictly 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 Misconduct to the Title IX Coordinator. Note that these individuals are only confidential resources when they are serving in these designated roles. For example, if an individual who is a confidential resource also serves as a faculty member, that individual is a responsible employee when serving as a faculty member. Strictly confidential resources may report non-identifying statistical information to the University.

For purposes of clarity, most University employees who are not Strictly Confidential Resources are Responsible Employees. Communications made to Responsible Employees (and others) are not entitled to the same confidentiality protections as those made to Strictly Confidential Resources.

(b) **The Title IX Coordinator and Responsible Employees.** A disclosure to the Title IX

Coordinator or a Responsible Employee constitutes a report to the University and obligates the University 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 B for a list of the University's Responsible Employees.*

Section 3.02 Confidentiality in the Investigation and Resolution Processes.

- (a) Sharing of Information (Applicable to All Complaints).** The University 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 Misconduct matters.

Information regarding alleged Sexual Misconduct will generally be disclosed by University personnel during the investigation and resolution processes only as follows:

- (i)** University personnel will (and are obligated to) handle information regarding alleged Sexual Misconduct in accordance with applicable local, state, and federal laws. For example:
- 1)** Under conditions of potential imminent harm to the community, the University may be required by federal law to inform the community of the occurrence of the alleged incident(s) of Sexual Misconduct.
 - 2)** Information regarding the alleged Sexual Misconduct may be used as a statistical, anonymous report for data collection purposes under the Clery Act.
 - 3)** The University may be required by state law to inform the South Carolina State Law Enforcement Division of the occurrence of the alleged incident(s) of Sexual Misconduct.
- (ii)** University personnel may report alleged Sexual Misconduct to local law enforcement if warranted by the nature of the allegations at issue.
- (iii)** University administrators will share information regarding alleged Sexual Misconduct, as appropriate and necessary, in order to address and resolve the allegation(s) at issue, prevent the recurrence of similar Sexual Misconduct, and address the effects of the Sexual Misconduct.

- (b) Requests for Confidentiality.** If information regarding alleged Sexual Misconduct is shared with the Title IX Coordinator and/or a Responsible Employee, but the Complainant desires that
- the information not be shared with other Responsible Employees, with the Respondent, or with others, even as appropriate and necessary to address the allegations,
 - that the University not investigate the information, or
 - that no disciplinary action be taken,
- the Complainant must request that the University treat such information as confidential. This request must be made to the Assigned Deputy Title IX Coordinator or to the Title IX Coordinator.

- (i) Evaluation of the Request.** The University takes requests for confidentiality seriously; however, granting such requests may limit the University'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 University'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 Deputy Title IX Coordinator or the Title IX Coordinator may conduct a preliminary investigation into the alleged Sexual Misconduct and may weigh requests for

confidentiality against the following factors, among others:

- 1) the seriousness of the alleged Sexual Misconduct (including, but not limited to, whether the Sexual Misconduct was perpetrated with a weapon);
- 2) the increased risk that the alleged perpetrator will commit additional acts of Sexual Misconduct, such as (A) whether there have been other reports or complaints against the alleged perpetrator, (B) whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of Sexual Misconduct or a history of violence, (C) whether the alleged perpetrator threatened further Sexual Misconduct or threatened violence against the Complainant or others, or (D) whether the Sexual Misconduct was committed by multiple perpetrators;
- 3) 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;
- 4) the Respondent's right to receive information about the allegations if the information is maintained by the University as an Education Record;
- 5) whether the alleged victim is a minor; and
- 6) whether the University possesses other means to obtain relevant evidence of the Sexual Misconduct (e.g., security cameras or security personnel, physical evidence).

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

- (ii) **Determination as to Whether Request Can Be Granted.** The Assigned Deputy Title IX Coordinator or the Title IX Coordinator will inform the person requesting confidentiality whether the University intends to honor the request or whether the University intends to pursue investigation and/or resolution in spite of the request.

If the University 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 University will also 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 measures (see Section 6.02(a)).

If the University honors the request for confidentiality, the University's ability to investigate and take reasonable action in response to an allegation of Sexual 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 University may not be able both to adjudicate the Complaint and to maintain confidentiality during that process.

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

- 1) To the extent practicable and appropriate, the University will take prompt

action to limit the effects of the alleged Sexual Misconduct and to prevent its recurrence. For instance, the University may take appropriate interim measures to ensure an individual's safety even in the absence of a University proceeding. The University may also consider broader remedial action (such as increased monitoring, supervision, or security at locations where reported sexual violence occurred, increased education and prevention efforts, including to targeted population groups, and climate assessments).

- 2) Information regarding the alleged Sexual Misconduct may be included in University records, as necessary and appropriate.
- 3) University personnel will (and are obligated to) handle information regarding alleged Sexual Misconduct in accordance with applicable local, state, and federal laws. For example:
 - (A) Under conditions of potential imminent harm to the community, the University may be required by federal law to inform the community of the occurrence of the alleged incident(s) of Sexual Misconduct.
 - (B) Information regarding the alleged Sexual Misconduct may be used as a statistical, anonymous report for data collection purposes under the Clery Act.
 - (C) The University may be required by state law to inform the South Carolina State Law Enforcement Division of the occurrence of the alleged incident(s) of Sexual Misconduct.

Please note that the University cannot control disclosure by third parties.

• SEXUAL MISCONDUCT EDUCATION •

at

Furman University

| OUTREACH & PREVENTION |

Furman University is committed to the prevention of Sexual Misconduct and routinely conducts outreach and educational programming designed to increase awareness of the prevalence of Sexual Misconduct involving college-age students and other University constituents, inform the Furman community about issues related to Sexual Misconduct such as substance abuse and the role of the bystander, and promote knowledge of the school's Sexual Misconduct Policy.

| TRAINING |

The University regularly conducts Sexual Misconduct training for its constituents, including the following groups:

- Title IX Coordinator & Deputy Title IX Coordinators
- Investigators
- Members of the Hearing Board & the Appeals Board
- Employees
- Students
- University Police Officers

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

- This Sexual Misconduct Policy.
- Title IX and related regulatory guidance.
- The University's responsibility to address allegations of Sexual Misconduct.
- Recognizing and responding to reports of Sexual Misconduct.
- Understanding common and counterintuitive victim responses (during and after an incident) and the effect of Sexual Misconduct on survivors.
- Understanding the link between substance abuse and Sexual Misconduct.
- Which employees are "Responsible Employees" and which individuals and offices are confidential resources for students.
- Reasonable, appropriate, and sensitive investigative, interview, and hearing techniques that protect safety and promote accountability.
- Issues related to Intimate Partner Violence, sexual assault, and Stalking.
- How to intervene in a situation involving potential for Sexual Misconduct.
- How to conduct a fair, thorough and impartial investigation and/or hearing.

Please see [furman.edu/titleix](https://www.furman.edu/titleix) and [furman.edu/sharp](https://www.furman.edu/sharp) for more information or to schedule a training or event.

ARTICLE IV.

HOW AND WHERE TO REPORT ALLEGED SEXUAL 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 Misconduct may in some instances constitute both a violation of University policy and criminal activity, and because the University processes are not a substitute for instituting legal action, **the University encourages individuals to report alleged Sexual Misconduct promptly to University officials and to law enforcement authorities, where appropriate.**

Individuals have the option not to report alleged Sexual Misconduct to campus officials or to law enforcement authorities. The University respects the individual's decision in regards to reporting; however, subject to the confidentiality provisions outlined in Article III of this Policy, if information about Sexual Misconduct comes to the attention of the University, the University (1) will contact the Complainant or Third-party Reporter to 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:

- (a) the Furman University Police Department, 24 hours a day, seven days a week (available by phone at 864-294-2111 and located in Estridge Commons),
- (b) the University's Title IX Coordinator, Melissa Nichols (Title IX and ADA/Section 504 Coordinator), (available by phone from 8:30 a.m. to 5:00 p.m., Monday, Tuesday, Thursday and Friday at 864-294-2221 or by email Monday through Friday at melissa.nichols@furman.edu and located in Suite 215 of the Trone Student Center), or
- (c) the Division of Student Life, from 8:30 a.m. to 5:00 p.m. Monday through Friday (available by phone at 864-294-2202 and located in Suite 215 of the Trone Student Center).

Individuals may inform law enforcement authorities about Sexual Misconduct and discuss the matter with a law enforcement officer without making a University Complaint. Individuals who make a criminal complaint may also choose to pursue a University Complaint simultaneously.

Section 4.02 Reporting to the University.

If you wish for information regarding Sexual Misconduct to be investigated and addressed pursuant to this Policy, you should disclose such information to the **Title IX Coordinator** or to a **Responsible Employee**. See the definition of "Responsible Employee" in [Exhibit B](#) for a list of the University's Responsible Employees. These individuals are REQUIRED to report and address allegations of Sexual Misconduct (or relay the allegations to the Title IX Coordinator (or, if the Title IX Coordinator is implicated in the allegations, to a Deputy Title IX Coordinator) to do so). Individuals who are not

Responsible Employees are not subject to the same requirement (and in some instances, such as is generally the case with Strictly Confidential Resources, are prohibited from reporting alleged Sexual Misconduct to others absent an express directive from the alleged victim to do so).

Individuals may report information regarding Sexual Misconduct 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, he or she may report alleged Sexual Misconduct to a Deputy Title IX Coordinator or any other Responsible Employee.

No member of the University community may discourage an individual from reporting alleged incidents of Sexual Misconduct. 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 Misconduct must report the incident to the Title IX Coordinator (or, if the Title IX Coordinator is implicated in the allegations, a Deputy Title IX Coordinator). No employee or organization is authorized to investigate or resolve Complaints without the approval and involvement of the Title IX Coordinator or an Assigned Deputy Title IX Coordinator.

Disclosures of incidents of alleged Sexual 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 Project") will not be considered notice to the University of Sexual 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 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 University and community resources and support services with regard to Sexual Misconduct.

Individuals may also file **anonymous reports** by calling the Campus Conduct Hotline at 866-943-5787 or by submitting an anonymous report to Furman University Police Department through the LiveSafe app. 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. Anonymous reports may be used for Clery Act data collection purposes.

Reporting to the University:
WHAT HAPPENS AFTER I REPORT?

<p>If you reported directly to the Title IX Coordinator:</p>	<p>The Title IX Coordinator will initiate the investigation and resolution process (unless you request 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 University’s commitment to provide a reasonably safe and non-discriminatory environment, the request cannot be granted).</p>
<p>If you reported to a Responsible Employee (including a Deputy Title IX Coordinator):</p> <p><i>(See the definition of “Responsible Employee” in Exhibit B for a list of the University’s Responsible Employees)</i></p>	<p>The Responsible Employee will forward the information to the Title IX Coordinator, and either the Title IX Coordinator or a Deputy Coordinator will contact you to initiate the investigation and resolution process (unless you request 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 University’s commitment to provide a reasonably safe and non-discriminatory environment, the request cannot be granted).</p>
<p>If you confided in the Counseling Center, the Office of Spiritual Life, Ombudsperson or Earle Student Health Center:</p>	<p>The information you provided will remain strictly confidential and will not* be reported to the Title IX Coordinator (or anyone else) for investigation and resolution.</p> <p><i>*Remember that in unusual circumstances the information you share with the Counseling Center, the Office of Spiritual Life, Ombudsperson or Earle Student Health Center (such as situations involving imminent harm to a member of the community or situations involving abuse of a minor) may be disclosed without your consent.</i></p>
<p>If you reported to someone else (i.e., someone other than the Title IX Coordinator, a Responsible Employee, the Counseling Center, the Office of Spiritual Life, or Earle Student Health Center):</p>	<p>The individual may or may not report details regarding the information you provided to the Title IX Coordinator. This is because the individual to whom you reported is <i>not obligated</i> to relay allegations of Sexual Misconduct to the Title IX Coordinator (and, conversely, is likely <i>not obligated</i> to maintain the information you shared in confidence).</p> <p><i>For this reason, if you would like the information you share to be addressed by Furman University, direct it to a Title IX Coordinator or a Responsible Employee. Conversely, if you would like the information you share to be maintained in strict confidence, direct it to the Counseling Center, the Office of Spiritual Life, or Earle Student Health Center.</i></p>

ARTICLE V.

POLICIES APPLICABLE TO ALL COMPLAINTS OF SEXUAL MISCONDUCT

Section 5.01 Oversight.

The Assigned Deputy Title IX Coordinator will be responsible for overseeing the prompt, fair, and impartial investigation and resolution of Complaints filed with or disclosed to the University. The Title IX Coordinator may also serve the function of the Assigned Deputy Title IX Coordinator in the resolution of a Complaint. When that is the case, the Vice President for Student Life will serve the appeal function set forth in Section 6.04(b)(i). The University may seek advice from the University's in-house or outside counsel at any time (including during any hearing or proceeding).

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 University administrator to perform such person's duties under this Policy. (If the Title IX Coordinator is the Respondent, then the President of the University will appoint another University employee to perform his or her 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 prehearing meetings, during investigative interviews, and during the hearing or proceeding (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 both as a support person and as a witness in a proceeding. Support persons may be friends, 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.

Section 5.04 Timing.

The University 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. Responsible Employees are expected to inform the Title IX Coordinator of any reported Sexual Misconduct within 24 hours of receiving a report, and the Title IX Coordinator generally will contact the Complainant or Third-Party Reporter within one business day of receiving a report from a Responsible Employee. The University generally will contact a Respondent to advise them of the receipt of a Complaint within five business days of a Complainant advising the Title IX Coordinator or Deputy Coordinator that they wish to proceed with a Complaint and do not request heightened confidentiality. The University will strive to complete its investigation and resolution of a Complaint (not including an appeal, if applicable) within 90 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, school breaks or other circumstances require the University's investigation and resolution to extend past 90 days, the University will notify the parties of that fact. Hearings, if any,

generally will take place within 20 days of the conclusion of the investigation. If a hearing has taken place, both the Complainant and the Respondent will receive a Final Outcome Letter within 10 calendar days of the conclusion of the hearing.

Any party may request an extension of any deadline by providing the Assigned Deputy Title IX Coordinator or 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 Assigned Deputy Title IX Coordinator or Title IX Coordinator may modify any deadlines contained in this Policy as necessary and for good cause; in such case, the Assigned Deputy Title IX Coordinator or Title IX Coordinator will provide the Complainant and the Respondent with written notice of the modification and the reason therefor.

Section 5.05 Documentation.

The University will retain documentation (including but not limited to any written Complaint, notifications, transcripts of interviews, the Investigative Report, written findings of fact, petitions for appeal, notifications of decisions (including the Final Outcome Letter), audio recordings of hearings and any written communication between the parties), indefinitely or in accordance with University policy.

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 informal 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, meetings, and proceedings; and the Final Outcome letter may not be disclosed outside of those processes except as may be required or authorized by law. The University 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. At the written request of a party, the University may include a support person on communications and share access to documents, including the investigation report. This access is subject to the support person's acknowledgment and agreement to maintain the confidentiality of the documents and may be withdrawn if the support person violates the restrictions on those confidential documents (see Section 6.04(d)).

For the avoidance of doubt, while the University strongly encourages parties to maintain privacy in these proceedings, the University does not prohibit parties from discussing their experience with others. In addition, University policy does not prohibit the further disclosure of the Final Outcome Letter by either the Complainant or the Respondent.

Section 5.07 Violations Involving Groups of Individuals

Members of a student group, an organization, 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 membership may be held collectively and individually responsible when violations of this policy by the organization or its members:

1. occurred at organization-sponsored events; received the consent or encouragement of the organization or of the organization's leaders or officers; or
2. 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.

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. THE PROCESS APPLICABLE TO ALL COMPLAINTS OF SEXUAL MISCONDUCT

Section 6.01 STEP 1: A Report of Sexual Misconduct Becomes a Complaint.

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

- (a) An alleged victim may file a written Complaint with the University or a third party may file a written Complaint on his or her behalf. An alleged victim may complete a Sexual Misconduct Complaint Form (see Exhibit C) or may submit a written statement in his or her own words providing sufficient information for the University to investigate the allegations contained therein (including but not limited to the name of the alleged victim, the name of the alleged perpetrator, and the date, location, and nature of the alleged Sexual Misconduct).
- (b) An alleged victim may meet in person with the Title IX Coordinator to report alleged Sexual Misconduct. In such a situation, the Title IX Coordinator will ask the alleged victim to complete a Complaint form provided by the University.
- (c) The University 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, an alleged victim will be referred to as a “Complainant” and an alleged perpetrator will be referred to as a “Respondent.”

The University recognizes that not every individual who reports Sexual Misconduct intends to initiate a Complaint. For that reason, if a Complainant does not wish to initiate a full investigation and disciplinary process and requests Heighted Confidentiality, the University will not consider the Complainant to have initiated the Complaint process and will proceed as outlined in Section 3.02. In addition, the Title IX Coordinator is a resource for the University Community, and the University recognizes that some students and employees may wish to consult with the Title IX Coordinator regarding situations that do not rise to the level of Material Sexual Misconduct or may wish to obtain information about reporting options, interim measures and available support without initiating a Complaint. In such a situation, the Title IX Coordinator or Assigned Deputy Title IX Coordinator may work with the Complainant and/or Respondent to implement interim measures and/or take measures to stop the identified behavior (such as through consultation with both parties) without the Complainant initiating a Complaint. If at any time, the Complainant initiates a Complaint, the Title IX Coordinator or Assigned Deputy Title IX Coordinator will proceed as set forth in this Article.

Section 6.02 STEP 2: Evaluation of Interim Measures and Interim Disciplinary Sanctions.

Following the initiation of a Complaint (and at any point during the Complaint, investigative or disciplinary processes, if the Assigned Deputy Title IX Coordinator deems it necessary for the protection of any member of the University community), the Assigned Deputy Title IX Coordinator will determine which, if any, of the following measures and/or actions should be taken:

- (a) Interim Protective Measures for Complainants. When warranted to ensure the safety and wellbeing of the Complainant, the Assigned Deputy Title IX Coordinator may implement one or more interim measures, if appropriate and/or reasonably available, including but not limited to the following:
 - (i) Issuing no-contact orders to prevent any contact between or among the Complainant, the Respondent, witnesses, and/or third parties;

- (ii) Providing the Complainant an escort to ensure that he or she can move safely on campus;
- (iii) Changing a Complainant's or a Respondent's on-campus housing, if any, to a different on-campus location and providing assistance from University personnel in completing the relocation;
- (iv) Changing a Complainant's or a Respondent's work arrangements or schedules; and
- (v) Changing academic schedules (such as moving the Complainant or the Respondent from one class section to another).

(b) Interim Disciplinary Measures for Respondents.

- (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 University community, the Assigned Deputy Title IX 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 Associate Vice President for Student Life and Dean of Students or his or her designee impose on the Respondent an administrative withdrawal from the University, or summarily suspend the Respondent from campus housing on an interim basis, or restrict the Respondent's access to University facilities.

The Assigned Deputy Title IX Coordinator will notify the Respondent of the proposed interim measure(s) in writing. These actions may be appealed to the Vice President for Student Life (available by phone at 864-294-2202 and located in the Trone Student Center) or his or her designee. If the student wishes to appeal a decision imposing an interim measure, the student must request a "show cause" hearing in writing within 72 hours of receipt of the letter outlining the decision. The hearing will provide the student with the opportunity to demonstrate why the interim action should not take place. The student and the student's parents/legal guardians will be given an opportunity to meet with the Vice President for Student Life or designee. The decision of the Vice President for Student Life 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 University community, the Assigned Deputy Title IX Coordinator may request that the individual authorized to make personnel decisions regarding the employee at issue (A) take such steps as are reasonable, appropriate, and necessary to restrict the Respondent's access to University facilities, or (B) temporarily adjust the job duties of or place on administrative leave such Respondent.

These actions may be appealed to the Assistant Vice President of Human Resources (available at humanresources@furman.edu and located at 5013-D Old Buncombe Road) for decisions regarding Furman staff members and to the Dean of Faculty (available by phone at 864-294-3043 and located in the Administration Building) for decisions regarding Furman faculty members. The decision of the Assistant Vice President of Human Resources or Dean of Faculty regarding the imposition of these actions will be final.

Section 6.03 STEP 3: Initial Meetings with the Assigned Deputy Title IX Coordinator.

- (a) Complainant's Initial Meeting with the Assigned Deputy Title IX Coordinator.** As soon as is practicable and generally within one business day of receiving a report of alleged Sexual Misconduct, the Assigned Deputy Title IX 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 alleged Sexual Misconduct is a Third-party Reporter, the Assigned Deputy Title IX Coordinator will attempt to meet with him or her as soon as possible to gather information.)

Following the meeting with the Complainant, the Assigned Deputy Title IX Coordinator will, if applicable, promptly determine the interim measures to be provided to the Complainant during the investigative and resolution processes. (If interim protective measures have already been implemented pursuant to Section 6.02(a), the Assigned Deputy Title IX Coordinator will evaluate whether they should continue to be provided and whether other interim measures should also be implemented.) These interim measures may include the protective measures listed in Section 6.02(a) and/or other appropriate interim measures, such as

- (i)** arranging to dissolve a campus housing contract and offering a pro-rated refund;
- (ii)** rescheduling class work, assignments, and examinations;
- (iii)** arranging for the Complainant to withdraw from or take an incomplete in class without penalty;
- (iv)** providing academic support services;
- (v)** providing alternative course completion options;
- (vi)** permitting a temporary withdrawal from the University; and
- (vii)** providing counseling services.

Such determination will promptly be communicated to the Complainant (no later than it is communicated to the Respondent) and, to the extent that it affects him or her, the Respondent.

- (b) Respondent's Initial Meeting with the Assigned Deputy Title IX Coordinator.** The Assigned Deputy Title IX 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 Deputy Title IX Coordinator will, if applicable, promptly determine the 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(a) and/or Section 6.03(a) above). Such determination will promptly be communicated to the Respondent (no later than it is communicated to the Complainant) and, to the extent that it affects him or her, the Complainant.

Section 6.04 STEP 4: The Investigation.

- (a) **Effect of Corollary Criminal Investigation.** The University's investigation may be delayed temporarily while criminal investigators are gathering evidence. In the event of such a delay, the University may take interim measures when necessary to protect the Complainant/Respondent and/or the University 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 Material Sexual Misconduct, for the purposes of this Policy, has occurred.

- (b) **The Assigned Deputy Title IX Coordinator's Initial Determination and Appointment of Investigators.**

- (i) A Complaint generally will proceed through the investigation process if a Complainant requests that the University conduct an investigation, unless it is clear on its face and/or based on the Assigned Deputy Title IX Coordinator's initial meetings with the parties that *no* reasonable grounds exist for believing that the conduct at issue constitutes Material Sexual Misconduct. In the event a Complaint is initiated and an investigation is requested and the Assigned Deputy Title IX Coordinator determines that an investigation of the Complaint is not warranted, he or she 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 Deputy Title IX Coordinator's decision to close a Complaint in writing to the Title IX Coordinator and provide a copy of the appeal to the Assigned Deputy Title IX Coordinator within five days of receipt of the notice of closure. The Assigned Deputy Title IX Coordinator will promptly inform the other party of the appeal.

Following receipt of the appeal, the Title IX Coordinator will make a determination as to whether the Complaint warrants further investigation or the case should be closed and whether any additional or different remedial action is necessary. He or she will notify the Complainant and the Respondent concurrently of his or her decision. The decision of the Title IX Coordinator is final. If the Title IX Coordinator is serving the functions of the Assigned Deputy Title IX Coordinator, this appeal will be forwarded to the Vice President for Student Life (for student Respondents), the Dean of Faculty (for faculty Respondents) or the Assistant Vice President of Human Resources (for staff Respondents), who will then make the determination described above.

In the event that the Complaint was made by a Third-party Reporter, the Assigned Deputy Title IX Coordinator will also consider the following factors in determining whether it is reasonable to assign Investigators to investigate the Complaint:

- 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 Sexual

Misconduct can be identified, and

- Whether those individuals wish to pursue the matter.
- (ii) If it is determined that the Complaint will proceed through the investigation process, the Title IX Coordinator will promptly appoint two Investigators. These investigators may be University employees, non-employee Investigators or a combination of the two. The Assigned Deputy Title IX Coordinator will share their names and contact information with the Complainant and the Respondent, and will forward the Complaint to the Investigators.

Within two business days of such appointment, the Investigators, the Complainant, or the Respondent may identify to the Assigned Deputy Title IX Coordinator in writing alleged conflicts of interest posed by assigning such Investigators to the matter. The Assigned Deputy Title IX Coordinator will carefully consider such statements and will assign different individuals as Investigators if it is determined that a material conflict of interest exists.

- (c) **The Investigators' Activities.** Upon receipt of the Complaint, the Investigators will promptly begin their investigation, taking such steps as:
- (i) Conducting interviews with the Complainant, the Respondent, and third-party witnesses (including expert witnesses, where applicable) and either recording and having interviews transcribed or summarizing such interviews in written form;
 - (ii) Visiting, inspecting, and taking or reviewing photographs at relevant sites where applicable; and
 - (iii) 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. At the discretion of the Investigators, interviews may be recorded.

- (d) **The Investigative Report.** The Investigators will complete a written investigative report that includes items such as the written Complaint, any written statements of position, summaries or transcripts of all interviews conducted, photographs, descriptions of relevant evidence, summaries or copies of relevant electronic records, and a detailed report of the events in question (the "Investigative Report"). The Investigators will share the Investigative Report with the Assigned Deputy Title IX Coordinator. If the matter proceeds to formal resolution as set forth in Section 7.02, the Assigned Deputy Title IX Coordinator will make it (concurrently) available to the Complainant and to the Respondent to review, after redacting from it information that would not be admissible at a hearing on the matter 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 the Respondent may not make photocopies of the Investigative Report or share the report other than with their support person. Parties who violate these restrictions may be disciplined, and support persons who violate these restrictions may be barred from further participation in the process.

All parties to whom the Investigative Report is distributed pursuant to this Policy must maintain it in confidence (even after the resolution of the Complaint); the Investigative Report may only be disclosed as is contemplated by this Policy.

(e) The Assigned Deputy Title IX Coordinator's Evaluation of the Investigative Report.

The Assigned Deputy Title IX Coordinator will evaluate the Investigative Report and will direct that the Complaint will proceed to adjudication according to the procedures set forth in Article VII (or Article VIII) below *unless* it is clear from the Investigative Report that no reasonable grounds exist for believing that the conduct at issue constitutes Material Sexual Misconduct.

The Assigned Deputy Title IX Coordinator will specify which allegations and, if applicable, which other, related alleged misconduct, will go forward for resolution under this Policy.

If the Assigned Deputy Title IX Coordinator finds that it is clear from the Investigative Report that no reasonable grounds exist to believe that the conduct at issue constitutes Material Sexual Misconduct, then the Assigned Deputy Title IX Coordinator 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 Deputy Title IX Coordinator's decision to close the Complaint in writing to the Title IX Coordinator (providing a copy of the appeal to the Assigned Deputy Title IX Coordinator) within five days of receipt of the notice. The Assigned Deputy Title IX Coordinator will promptly inform the other parties of the appeal. Within approximately 10 days of the receipt of the party's appeal, the Title IX Coordinator will make a determination as to whether the Complaint should proceed to hearing or the closure should stand. The Title IX Coordinator will notify the Complainant and the Respondent concurrently of his or her decision. If the Title IX Coordinator is serving the functions of the Assigned Deputy Title IX Coordinator, this appeal will be forwarded to the Vice President for Student Life (student Respondents), Dean of Faculty (faculty Respondents) or Assistant Vice President for Human Resources (staff Respondents) who will then make the determination described above.

(f) Evidence and Witnesses

Any evidence the parties wish the Hearing Board to consider should be presented to the investigators as early as possible during the investigation process. If a party wishes to submit evidence in response to information in the Investigative Report, that information should be submitted as soon as practicable but in no event later than the submission of any written statement (generally due within three days of receipt of the Notice of Hearing and Composition of the Hearing Board). Any evidence that is not submitted in a timely manner during the course of the investigation or prior to the hearing may be excluded at the discretion of the Assigned Deputy Title IX Coordinator or the Title IX Coordinator.

The University will review evidence submitted by parties and witnesses to determine what information is appropriate to share with a Hearing Board. The Title IX Coordinator and/or Deputy Coordinator may redact information that is deemed irrelevant, inadmissible, or otherwise inappropriate. In addition, the Hearing Board will disregard irrelevant, inadmissible, or otherwise inappropriate information that is presented to it.

Similarly, all witnesses should be identified to the investigators during the investigation. The Hearing Board generally will not call or consider written statements from witnesses

who were not identified to investigators and interviewed during the investigation. In its discretion, the Hearing Board may choose to consider information from witnesses who were not interviewed during the investigation for good cause.

Section 6.05 STEP 5: Determination of Formal Versus Informal Resolution.

At any time before the Assigned Deputy Title IX Coordinator provides notice of the hearing in accordance with Section 7.02(b)(ii), the Complainant may elect to resolve his or her Complaint through the informal resolution process in accordance with Article VIII of this Policy, provided that (i) the Respondent agrees to such resolution, (ii) the Complainant and the Respondent are both students or are both employees of the University, and (iii) the Assigned Deputy Title IX Coordinator determines that informal resolution is an appropriate mechanism for resolving the Complaint. Otherwise, a Complaint that is not closed pursuant to the Assigned Deputy Title IX Coordinator's evaluation of the Investigative Report will proceed to formal resolution in accordance with Article VII of this Policy.

ARTICLE VII. FORMAL RESOLUTION

Section 7.01 Respondent's Acknowledgement of Responsibility.

At any time prior to the date of the hearing, the Respondent may elect to accept responsibility for the alleged Sexual Misconduct. In such a situation, the Assigned Deputy Title IX Coordinator will propose sanction(s) for the Respondent. If the Complainant and the Respondent agree to such proposed sanction(s), then the Complaint will be resolved without a hearing and without any further rights of appeal by any party.

If either the Complainant or the Respondent objects to such proposed sanction(s), then a Hearing Board will convene for the exclusive purpose of determining a sanction in accordance with Section 7.02(c)(ii) of this Policy. The sanction(s) determination may be appealed pursuant to Section 7.03(b) of this Policy.

Section 7.02 The Formal Resolution Process.

In the case of a formal resolution, a Hearing Board will conduct a hearing in which it may question the Complainant, the Respondent, and any witnesses or other third parties whose testimony the Hearing Board deems relevant. The collection of evidence is intended to be conducted primarily during the investigation, and the Hearing Board will restrict their questions to those questions they deem necessary and that they believe are not already answered in the Investigative Report. The Hearing Board may question the Investigators as necessary to clarify information provided in the Investigative Report. The Assigned Deputy Title IX Coordinator and the Title IX Coordinator are not required to attend the hearing but may do so if they deem such attendance appropriate.

(a) The Empaneling of the Hearing Board.

- (i) The Hearing Board.** The Title IX Coordinator, in consultation with the Associate Vice President for Student Life (if the Complaint involves students), with the Assistant Vice President for Human Resources (if the Complaint involves one or more staff members) and/or with the Dean of Faculty (if the Complaint involves one or more faculty members) will appoint the members of the "Hearing Board." The Hearing Board will include at least three faculty and/or staff members of which one will be designated as the Chair. The Dean of Faculty and Title IX Coordinator will attempt to assign 3 faculty members for cases involving only faculty members, and The Assistant Vice President for Human Resources and the Title IX Coordinator will attempt to assign 3 staff members for cases involving only staff members. In addition, the Hearing Board will include at least one faculty member when one of the parties is a faculty member and at least one staff member when one of the parties is a staff member. The Assigned Deputy Title IX Coordinator will share the Complaint and the Investigative Report (redacted, if applicable, pursuant to Section 6.04(d)) with the Hearing Board and, if only a portion of the misconduct alleged in the Complaint justifies continuing to the hearing process, the Assigned Deputy Title IX Coordinator will specify which part(s) of the alleged misconduct will be the subject of the hearing.
- (ii) Notice of the Hearing and Composition of the Hearing Board.** Promptly after the appointment of the members of the Hearing Board and no less than seven calendar days prior to the hearing, the Assigned Deputy Title IX Coordinator will provide concurrent written notice to the Complainant and the Respondent setting forth the date, time and location of the hearing, as well as the names of the individuals selected to serve on and chair the Hearing Board. If only a portion of the alleged misconduct justifies continuing to the hearing process, the Assigned Deputy Title IX Coordinator will also specify in the notice which part(s) of the alleged misconduct will be the

subject of the hearing. At this time, the Assigned Deputy Title IX Coordinator will make the Investigative Report available to the parties pursuant to Section 6.04(d), if it has not already been made available.

The parties may challenge the participation of any member of the Hearing Board by submitting a written objection to the Assigned Deputy Title IX Coordinator within two days of receipt of the notice of the composition of the Hearing Board. Such objection must state the specific reason(s) for the objection. The Assigned Deputy Title IX Coordinator will evaluate the objection and determine, in consultation with the Associate Vice President for Student Life and/or the Assistant Vice President for Human Resources or the Dean of Faculty, as appropriate, whether to alter the composition of the Hearing Board. Failure to submit a timely and proper objection will constitute a waiver of any right of objection to the composition of the Hearing Board. Any changes in the composition of the Hearing Board will be provided in writing to both parties prior to the date of the hearing.

(b) Hearing Policies and Procedures.

- (i) Submission of Written Materials by the Parties.** Within three days of receipt of the Notice of Hearing and Composition of the Hearing Board (or within such other time set by the Assigned Deputy Title IX Coordinator), the Complainant and the Respondent may provide the Assigned Deputy Title IX Coordinator with a list of witnesses, if any, that they propose that the Hearing Board call and a brief description of each proposed witness's connection to and/or knowledge of the issues in dispute. The parties may also submit a written statement of position to the Assigned Deputy Title IX Coordinator within three calendar days of receipt of the Notice of Hearing and Composition of the Hearing Board (or within such other time set by the Assigned Deputy Title IX Coordinator). The Assigned Deputy Title IX Coordinator will share such information with the Hearing Board. Any written statements of position or evidence submitted by the parties will be made available to the other party(ies) to review prior to the hearing. The Hearing Board will determine which, if any, of the witnesses it intends to call.
- (ii) Failure to Appear.** If the Complainant and/or the Respondent fails to appear before the Hearing Board, and such party was provided proper notice of the hearing as set forth above, then absent extenuating circumstances, the Hearing Board will proceed to determine the resolution of the Complaint.
- (iii) No Contact Prior to the Hearing.** The Complainant and the Respondent may not contact each other outside of the hearing, even to discuss the hearing, and neither party may communicate with the members on the Hearing Board regarding matters germane to the hearing outside of the hearing.
- (iv) Support Persons.** As provided in Section 5.03, both the Complainant and the Respondent may have a support person present to support and assist them during the hearing. These support persons must follow all rules applicable to the parties they support.
- (v) Evidentiary Matters.** The Complainant and the Respondent will have an equal opportunity to address the Hearing Board, if desired. Formal rules of evidence will not be observed during hearings.

 - 1)** Any evidence the parties wish the Hearing Board to consider should be presented to the investigators as early as possible during the investigation

process. If a party wishes to submit evidence in response to information in the Investigative Report, that information should be submitted as soon as practicable but in no event later than the submission of any written statement (generally due within three days of receipt of the Notice of Hearing and Composition of the Hearing Board). Any evidence that is not submitted in a timely manner during the course of the investigation or prior to the hearing may be excluded at the discretion of the Assigned Deputy Title IX Coordinator or the Title IX Coordinator.

- 2) Evidence of the past sexual histories of the Complainant and the Respondent will not be permitted at the hearing, with the following exceptions:
 - a. evidence is permitted to show that the Complainant has in the past been formally disciplined by the University for falsely filing Complaints alleging Sexual Misconduct,
 - b. evidence is permitted to show that the Respondent has in the past been either convicted in a criminal proceeding or formally disciplined by the University for Sexual Misconduct, and
 - c. evidence regarding the past sexual activity of the Respondent (regardless of whether the Respondent was formally charged 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 Misconduct at issue before the Hearing Board, provided that (1) the Respondent has not been found "not responsible" by the University in a proceeding related to such sexual activity and (2) the Title IX Coordinator and/or the Hearing Board has found both that the evidence is reliable and trustworthy and that the conduct is sufficiently and substantially similar to the conduct at issue before the Hearing Board to suggest a pattern of behavior.
- 3) Character evidence is generally inadmissible.

(vi) Conduct of the Hearing.

- 1) **Generally.** The Hearing Board will be responsible for asking any questions to be asked of the parties. Both the Hearing Board and the parties will have the opportunity to question any witnesses. It is anticipated that the evidence will primarily be gathered and developed during the investigation and presented to the Hearing Board in the Investigative Report. The Chair of the Hearing Board will resolve any questions concerning procedure or the admission of evidence or testimony (including the relevancy and reliability of the evidence and testimony). Members of the University community are expected to provide truthful testimony, and any member of the University community providing false information during this process is subject to discipline, pursuant to Section 2.03.
- 2) **Testimony.** The Respondent and/or the Complainant may choose not to testify before the Hearing Board; however, the affirmative exercise of that option will not preclude the Hearing Board from making a determination regarding the Complaint.

- 3) **Closed-Circuit Technology.** Upon timely request, the University may, in its discretion, provide for testimony by closed-circuit technology, telephone or other electronic means in appropriate circumstances.
- 4) **Recording.** The University may record the hearing. This recording will be the only recording permitted of the proceedings and will be the property of the University. The Appeals Board may use the recording and/or a transcript of the proceeding as part of the appeal process. Reasonable care will be taken to ensure a quality recording. However, technological problems that result in no recording or in an inaudible one will not affect the validity of the outcome of a hearing.

(c) **Outcome.**

- (i) **The Decision of the Hearing Board Regarding Responsibility.** Following the conclusion of the hearing, the Hearing Board will confer and by majority vote determine whether the evidence (including the information provided in and by the Investigative Report, any evidence presented at the hearing, and the testimony of the parties and witnesses) establishes that it is more likely than not¹ that the Respondent committed Material Sexual Misconduct. The Hearing Board will render a finding of “Responsible” or “Not Responsible” and will provide the rationale for its decision. If the Respondent is found “Responsible,” the Hearing Board will specify the specific type(s) of Sexual Misconduct, if any, for which the Respondent is found “Responsible” (for example, Sexual Assault, Stalking, etc.). When possible, the Hearing Board generally will communicate the finding of “Responsible” or “Not Responsible” to the parties on the day of the hearing. Additional information regarding the decision, including the rationale and any sanctions (if applicable) will be communicated in the Final Outcome Letter (described in Section 7.02(c)(iii)).
- (ii) **The Decision of the Hearing Panel Regarding Sanctions.** If the Hearing Board renders a finding of “Responsible,” it will recommend appropriate sanctions to be imposed on the Respondent.
 - (1) **Generally.** Sanctions for a finding of responsibility depend upon the nature and gravity of the misconduct, any record of prior discipline, or both. Sanctions include, but are not limited to, withholding a promotion or pay increase, reassigning employment, terminating employment, temporary suspension without pay, compensation adjustments, expulsion or suspension from the University, disciplinary probation, social restrictions, expulsion or suspension from campus housing, suspension or revocation of admission, suspension or revocation of degree, written warning, mandated counseling, completion of a batterer intervention program, completion of violence risk assessment, parental notification, and/or educational sanctions (such as community service, reflection paper(s), and/or fines) deemed appropriate by the Hearing Board. The Hearing Board 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. The Hearing Board also will consider the impact of separating a student

¹ In other words, the standard of proof will be the preponderance of the evidence standard.

from his or her education. The Hearing Board may consider any prior disciplinary history of a Respondent in determining appropriate sanctions.

- (2) **Review of Sanctions.** The Hearing Board will forward its recommendations regarding sanctions to the Title IX Coordinator, who will review the recommended sanctions in consultation with the Associate Vice President for Student Life (in cases involving student Respondents). In cases involving faculty Respondents, the Title IX Coordinator will review the recommended sanctions in consultation with the Dean of Faculty and the Assistant Vice President for Human Resources. In cases involving staff Respondents, the Title IX Coordinator will review the recommended sanctions in consultation with the Assistant Vice President for Human Resources. These individuals will either adopt the sanctions as recommended or make any changes deemed necessary to ensure the sanctions are appropriate, consistent with those issued in similar cases and are intended to end the misconduct and remedy the effects.
- (3) As a guide, general recommended ranges of sanctions for individual violations are listed below. However, individual sanctions may be combined to address Material Sexual Misconduct (e.g. a period of suspension from the University may be combined with parental notification and with disciplinary probation and social probation upon return to the University).

Recommended Ranges of Sanctions

Violation	Recommended Range of Sanctions for Students	Recommended Range of Sanctions for Employees
Sexual Harassment	parental notification, and/or 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 University	educational sanctions/training, written reprimand, withholding a promotion or pay increase, relocation of office, reassigning employment, terminating employment, temporary suspension without pay, compensation Adjustments, changes in conditions of employment
Sexual Exploitation	educational sanctions, disciplinary probation, social restrictions, expulsion or suspension from campus housing, suspension or expulsion from the University	educational sanctions/training, written reprimand/probation, withholding a promotion or pay increase, relocation of office, reassigning employment, terminating employment, temporary suspension without pay, compensation adjustments, changes in conditions of employment

Sexual Intimidation, Stalking, Intimate Partner Violence	educational sanctions, disciplinary probation, social restrictions, expulsion or suspension from campus housing, completion of batterer intervention program and/or threat assessment, suspension or expulsion from the University	educational sanctions/training, written reprimand/probation, withholding a promotion or pay increase, relocation of office, reassigning employment, terminating employment, temporary suspension without pay, compensation adjustments, completion of batterer intervention program, changes in conditions of employment
Non-consensual Sexual Contact and Non-consensual Sexual Penetration*	educational sanctions, disciplinary probation, social restrictions, completion of threat assessment, expulsion or suspension from campus housing, suspension or expulsion from the University	educational sanctions/training, withholding a promotion or pay increase, relocation of office, reassigning employment, terminating employment, temporary suspension without pay, compensation adjustments, changes in conditions of employment

*To be clear, the appropriate sanctions for any Non-consensual Sexual Penetration generally will include at a minimum a period of separation from the University.

(4) Implementation of Sanctions. Sanctions imposed generally are effective immediately upon issuance of the Final Outcome Letter described below. However, if it is advisable in order to protect the welfare of the Complainant or the University community, the Hearing Board may recommend and/or the Assigned Deputy Title IX Coordinator may determine that any sanctions be effective at any time after the conclusion of the hearing and continue in effect until the issuance of the Final Outcome Letter.

(iii) Final Outcome Letter. Within seven business days following the conclusion of the hearing, the Assigned Deputy Title IX Coordinator will issue a written decision letter (the "Final Outcome Letter") concurrently to the Respondent and the Complainant.

For employee and third-party Respondents, the Final Outcome Letter will set forth (1) the name of the Respondent, (2) the violation(s) of this Policy for which the Respondent was found responsible or a statement that the Respondent was found not to have violated this Policy, and (3) the sanctions imposed on the Respondent, if any, and (4) the rationale for the finding and the sanctions. Where appropriate, the Final Outcome Letter may set forth names of other individuals, such as a Complainant or witness.

For student Respondents, the Final Outcome Letter will set forth (1) the name of the Respondent, (2) the violation(s) of this Policy for which the Respondent was found responsible or a statement that the Respondent was found not to have violated this Policy, (3) the rationale for the finding, and (4) the sanctions imposed on the Respondent, if any (setting forth only a description of the disciplinary action taken, the date of its imposition, its duration, and the rationale for such action), and where appropriate, it may set forth names of other individuals, such as a Complainant or witness. For student respondents alleged to have committed a violation or violations other than Intimate Partner Violence, Non-consensual Sexual Contact or Non-

consensual Sexual Penetration, the University will redact, when appropriate, information about sanctions that do not directly relate to the Complainant, and the Respondent will not be notified of individual remedies provided or offered to the Complainant.

- (iv) **Final Accommodations and Corrective Action.** In addition to any sanctions imposed on the Respondent, promptly following the conclusion of the hearing(s) and the Hearing Board's issuance of a Final Outcome Letter, the Assigned Deputy Title IX Coordinator will determine the final accommodations to be provided to the Complainant, if any, and the Assigned Deputy Title IX Coordinator will communicate such decision to the Complainant, and, to the extent that it affects him or her, to the Respondent. Such accommodations may include, but are not limited to, those listed Section 6.03(a) of this Policy.

The Assigned Deputy Title IX 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 school community, and providing Sexual Misconduct or other counseling. The Assigned Deputy Title IX Coordinator will also, where appropriate, take steps to prevent the harassment of the Respondent.

Furthermore, the Assigned Deputy Title IX Coordinator will take prompt corrective action if the Complainant experiences Retaliation or is subjected to further Sexual Misconduct 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 University community. In appropriate cases (such as those involving Sexual Harassment), the Assigned Deputy Title IX Coordinator will also take reasonable steps to eliminate any hostile environment that has been created. In taking the above-outlined steps, the Assigned Deputy Title IX Coordinator will make every reasonable effort to minimize the burden on the Complainant.

Section 7.03 Appeals.

The Complainant or the Respondent may appeal the decision of the Hearing Board and/or the sanction imposed on the Respondent within seven calendar days from the date of the Final Outcome Letter. The decision of the Hearing Board and the sanction imposed on the Respondent may, if desired, be appealed simultaneously.

(a) Grounds for Appeal.

- (i) The only permissible grounds for an appeal of the Hearing Board's finding of responsible or not responsible are (a) availability of germane new evidence not available at the time of the hearing(s) that could significantly impact the outcome of the hearing and/or (b) procedural errors that significantly impacted the outcome of the hearing.
- (ii) **Appeals of Sanctions.** The sanctions imposed on the Respondent may be appealed on grounds that the severity of the sanction imposed is incommensurate to the gravity of the Sexual Misconduct for which the Respondent was found responsible.

- (b) **Generally.** Appeals must be made in writing to the Assigned Deputy Title IX Coordinator. The Assigned Deputy Title IX Coordinator will promptly inform the other party of the filing of the appeal. The other party will have three calendar days to submit a written response to the appeal.
- (c) The Title IX Coordinator and the Assigned Deputy Title IX Coordinator will review the appeal to determine whether it meets the permissible grounds for appeal. If it does, the Title IX Coordinator, in consultation with the Associate Vice President for Student Life (if the Complaint involves students), the Assistant Vice President for Human Resources (if the Complaint involves one or more staff members) and/or the Dean of Faculty (if the Complaint involves one or more faculty members) will appoint the members of the “Appeals Board.” The Appeals Board will include at least three faculty and/or staff members, of which one will be designated as the Chair. The Dean of Faculty and Title IX Coordinator will attempt to assign 3 faculty members for cases involving only faculty members, and The Assistant Vice President for Human Resources and the Title IX Coordinator will attempt to assign 3 staff members for cases involving only staff members. In addition, the Appeals Board will include at least one faculty member when one of the parties is a faculty member and at least one staff member when one of the parties is a staff member. The Assigned Deputy Title IX Coordinator will share any written Complaint, the Investigative Report, any audio recording and/or transcript of the hearing proceedings, any statements introduced at the hearing, and any other evidence considered by the hearing board, the written findings of the Hearing Board, and the written appeal submissions of the parties with the Appeals Board. In addition, if an appeal raises issues of procedure, the Title IX Coordinator may provide the Appeals Board additional information relevant to the issues raised in the appeal.
- (d) Within ten days of the receipt of the appeal (or as soon as is reasonably practicable), the Appeals Board will make a determination by majority vote (a) that the decision of the Hearing Board should stand, or (b) that the decision of the Hearing Board should be overturned.
- (e) In the event that the Appeals Board determines that the decision of the Hearing Board should be overturned, the Appeals Board will specify, after consultation with the Assigned Deputy Title IX Coordinator, the Title IX Coordinator, and other University administrators, as necessary, the appropriate steps to be taken to come to a final resolution of the Complaint (which may or may not include an additional hearing before a different Hearing Board, or a hearing before the same Hearing Board solely on sanctions). The Assigned Deputy Title IX Coordinator will notify the Complainant and the Respondent of the Appeals Board’s decision concurrently and in writing. If another hearing is convened before the Hearing Board for the sole purpose of considering sanctions, the final sanctions set by the Hearing Board and approved by the Title IX Coordinator will not be subject to further appeal.

ARTICLE VIII. INFORMAL RESOLUTION

Informal resolution is only appropriate if (i) the Respondent agrees to such resolution, (ii) the Complainant and the Respondent are both students or are both employees of the University, and (iii) the Assigned Deputy Title IX Coordinator determines that informal resolution is an appropriate mechanism for resolving the Complaint.

Informal 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 Non-Consensual Sexual Penetration according to the formal resolution process but use the informal resolution process for all other claims). If the parties agree to informal resolution (and informal resolution is appropriate for all of the claims at issue), then all of the claims must be resolved according to the informal resolution process.

The Complainant has the right to terminate the informal resolution process at any time and proceed with formal resolution. Furthermore, the Assigned Deputy Title IX Coordinator may, where appropriate, terminate or decline to initiate informal resolution, and proceed with the formal resolution process instead.

Section 8.01 Respondent's Acknowledgement of Responsibility.

At any time prior to the imposition of sanctions, the Respondent may elect to accept responsibility for the alleged Sexual Misconduct. In such a situation, the Assigned Deputy Title IX Coordinator will, in consultation with the Title IX Coordinator, propose sanction(s) for the Respondent. If both the Complainant and the Respondent agree to such proposed sanction(s), then the Complaint will be resolved without any further rights of appeal by either party.

If either the Complainant or the Respondent objects to such proposed sanction(s), then a Hearing Board will convene for the exclusive purpose of determining sanctions, which determination may be subject to appeal by either party pursuant to Section 7.03 of this Policy. For purposes of this sanction hearing, all of the other provisions of this Policy relating to the imposition of a sanction for Material Sexual Misconduct shall apply.

Section 8.02 The Informal Resolution Process.

- (a) The Presiding Officer.** When the Complainant's Complaint is to be resolved according to the informal resolution process, the Assigned Deputy Title IX Coordinator will oversee the process. The Title IX Coordinator may also serve in this role. The Assigned Deputy Title IX Coordinator will involve other individuals as deemed beneficial to the process (e.g. a Human Resources representative for matters involving employees).
- (b) Notice of Informal Resolution.** The Assigned Deputy Title IX Coordinator will provide concurrent written notice to the Complainant and the Respondent setting forth the date, time, and location of the informal resolution (which will generally be no more than ten days, or as soon as reasonably practicable, following the conclusion of the investigation). If only a portion of the alleged misconduct justifies continuing to resolution, the Assigned Deputy Title IX Coordinator will also specify in the notice which part(s) of the alleged misconduct will be the subject of the informal resolution process.

Any party may challenge the participation of the Assigned Deputy Title IX Coordinator by submitting a written objection to the Title IX Coordinator within three days of receipt of the notice of the informal 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 Deputy Title IX Coordinator as the presiding officer. Any substitution of the Deputy Title IX Coordinator serving as the presiding officer will be provided in writing to both parties prior to the date of the informal resolution.

- (c) **No Contact Prior to Informal Resolution.** The Complainant and the Respondent may not contact each other outside of the informal resolution process, even to discuss the process.
- (d) **Attendance.** Both the Complainant and the Respondent are expected to attend the informal resolution. If either party fails to appear at the informal resolution, and such party was provided proper notice of the informal resolution as set forth above, then absent extenuating circumstances, the Assigned Deputy Title IX Coordinator may direct that resolution of the Complaint be determined according to the formal resolution process set forth in Article VII or may reschedule the informal resolution.
- (e) **The Informal Resolution.**
 - (i) **The Parties' Rights.** During the informal resolution process, the parties may:
 - 1) engage one another in the presence of, and facilitated by, the Assigned Deputy Title IX Coordinator;
 - 2) communicate their feelings and perceptions regarding the incident and the impact of the incident (either by communicating directly with one another or by communicating indirectly through the Assigned Deputy Title IX Coordinator); and/or
 - 3) relay their wishes and expectations regarding the future.
 - (ii) **Support Persons.** As provided in Section 5.03, both the Complainant and the Respondent may have a support person present to support and assist them during the informal resolution process.
 - (iii) **Resolution.** During the informal resolution, the Assigned Deputy Title IX Coordinator will attempt to facilitate the parties' resolution of the Complaint. If this process results in a resolution between the parties and the Assigned Deputy Title IX Coordinator and the Title IX Coordinator find the resolution to be appropriate under the circumstances (giving consideration to the extent to which the resolution will protect the safety of the Complainant and the entire school community), the informal disciplinary procedure will be concluded and the Complaint will be closed. If the parties are unable to reach a resolution, the formal resolution process outlined in Article VII of this Policy will promptly commence.

For the avoidance of doubt, a resolution that is reached pursuant to this Section 8.02 will not be included in a student Respondent's student conduct record or in an employee's personnel record, unless the inclusion of such information is agreed to as part of the informal resolution of the matter. A resolution reached pursuant to the Informal Resolution Process is final and not subject to appeal.

EXHIBIT A

to the

FURMAN UNIVERSITY Sexual Misconduct Policy

Suggested Actions for People Who Have Experienced Sexual Assault

While all types of Sexual Misconduct are inappropriate and taken seriously by the University, actions involving Non-consensual Sexual Contact and Non-consensual Sexual Penetration (as defined in [Exhibit B](#)) are particularly concerning. Thus, if you have experienced one of these offenses, the University'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 University complaint.

1. 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. Officers are on duty at the Furman University Police Department 24 hours a day, seven days a week.

2. Seek Medical Assistance and Treatment.

Local options for medical care include **Earle Student Health Center, 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). Medical facilities can also screen for the presence of sedative drugs such as Rohypnol or GHB (date-rape drugs).

Employees at the Earle Student Health Center can help you obtain transportation to North Greenville Hospital or Greenville Memorial 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 120 hours.

Important Contact Information

University Resources for Parties

Furman University's Title IX & ADA/Section 504 Coordinator is Melissa Nichols, whose office is in Suite 215 of the Trone Student Center. Ms. Nichols may be contacted during business hours (8:30 a.m. until 5:00 p.m.) by phone at 864-294-2221 or by email at melissa.nichols@furman.edu.

The **Furman University Police Department** is located in Estridge Commons and is available by phone at 864- 294-2111. Furman University Police Officers are available 24/7.

Earle Student Health Center is available by phone at 864-294-2180. The office is staffed from 8:00 a.m. until 6:00 p.m. Monday through Friday during the academic term.

The **Division of Student Life** is located in the Trone Student Center and is available by phone at 864-294-2202. The office is staffed from 8:30 a.m. until 5:00 p.m. Monday through Friday.

The **Office of Human Resources** is located at 5013-D Old Buncombe Road and is available by phone at 864-294-2217. The office is staffed from 8:30 a.m. until 5:00 p.m. Monday through Friday.

The **Counseling Center** is located in the lower level of Earle Student Health Center and is available by phone at 864- 294-3031. The Center is staffed from 8:30 a.m. until 5:00 p.m. Monday through Friday.

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. St. Francis Hospital, Greenville Memorial Hospital, and Greer Memorial Hospital administer evidence collection kits.

It is advisable to avoid showering, bathing, going to the bathroom, or brushing your teeth before an evidence collection 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.

3. Obtain Emotional Support

The Counseling Center can help students 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.

Employees may contact the Employee Assistance Program to obtain emotional support (available at: 877-595-5281). Employees can also speak confidentially with an ombudsperson (Dr. Joe Pollard and Dr. Victoria Turgeon for faculty and Dr. Gary Clark for staff).

4. Obtain Information/Report Misconduct

You are encouraged to report incidents of sexual assault (Non-consensual Sexual Contact or Non-consensual Sexual Penetration) 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 and can provide you with support and information, including information on the University's procedures for investigating and addressing instances of sexual assault.

Important Contact Information

Community Resources

Local Law Enforcement (the Traveler's Rest Police Department) can be reached by calling 911 (or, for non-emergency matters, by calling 864-834-9029).

Greenville Memorial Hospital is located at 701 Grove Road in Greenville. The Emergency Department can be reached at 864-455-7000.

North Greenville Hospital is located at 807 Main Street in Travelers Rest. The Emergency Department can be reached at 864-455-9206.

Greer Memorial Hospital is located at 830 South Buncombe Road in Greer and is available by phone at 864-797-8000.

St. Francis Hospital is located at 1 St. Francis Drive in Greenville and is available by phone at 864-255-1000.

The **Julie Valentine Center** is located at 2905 White Horse Road in Greenville and is available by phone at 864-331-0560. Its **rape crisis hotline** is available 24/7 at 864-467-3633.

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.

South Carolina Legal Services provides reduced fee legal assistance and can be reached at 888-346-5592.

Safe Harbor has a 24/7 crisis line available at 1-800-291-2139.

EXHIBIT B

to the

FURMAN UNIVERSITY SEXUAL MISCONDUCT POLICY

Definitions

- (a) Appeals Board.** “Appeals Board” is defined in Section 7.03(a)(ii). All members of the Appeals Board will receive regular professional training in hearing practices and procedures. More specifically, the members of the Appeals Board will receive annual training on (1) issues related to Intimate Partner Violence, sexual assault, and Stalking, and (2) how to conduct a fair and impartial hearing process.
- (b) Assigned Deputy Title IX Coordinator.** The “Assigned Deputy Title IX Coordinator” means the Deputy Title IX 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 alleged victim of Sexual Misconduct who files a Complaint or on whose behalf a Complaint is filed.
- (e) Complaint.** A “Complaint” is an allegation of Sexual Misconduct asserted against another party and initiated pursuant to Section 6.01.
- (f) Consent.** “Consent” is informed, freely and actively given, 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:

- (i)** Silence, passivity, or lack of resistance alone;
- (ii)** A current or previous dating or sexual relationship alone (or the existence of such a relationship with anyone else);
- (iii)** Attire;
- (iv)** The buying of dinner or the spending of money on a date; or
- (v)** 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 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.

(g) Day. A "day" is a business day, unless otherwise specified.

(h) Deputy Title IX Coordinator(s). The University's "Deputy Title IX Coordinators" are:

- (i)** Jason Cassidy, Associate Vice President for Student Life and Dean of Students. Dr. Cassidy may be reached by telephone at 864-294-2093, by email at jason.cassidy@furman.edu, or in person in Suite 215 of the Trone Student Center.
- (ii)** Stephanie Boyd, Assistant Dean of Students/Alcohol and Drug Education Coordinator. Ms. Boyd may be reached by telephone at 864-294-2292, by email at stephanie.boyd@furman.edu, or in person in Suite 215 of the Trone Student Center.
- (iii)** Rachael Simpson, Assistant Athletic Director/Compliance & Student-Athlete Development. Ms. Simpson may be reached by telephone at 864-294-2370, by email at rachael.simpson@furman.edu, or in person in the Alley Gymnasium.
- (iv)** Kristen Davis, Employee Relations Manager. Ms. Davis may be reached by telephone at 864-294-3101, by email at kristen.davis@furman.edu, or in person in the Human Resources office, 5013-D Old Buncombe Road.

The Deputy Title IX 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 his or her discretion, assign a Deputy Title IX Coordinator as the Assigned Deputy Title IX Coordinator in connection with a given Complaint.

The Deputy Title IX Coordinators will receive regular professional training in resolution practices and procedures. More specifically, the Deputy Title IX Coordinators will receive annual training on (1) issues related to Intimate Partner Violence, sexual assault, and Stalking, and (2) how to conduct a resolution process that is fair and impartial, protects the safety of victims and promotes accountability.

(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) Final Outcome Letter. "Final Outcome Letter" is defined in Section 7.02(c)(iii).

- (l) **Gender-Based Harassment.** Gender-based Harassment is verbal, nonverbal, graphic or physical aggression, intimidation or hostile conduct based on gender, gender-stereotyping, sexual orientation or gender identity, but not involving conduct of a sexual nature, when such conduct is sufficiently severe, persistent or pervasive that it interferes with or limits a person's ability to participate in or benefit from the University's education or work programs or activities. For example, persistent disparagement of a person based upon a perceived lack of stereotypical masculinity or femininity or exclusion from an activity based on a perceived orientation or gender identity may also violate this policy.
- (m) **Hearing Board.** "Hearing Board" is defined in Section 7.02(a)(i). All members of the Hearing Board will receive regular professional training in hearing practices and procedures. More specifically, the members of the Hearing Board will receive annual training on (1) issues related to Intimate Partner Violence, sexual assault, and Stalking, and (2) how to conduct a hearing process that is fair and impartial.
- (n) **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.
- (o) **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.
- (p) **Investigative Report.** "Investigative Report" is defined in Section 6.04(d).
- (q) **Investigators.** The "Investigators" are neutral fact-gatherers who are designated by the Assigned Deputy Title IX Coordinator to investigate a Complaint. The Investigators may be University employees, non-employees or a combination of the two. University Investigators will be trained annually on (1) reasonable and appropriate investigative techniques, (2) issues related to Intimate Partner Violence, sexual assault, and Stalking, and (3) how to conduct an investigation that is fair and impartial.
- (r) **Material Sexual Misconduct.** "Material Sexual Misconduct" is Sexual 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 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 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.
- (s) **Non-consensual Sexual Contact.** Non-consensual Sexual Contact is any physical contact with another person of a sexual nature without that person's 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. 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.

- (t) **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.
- (u) **Personally Identifiable Information.** "Personally Identifiable Information" (as that term is defined by FERPA) includes, but is not limited to:
- (i) a student's name;
 - (ii) the name of a student's parent(s) or other family members;
 - (iii) the address of a student or a student's family;
 - (iv) a personal identifier, such as a student's social security number, student number, or biometric record;
 - (v) other indirect identifiers, such as a student's date of birth, place of birth, or mother's maiden name;
 - (vi) other information that, alone or in combination, is linked or linkable to a specific student and that would allow a reasonable person in the University community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
 - (vii) information requested by a person whom the University reasonably believes knows the identity of the student to whom the Education Record relates.
- (v) **Respondent.** A "Respondent" is an individual who has been accused in a Complaint of committing Sexual Misconduct.
- (w) **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. Strictly Confidential Resources are not Responsible Employees.

The following individuals are the University's Responsible Employees:

- (i) All Vice Presidents, Assistant Vice Presidents, Associate Vice Presidents, Provosts, Deans, Department Chairs, Directors, and Coaches;
- (ii) All Deputy Title IX Coordinators;
- (iii) All Human Resources staff;
- (iv) All Student Life staff (including, for purposes of clarity, Resident Assistants and First-Year Advisors (FRADs));
- (v) All employees 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);

- (vi) All members of the faculty; and
 - (vii) All Furman University Police Officers and contracted security personnel.
- (x) **Retaliation.** “Retaliation” means 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 Sexual Misconduct, 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 Sexual Misconduct. 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.
- (y) **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:
- (i) Causing or attempting to cause another person to be Incapacitated in order to gain a sexual advantage over such person;
 - (ii) Prostituting another person (i.e., personally gaining money, privilege, or power from the sexual activities of another);
 - (iii) 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;
 - (iv) Exceeding the boundaries of Consent (e.g., allowing another person to observe Consensual sex without the knowledge of or Consent from all participants);
 - (v) Voyeurism;
 - (vi) Knowingly or recklessly transmitting a sexually transmitted disease (including HIV) to another individual;
 - (vii) Sexually based stalking and/or bullying may also be forms of sexual exploitation.
- (z) **Sexual Harassment.** Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, graphic or physical conduct of a sexual nature when either (i) or (ii) below applies:
- (i) Submission to, consent to or rejection of the behavior carries or 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:
 - (1) pressuring an individual to engage in sexual behavior for some educational or employment benefit, or
 - (2) making a real or perceived threat that rejecting sexual behavior will carry a negative educational or employment consequence for the individual.
 - (ii) The behavior is severe, persistent or pervasive and objectively offensive, such that it unreasonably limits or interferes with the individual’s ability to participate in or benefit from the University’s education, on-campus living, or employment programs or activities by creating an intimidating, hostile, offensive or demeaning environment. Whether the conduct creates a hostile environment

may depend on a variety of factors, including: the degree to which the conduct affected the education or employment of another person; the type, frequency and duration of the conduct; the relationship between the parties; the number of people involved; and the context in which the conduct occurred. The more severe the conduct, the less need there is to show a repeated pattern of conduct. Examples of this type of sexual harassment include:

- (1) persistent unwelcome efforts to develop a romantic or sexual relationship;
- (2) unwelcome sexual advances or requests for sexual favors;
- (3) unwelcome commentary about an individual's body or sexual activities;
- (4) inappropriately touching an individual's body;
- (5) unwelcome sexually-oriented teasing, joking, flirting, or lewd comments, innuendos or gestures; and
- (6) verbal abuse of a sexual nature.

The University reserves the right to address offensive conduct and/or unwanted conduct of a sexual nature that does not rise to the level of creating a hostile environment. Addressing such behaviors may not result in the imposition of discipline under University policy, but will be addressed through respectful confrontation, remedial actions, education and/or conflict resolution efforts.

(aa) Sexual Intimidation. "Sexual Intimidation" includes but is not limited to:

- (i) Threatening, expressly or impliedly, to commit a sexual act upon another person without his or her Consent,
- (ii) Stalking or cyber-stalking, and
- (iii) Engaging in indecent exposure (intentionally exposing one's sexual organs in public) with the intention of alarming, distressing, and/or offending others.

(bb) Sexual Misconduct. "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 people of any gender and it can occur between people of different genders or people of the same gender. The University encourages reporting of all Sexual Misconduct. Sexual Misconduct includes but is not limited to:

- (i) Sexual Harassment;
- (ii) Non-consensual Sexual Contact;
- (iii) Non-consensual Sexual Penetration;
- (iv) Sexual Exploitation;
- (v) Sexual Intimidation;
- (vi) Stalking;
- (vii) Intimate Partner Violence.

(cc) Stalking. "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.

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.

- (dd) Strictly Confidential Resource.** "Strictly Confidential Resource" is defined in Section 3.01(a).
- (ee) 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 Misconduct.
- (ff) Title IX Coordinator.** The University's "Title IX Coordinator" is Ms. Melissa Nichols, the Title IX and ADA/Section 504 Coordinator. Ms. Nichols's office is located in Suite 215 of the Trone Student Center, and she may be contacted by phone at 864-294-2221 or by email at melissa.nichols@furman.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 Misconduct. The Title IX Coordinator is available to meet with individuals who are involved with or concerned about issues or University processes, incidents, patterns, or problems related to Sexual Misconduct. All allegations involving Sexual 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 Intimate Partner Violence, sexual assault, and Stalking, and
- (2) how to conduct a fair and impartial resolution process that protects the safety of victims and promotes accountability.

EXHIBIT C

to

FURMAN UNIVERSITY SEXUAL MISCONDUCT POLICY

SEXUAL MISCONDUCT COMPLAINT FORM

Today's date: _____

Information Regarding the Complainant:

Name of the Complainant: _____

The Complainant is (please check one):
[] a faculty member [] a student (current []/former [])
[] a staff member [] not affiliated with the University

For faculty, staff, & students, indicate whether [] current or [] former

Information Regarding the Respondent:

Name of the Respondent: _____

The Respondent is (please check one):
[] a faculty member [] a student (current []/former [])
[] a staff member [] not affiliated with the University

For faculty, staff, & students, indicate whether [] current or [] former

Information Regarding the Alleged Sexual Misconduct:

Time and date of the alleged Sexual Misconduct: _____

Location of the alleged Sexual Misconduct:

[] on campus: _____

[] off campus: _____

Witnesses or third parties who may have information regarding the alleged Sexual Misconduct:

Please provide a brief description of the alleged Sexual Misconduct:

You may wish to consider including, among other things, some or all the following information in your description: the gender of the parties, the relationship between the parties, whether one or more of the parties were under the influence of alcohol or drugs at the time of the alleged Sexual Misconduct, whether the Respondent used pressure or force (physical or otherwise) in the course of the alleged Sexual Misconduct, and the frequency (if applicable) of the alleged Sexual Misconduct.

Please feel free to use the reverse side of this form or separate pages to continue your description, if desired.

Signature of the Complainant: _____