

Charleston Southern University’s Policy on Sexual Misconduct and Harassment

August 19, 2017

Table of Contents

IMPORTANT INFORMATION	4
I. INTRODUCTION	4
1. Statement of Policy	4
2. Statement of Purpose	6
3. Applicability	6
II. PROHIBITED CONDUCT	7
1. Sexual Harassment	7
2. Gender-Based Harassment	7
3. Non-Consensual Sexual Contact	8
4. Non-Consensual Sexual Intercourse	8
5. Consent	8
a. Physical Violence	8
b. Threats	8
c. Intimidation	8
d. Coercion	8
6. Sexual Exploitation	9
7. Intimate Partner Violence	9
8. Stalking	10
9. Retaliation	10
10. Complicity	10
III. REPORTING PROCEDURES	10
1. Privacy and Confidentiality	10
a. Employee Responsibility to Report Disclosures or Information about Prohibited Conduct	11
1) Confidential Employee	11
2) Responsible Employee	11
b. Responsibility to Report Prohibited Conduct Where Either the Complainant or the Respondent is an Employee	12
c. Confidential Resources	12
1) Campus Minister	12
2) University Counseling Center	12
3) Medical University of South Carolina (MUSC)	12
4) People Against Rape	13
5) Trident Medical Center	13
6) Roper St. Francis Hospital	13
d. Non-Confidential Resources	13
1) Law Enforcement	13
2) The University	13

2.	Timing	14
3.	Amnesty	14
4.	Obligation to Provide Truthful Information	14
5.	Remedial and Protective Measures	14
	a. No-Contact Order	15
IV.	GRIEVANCE PROCEDURES FOR REPORTS AGAINST THIRD PARTIES	15
V.	GRIEVANCE PROCEDURES FOR REPORTS AGAINST STUDENTS AND	
	EMPLOYEES	15
1.	Initial Assessment	15
2.	Threat Assessment	16
	a. Health and Safety Threat Assessment	16
	1) Risk Factors	16
	b. University Actions Following Health and Safety Threat Assessment	17
	1) Where the Complainant Wishes to Pursue Formal Resolution	17
	2) Where the Complainant Requests Anonymity, that an Investigation not be Pursued, and/or that No Disciplinary Action Be Taken	17
	c. Notice to Complainant and Respondent of University Actions	18
	d. Notice of Potential University Actions Against Student Groups or Organizations	19
VI.	UNIVERSITY RESOLUTION.....	19
1.	Formal Resolution	19
	a. Investigation	20
	1) Audio Recordings	20
	2) Notice of Investigation	20
	3) Other Forms of Discriminatory and/or Harassing Conduct	20
	4) Presumption of Non-Responsibility and Participation by the Parties	20
	5) Timeframe for Completion of Investigation; Extension for Good Cause	21
	6) Overview of Investigation	21
	7) Advisors	21
	8) Prior or Subsequent Conduct	21
	9) Prior Sexual History	22
	10) Relevance	22
	11) Site Visit(s)	22
	12) Expert Consultation(s)	22
	13) Coordination with Law Enforcement	22
	14) Draft Investigation Report	22
	15) Final Investigation Report	23
	16) Timing of Investigation	23
	17) Withdrawal/Graduation	23
	b. Acceptance of Responsibility	23
	c. Recommended Finding(s) of Responsibility When Respondent is a Student or Employee	23
	d. Recommended Finding(s) of No Responsibility When Respondent is a Student or Employee	24
	e. Impact and Mitigation Statements	24
	f. Title IX Review Panel Hearing	24
	1) Standard of Review	24
	2) Notice and Timing of Hearing	24
	3) Postponement of Hearing	25

4) Hearing Format	25
5) Participation in Hearing	25
6) Determination by the Title IX Review Panel	26
7) Sanctions	26
a) Students	26
b) Employees	27
8) Decision of the Title IX Review Panel	28
9) Final Outcome Letter	28
10) Release of Documents	28
2. Alternative Resolution	28
3. Individuals with Disabilities	30
4. Records Retention	30
VII. EDUCATION AND PREVENTION	30
1. Training	30
2. Dissemination of the Policy	30
3. Public Notification	31
4. Resources	31
5. Contact	31
ATTACHMENT A – DEFINITIONS	32
ATTACHMENT B – SEXUAL MISCONDUCT EDUCATION	34
ATTACHMENT C – WHAT HAPPENS AFTER I REPORT?	35
FLOWCHART	36
ATTACHMENT D – SEXUAL MISCONDUCT COMPLAINT FORM	37
ATTACHMENT E – VICTIMS ADVOCACY INFORMATION	38
FLOWCHART	40

IMPORTANT INFORMATION FOR INDIVIDUALS WHO MAY BE VICTIMS OF DISCRIMINATION, HARASSMENT, AND/OR SEXUAL ASSAULT

If you, or someone you know, may have been a victim of discrimination, harassment, or sexual assault, you should seek immediate assistance. Please call any of the below contacts for assistance.

CHARLESTON SOUTHERN UNIVERSITY SECURITY OFFICE (24 hours a day, 7 days a week)
(843) 553-5896 or 2020 from a campus phone. The office is located in Russell West

YOU MAY ALSO CONTACT THE UNIVERSITY'S TITLE IX COORDINATOR

Latitia R. Adams
Title IX Coordinator
(843) 863-7374; ladams@csuniv.edu or titleix@csuniv.edu
Strom Thurmond Center – 2nd Floor - CAPS Department

YOU MAY ALSO NOTIFY LAW ENFORCEMENT BY CONTACTING:

- 911 (for emergencies)
- North Charleston Police Department
(843) 743-7200 or (843) 740-2800 (to file a report with the duty officer)

CONFIDENTIAL, TRAUMA INFORMED COUNSELLING AND ADDITIONAL SUPPORT:

- Charleston Southern University's Counseling Services (On Campus)
(843) 863-8010; Russell West, 2nd Floor
- Campus Minister, Rev. Jon Davis (On Campus)
Whitfield Center for Christian Leadership
(843) 863-7218; jdavis@csuniv.edu
- People Against Rape (Off Campus)
(843) 745-0144

YOU MAY SEEK MEDICAL TREATMENT AT:

- Medical University of South Carolina (MUSC) – (843) 792-5300
MUSC is the only hospital that will collect a Rape Kit
- Trident Medical Center (843) 797-7000
- Roper St Francis Hospital (843) 402-1000

I. INTRODUCTION

1. Statement of Policy. Charleston Southern University (“University”) is an institution of higher education, integrating faith in learning, leading and serving. Consistent with these values, the

University is committed to providing a safe and non-discriminatory learning, living, and working environment for all members of the University Community. We do not illegally discriminate on the basis of race, age, color, national or ethnic origin, disability, sex, religion, genetic information, veteran or military status, or any other basis on which the University is prohibited from discrimination under local, state or federal law, in its employment or in the provision of its services, including but not limited to its programs and activities, admissions, educational policies, scholarship and loan programs, and athletic and University-administered programs. The University has been granted exemption from certain regulations promulgated under Title IX of the Education Amendments of 1972 which conflict with the University's religious tenets and core values. The University fulfills certain obligations under the Violence Against Women Reauthorization Act of 2013 ("VAWA") and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act").

The University prohibits Sexual Harassment, Gender-Based Harassment, Non-Consensual Sexual Intercourse, Non-Consensual Sexual Contact, Sexual Exploitation, Intimate Partner Violence, Stalking, Retaliation, and Complicity ("Prohibited Conduct"). These forms of Prohibited Conduct are unlawful, undermine the character and purpose of the University, and will not be tolerated. The University does not condone sex outside of marriage. Consensual sex outside of marriage is not a violation of Title IX, however, it is not condoned by the University, and Students who perform such an act on University property will be disciplined in accordance with the Student Handbook.

The University is committed to protecting, maintaining and encouraging both freedom of expression and full academic freedom of inquiry, teaching, service and research. However, raising issues of academic freedom and freedom of expression will not excuse behavior that constitutes a violation of this policy or the law.

Violation of this policy can result in disciplinary action up to and including expulsion or termination.

The University urges Complainants to report Prohibited Conduct and/or any violation of the law immediately to local law enforcement. Should the Complainant choose not to contact law enforcement, the University reserves the right to report on behalf of the Complainant if we believe there is an imminent risk to the health or safety of either the Complainant or the campus community. If the University receives a report that non-consensual sexual intercourse has been committed it will notify the North Charleston Police Department immediately.

The University's Title IX Coordinator oversees compliance with all aspects of the Policy on Sexual Misconduct and Harassment. The Coordinator is housed in the Strom Thurmond Building – CAPS Suite – Office 240G. Anyone with questions about this policy or wishing to make a report relating to discrimination or harassment, may do so by reporting the concern to the University's Title IX Coordinator:

Latitia R. Adams
Charleston Southern University Title IX and Training Coordinator
P.O. Box 118087
Charleston, SC 29423
843.863.7374
ladams@csuniv.edu

Individuals experiencing harassment or discrimination also have the right to file a formal grievance with government authorities:

U.S. Department of Education, Office of Civil Rights
400 Maryland Avenue, SW
Washington, DC 20202-1100

Customer Service Hotline #: 800.421.3481

Facsimile: 202.453.6012

TDD#: 877.521.2172

Email: OCR@ed.gov

Web: <http://www.ed.gov/ocr>

In the event that an incident involves alleged misconduct by the Title IX Coordinator, reports should be made to the Charleston Southern University Director of Human Resources at 843.863.8047.

2. Statement of Purpose. This policy establishes guidelines for providing Students and Employees with an educational and/or workplace environment that is free from all forms of Prohibited Conduct. The purpose of this policy is to:

- Define Prohibited Conduct;
- Provide the procedures for reporting incidents of Prohibited Conduct;
- Explain the investigation and resolution process; and
- Identify the types of disciplinary actions that may be imposed upon individuals who violate this policy.

3. Applicability. This policy applies to Students who are registered or enrolled for credit-or non-credit bearing coursework (“Students”); University Employees (including temps), and professional research staff, (“Employees”); and contractors, vendors, visitors, guests or other third parties (“Third Parties”). This policy pertains to acts of Prohibited Conduct committed by or against Students, Employees and Third Parties when:

The conduct occurs on the University campus or other property owned or controlled by the University (excluding the Wingate Hotel on campus, unless the Prohibited Conduct was committed by, or against, a Student or Employee, or the incident may be a threat to the campus community. Third Party vs. Third Party violations will be handled directly through the Wingate Hotel;

The conduct occurs in the context of a University employment or education program or activity, including, but not limited to, University-sponsored study abroad, research, on-line, or internship programs; or

The conduct occurs outside the context of a University employment or education program or activity, but has continuing adverse effects on or creates a hostile environment for Students, Employees or Third Parties while on the University campus or other property owned or controlled by the University or in any University employment or education program or activity (excluding the Wingate Hotel on campus, unless the Prohibited Conduct was committed by, or against, a Student or Employee, or the incident may be a threat to the campus community. Third Party vs. Third Party violations will be handled directly through the Wingate Hotel).

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

II. PROHIBITED CONDUCT

Conduct under this policy is prohibited regardless of sex, sexual orientation and/or gender identity expression of the Complainant or Respondent. Prohibited Conduct includes the following specifically defined forms of behavior: Sexual Harassment, Gender-Based Harassment, Non-Consensual Sexual Contact, Non-Consensual Sexual Intercourse, Sexual Exploitation, Intimate Partner Violence, Stalking, Retaliation, and Complicity.

1. Sexual Harassment is any unwelcome verbal, nonverbal, written, electronic, or physical conduct of a sexual nature, when the conditions outlined in (1) and/or (2), below, are present.

2. Gender-Based Harassment includes harassment based on gender or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature, when the conditions outlined in (a.) and/or (b.) below, are present.

a. Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of a person's employment, academic standing or participation in any University programs and/or activities or is used as a basis for University decisions affecting the individual. This is often referred to as *quid pro quo* harassment. Examples of this type of harassment include:

- 1) Pressuring an individual to engage in unwanted conduct for some educational or employment benefit, or;
- 2) Making a real or perceived threat that rejecting such conduct will carry a negative educational or employment consequence for the individual.

b. Such conduct creates a hostile environment. A hostile environment exists when the conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefiting from a University educational program or activity. Conduct must be deemed severe, persistent, or pervasive from both a subjective and an objective perspective. The following are examples of factors that may be considered when determining whether conduct creates a hostile environment:

- 1) The frequency, nature and severity of the conduct;
- 2) Whether the conduct was physically threatening;
- 3) Whether the conduct was directed at more than one person;
- 4) The effect of the conduct on the Complainant's mental or emotional state;
- 5) Whether the conduct unreasonably interfered with the Complainant's educational or work performance and/or University programs or activities; and
- 6) Whether the conduct implicates concerns related to academic freedom or protected speech.

A hostile environment can be created by persistent or pervasive conduct or by a single or isolated incident, if sufficiently severe. Examples of harassment include:

- 1) One or more instances of sexual assault;
- 2) Persistent unwelcome efforts to develop a romantic or sexual relationship;

- 3) Unwelcome sexual advances or requests for sexual favors;
- 4) Unwelcome commentary about an individual's body or sexual activities;
- 5) Repeated and unwelcome sexually-oriented teasing, joking, or flirting; and
- 6) Verbal abuse of a sexual nature.

3. Non-Consensual Sexual Contact refers to any intentional sexual touching, however slight, with any object, without Consent (defined below) and/or by force, including:

- a. Intentional contact with the breast, buttock, groin, mouth or genitals;
- b. Touching another with any of these body parts; or
- c. Making another touch you or themselves with, or on, any of these body parts.

4. Non-Consensual Sexual Intercourse is defined as any sexual intercourse, however slight, with any object, without Consent (defined below) and/or by force, including:

- a. Vaginal penetration by a penis, object, tongue or finger;
- b. Anal penetration by a penis, object, tongue or finger; or
- c. Oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

Charleston Southern University reserves the right to report to local law enforcement if we believe there is an imminent risk to the health or safety of anyone who is a part of our campus community. **The University will immediately notify the North Charleston Police Department of any report of non-consensual sexual intercourse.**

5. Consent is an affirmative agreement to engage in mutually acceptable sexual activity. Consent is informed and voluntary. Consent is given by clear words or actions and may not be inferred from silence, passivity, or lack of active resistance alone. Consent to one form of sexual activity does not imply Consent to other forms of sexual activity. A current or previous dating or sexual relationship is not sufficient to constitute Consent. Conduct will be considered "without Consent" if there is no clear Consent, verbal or nonverbal.

Consent cannot be obtained by Force. Force includes: a. the use of physical violence; b. threats; c. intimidation, and/or; d. coercion.

a. **Physical violence** means that a person is exerting control over another person through the use of physical force. Examples of physical violence include hitting, punching, slapping, kicking, restraining, choking, and brandishing or using any weapon.

b. **Threats** are words or actions that would compel a reasonable person to engage in unwanted sexual activity. Examples include threats to harm a person physically, to reveal private information to harm a person's reputation, or to cause a person academic or economic harm.

c. **Intimidation** is an implied threat that menaces or causes reasonable fear in another person. A person's size, alone, does not constitute intimidation; however, a person's size may be used in a way that constitutes intimidation (e.g., blocking access to an exit).

d. **Coercion** is the use of an unreasonable amount of pressure to gain sexual access. Coercion is more than an effort to persuade, entice, or attract another person to have sex. When a person makes clear a decision not to participate in a particular form of sexual contact, a decision to stop or a decision not to go beyond a certain sexual interaction, continued pressure can be coercive. In evaluating whether coercion was used, the University will consider: (i) the frequency of the application of the

pressure, (ii) the intensity of the pressure, (iii) the degree of isolation of the person being pressured, and (iv) the duration of the pressure.

Consent cannot be obtained by taking advantage of the incapacitation of another, where the person initiating sexual activity knew or reasonably should have known that the other was incapacitated. Incapacitation means that a person lacks the ability to make informed, rational judgments about whether or not to engage in sexual activity.

A person who is incapacitated is unable, temporarily or permanently, to give Consent because of mental or physical helplessness, sleep, unconsciousness, or lack of awareness that sexual activity is taking place. A person may be incapacitated as a result of the consumption of alcohol or other drugs, or due to a temporary or permanent physical or mental health condition.

In evaluating Consent in cases of alleged incapacitation, the University asks two questions: (1) Did the person initiating sexual activity know that the other party was incapacitated? and if not, (2) Should a sober, reasonable person in the same situation have known that the other party was incapacitated? If the answer to either of these questions is yes, Consent was absent and the conduct is likely a violation of 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.

6. Sexual Exploitation is purposely or knowingly doing any of the following:

- a. Causing the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give Consent to sexual activity;
- b. Allowing third parties to observe private sexual activity from a hidden location (e.g. closet) or through electronic means (e.g. Skype or livestreaming of images);
- c. Engaging in voyeurism (e.g. watching private sexual activity without the consent of the participants or viewing another person's intimate parts (including genitalia, groin, breasts, or buttocks) in a place where that person would have a reasonable expectation of privacy);
- d. Recording or photographing private sexual activity and/or a person's intimate parts (including genitalia, groin, breasts, or buttocks) without consent;
- e. Prostituting another person; or
- f. Exposing another person to a sexually transmitted infection or virus without the other's knowledge.

7. Intimate Partner Violence includes any act of violence or threatened act of violence that occurs between individuals who are involved or have been involved in a sexual, dating, spousal, domestic, or other intimate relationship.¹ Intimate Partner Violence may include any form of Prohibited Conduct under this policy, including Non-Consensual Sexual Contact, Non-Consensual Sexual Intercourse, Stalking, and Physical Assault. Physical Assault is threatening or causing physical harm or engaging

¹ Intimate Partner Violence includes "dating violence" and "Domestic violence," as defined by VAWA. Consistent with VAWA, the University will evaluate the existence of an intimate relationship based upon the Complainant's statement and taking into consideration the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

in other conduct that threatens or endangers the health or safety of any person. Physical Assault will be addressed under this policy if it involves Sexual or Gender-Based Harassment, Intimate Partner Violence, or is part of a course of conduct under the Stalking definition.

8. Stalking occurs when a person engages in a course of conduct directed at a specific person under circumstances that would cause a reasonable person to fear bodily injury or to experience substantial emotional distress. Course of conduct means two or more acts, including but not limited to, acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about another person, or interferes with another person's property. Substantial emotional distress means significant mental suffering or anguish. Stalking includes "cyber stalking," a particular form of stalking in which a person uses electronic media, such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact.

9. Retaliation means any adverse action taken against a person for making a good faith report of Prohibited Conduct or participating in any proceeding under this policy. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging in activity protected under this policy. Retaliation may be present even where there is a finding of "no responsibility" on the allegations of Prohibited Conduct. Retaliation does not include good faith actions lawfully pursued in response to a report of Prohibited Conduct.

10. Complicity is any act taken with the purpose of aiding, facilitating, promoting or encouraging the commission of an act of Prohibited Conduct by another person.

III. REPORTING PROCEDURES. The University strongly encourages Students and Employees to report incidents of Prohibited Conduct immediately to best preserve evidence.

Charleston Southern University reserves the right to report to local law enforcement if we believe there is an imminent risk to the health or safety of anyone who is a part of our campus community. The University will immediately notify the North Charleston Police Department of any report of non-consensual sexual intercourse.

1. Privacy and Confidentiality. The University is committed to protecting the privacy of all individuals involved in the investigation and resolution of a report under this policy. The University also is committed to providing assistance to help Students, Employees and Third Parties make informed choices. With respect to any report under this policy, the University will make reasonable efforts to protect the privacy of participants, in accordance with applicable state and federal law, while balancing the need to gather information to assess the report and to take steps to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects.

Privacy and confidentiality have distinct meanings under this policy.

"Privacy" means that information related to a report of Prohibited Conduct will be shared with a limited circle of University Employees who "need to know" in order to assist in the assessment, investigation, and resolution of the report.

The privacy of Student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"). The privacy of an individual's medical and related records

generally is protected by the Health Insurance Portability and Accountability Act (“HIPAA”). Access to an Employee’s personnel records will be allowed in accordance with the Faculty or Non-Faculty Handbook.

“Confidentiality” exists in the context of laws that protect certain relationships, including with medical and clinical care providers (and those who provide administrative services related to the provision of medical and clinical care), mental health providers, counselors, and ordained clergy, all of whom may engage in confidential communications under South Carolina law. The University has designated individuals who have the ability to have privileged communications as “Confidential Employees.” When information is shared by an individual with a Confidential Employee or a community professional with the same legal protections, the Confidential Employee (and/or such community professional) cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information. For example, information may be disclosed when: (i) the individual gives written consent for its disclosure; (ii) there is a concern that the individual will likely cause serious physical harm to self or others; or (iii) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18.

a. Employee Responsibility to Report Disclosures or Information about Prohibited Conduct: Every Employee is designated as either a “Confidential Employee” or a “Responsible Employee” and the reporting requirements are different.

1) A “Confidential Employee” is (1) any Employee who is a licensed medical, clinical or mental-health professional or pastoral counselor (e.g., physicians, nurses, physicians’ assistants, psychologists, psychiatrists, professional counselors, ministers, and social workers, and those performing services under their supervision), when acting in that professional role in the provision of services to a patient who is a Student or Employee; (“licensed community professionals); and (2) any Employee providing administrative, operational and/or related support for such licensed community professionals in their performance of such services. A Confidential Employee will not disclose information about Prohibited Conduct to the University’s Title IX Coordinator without the permission of the Student or Employee (subject to the exceptions set forth in the Confidentiality section of this policy).

2) A “Responsible Employee” is any University Employee who is not a Confidential Employee. A Responsible Employee is required to report to the University’s Title IX Coordinator all relevant details (obtained directly or indirectly) about an incident of Prohibited Conduct that involves any Student or Employee as a Complainant, Respondent, and/or witness, including dates, times, locations, and names of parties and witnesses. Responsible Employees include Resident Assistants, Graduate Assistants, and all other Student-Employees, when disclosures are made to any of them in their capacities as Employees. Responsible Employees are not required to report information disclosed at public awareness events (e.g., “Take Back the Night,” candlelight vigils, protests, “survivor speak-outs” or other public forums in which Students may disclose incidents of Prohibited Conduct; collectively, “Public Awareness Events”).

A Responsible Employee must report to the University Title IX Coordinator all relevant details about the alleged sexual violence that was reported to the Responsible Employee. This includes the names of the Respondent and Complainant, others involved in the alleged Prohibited Conduct, as well as relevant facts, including the date, time, and location.

b. Responsibility to Report Prohibited Conduct Where Either the Complainant or the Respondent Is an Employee: Under this policy, supervisors, management and human resources professionals are required to report to the University's Title IX Coordinator all relevant details about an incident of Prohibited Conduct where either the Complainant or the Respondent is an Employee. Reporting is required when such supervisors, management and human resource professionals know (by reason of a direct or indirect disclosure) or should have known of such Prohibited Conduct. For academic faculty, supervisors include department chairs, deans, and other unit administrators.

c. Confidential Resources. Consistent with the definition of Confidential Employees and Licensed Community Professionals, there are a number of resources within the University and Charleston community where Students and Employees can obtain confidential, trauma-informed counseling and support. These resources include:

ON CAMPUS:

- 1) **Campus Minister, Rev. Jon Davis**
Whitfield Center for Christian Leadership
(843) 863-7218; jdavis@csuniv.edu
- 2) **University Counseling Center**
Russell West - 2nd Floor – Monday - Friday, 9:00 a.m. – 5:00 p.m.
(843) 863-8010

OFF CAMPUS:

- 3) **Medical University of South Carolina (MUSC)**
THE ONLY LOCAL MEDICAL FACILITY THAT CAN PERFORM AN EVIDENCE COLLECTION KIT (RAPE KIT)
Emergency Room
96 Jonathan Lucas Street, Charleston, SC 29403
(Approximately 18 miles from Charleston Southern University)
(843) 792-5300 (Women's Health)

4) **People Against Rape**

- Supportive and crisis counseling to victims and family members of sexual assault and intimate violence;
- Information and referral about medical and legal proceedings;
- Support by accompanying victims to any medical or legal proceedings;
- Group support, resources, referrals and public education;
- Bilingual advocacy services are also available.

259 Meeting Street, 2nd Floor, Suite 302, Charleston, SC 29401
(Approximately 17.5 miles from Charleston Southern University)
24-hour hotline – (843) 745-0144 or (800) 241-7273; par@peopleagainstrape.org
<http://www.peopleagainstrape.org>

5) Trident Medical Center

9330 Medical Plaza Drive, North Charleston, SC 29406
(Across the street from Charleston Southern University)
(843) 797-7000

6) Roper St Francis Hospital

2095 Henry Tecklenburg Drive, Charleston, SC 29414
(Approximately 14.5 miles from Charleston Southern University)
(843) 402-1000

d. Non-Confidential Resources. There are multiple channels for reporting Prohibited Conduct. A Complainant may choose to report to the University, to law enforcement, to both, or to neither. These reporting options are not exclusive. Complainants may simultaneously pursue criminal and disciplinary action. The University will support Complainants in understanding, assessing and pursuing these options.

1) Law Enforcement: Complainants have the right to notify or decline to notify law enforcement. In keeping with its commitment to taking all appropriate steps to eliminate, prevent, and remedy all Prohibited Conduct, the University urges Complainants to report Prohibited Conduct *immediately* to local law enforcement by contacting:

a) 911 (for emergencies)

b) North Charleston Police Department at (843) 743-7200 (for non-emergencies) or (843) 740-2800 to file a report with the duty officer.

Police have unique legal authority, including the power to seek and execute search warrants, collect forensic evidence, make arrests, and assist in seeking Emergency Protective Orders.

2) The University: The University urges anyone who becomes aware of an incident of Prohibited Conduct to report the incident *immediately* to the University through the following reporting options:

a) Campus Security by dialing (843) 553-5896 or 2020 from any campus phone (24 hours a day, seven days a week)

b) The Title IX Coordinator:

Latitia R. Adams, Title IX & Training Coordinator

Phone (843) 863-7374; Email ladams@csuniv.edu or titleix@csuniv.edu

Latitia's office is located in the CAPS Department on the second floor of the Strom Thurmond Center

c) **Anonymous Reporting:** Anyone may anonymously report a violation of this policy by accessing the Charleston Southern University Silent Witness Form, on the CSU website, or contacting the Title IX Coordinator directly at ladams@csuniv.edu, titleix@csuniv.edu, or (843) 863-7374. Anonymous reporting may limit the University's ability to conduct a thorough investigation.

2. Timing. There is no time limit for reporting Prohibited Conduct to the University under this policy; however, the University's ability to respond may diminish over time, as evidence may erode, memories may fade, and Respondents may no longer be affiliated with the University. If the Respondent is no longer a Student or an Employee, the University will provide reasonably appropriate remedial measures, assist the Complainant in identifying external reporting options, and take reasonable steps to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects.

3. Amnesty. The University encourages victims and witnesses, to report any misconduct and all crimes. Sometimes, victims or witnesses are hesitant to offer assistance to others, report to University officials, or participate in resolution processes because they fear that they themselves may be accused of policy violations such as underage drinking, at the time of the incident. It is in the best interest of the University community that as many victims as possible report to University officials, and that witnesses come forward to share what they know. To encourage reporting, the University pursues a policy of offering victims and witnesses of misconduct, and for students who offer help to others in need, amnesty from minor policy violations related to the incident. The University will not pursue disciplinary action against Complainants or witnesses for disclosure of personal consumption of drugs or alcohol, where such disclosures are made in connection with a good faith report, or investigation of Prohibited Conduct, but can/will offer educational options, rather than punishment. Nothing in this policy will prohibit the University from taking disciplinary action for an offense (e.g. vandalism, assault) arising out of or connected with the personal consumption of drugs or alcohol.

4. Obligation to Provide Truthful Information. All University Community members are expected to provide truthful information in any report or proceeding under this policy. Submitting or providing false or misleading information in bad faith or with a view to personal gain or intentional harm to another in connection with an incident of Prohibited Conduct is prohibited and subject to disciplinary sanctions including written warning, demotion, transfer, suspension, termination or expulsion. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are not later substantiated.

5. Remedial and Protective Measures. The University offers a wide range of resources for Students and Employees, whether as Complainants or Respondents, to provide support and guidance throughout the initiation, investigation, and resolution of a report of Prohibited Conduct. The University will offer reasonable and appropriate measures to protect a Complainant and facilitate the Complainant's continued access to University employment or education programs and activities. These measures may be both remedial (designed to address a Complainant's safety and well-being and continued access to educational opportunities) or protective (involving action against a Respondent). Remedial and protective measures, which may be temporary or permanent, may include no-contact directives (generally not applicable to Complainant), residence modifications, academic modifications and support, work schedule modifications, interim disciplinary suspension, suspension from employment, and pre-disciplinary leave (with or without pay). Remedial measures are available regardless of whether a Complainant pursues a complaint or investigation under this policy. The University will maintain the privacy of any remedial and protective measures provided under this policy to the extent practicable and will promptly address any violation of the protective measures. The Title IX Coordinator has the discretion to impose and/or modify any interim measure based on all available information, and is available to meet with a Complainant or Respondent to address any concerns about the provision of interim measures.

The University will provide reasonable remedial and protective measures to Third Parties as appropriate and available, taking into account the role of the Third Party and the nature of any contractual relationship with the University.

Note: Appropriate applicable guidelines will be applied to Students on a visa.

a. No-Contact Orders will be issued and enforced by the Dean of Students or Assistant Dean of Residence Life (for students), and by the University President, appropriate Vice President or Director of Human Resources (for employees). Failure to comply with a “No-Contact Order,” will result in disciplinary action as outlined in the Student handbook, or penalties up to, and including, termination of employment.

IV. GRIEVANCE PROCEDURES FOR REPORTS AGAINST THIRD PARTIES

The University’s ability to take appropriate corrective action against a Third Party will be determined by the nature of the relationship of the Third Party to the University. The Title IX Coordinator will determine the appropriate manner of resolution consistent with the University’s commitment to a prompt and equitable process consistent with federal law, federal guidance, and this policy.

V. GRIEVANCE PROCEDURES FOR REPORTS AGAINST STUDENTS AND EMPLOYEES

The University has instituted the following procedures for the prompt and equitable resolution of complaints of Prohibited Conduct with a focus on stopping Prohibited Conduct, preventing its recurrence, and remedying its effects.

1. Initial Assessment. Upon receipt of a report of Prohibited Conduct committed by a Student or Employee, the Title IX Coordinator will make an initial assessment of the reported information and respond to any immediate health or safety concerns raised by the report. In this initial assessment, the Title IX Coordinator will:

- a. Assess the Complainant’s safety and well-being and offer the University’s immediate support and assistance;
- b. Inform the Complainant of the right to seek medical treatment, and explain the importance of obtaining and preserving forensic and other evidence;
- c. Inform the Complainant of the right to contact law enforcement, decline to contact law enforcement, and/or seek a protective order;
- d. Inform the Complainant about University and community resources, the right to seek appropriate and available remedial and protective measures, and how to request those resources and measures;
- e. Inform the Complainant of the right to seek Alternative Resolution (where available) or Formal Resolution under this policy; ascertain the Complainant’s expressed preference (if the Complainant has, at the time of the initial assessment, expressed a preference) for pursuing Alternative Resolution, Formal Resolution, or neither; and discuss with the Complainant any concerns or barriers to participating in any University investigation and resolution under this policy;
- f. Explain the University’s prohibition against Retaliation and that the University will take prompt action in response to any act of Retaliation;
- g. Assess the nature and circumstances of the report, including whether it provides the names and/or any other information that personally identifies the Complainant, the Respondent, any witness, and/or any other third party with knowledge of the reported incident;
- h. Ascertain the ages of the Complainant and the Respondent, if known, and, if either of the parties is a minor (under 18), contact local law enforcement, the South Carolina Protective and Preventive

Service or other appropriate child protective service agency if Prohibited Conduct occurred outside South Carolina; and

i. Communicate with appropriate University officials to determine whether the report triggers any Clery Act obligations, including entry of the report in the daily crime log and/or issuance of a timely warning, and take steps to meet those obligations.

The Title IX Coordinator will ensure that the Complainant receives a written explanation of all available resources and options and is offered the opportunity to meet to discuss those resources and options. After receiving the Complaint, the Title IX Coordinator will notify the University's liability insurance carrier as soon as practicable and provide them a copy of the Sexual Misconduct Complaint Form. When a decision is reached to initiate an investigation or to take any other action under this policy that impacts a Respondent (including the imposition of interim protective measures), the Title IX Coordinator will ensure that the Respondent is notified, receives a written explanation of all available resources and options, and is offered the opportunity to meet to discuss those resources and options.

2. Threat Assessment. Following the initial assessment, if the Title IX Coordinator believes there is a potential threat, they will promptly forward to the CSU Director of Security, all information then known about the reported incident of Prohibited Conduct. Such information includes, if known, the names and/or any other information that personally identifies the Complainant, the Respondent, any witnesses, and/or any other third parties with knowledge of the reported incident, and the nature and location of the incident. **Charleston Southern University reserves the right to report to local law enforcement if we believe there is an imminent risk to the health or safety of anyone who is a part of our campus community. The University will immediately notify the North Charleston Police Department of any report of non-consensual sexual intercourse.**

If the threat pertains to a Student or Employee, and the Title IX Coordinator needs further information on this individual(s), they will contact the Dean of Students if either party is a Student, or the Human Resources Director if either party is an Employee.

a. Health and Safety Threat Assessment

1) Risk Factors. The Title IX Coordinator and Director of Security (with input from the Dean of Students and/or Director of Human Resources, if applicable), will determine whether the reported information and any other available information provides a rational basis for concluding that there is a threat to the health or safety of the Complainant or to any other member of the University community. This determination will be based upon a review of the totality of the known circumstances, and will be guided by a consideration of the following factors (the "Risk Factors"):

- a) Whether the Respondent has prior arrests, is the subject of prior reports and/or complaints related to any form of Prohibited Conduct, or has any history of violent behavior;
- b) Whether the Respondent has a history of failing to comply with any University No-Contact Directive, other University protective measures, and/or any judicial protective order;
- c) Whether the Respondent has threatened to commit violence or any form of Prohibited Conduct;
- d) Whether the Prohibited Conduct involved multiple Respondents;
- e) Whether the Prohibited Conduct involved physical violence. "Physical violence" means exerting control over another person through the use of physical force. Examples of physical violence

include hitting, punching, slapping, kicking, restraining, choking and brandishing or using any weapon;

f) Whether the report reveals a pattern of Prohibited Conduct (e.g., by the Respondent, by a particular group or organization, around a particular recurring event or activity, or at a particular location);

g) Whether the Prohibited Conduct was facilitated through the use of “date-rape” or similar drugs or intoxicants;

h) Whether the Prohibited Conduct occurred while the Complainant was unconscious, physically helpless or unaware that the Prohibited Conduct was occurring;

i) Whether the Complainant is (or was at the time of the Prohibited Conduct) a minor (under 18); and/or

j) Whether any other aggravating circumstances or signs of predatory behavior are present.

The Title IX Coordinator will meet with the Director of Campus Security, and the Dean of Students and/or Director of Human Resources as necessary to continue to evaluate whether any new or additional information received triggers any further obligation(s) under the Clery Act or with respect to any child protective service agency, and the Title IX Coordinator will take such further actions, as necessary.

b. University Actions Following Health and Safety Threat Assessment. Upon completion of the health and safety threat assessment, the Title IX Coordinator will determine the course of action under this policy, which may include, without limitation, Formal Resolution and/or Alternative Resolution (if available). Where the Complainant requests that personally-identifying information not be shared with the Respondent, that no investigation be pursued, and/or that no further action be taken, the Title IX Coordinator will seek to honor the preferences of the Complainant wherever possible. In all cases, the initial report, the health and safety threat assessment, and the determinations of the Title IX Coordinator will be documented and retained by the University in accordance with applicable law.

1) Where the Complainant Wishes to Pursue Formal Resolution. In *every* case in which the Complainant reports Prohibited Conduct and requests an investigation and disciplinary action, the Title IX Coordinator will promptly initiate Formal Resolution under this policy.

2) Where the Complainant Requests Anonymity, that an Investigation not be Pursued, and/or that No Disciplinary Action Be Taken. A Complainant may request that personally-identifying information not be shared with the Respondent, that no investigation be pursued, and/or that no disciplinary action be taken.

The Title IX Coordinator will consider the following factors in evaluating such request(s): (1) the totality of the known circumstances; (2) the presence of any Risk Factors, as described in *Section V. 2. a. 1)* of this policy; (3) the potential impact of such action(s) on the Complainant; (4) any evidence showing that the Respondent made statements of admission or otherwise accepted responsibility for the Prohibited Conduct; (5) the existence of any independent information or evidence regarding the Prohibited Conduct; and (6) any other available and relevant information. The University will seek to honor the Complainant’s request(s) if it is possible to do so while also protecting the health and safety of the Complainant and the University community.

a) Determination that a Complainant’s Request(s) Can be Honored. Where the Title IX Coordinator determines that a Complainant’s request(s) (that personally-identifying information not be

shared with the Respondent, that no investigation be pursued, and/or that no disciplinary action be taken) *can* be honored, the University may nevertheless take other appropriate steps designed to eliminate the reported conduct, prevent its recurrence, and remedy its effects on the Complainant and the University community. Those steps may include offering appropriate remedial measures to the Complainant, providing targeted training or prevention programs, and/or providing or imposing other remedies tailored to the circumstances as a form of Alternative Resolution.

At any time, the Complainant may choose to pursue Alternative Resolution (if available) or Formal Resolution under this policy. The Title IX Coordinator also may request that a report be re-opened and pursued under this policy if any new or additional information becomes available.²

b) Determination that a Complainant's Request(s) Cannot be Honored. Where the Title IX Coordinator has determined that a Complainant's request(s) (that personally-identifying information not be shared with the Respondent, that no investigation be pursued, and/or that no disciplinary action be taken) *cannot* be honored (i.e., because honoring the Complainant's request(s) would impede the University's ability to ensure the health and safety of the Complainant and other members of the University Community), the Title IX Coordinator will take any appropriate University actions, which may include, without limitation, (i) imposing a No-Contact Directive or an Interim Disciplinary Suspension on the Respondent; (ii) causing the University Registrar to place a "hold" on the Student Respondent's University transcript; (iii) initiating an investigation and Formal Resolution under this policy; and/or (iv) arranging, imposing, or extending any other appropriate remedial and/or protective measures.

Where the Title IX Coordinator has determined that the University must proceed with an investigation despite a Complainant's request to the contrary, the Title IX Coordinator will make reasonable efforts to protect the privacy of the Complainant. However, actions that may be required as part of the University's investigation will involve speaking with the Respondent and others who may have relevant information, in which case the Complainant's identity may have to be disclosed. In such cases, the Title IX Coordinator will notify the Complainant that the University intends to proceed with an investigation, but that the Complainant is not required to participate in the investigation or in any other actions undertaken by the University.

Where a Complainant declines to participate in an investigation, the University's ability to meaningfully investigate and respond to a report may be limited. In such cases, the Title IX Coordinator may pursue the report if it is possible to do so without the Complainant's participation in the investigation or resolution (e.g., where there is other relevant evidence of the Prohibited Conduct, such as recordings from security cameras, corroborating reports from other witnesses, physical evidence, or any evidence showing that the Respondent made statements of admission or otherwise accepted responsibility for the Prohibited Conduct). In the absence of such other evidence, however, the University will only be able to respond to the report in limited and general ways (i.e., through the provision of remedial measures, targeted training or prevention programs, or other remedies tailored to the circumstances).

c. Notice to Complainant and Respondent of University Actions. The Title IX Coordinator will promptly inform the Complainant of any action(s) undertaken by the University to respond to a health

² Although a report may be re-opened at any time, the University will only be able to pursue disciplinary resolution and sanctions where the Respondent continues to be a University Student or Employee.

or safety threat to the Complainant or the University community, including the decision to proceed with an investigation, and instructing the Registrar to place a temporary notation on the Respondent's transcript until a final investigative determination is made. The Title IX Coordinator will also promptly inform the Respondent of any action(s) (including any interim protective measures) that will directly impact the Respondent, and provide an opportunity for the Respondent to respond to such action(s). The Title IX Coordinator retains the discretion to impose and/or modify any interim protective measures based on all available information. Interim protective measures will remain in effect until the resolution of the report by the Title IX Review Panel, unless new circumstances arise which warrant reconsideration of the protective measures prior to the hearing and determination by the Title IX Review Panel. A Complainant or Respondent may challenge interim protective measures or other actions, or failure to impose interim protective measures or take other actions, by contacting the Title IX Coordinator to address any concerns.

d. Notice of Potential University Actions Against Student Groups or Organizations. If, upon completion of the health and safety threat assessment, the Title IX Coordinator determines that a report of Prohibited Conduct reveals involvement of, or a pattern of behavior by, a particular Student group or organization (e.g., agency group, special status organization, fraternity, sorority, contracted independent organization, club sport, and/or athletic team), the Title IX Coordinator will impose any appropriate remedial or protective measures contemplated by this policy (e.g., training and/or prevention programs targeted to Student members of the group or organization). The Title IX Coordinator will also consult with relevant University officials regarding any appropriate University action directed at the Student group or organization, including, but not limited to, modification, suspension or termination of the Student group's or organization's agreement or status with the University.

VI. UNIVERSITY RESOLUTION

This policy offer two forms of resolution of reports of Prohibited Conduct: (1) Formal Resolution, which involves an investigation, and review and sanction (if applicable) by a Title IX Review Panel, as described in *Section VI. 1. a.* of this policy; and (2) Alternative Resolution as described in *Section VI. 2.* of this policy, which includes a variety of informal options for resolving reports.

If a student has a pending allegation for a violation of the *Policy on Sexual Misconduct and Harassment*, the University will not release a copy of the student's transcript until the completion of the investigation.

1. Formal Resolution is commenced when a Complainant:

- Reports that a Student or Employee has engaged in one or more instances of Prohibited Conduct and requests, at any time, an investigation and disciplinary action; or
- Alternative Resolution does not resolve a reported incident of Prohibited Conduct and, in the Title IX Coordinator's discretion, an investigation of the report of Prohibited Conduct is required; or
- At the conclusion of the threat assessment process described in *Section V. 2.* of this policy, the Title IX Coordinator has determined, based upon a review of the totality of the circumstances and guided by a consideration of the Risk Factors, that investigation of the reported conduct is necessary to ensure the health and safety of the Complainant and/or other members of the University community, notwithstanding the Complainant's request that personally-identifying

information not be shared with the Respondent, that no investigation be pursued, and/or that no disciplinary action be taken.

a. Investigation. Whenever Formal Resolution has commenced, the Title IX Coordinator will designate two Investigators to conduct a prompt, thorough, fair, and impartial investigation. All Investigators will receive annual training on issues related to sexual and gender-based harassment, sexual assault, dating violence, domestic violence, and stalking, and on how to conduct an investigation that is fair and impartial, provides parties with notice and a meaningful opportunity to be heard, and protects the safety of Complainants and the University community while promoting accountability.

1) Audio Recordings. The Investigators may make audio recordings during an investigative interview. If an audio recording is made, it will be kept, for record, in the appropriate Title IX case file. Transcripts of the audio recordings will be attached as exhibits in the investigation report and can be reviewed by the Complainant and Respondent, but not edited.

Personal cell phones and/or recording devices of any participant other than the Investigators conducting the interview, may not be used.

2) Notice of Investigation. The Title IX Coordinator will notify the Complainant and the Respondent, in writing, of the commencement of an investigation. Such notice will (1) identify the Complainant and the Respondent; (2) specify the date, time (if known), location, and nature of the alleged Prohibited Conduct; (3) identify potential policy violation(s); (4) inform the Respondent that a temporary notation will be placed on his/her transcript, until the culmination of the investigation, at which time the outcome will determine whether a prominent notation will replace it; (5) identify the Investigators; (6) include information about the parties' respective expectations under the policy; (7) explain the prohibition against Retaliation; (8) instruct the parties to preserve any potentially relevant evidence in any format; (9) inform the parties how to challenge participation by the Investigators on the basis of bias or a conflict of interest; and (10) provide a copy of this policy.

3) Other Forms of Discriminatory and/or Harassing Conduct. If a report of Prohibited Conduct also implicates other forms of discriminatory and/or harassing conduct prohibited by the Student Handbook, or the faculty or non-faculty handbooks, the Title IX Coordinator will evaluate all reported allegations to determine whether the alleged Prohibited Conduct and the alleged Student Handbook, Faculty Handbook, and Non-Faculty Handbook violation(s) may be appropriately investigated together without unduly delaying the resolution of the report of Prohibited Conduct. Where the Title IX Coordinator determines that a single investigation is appropriate, the determination of responsibility for the violation of University policy will be evaluated under the applicable policy (i.e., the Policy, and/or the Student Handbook, Faculty Handbook or Non-Faculty Handbook), but the investigation and resolution will be conducted in accordance with this policy.

4) Presumption of Non-Responsibility and Participation by the Parties. The investigation is a neutral fact-gathering process. The Respondent is presumed to be not responsible; this presumption may be overcome only where the Investigators and/or Title IX Review Panel conclude that there is sufficient evidence, by a Preponderance of the Evidence, to support a finding that the Respondent violated the policy. Neither party is required to participate in the investigation or any form of resolution under this policy, and the Investigators will not draw any adverse inference from a decision by either of the parties not to participate. Should a student decide to unofficially withdraw from the

University and/or not participate in the University Resolution, the process will nonetheless proceed to a reasonable finding in the student's absence, utilizing any/all information obtained without input from the student, and all applicable practices and remedies under this guidance will be applied accordingly. Failure to participate in the University Resolution will forfeit any request to revisit findings and/or sanctions.

5) Timeframe for Completion of Investigation; Extension for Good Cause. Typically, the period from commencement of an investigation through resolution (finding and sanction, if any) will not exceed sixty (60) calendar days. This timeframe may be extended for good cause, which may exist if additional time is necessary to ensure the integrity and completeness of the investigation, to comply with a request by external law enforcement for temporary delay to gather evidence for a criminal investigation, to accommodate the availability of witnesses, to account for University breaks or vacations, to account for complexities of a case, including the number of witnesses and volume of information provided by the parties, or for other legitimate reasons. The Investigators will notify the parties in writing of any extension of this timeframe and the reason for such extension.

6) Overview of Investigation. During the investigation, the parties will have an equal opportunity to be heard, to submit information and corroborating evidence, to identify witnesses who may have relevant information, and to submit questions that they believe should be directed by the Investigators to each other or to any witness. The Investigators will notify and seek to meet separately with the Complainant, the Respondent, and third-party witnesses, and will gather other relevant and available evidence and information, including, without limitation, electronic or other records of communications between the parties or witnesses (via voice-mail, text message, email and social media sites), photographs (including those stored on computers and smartphones), and medical records (subject to the consent of the applicable party). If the investigation is not completed prior to Respondent(s) scheduled graduation time, the Respondent(s) will be allowed to walk, and issued a diploma folder, but the diploma will be withheld until the completion of the investigation. If it is found there was violation of the policy, the sanction may include any of those available, up to and including expulsion and/or termination of employment.

7) Advisors. Throughout the investigation and resolution process, each party has the right to choose and consult with an advisor. The advisor may be any person who is not otherwise a party or witness involved in the investigation. The parties may be accompanied by their respective advisors at any meeting or proceeding related to the investigation and resolution of a report under this policy. While the advisors may provide support and advice to the parties at any meeting and/or proceeding, they may not speak on behalf of the parties or otherwise participate in, or in any manner disrupt, such meetings and/or proceedings.

8) Prior or Subsequent Conduct. Prior or subsequent conduct of the Respondent may be considered in determining pattern, knowledge, intent, motive, or absence of mistake. For example, evidence of a pattern of Prohibited Conduct by the Respondent, either before or after the incident in question, regardless of whether there has been a prior finding of a policy violation, may be deemed relevant to the determination of responsibility for the Prohibited Conduct under investigation. The determination of relevance of pattern evidence will be based on an assessment of whether the previous or subsequent conduct was substantially similar to the conduct under investigation or indicates a pattern of similar Prohibited Conduct. Such prior or subsequent conduct may also constitute a violation of the Student Handbook, in which case it may subject the Respondent to additional sanctions. The

Investigator will determine the relevance of this information and both parties will be informed if evidence of prior or subsequent conduct is deemed relevant.

9) Prior Sexual History. The sexual history of a Complainant or Respondent will never be used to prove character or reputation. Moreover, evidence related to the prior sexual history of either of the parties is generally not relevant to the determination of a policy violation and will be considered only in limited circumstances. For example, if the existence of Consent is at issue, the sexual history between the parties may be relevant to help understand the manner and nature of communications between the parties and the context of the relationship, which may have bearing on whether Consent was sought and given during the incident in question. However, even in the context of a relationship, Consent to one sexual act does not, by itself, constitute Consent to another sexual act, and Consent on one occasion does not, by itself, constitute Consent on a subsequent occasion. In addition, prior sexual history may be relevant to explain the presence of a physical injury or to help resolve another question raised by the report. The Investigators will determine the relevance of this information and both parties will be informed if evidence of prior sexual history is deemed relevant.

10) Relevance. The Investigators have the discretion to determine the relevance of any proffered evidence and to include or exclude certain types of evidence. In general, the Investigators will not consider statements of personal opinion, rather than direct observations or reasonable inferences from the facts, or statements as to any party's general reputation for any character trait.

11) Site Visit(s). The Investigators may visit relevant sites or locations and record observations through written narratives, photographs, video, or other means.

12) Expert Consultation(s). The Investigators may consult medical, forensic, technological or other experts when expertise on a topic is needed in order to achieve a fuller understanding of the issues under investigation.

13) Coordination with Law Enforcement. The Investigators will contact any law enforcement agency that is conducting its own investigation to inform that agency that a University investigation is also in progress; to ascertain the status of the criminal investigation; and to determine the extent to which any evidence collected by law enforcement may be available to the University in its investigation. At the request of law enforcement, the Investigators may delay the University investigation temporarily while an external law enforcement agency is gathering evidence. The Investigators will promptly resume the University investigation when notified that law enforcement has completed the evidence-gathering stage of its criminal investigation.

14) Draft Investigation Report. At the conclusion of the investigation, the Investigators will prepare a Draft Investigation Report summarizing the information gathered and outlining the contested and uncontested information. The Draft Investigation Report will not include any findings. The Complainant and the Respondent will have an opportunity to review the Draft Investigation Report; meet with the Investigators; submit additional comments and information to the Investigators; identify any additional witnesses or evidence for the Investigators to pursue; and submit any further questions that they believe should be directed by the Investigators to the other party or to any witness. The Investigators will designate a reasonable time for this review and response by the parties, not to exceed five (5) calendar days. In the absence of good cause, information discoverable through the exercise of due diligence that is not provided to the Investigators during the designated review and response period

will not be considered in the determination of responsibility for a violation of the policy, and will not be considered by the Title IX Review Panel.

15) Final Investigation Report. Unless there are significant additional investigative steps requested by the parties or identified by the Investigators, within five (5) calendar days after receipt and consideration of any additional comments, questions and/or information submitted by the parties during the designated review and response period, the Investigators will prepare a Final Investigation Report, which will include a recommendation as to whether there is sufficient evidence, by a Preponderance of the Evidence, to support a finding of responsibility for a violation of the policy (and, where applicable, the Student Handbook). The Investigators will deliver the Final Investigation Report to the Title IX Coordinator. The Title IX Coordinator will notify both parties, simultaneously, that the Final Investigation Report is complete and available for review.

16) Timing of Investigation. The investigation will typically be completed within forty-five (45) calendar days. This period may be extended to account for a previous attempt, if any, at Alternative Resolution, or for other good cause, as described in this policy. Any extension, other than for Alternative Resolution, and the reason for the extension, will be shared with the parties in writing.

17) Withdrawal/Graduation. If the Respondent(s) withdraws/transfers, prior to the completion of the investigation, the temporary notation will remain on the student's transcript until the allegations have been resolved. At the culmination of adjudication, if the outcome determined is suspension, a prominent notation will replace the temporary notation on the transcript, until sanctions have been satisfied. If the student is expelled from the University, the prominent notation will remain permanently. If no finding of responsibility is determined at the culmination of adjudication, the temporary notation will be removed, and no other notation will be added.

Likewise, if the investigation is not completed prior to the Respondent(s) scheduled graduation time, the Respondent(s) will be allowed to walk and issued a diploma, however, the temporary notation will remain on the student's transcript until the allegations have been resolved. At the culmination of adjudication, if the outcome determined is suspension, a prominent notation will replace the temporary notation on the transcript, until sanctions have been satisfied. If the student is expelled from the University, the prominent notation will remain permanently. If no finding of responsibility is determined at the culmination of adjudication, the temporary notation will be removed, and no other notation will be added.

b. Acceptance of Responsibility. The Respondent may, at any time, elect to resolve the Formal Resolution process by accepting responsibility for the Prohibited Conduct, in which case the Title IX Coordinator will refer the matter to the Title IX Review Panel to determine the appropriate sanction(s).

c. Recommended Finding(s) of Responsibility when the Respondent is a Student or Employee. When the Investigators determines that there is sufficient evidence, by a Preponderance of the Evidence, to support a finding of responsibility on one or more of the allegations, the Respondent may accept or contest such recommended finding(s) by so notifying the Title IX Coordinator, in writing. If the Respondent accepts the recommended finding(s) of responsibility, the Title IX Coordinator will refer the case for a Hearing before the Title IX Review Panel solely on the issue of sanction as outlined in *Section VI. I. f.* of the policy. If the Respondent contests one or more of the recommended finding(s), the Respondent must submit to the Title IX Coordinator a written statement explaining why the Respondent contests such finding(s). The Title IX Coordinator will ensure that the Complainant

has an opportunity to review and respond in writing to any such statement. The Title IX Coordinator will provide the Final Investigation Report, together with any statements by the parties, to the Title IX Review Panel for further proceedings as outlined in *Section VI. I. f.* of the policy.

d. Recommended Finding(s) of No Responsibility when the Respondent is a Student or Employee. When the Investigators determine that there is insufficient evidence, by a Preponderance of the Evidence, to support a finding of responsibility on one or more of the allegations, the Complainant may accept or contest the recommended finding(s) by so notifying the Title IX Coordinator, in writing. If the Complainant accepts the recommended finding(s) of no responsibility, the investigation will be closed and documented in accordance with applicable University policies. If the Complainant contests one or more of the recommended finding(s), the Complainant must submit to the Title IX Coordinator a written statement explaining why the Complainant contests such finding(s). The Title IX Coordinator will ensure that the Respondent has an opportunity to review and respond in writing to any such statement. The Title IX Coordinator will provide the Final Investigation Report, together with any statements by the parties, to the Title IX Review Panel for further proceedings as outlined in *Section VI. I. f.* of the policy.

e. Impact and Mitigation Statements. Where there is a finding of responsibility on one or more of the allegations, both parties may submit a statement to the Title IX Coordinator for consideration by the Title IX Review Panel in determining an appropriate sanction. The Complainant may submit a written statement describing the impact of the Prohibited Conduct on the Complainant and expressing a preference about the sanction(s) to be imposed. The Respondent may submit a written statement explaining any factors that the Respondent believes should mitigate or otherwise be considered in determining the sanctions(s) imposed. The Title IX Coordinator will ensure that each of the parties has an opportunity to review any statement submitted by the other party. The Title IX Coordinator will provide any statement(s) with the Final Investigation Report and the parties' other written submissions to the Title IX Review Panel.

f. Title IX Review Panel Hearing. The Title IX Coordinator will appoint a standing pool of trained members of the University community and, at the discretion of the Title IX Coordinator, external professionals with experience adjudicating cases of Prohibited Conduct. The Title IX Coordinator will select (a) three members from this pool to serve on the Title IX Review Panel, and (b) an additional member from this pool to serve as the non-voting Hearing Chair. The Title IX Review Panel will review the Investigators recommended finding(s) and, if applicable, determine any appropriate sanction(s) under this policy. All persons serving on any Title IX Review Panel (or as the Hearing Chair) must be impartial and free from actual bias or conflict of interest.

1) Standard of Review. If either of the parties contests the Investigators recommended finding(s) of responsibility (or no responsibility) for an alleged violation of the policy, the Title IX Review Panel will hold a Hearing to determine (1) whether the concerns stated by the contesting party raise substantial doubt about the thoroughness, fairness and/or impartiality of the investigation; and, if not, (2) whether there is sufficient evidence to support the Investigators recommended finding(s) by a Preponderance of the Evidence.

2) Notice and Timing of Hearing. Typically, a Hearing will be held within fifty-five (55) calendar days from the date of the Notice of Investigation, subject to extension for good cause. The Hearing Chair will notify the parties in writing of the date, time, and location of the Hearing; the names of the Title IX Review Panel members and the Hearing Chair; and how to challenge

participation by any member of the Title IX Review Panel or the Hearing Chair for bias or conflict of interest. The Hearing will usually be scheduled within five (5) calendar days from the date of the Notice of Hearing, subject to extension for good cause at the discretion of the Title IX Coordinator. Good cause for extension may include the unavailability of the parties, the timing of semester breaks or University holidays, or other extenuating circumstances. Any extension, including the reason for the extension, will be shared with the parties in writing.

3) Postponement of Hearing. Permission to postpone a Hearing may be granted provided that the request to do so is based on a compelling emergency and communicated to the Hearing Chair prior to the time of the Hearing.

4) Hearing Format. The Hearing is an opportunity for the parties to address the Title IX Review Panel, in person about issues relevant to the Standard of Review to be applied by the Title IX Review Panel. The parties may address any information in the Final Investigation Report, supplemental statements submitted in response to the Final Investigation Report, and any impact and mitigation statements. Each party has the opportunity to be heard, to identify witnesses for the Title IX Review Panel's consideration, and to respond to any questions of the Title IX Review Panel. The parties may not directly question each another or any witness, although they may proffer questions for the Title IX Review Panel, which may choose, in its discretion, to pose appropriate and relevant questions to the Investigators, the parties and/or any witnesses. A typical hearing may include brief opening remarks by the Complainant and/or Respondent, with follow-up questions posed by the Title IX Review Panel; information presented by the Investigators or witnesses deemed relevant by the Title IX Review Panel, with follow-up questions by the Title IX Review Panel of the Investigator or witnesses; and brief concluding remarks by the Complainant and/or Respondent. The Chair of the Title IX Review Panel has the discretion to determine the specific Hearing format.

Audio recordings may be made during the Title IX Review Panel Hearings. The Review Panel's deliberations will not be recorded, however, the Review Panel Hearing and Sanctions will be recorded, for record. If an audio recording is made, it will be kept in the appropriate Title IX case file. Personal cell phones and/or recording devices of any participant other than the Review Panel Chair, may not be used in the Hearing room(s).

5) Participation in Hearing.

a) Parties. Both the Complainant and the Respondent have a right to be present at the Hearing. Either party may request alternative methods for participating in the Hearing that do not require physical proximity to the other party, including participating through electronic means. This request should be submitted to the Hearing Chair at least two (2) calendar days prior to the Hearing.

If, despite being notified of the date, time, and location of the Hearing, either party is not in attendance, the Hearing may proceed and applicable sanctions may be imposed. Neither party is required to participate in the Hearing in order for the Hearing to proceed.

b) Investigators or other witnesses. The Title IX Review Panel may request the presence of the Investigators or any other witness it deems necessary to its determination. The parties may also request the presence of any witness they deem relevant to the determination by the Title IX Review Panel. The Title IX Review Panel has absolute discretion to determine which witnesses are relevant to

its determination and may decline to hear from witnesses where it concludes that the information is not necessary for its review.

c) **Advisors.** Both the Complainant and the Respondent have the right to be accompanied at the Hearing by an advisor of their choosing. The advisor may be anyone, including an attorney, who is not otherwise a party or witness. While the advisor may provide support and advice to a party at the Hearing, the advisor may not speak on behalf of the party or otherwise participate in, or in any manner disrupt, the Hearing. The University reserves the right to remove any individual whose actions are disruptive to the proceedings.

6) Determination by the Title IX Review Panel. Where either of the parties has contested the recommended finding(s) of responsibility, the members of the Title IX Review Panel will, at the conclusion of the Hearing, determine, by majority vote, (1) whether the concern(s) stated by the contesting party raise substantial doubt about the thoroughness, fairness, and/or impartiality of the investigation; and, if not, (2) whether there is sufficient evidence to support the Investigators recommended finding(s) by a Preponderance of the Evidence.

If the Title IX Review Panel finds that concerns stated by the contesting party raise substantial doubt about the thoroughness, fairness, and/or impartiality of the investigation, it will remand the matter to the Title IX Coordinator with instructions for further investigation or other action. The instructions may include guidance regarding the scope of information to be further investigated and any appropriate stipulations, including the appointment of a new Investigator.

If the Title IX Review Panel finds no cause for substantial doubt about the thoroughness, fairness, and/or impartiality of the investigation, but determines there is insufficient evidence to support the Investigators recommended finding, it may remand the matter for further investigation, or reject the Investigators recommended finding(s) and make alternative finding(s).

If the Title IX Review Panel finds no cause for substantial doubt about the thoroughness, fairness, and/or impartiality of the investigation *and* affirms that there is sufficient evidence to support a recommended finding of responsibility by a Preponderance of the Evidence, it will then determine, by majority vote, the appropriate sanction(s) for the Prohibited Conduct.

If the Title IX Review Panel finds no cause for substantial doubt about the thoroughness, fairness, and/or impartiality of the investigation *and* affirms a recommended finding of no responsibility, the matter will be considered resolved and the investigation will be closed. The Title IX Coordinator may nevertheless ensure that remedial measures remain in effect to support a Complainant.

7) Sanctions.

a) **Students.** For Student Respondents, where there is a finding of responsibility, the Title IX Review Panel will meet with the Dean of Students to determine appropriate sanctions, and may impose one or more sanctions. Sanctions may include any of the sanctions that are outlined under the Sexual Impropriety Policy of the University's Student Handbook, including:

- i. Expulsion: Termination of student status for an indefinite period.
- ii. Suspension: Exclusion from classes and other privileges or activities or from the University for an indefinite period of time.
- iii. Monetary Fine: Reimbursement for damages or misappropriation of property; fine for

visitation or alcohol violation.

iv. **Disciplinary Probation:** Exclusion from participation in privileged or extracurricular activities for an indefinite period of time.

v. **Reprimand:** A written censure for violation of the policy (and, if applicable, the Student Handbook) placed in the Student's record, including the possibility of more severe disciplinary sanctions should another violation occur within a stated period of time.

vi. **Mandatory Counseling**

vii. **Parent Notification**

If the Title IX Review Panel imposes a sanction of suspension mid-semester, the student will be given a grade of "W" ("Withdrawn"), while students who have successfully completed the semester prior to suspension will show the grade that they earned. In both cases, a notation at the bottom of the transcript will read, "Administratively Withdrawn" (no mention of Title IX or Conduct Violation will be entered on the transcript). This notation will remain on the transcript for the duration of the suspension. After the suspension has ended and all sanctions have been satisfied, the notation will be removed. Students who are expelled by the University will have that notated on the transcript indefinitely.

b) Employees. For Employee Respondents, the Title IX Review Panel will meet with the Director of Human Resources (for Staff), the Vice President for Business Affairs (for Coaches), and the Vice-President of Academic Affairs (for Faculty), to determine appropriate sanctions, and may impose one or more sanctions. Sanctions may include any that are outlined in the University's Employee and Non-Faculty Handbook (Staff/Coaches) or Faculty Handbook (Faculty), including:

i. **Reprimand:** Written reprimand placed in employee personnel file

ii. **Termination:** Employees terminated are ineligible for rehire, and not entitled to pay out of any unused accrued vacation leave.

The policy prohibits a broad range of conduct, all of which is serious in nature. The propriety of any particular sanction is reviewed on an individual basis based on the unique facts and circumstances as found by the Title IX Review Panel. In keeping with the University's commitment to foster an environment that is safe, inclusive, and free from discrimination and harassment, the policy provides the Title IX Review Panel with wide latitude in the imposition of sanctions tailored to the facts and circumstances of the Prohibited Conduct, the impact of the conduct on the Complainant and University community, and accountability by the Respondent. The imposition of sanctions is designed to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects, while supporting the University's educational mission and legal obligations. Sanctions may include educational, restorative, rehabilitative, and punitive components. Some conduct, however, is so egregious in nature, harmful to the individuals involved or so deleterious to the educational process that it requires severe sanctions, including suspension or termination from the University.

Once the Title IX Review Panel has determined that there is sufficient evidence, by a Preponderance of the Evidence, to support a finding of responsibility under the policy, any one or more sanctions may be imposed. In determining the appropriate sanction(s), the Title IX Review Panel will be guided by a number of considerations, including:

a) The severity, persistence or pervasiveness of the Prohibited Conduct;

b) The nature or violence (if applicable) of the Prohibited Conduct;

- c) The impact of the Prohibited Conduct on the Complainant;
- d) The impact or implications of the Prohibited Conduct within the University community;
- e) Prior misconduct by the Respondent, including the Respondent's relevant prior disciplinary history, at the University or elsewhere, and any criminal convictions;
- f. Whether the Respondent has accepted responsibility for the Prohibited Conduct;
- g. The maintenance of a safe, nondiscriminatory and respectful environment conducive to learning; and
- h. Any other mitigating, aggravating, or compelling factors.

Sanctions are effective immediately, unless otherwise specified by the Title IX Review Panel.

In addition to other sanctions, the Title IX Review Panel may direct the Title IX Coordinator to impose or extend a No-Contact Directive and impose or extend academic, University housing and/or University employment modifications, as may be appropriate; impose or extend increased monitoring, supervision, and/or security at locations or in connection with activities where the Prohibited Conduct occurred or is likely to reoccur; arrange for conducting targeted or broad-based educational programming or training for relevant persons or groups; impose one or more restorative remedies to encourage a Respondent to develop insight about the Prohibited Conduct, learn about the impact of that Prohibited Conduct on the Complainant and the University community, and identify how to prevent that Prohibited Conduct in the future (including community service and mandatory participation in training, education and/or prevention programs related to the Prohibited Conduct); and/or impose any other remedial or protective measures that are tailored to achieve the goals of the policy.

8) Decision of the Title IX Review Panel is Final. The decision of the Title IX Review Panel is final, without further recourse or appeal by either party.

9) Final Outcome Letter. The Title IX Review Panel Chair will simultaneously issue a written decision (the "Final Outcome Letter") to both the Complainant and the Respondent, with a copy to the Title IX Coordinator, within five (5) calendar days following the Title IX Review Panel Hearing (or such longer time as the Chair may need for good cause determination). The Final Outcome Letter will set forth the violation(s) of the policy for which the Respondent was found responsible or not responsible, as supported by the rationale set forth in the Final Investigation Report and/or modified by the Title IX Review Panel; the sanction(s) (if applicable) imposed against the Respondent; and the rationale for any sanction(s) imposed. The Final Outcome Letter may also identify protective measures implemented with respect to the Respondent or the broader University community. The Final Outcome Letter will not disclose any remedial measures provided to the Complainant.

10) Release of Documents. Under federal privacy laws, the Final Investigation Report, statements of one party that are shared with the other party in the resolution process, and any documents prepared by the University, including documents by or for the Title IX Review Panel in advance of the Hearing, constitute education records which may not be disclosed outside of the proceedings, except as may be required or authorized by law. The University does not, however, impose any restrictions on the parties regarding re-disclosure of the incident, their participation in proceedings under this policy, or the Final Outcome Letter.

2. Alternative Resolution. The Complainant may seek Alternative Resolution in place of an investigation and Formal Resolution. The University, however, has the discretion to determine

whether the nature of the reported conduct is appropriate for Alternative Resolution, to determine the type of Alternative Resolution that may be appropriate in a specific case, and, to refer a report for Formal Resolution at any time. In addition, Alternative Resolution may not be available where the Title IX Coordinator has determined that one or more of the Risk Factors is present. **Forms of Alternative Resolution that involve face-to-face meetings between the Complainant and the Respondent, such as mediation, are not available in cases involving Non-Consensual Sexual Intercourse and Non-Consensual Sexual Contact.**

Participation in Alternative Resolution (including any specific form of Alternative Resolution) is voluntary. The University will not compel a Complainant or Respondent to engage in Alternative Resolution, will not compel a Complainant to directly confront the Respondent, and will allow a Complainant or Respondent to withdraw from Alternative Resolution at any time. The University may decline the request for Alternative Resolution in any particular case and may terminate an ongoing Alternative Resolution process at any time. Pursuing Alternative Resolution does not preclude later use of Formal Resolution if the Alternative Resolution fails to achieve a resolution acceptable to the parties and the University. Where the Complainant or the Respondent withdraws from Alternative Resolution or Alternative Resolution is otherwise terminated for any reason, any statements or disclosures made by the parties during the course of the Alternative Resolution may be considered in a subsequent investigation and Formal Resolution.

With any form of Alternative Resolution, each party has the right to choose and consult with an advisor. The advisor may be any person who is not otherwise a party or witness to the reported incident(s). The parties may be accompanied by their respective advisors at any meeting or proceeding held as part of Alternative Resolution. While the advisors may provide support and advice to the parties at any meeting and/or proceeding, they may not speak on behalf of the parties or otherwise participate in, or in any manner disrupt, such meetings and/or proceedings.

Alternative Resolution may include:

- Resolution with the Assistance of a Third Party: A Complainant may seek assistance in informally resolving a report of Prohibited Conduct from the Title IX Coordinator, who can arrange to have a trained representative facilitate a meeting or meetings between the parties. The availability of this form of Alternative Resolution, and any resolution reached through such form of Alternative Resolution, is subject to the agreement of the Title IX Coordinator, the Complainant and the Respondent. This form of Alternative Resolution may not be used where the allegation involves Non-Consensual Sexual Intercourse and Non-Consensual Sexual Contact.
- Interventions and Remedies: Alternative Resolution agreements may involve a host of interventions and remedies, such as actions designed to maximize the Complainant's access to educational, extracurricular, and/or University employment activities; increased monitoring, supervision, and/or security at locations or activities where the Prohibited Conduct occurred or is likely to reoccur; targeted or broad-based educational programming or training for relevant individuals or groups; academic and/or University housing modifications for Student Complainants; workplace modifications for Employee Complainants; one or more of the restorative remedies or other sanctions described in this policy; and/or any other remedial or protective measures that can be tailored to the involved individuals to achieve the goals of the policy.

Any form of Alternative Resolution and any combination of interventions and remedies may be utilized. If an agreement acceptable to the University, the Complainant, and the Respondent is reached through Alternative Resolution, the terms of the agreement are implemented and the matter is resolved and closed. If an agreement is not reached, and the Title IX Coordinator determines that further action is necessary, or if a Respondent fails to comply with the terms of the Alternative Resolution, the matter may be referred for an investigation and Formal Resolution under this policy.

The Title IX Coordinator will maintain records of all reports and conduct referred for Alternative Resolution, which typically will be completed within thirty (30) calendar days.

3. 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. Requests for student accommodations must be made to the Student Success Center (located on the ground floor of the Strom Thurmond Center and available from 8:00 a.m. until 5:00 p.m.). All other requests for accommodations must be made to the Human Resources Office (located on the second floor of the Strom Thurmond Center and available from 8:00 a.m. until 5:00 p.m.).

4. Records Retention. The University shall retain all records relating to a report of Prohibited Conduct for a period of 10 years after the date the report was received, and the University shall retain all of such records for a period of 20 years in cases in which the Respondent was found responsible for Prohibited Conduct.

VII. EDUCATION AND PREVENTION

Education is an essential component in the prevention and elimination of Prohibited Conduct. To accomplish an adequate educational program, the University shall:

- Educate members of the University Community on what constitutes Prohibited Conduct.
- Inform members of the University Community of this policy and training programs to assure their implementation.
- Ensure that the University has sufficiently trained staff to carry out educational programs and training regarding the procedures established by this Policy.

The Title IX Coordinator shall monitor compliance with all aspects of this policy and serve as custodian of confidential documents.

1. Training. The Title IX Coordinator will ensure that training on Title IX and the prevention of sexual discrimination is provided to Employees, through the Office of Human Resources, and to Students, through the Dean of Students office, on an annual basis.

2. Dissemination of the Policy. A copy of this policy shall be distributed throughout the campus and shall be included in the Faculty, Non-Faculty and Student Handbooks. This policy will also be available on the CSU website and the ADP Portal.

The University shall publish a “Sexual Misconduct & Harassment” brochure providing information on the categories of misconduct, the reporting procedures, and resources available on campus. Copies of this brochure shall be available in University offices throughout campus.

3. Public Notification. As required by law, the University shall collect and annually report statistical information concerning Prohibited Conduct occurring within its jurisdiction. To promote public safety, the University will alert the campus community of incidents and developments of immediate concern.

4. Resources

a. Information on Counseling and Victim Services. For further information on the counseling services available please contact:

- Title IX & Training Coordinator - Latitia R. Adams (843) 863-7374
- Counseling Center (843) 863-8010
- Victims Advocacy Information - Attachment D

b. www.NotAlone.gov This website, created by the White House Task Force to Protect Students from Sexual Assault provides a clear explanation of an individual’s rights under Title IX and Title IV, and other information for students, schools, and anyone interested in finding resources on how to prevent and respond to Sexual Assault on university campuses.

5. Contact. If you are concerned that the University has not met its obligation under this policy, please contact the President’s office at (843) 863-7500.

ATTACHMENT A - DEFINITIONS

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.

Complainant: A “Complainant” is an alleged victim of Prohibited Conduct who files a Complaint or on whose behalf a Complaint is filed.

Deputy Title IX Coordinator(s): Individual(s) who may be assigned by the Title IX Coordinator to handle a given Complaint.

The Deputy Title IX Coordinator works under the oversight of the Title IX Coordinator to assist with the handling of Title IX-related Complaints. The Title IX Coordinator may, at their discretion, assign a Deputy Title IX Coordinator as an assigned Investigator in connection with a given Complaint.

The Deputy Title IX Coordinator will receive regular professional training in resolution practices and procedures. More specifically, the Deputy Title IX Coordinator will receive annual training on (1) issues related to Dating Violence, Domestic Violence, Sexual Assault, and Stalking, and (2) how to conduct a resolution process that protects the safety of victims and promotes accountability.

Education Record: “Education Record” has the meaning assigned to it under FERPA.

FERPA: The Family Educational Right 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.

Investigators: “Investigators” are neutral, fact-finders who have received applicable training, and are designated by the University’s Title IX Coordinator to investigate a complaint. The Investigator(s), at the discretion of the Title IX Coordinator, can be University staff/faculty or experienced external Investigators. The Investigators will be trained annually by a Title IX attorney or certified Title IX Coordinator on (1) reasonable and appropriate investigative techniques that are fair and impartial, (2) issues related to sexual and gender-based harassment, sexual assault, dating violence, domestic violence, and stalking, and (3) how to conduct an investigation that protects the safety of, and equity and advocacy for all parties, and promotes accountability through a balanced process that centers on all parties respective rights while showing favoritism to none.

Respondent: A “Respondent” is an individual who has been accused in a complaint of engaging in Prohibited Conduct.

Title IX Coordinator: The University’s Title IX Coordinator is Latitia R. Adams. Mrs. Adams’ office is located in the CAPS Department, on the second floor of the Strom Thurmond Center, and she can be contacted by phone at (843) 863-7374 or by email at ladams@csuniv.edu or titleix@csuniv.edu.

The Title IX Coordinator is responsible for monitoring compliance with all aspects of this policy. Accordingly, the Title IX Coordinator must be informed of all non-confidential reports and complaints raising Title IX issues, even if the report or complaint was initially filed with another individual or office, or if the investigation will be conducted by another individual or office.

University Community: The “University Community” includes all faculty, adjunct faculty, persons engaged in research, teaching assistants, administrators, staff, coaches, students, and persons who conduct business with the University but are not Employees.

ATTACHMENT B - SEXUAL MISCONDUCT EDUCATION

OUTREACH AND PREVENTION

Charleston Southern University is committed to the prevention of Prohibited Conduct and routinely conducts outreach and educational programming designed to increase awareness of the prevalence of Prohibited Conduct involving college-age Students and other University constituents, inform the Charleston Southern University Community about issues related to Prohibited Conduct such as substance abuse and the role of the bystander, and promote knowledge of the University's Sexual Misconduct and Harassment Policy.

TRAINING

The University regularly conducts Sexual Misconduct training for its constituents, including/but not limited to the following groups:

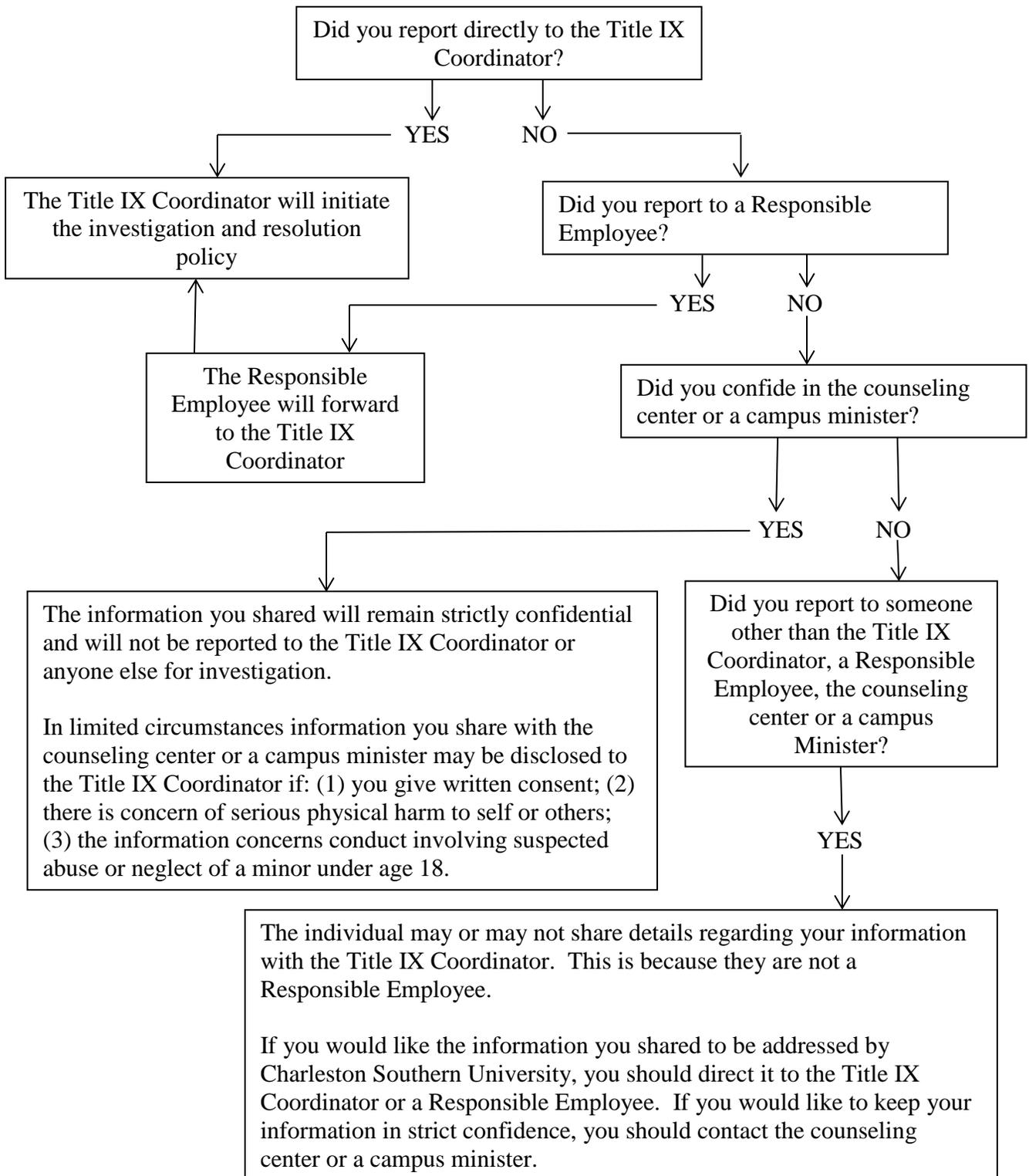
- Title IX Coordinator;
- Title IX Deputy Coordinator, Investigators and Members of the Title IX Review Panel;
- Employees;
- Students; and
- University Security Officers.

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

- The University's Policy Against Sexual Misconduct and Harassment;
- 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 victims (e.g. trauma informed training);
- Understanding the link between substance abuse and Sexual Misconduct;
- Which Employees are "Responsible Employees" and which individuals and offices are confidential resources for Students;
- Investigative, interview, and hearing techniques that protect victim safety and promote accountability;
- Issues related to Dating Violence, Domestic Violence, Sexual Assault, and Stalking; and
- Bystander intervention.

ATTACHMENT C - WHAT HAPPENS AFTER I REPORT?	
If you reported directly to the Title IX Coordinator	The Title IX Coordinator will initiate the investigation and resolution process outlined in this policy.
If you reported to a Responsible Employee	The Responsible Employee will forward the information to the Title IX Coordinator, who will initiate the investigation and resolution process outlined in this policy.
If you confided in the Counseling Center or a Campus Minister	<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>Please know that in limited circumstances, the information you share with the Counseling Center or Campus Minister may still be disclosed to the Title IX Coordinator. These limited circumstances include: (1) you give written consent; (2) there is a concern that the individual will likely cause serious physical harm to self or others; or (3) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18.</p>
If you reported to someone else (i.e., someone other than the Title IX Coordinator, a Responsible Employee, the Counseling Center or a Campus Minister)	<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 not obligated to relay allegations of Prohibited Conduct to the Title IX Coordinator (and, conversely, is likely not obligated to maintain the information you shared in confidence).</p> <p>For this reason, if you would like the information you share to be addressed by Charleston Southern 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 or a Campus Minister.</p>

WHAT HAPPENS AFTER I REPORT? (FLOWCHART)



ATTACHMENT E - VICTIMS ADVOCACY INFORMATION

While all types of Prohibited Conduct are inappropriate and taken seriously by the University, actions involving sexual violence are particularly concerning. Thus, if you are the victim of sexual violence, the University's first priority is to help you take the 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 Charleston Southern University Campus Security Office. The Charleston Southern University Campus Security Office can assist you with contacting local law enforcement and can help you obtain transportation to the local law enforcement office. Security personnel are on duty on campus 24 hours a day, 7 days a week.

2. Seek Medical Assistance and Treatment. 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). If you choose to have an evidence collection kit (or "Rape kit") completed, it is important to do so within 72 hours. Even if you have not decided whether to file charges, it is advisable to have the evidence collection kit completed so that you can better preserve the options of obtaining a protective order and/or filing criminal charge at a later date. The Medical University of South Carolina is the only local medical facility that can perform an evidence collection kit.

In order to best preserve evidence for an evidence collection kit, it may be advisable to avoid showering, bathing, going to the bathroom, or brushing your teeth before the kit is completed. You should also wear (or take with you in a paper – not plastic – bag) to the hospital the same clothing that you were wearing during the assault. An evidence collection kit can still be completed even if you have showered or bathed.

Campus Security can help you obtain transportation to MUSC, or another medical facility, and can help you contact a support person, such as a family member, friend, or a roommate.

3. Obtain Emotional Support. The Counseling Center can help Students and Employees 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 Students and Employees. In some instances, the law may require the disclosure of information shared by Students/Employees 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 including the Human Resources office.

Employees may contact the Counseling Center at (843) 863 8010 to obtain emotional support.

4. Obtain Information/Report Misconduct. You are encouraged to report incidents of Sexual Assault to the University's Title IX Coordinator (even if you have filed a report directly with law enforcement). Further information about how to report Sexual Assault is provided in the body of this policy. 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 CAMPUS CONTACT INFORMATION

Title IX Coordinator. The Title IX Coordinator is Latitia Adams, and her office is located in the CAPS Department on the second floor of The Strom Thurmond Center. Telephone number (843) 863-7374, email; ladams@csuniv.edu or titleix@csuniv.edu.

Campus Security Office. The Security Office is located on the ground floor of Russell West and is available by phone at (843) 553-5896 or 2020 from any campus phone. Security Officers are available 24/7.

Campus Minister. The Campus Minister is Jon Davis and his office is located in the Whitfield Center for Christian Leadership. Rev. Davis can be reached at (843) 863-7218, or via email at jdavis@csuniv.edu

Counseling Center. The Counseling Center is located on the second floor of Russell West. Their operating hours are Monday – Friday, 9:00 a.m. – 5:00 p.m. and they can be reached via phone at (843) 863-8010.

Residence Life Office. The Residence Life Office is located on the ground floor of Russell West and is available by phone at (843) 863-5505. Their operating hours are Monday – Friday, 8:00 a.m. until 5:00 p.m.

Human Resources. The Office of Human Resources is located on the second floor of The Strom Thurmond Center. Their operating hours are Monday – Friday, 8:00 a.m. until 5:00 p.m. and they can be reached via phone at (843) 863-7828.

ATTACHMENT E FLOW CHART

REPORTING SEXUAL MISCONDUCT OR HARASSMENT

CALL CSU SECURITY
(843) 553-5896 or 2020
from any campus phone

CALL 911

CONTACT THE TITLE IX COORDINATOR
Latitia R. Adams
ladams@csuniv.edu or titleix@csuniv.edu
(843) 863-7374
CAPS Department, Strom Thurmond Center

OBTAINING SUPPORT FOR SEXUAL MISCONDUCT OR HARASSMENT

CSU COUNSELING SERVICE
Russell West, 2nd Floor
(843) 863-8010

PEOPLE AGAINST RAPE
259 Meeting Street, 2nd Floor, Suite 302
Charleston, SC 29401
(843) 745-0144
par@peopleagainstrape.org

SEEKING MEDICAL TREATMENT

MEDICAL UNIVERSITY OF SC
96 Jonathan Lucas Street
Charleston, SC 29403
(843) 792-5300
MUSC IS THE ONLY HOSPITAL THAT CAN COLLECT A RAPE KIT

TRIDENT MEDICAL CENTER
9330 Medical Plaza Drive
North Charleston, SC 29406
(843) 797-7000

ROPER ST. FRANCIS HOSPITAL
2095 Henry Tecklenburg Drive
Charleston, SC 29414
(843) 402-1000