

An Introduction to Title IX at Wofford College



Office of Equity,
Diversity and Inclusion
WOFFORD COLLEGE

WHAT IS TITLE IX?

Title IX of the Education Amendments of 1972 establishes that “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.”

Wofford College is committed to creating a safe environment for all members of its community and takes its Title IX obligations seriously. The college has developed a thorough and impartial process for receiving, reviewing and responding to allegations of gender- and sexually based discrimination and misconduct. This publication is intended only to offer a brief introduction to how Title IX works and where you can find more information.

THE STEP-BY-STEP GUIDE TO THE TITLE IX PROCESS

For more detailed discussion of our policies and procedures and hearing conduct, please refer to Articles VI, VII and VIII of the college's Nondiscrimination and Anti-Harassment Policy.

- I. The complainant ¹ reports alleged discriminatory harassment and/or gender- or sexually based misconduct.
 - a. In-person verbal reports may be made to the Title IX coordinator. Written reports may also be submitted.
 - b. Complainants and witnesses may also complete the online Discrimination and Harassment Reporting Form. These reports may be submitted anonymously.
- II. The Title IX coordinator will contact the reporting party to schedule an informational meeting.
- III. If the complainant wishes to proceed to a formal complaint ², the complainant must submit the formal complaint form to the Title IX coordinator.
 - a. The formal complaint form is only available from the Title IX coordinator.
 - b. If a student does not wish to submit a formal complaint form, the matter will be administratively closed.
 - c. Supportive measures remain available to students who opt not to submit a formal complaint form.
- IV. The Title IX coordinator reviews the submitted form.
 - a. If the alleged misconduct may rise to the level of a policy violation, the Title IX coordinator assigns the case to an institutional equity case coordinator.
 - b. If not, the Title IX coordinator will inform the complainant that the matter will not be investigated further and is considered closed unless additional relevant evidence is provided.
- V. The institutional equity case coordinator makes the initial determination of whether the case will proceed to formal investigation.
- VI. If the alleged misconduct will be investigated, the complainant and the respondent(s) ³ will receive a written notice of allegations and investigation from the Title IX office. The Title IX coordinator will appoint case investigators.

- VII. The parties and their respective witnesses will be interviewed. The investigators will complete and submit a draft report.
- a. After considering any additional information or concerns from the parties, the investigators prepare and submit the final investigative report.
- VIII. The Title IX coordinator reviews the final investigative report and determines next steps.
- a. If a formal hearing is warranted, the Title IX coordinator will send a notice of charges. The matter then moves to a formal hearing to determine if the respondent will be found “responsible” or “not responsible.”
 - b. If the investigative report suggests no policy violation, the Title IX coordinator will inform both parties in writing that the matter is considered closed.

¹ The complainant is the individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected class, or retaliation for engaging in a protected activity.

² A formal complaint is a document filed/signed by a complainant or signed by the Title IX coordinator alleging harassment or discrimination based on a protected class or retaliation for engaging in a protected activity against a respondent and requesting that the college investigate the allegation.

³ Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute harassment or discrimination based on a protected class, or retaliation for engaging in a protected activity.

The Title IX process may take up to 90 days from initial complaint to resolution. Investigations may last longer under extenuating circumstances.

POSSIBLE RESOLUTIONS TO TITLE IX CASES

- I. **MANDATORY DISMISSAL:** The college **MUST** dismiss a formal complaint if at least one of the following is true:
 - a. The alleged conduct does not constitute sexual harassment as defined in Section 3.03 of the Nondiscrimination and Anti-Harassment Policy.
 - b. The alleged conduct did not occur in the United States.
 - c. The alleged conduct did not occur in an educational program or activity controlled by the college (including buildings or property controlled by recognized student organizations and/or if the college does not have control of the respondent).
 - d. The complainant is not participating in or attempting to participate in the education program or activity of the college at the time the formal complaint is filed.
- II. **DISCRETIONARY DISMISSAL:** The college **MAY** dismiss a formal complaint if at least one of the following is true:
 - a. The complainant notified the Title IX coordinator in writing that the complainant is withdrawing the formal complaint.
 - b. The respondent is no longer employed by or enrolled at the college.

- c. Specific circumstances prevent the college from gathering sufficient evidence to reach a determination about the formal complaint.
- III. FACILITATED RESOLUTION: This option offers the complainant and respondent the opportunity to discuss the alleged misconduct in a mediated conversation led by a trained facilitator.
- a. This arrangement is only available if the complainant, respondent and institutional equity case coordinator all agree that such a resolution is appropriate.
 - b. Facilitated resolution is NOT available in cases where the complainant is a student and the respondent is a college employee.
 - c. The complainant and respondent reserve the right to withdraw from facilitated resolution at any time, sending the matter to formal resolution.
- IV. FORMAL RESOLUTION: This process involves an objective evaluation of all relevant evidence obtained through a college investigative process and formal hearing process.
- a. The rights of complainants and respondents in the formal hearing process are outlined in Articles VI and VII. Please note that the college offers responsive and supportive measures to both complainants and respondents.
 - b. The formal hearing process is outlined in Articles VII and VIII.
 - c. Persons found responsible for an alleged policy violation are subject to college sanctions as outlined in Article VIII.
 - d. The appeals process is described in Article VIII.

POSSIBLE SANCTIONS

Possible sanctions vary widely based on the nature and severity of the offense, the offense's impact on the complainant, the respondent's disciplinary history and other factors.

TITLE IX AND PRIVACY

The college will make every feasible effort to preserve the privacy of reports.

The college will not share the identity of any complainant, respondent or witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), as required by law, or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing or resolution proceeding arising under these policies and procedures.

Information will be shared only as appropriate and necessary to address and resolve the allegation(s) at issue, prevent the recurrence of similar conduct and address the effects of the conduct.

All involved parties remain students in good standing at the college unless an involved party is determined to be a danger to self or to other members of the community.

TITLE IX QUESTIONS?

If you have additional questions, please consult **Wofford's Nondiscrimination and Anti-Harassment Policy**. The Office of Equity, Diversity and Inclusion has also created a helpful **Title IX FAQ**.



**Nondiscrimination and
Anti-Harassment Policy**



Title IX FAQ



**Discrimination and
Harassment Reporting Form**

CONTACT US

You may also speak with **Jarvis Steele**, the Title IX Coordinator.



864-597-4048

titleix@wofford.edu

wofford.edu/administration/title-ix

or scan the QR code.

WOFFORD COLLEGE

429 N. Church St.
Spartanburg, SC 29303
wofford.edu

