

ADMINISTRATIVE DIVISION Office of Equal Opportunity Programs	POLICY NUMBER EOP 1.05
POLICY TITLE Sexual Misconduct, Intimate Partner Violence and Stalking	
SCOPE OF POLICY USC Columbia	DATE OF REVISION: November 16, 2018 (new)
RESPONSIBLE OFFICER Director, Office of Equal Opportunity Programs	ADMINISTRATIVE OFFICE Office of Equal Opportunity Programs

PURPOSE

The University of South Carolina strictly prohibits stalking, intimate partner violence or any other kind of sexual misconduct. This policy addresses what the university does to provide training, prevent such misconduct, offer support to complainants, and adjudicate allegations of misconduct.

DEFINITIONS

Clery Act: The Clery Act is a federal law requiring colleges and universities participating in federal financial aid programs to maintain and disclose campus crime statistics and security information.

Coercion: A tactic used by a respondent to intimidate, trick or force someone to have sex with him or her without physical force. Examples of coercion:

1. Verbal-Making statements that unduly pressure someone into having sex.
2. Authoritative/ Power- Using one’s position over another person (faculty/student, supervisor/employee)
3. Plying someone with alcohol or drugs so that he/she cannot resist
4. Use of threats and/or intimidation which can cause one to believe that death or injury would occur if they resisted

Complainant: A person who files a written complaint with the Office of Equal Opportunity Programs or other responsible employee or confidential resource alleging he or she has been subjected to sexual misconduct as defined in this policy

Consent: Clear, conscious, willing and affirmative agreement to engage in sexual activity. Consent must have the following elements:

1. Both are clear about their intent to engage in sexual activities and their desire to do so is willing.
2. Both individuals are fully conscious.
3. Consent can be withdrawn at any time.
4. Someone who is incapacitated cannot consent.
5. Neither individual is impaired by drugs and/or alcohol to the extent they do not know the who, what, when, where, why, or how of the situation.
6. Silence or an absence of resistance does not in and of itself constitute consent.
7. Coercion, force, or threat of either cancels consent.

8. Past consent of sexual activities does not imply future consent.
9. Consent to engage in sexual activity with one person does not give consent to engage in sexual activity with someone else.

Incapacitation:

1. Mentally incapacitated – being incapable of appraising, understanding or controlling one’s conduct, whether this condition is produced by illness, defect, influence of a substance or from some other cause; or
2. Physically helpless – being unconscious, asleep, or for any other reason physically unable to communicate unwillingness or lack of consent to an act.

Intimate partner violence: Also referred to as dating violence, domestic violence, and relationship violence, includes any act of violence or threatened act of violence against a person (or against others important to the person) who is, or has been, involved in, a sexual, dating, domestic, or other intimate relationship with the alleged offender. It may also include damage to, or threats to damage, the property of the person (or the property of others important to the person) who is, or has been, involved in the relationship. The existence of such a relationship shall be determined based upon the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship. Intimate partner violence may involve a single act or an ongoing pattern of behavior. Intimate partner violence may encompass a broad range of behavior, including, but not limited to, physical violence, sexual violence and emotional violence.

Prohibited conduct: Any form of stalking, sexual misconduct or intimate partner violence as defined in this policy. The use of alcohol and other drugs in conjunction with an incident of sexual assault and/or acts of interpersonal violence does not mitigate accountability for the commission of these acts or diminish the seriousness of the offense.

Respondent: Any person who is accused of subjecting another person or group of persons to prohibited conduct as defined above. A respondent is sometimes referred to herein as the alleged offender

Retaliation: Any act or attempt to retaliate against or seek retribution from any individual or group of individuals involved in the investigation and/or resolution of a sexual misconduct, intimate partner violence or stalking allegation. Retaliation can take many forms, including continued abuse or violence, threats, and intimidation. Intimidation includes any verbal, written, or electronic threats of violence or other threatening behavior directed toward another person or group that reasonably leads the person(s) in the group to fear for the complainant’s physical well-being. Any individual or group of individuals, not just a complainant or respondent, can engage in retaliation or be the victim of retaliation.

Sexual Misconduct includes any of the following behaviors.

1. Offensive Touching: The touching of an unwilling or non-consensual person's intimate parts (such as genitalia, groin, breast, buttocks, mouth, and/or clothing covering them); touching an unwilling person with one's own intimate parts; or forcing an unwilling person to touch another's intimate parts.
2. Sexual Assault: Any form of sexual contact that occurs without consent and/or through the use of force, threat of force, intimidation, incapacitation or coercion.

3. **Sexual Exploitation:** An act or acts committed through non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose. The act or acts of sexual exploitation are prohibited even though the behavior does not constitute one of the other sexual misconduct offenses.

Examples of sexual exploitation include:

- observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;
- non-consensual streaming of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved;
- prostituting another individual;
- exposing one's genitals in non-consensual circumstances;
- knowingly exposing another individual to a sexually transmitted disease or virus without that individual's knowledge; and
- inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

Please note that statutory definitions of the above-described behaviors may differ from the definitions set forth herein.

Stalking: A pattern of conduct in the form of words or acts (including, but not limited to, harassment via electronic or other means, such as email, text messages, social media, blogs, telephone call or faxes) in which the relationship between the respondent and the target of the conduct may be as current or former partners or spouses, a dating relationship, social acquaintances, or strangers, that is intended to cause, or does cause, a reasonable person to fear:

1. death or death of others important to that person;
2. assault or assault of others important to that person;
3. bodily injury or bodily injury of others important to that person;
4. sexual assault or sexual assault of others important to that person;
5. involuntary restraint or involuntary restraint of others important to that person;
6. damage to property of the person or to property of others important to that person.

Title IX: a federal law that mandates that colleges and universities create an environment free from sexual discrimination and harassment for all community members. Under Title IX, discrimination on the basis of sex can include sexual harassment, gender-based harassment, sexual violence, sexual assault, other forms of sexual misconduct, stalking, and intimate partner violence. Title IX provides that "no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." At USC, the Title IX Coordinator is located in the Office of Equal Opportunity Programs (EOP).

POLICY STATEMENT

The University of South Carolina strictly prohibits stalking, intimate partner violence or any other kind of sexual misconduct. Acts of sexual misconduct and interpersonal violence are considered particularly troubling because they interfere with the educational mission by endangering the physical and emotional safety of community members, damaging trust in the

community, offending the dignity and violating the autonomy of community members, disrupting the academic progress of complainants and those supporting complainants.

This policy applies to all members of the university community, including students, employees, volunteers, independent contractors, visitors, and any individuals regularly or temporarily employed, studying, living, visiting, conducting business, or having any official capacity at the university, regardless of gender, gender identity, gender expression or sexual orientation.

A. Application of Policy

1. The University of South Carolina as an institution recognizes that sexual misconduct, intimate partner and other interpersonal violence and stalking are serious issues and as an institution we are committed to providing advocacy, intervention, and prevention education to the campus community. All reported instances will be investigated and appropriate disciplinary, criminal, and/or other action will be taken. Appropriate support services will be made available to students, faculty, and staff. The university will also provide outreach in the form of prevention programming, bystander accountability training, and awareness activities for the university community. For additional information on services for complainants of interpersonal violence at USC and on this policy, visit www.sc.edu/stopsexualassault.
2. This policy applies to all forms of prohibited conduct, as defined herein, and provides the following information:
 - a. Resources both on and off-campus to assist complainants, whether they choose to report the incident to university officials;
 - b. Reporting options for complainants that include reporting the incident to law enforcement and/or university officials or reporting to sources on campus that are able to protect the complainant's identity;
 - c. Information on reporting categories for incidents of prohibited conduct, and what may happen when those reports occur; and
 - d. Information on awareness events and prevention education, including USC's bystander accountability program
3. Prohibited conduct as defined in this policy for which the alleged offender is a student is a violation of the university's Code of Student Conduct and may result in sanctions ranging from probation to expulsion. Disciplinary action on the part of the university does not preclude the possibility of criminal charges against the individual. For additional information refer to STAF 6.24, Student Non-Discrimination and Non-Harassment Policy, and EOP 1.02, Sexual Harassment Policy.

B. Scope of Policy

1. All members of the university community are expected to comply with and abide by university's policies and guidelines and Title IX, in addition to other federal, state, and local laws, whether engaged in activity off campus or on-campus. The Student Right-to-Know and Campus Security Act (the Clery Act) of 1990 mandates the annual disclosure of statistics of sexual assaults and violent acts, to include dating violence, known to have occurred within the university's jurisdiction. A complainant's identity is not disclosed in any such statistical reporting.

2. The university strongly encourages all members of the campus community to provide a written or verbal report to the university police regarding any incident of sexual assault or interpersonal violence. There are different levels for reporting, which will be covered in more detail in section V. In brief, *confidential resources* are not required to report the complainant's identity when reporting the incident to campus and/or local authorities. *Responsible employees* are **mandated** to report to the Title IX Coordinator any incidents of sexual misconduct, intimate partner violence, or stalking reported to them by a student. Reporting sexual misconduct is necessary to ensure that the complainant gets the help they need, the alleged offender is held accountable and the community is made safer. Whether criminal or disciplinary action is desired, a report may be filed via a reporting form on USC's Stop Sexual Assault website located at www.sc.edu/stopsexualassault. If the complainant wishes his or her name to not be disclosed, the EOP Office will explain that such a confidentiality request may limit the ability of the university to respond, but that the EOP Office will take all reasonable steps to investigate consistent with the complainant's request, as long as doing so does not prevent the EOP Office from responding effectively to the complaint and does not prevent the EOP Office from stopping potential discrimination or harassment of others. In all situations, the EOP Office will make every effort, to the extent allowed by law, to protect the privacy of the persons involved. The number of persons with knowledge of the complaint shall be kept to a minimum and only those persons with a need to know will be notified of the complaint.
3. Any responsible employee who fails to report a Title IX incident, as required by university policy, is subject to appropriate disciplinary action pursuant to policy HR 1.39 Disciplinary Action and Termination for Cause and the Faculty Manual.

C. Reporting Categories for Employees. In support of a complainant's request for confidentiality and the university's interest in learning about incidents of prohibited conduct, the university designates the roles and responsibilities of several categories of employees with respect to confidentiality and reporting requirements.:

1. **Privileged employee:** These employees will not report disclosures of sexual misconduct or interpersonal violence to the Title IX Coordinator. However, they still must comply with mandatory reporting under South Carolina state law. Following is the contact information for these employees:

Student Health Services- Counseling and Psychiatry

Thomson Building
1409 Devine Street
Columbia, SC 29208
Counseling: 803-777-5223
Psychiatry: 803-777-1833

2. **Confidential Resources:**

- a. Services, including the on-campus Sexual Assault and Violence Intervention & Prevention (SAVIP) office and Student Health Services, including staff and student workers, can talk to a complainant without revealing any personally identifying information about an incident to the university. A complainant can seek assistance and support from these individuals without triggering a university investigation that could reveal the complainant's identity or that the complainant has disclosed the incident. While maintaining a complainant's confidentiality, the SAVIP office reports the nature, date, time, and general location of an incident to the Title IX Coordinator. This limited report – which includes no information that would directly or indirectly identify the complainant – helps keep the Title IX Coordinator informed of the general extent and nature of sexual and interpersonal violence on and off campus so the coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. Before reporting any information to the Title IX Coordinator, SAVIP staff will consult with the complainant to ensure that no personally identifying details are shared. Following is contact information for these resources:

Sexual Assault and Violence Intervention & Prevention (SAVIP)

Thomson Building
1409 Devine St.
Columbia, SC 29208
803-777-8248

Student Health Services

(includes Primary Care, Women's Health, Sports Medicine & Physical Therapy, Allergy Immunization & Travel Clinic, Pharmacy, Lab, Radiology and student and faculty/staff wellness and prevention services
Center for Health and Well-Being
1401 Devine St.
Columbia, SC 29208
803-777-3175

- b. A complainant who speaks to a confidential resource must understand that, if the complainant wants to maintain confidentiality, the university may be unable to conduct an investigation into the particular incident or pursue disciplinary action against the alleged offender. Additionally, a complainant must understand that Title IX includes protection against retaliation and that if the complainant pursues disciplinary action against the alleged offender, USC will take steps to prevent retaliation and take strong responsive action if any retaliation does occur. Nevertheless, if the complainant wants to maintain confidentiality, these confidential resources will still assist the complainant in receiving other necessary protection and support, such as survivor advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working or course schedules. A complainant who at first requests confidentiality may later decide to file a complaint with the school or report the incident to local law enforcement, and thus have the incident fully investigated.

These confidential resources will provide the complainant with assistance if the complainant wishes to do so.

3. Responsible Employee: University employees described below who are not designated as privileged employees or confidential resources under this policy are **mandated** to share a report of prohibited conduct with the Title IX Coordinator, or Deputy Title IX Coordinator by completing the form located at www.sc.edu/stopsexualassault. When a complainant tells a responsible employee about an incident of prohibited conduct, the complainant has the right to expect the university will take immediate and appropriate steps to investigate what happened, and to resolve the matter promptly and equitably. A responsible employee must report to the Title IX coordinator all relevant details about the alleged prohibited conduct incident shared by the complainant, in order for the university to determine what happened. These details can include the names of the complainant and alleged offender, any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident. To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the university's response to the report. A responsible employee should not share information with law enforcement without the complainant's consent, unless the complainant has also reported the incident to law enforcement, unless the responsible employee also has an obligation to report the incident to law enforcement, or unless the responsible employee also has an obligation to report the incident to law enforcement under the Clery Act.

a. The university designates two categories of responsible employees

- Those who have the authority to address the alleged incident. The following employees fall into this category:
 - President
 - Executive Vice President for Academic Affairs and Provost
 - Associate/Vice Provosts
 - Athletics Director
 - Deans
 - Associate/Assistant Deans
 - Department Chairs/School Directors
 - Director of Equal Opportunity Programs
 - Deputy Title IX Coordinators
 - Chief of Police and/or Associate Vice President for Law Enforcement and Safety
- Those who have a duty to report incidents of prohibited conduct reported by students to those who can address these incidents. The following groups of university employees are included in this category:
 - All Student Services and Academic Support Staff
 - Peer Leaders
 - Athletic coaches and directors
 - Student organization advisors
 - Greek Life officials
 - Instructional faculty

b. If a complainant requests confidentiality: Before a complainant reveals any information to a responsible employee, the employee should ensure that the complainant understands the employee's reporting obligations – and, if the complainant wants to maintain confidentiality, direct the complainant to confidential resources. If the complainant wants to tell the responsible employee what happened but also maintain confidentiality, the employee should tell the complainant that the university will consider the request but cannot guarantee that the university will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the responsible employee will also inform the Title IX Coordinator of the complainant's request for confidentiality. Responsible employees will not pressure a complainant to request confidentiality, but will honor and support the complainant's wishes, including for the university to fully investigate an incident. Similarly, responsible employees will not pressure a complainant to make a full report if the complainant is not ready to do so.

D. Non-University Resources: Off-campus counselors, advocates and healthcare providers will also generally maintain confidentiality and not share information with the university unless the complainant requests the disclosure and signs a consent or waiver form. Following is contact information for these off-campus resources:

1. Palmetto Health Richland Hospital Emergency Room

Provides forensic exams and medical treatment for interpersonal violence complainants.

5 Richland Medical Park Rd

Columbia, SC 29203

803-434-7000

2. Sexual Trauma Services of the Midlands (STSM)

Advocates for and supports complainants of sexual assault and abuse in Richland, Lexington, Newberry and Sumter counties and educates the community to identify and prevent sexual violence.

3830 Forest Dr., Suite 201

Columbia, SC 29204

803-790-8208 (Office)

Hotlines:

803-771-RAPE (7273) (Richland/Lexington)

1-800-491-RAPE (7273) (Newberry/Sumter)

3. Sistercare, Inc.

Offers crisis services and programs for complainants of intimate partner violence and their children residing in Richland, Lexington, Fairfield, Newberry and Kershaw counties in South Carolina.

803-765-9428 (24/7 Crisis/Service Line)

E. Anonymous Reporting: Although the university encourages complainants to talk to someone, the university also provides a universal reporting form which can be found at www.sc.edu/stopsexualassault. The person completing the form can choose for it to be

routed to a confidential reporting source (e.g., SAVIP) or to an investigative resource (e.g., USC Police Department, Office of Student Conduct, Office of Equal Opportunity Programs).

- F. Disclosure of an incident in an assignment or as part of a class:** If a survivor discloses having experienced sexual and/or interpersonal violence in an assignment or in class discussion, that is considered a disclosure and not a report and therefore responsible employees are exempt from making a report to the Office of Equal Opportunity Programs (EOP).
- G. Events:** Public awareness events such as “Take Back the Night,” the Clothesline Project, candlelight vigils, protests, “survivor speak outs” or other forums in which survivors disclose incidents of sexual and/or interpersonal violence are not considered notice to the university of sexual violence for purposes of triggering its obligation to investigate any incident(s). Such events may, however, inform the need for campus-wide education and prevention efforts, and the university will provide information about USC community members’ Title IX rights at these events.
- H. Help for Complainants Following an Incident of Prohibited Conduct:** The university provided two broad areas of support for complainants of prohibited conduct. Emergency support services are accessible immediately after an incident, while ongoing assistance is available to address longer-term impacts of the incident. Some campus units provide both types of support and are therefore listed for both areas.

1. Emergency Support Services

USC Student Health Services Sexual Assault and Violence Intervention & Prevention (SAVIP)

Confidential Resource

803-777-8248 during office hours 803-777-4215 after hours

Thomson Building

Services overview: SAVIP assists all members of the university community with support, crisis intervention, accompaniment for medical procedures and student conduct processes, educational and prevention programs and identifying additional resources for complainants. SAVIP staff can help complainants understand options, can facilitate appropriate referrals at any time and can assist in coordinating other services listed throughout this policy which eliminates the need for complainants to make multiple phone calls. They can also be contacted by faculty/staff/students with questions about this policy, referrals, or other specific information/concerns.

Emergency services: SAVIP provides 24/7 emergency on-call services. To reach an advocate after normal working hours please call the university’s Police Department dispatchers at 803-777-4215. Inform the dispatcher that you want to speak with the on-call SAVIP advocate and leave at least your first name and phone number so that the SAVIP advocate can return your call ASAP. SAVIP advocates are available to accompany a complainant to the hospital and to provide services regardless of whether the individual wishes to file charges or a complaint.

USC Student Health Services Center for Health and Well Being

Confidential Resource

Women’s Health (for female complainants) 803-777-8920

Primary Care (for any complainants) 803-777-3175

Center for Health and Well Being

Services overview: A complainant is strongly urged to see appropriate medical attention including testing and/or treatment for sexually transmitted infections (STIs) and/or for pregnancy testing and emergency contraception. Student Health Services provides these quality, confidential medical services; or a complainant may choose to visit another healthcare provider. Forensic exams are not performed by the Student Health Services; complainants must present to an area emergency room for that service.

Palmetto Health Richland Emergency Room

Confidential Resource

803-434-7000

5 Richland Medical Park Rd., Columbia, SC 29203

Services overview: A Forensic Nurse Examiner (FNE) can perform a sexual assault protocol exam (also known as a forensic exam) to collect evidence for possible proceedings. Physical evidence can be obtained up to 72 hours after the assault, recognizing that as time passes, the quality of the evidence decreases.

USC Student Health Services Counseling and Psychiatry

Privileged Employees, Confidential Resource

Counseling and Psychiatry

Thomson Building

1409 Devine Street

Columbia, SC 29208

Counseling: 803-777-5223

Psychiatry: 803-777-1833

Services overview:

Provides students a safe place to speak privately and confidentially with a trained counselor or psychiatrist.

USC Police Department

803-777-4215

1415 Henderson Street (1600 Hampton Street Annex)

Columbia, SC 29208

Services overview: The USC police can help connect a complainant with an advocate, take a report, transport a complainant to the hospital and assist them with obtaining a court-issued restraining order/order of protection.

Victim/Witness Assistance Program: A free service that assists complainants throughout the process of navigating the criminal justice system by: assisting with preparation for court; providing court notifications; providing transportation and escorts to court; being available to assist with support and questions as they may arise during the case; acting as a liaison between the investigator and complainant. The program also offers assistance to complainants with creating safety plans, making counseling referrals, obtaining no contact orders through the Office of Student Conduct, and in beginning the process of obtaining an Order of Protection or Restraining Order if specific criteria are met.

Area police departments:

- Cayce Public Safety
Main Office: 803-794-0456
- Columbia Police Department
Main Office: 803-545-3500
Victim Advocate: 803-545-3503
- Lexington County Sheriff's Department
Main Office/Victim Advocate: 803-785-8230
- Richland County Sheriff's Department
Main Office: 803-576-3000
Victim Assistance Unit: 803-576-8230
- West Columbia Police Department
Main Office: 803-794-0721;
Victims Services: 803-939-3185
- Forest Acres Police Department: 803-782-9444
- Irmo Police Department: 803-781-8088

2. Ongoing Assistance

a. On Campus

- **SAVIP**, 803-777-8248; Additional SAVIP services include academic assistance, assistance with obtaining no contact or restraining orders, law enforcement referrals and accompaniment, court accompaniment, application for state assistance, medical referrals, temporary housing to assist a complainant with housing needs, such as relocation
- **Counseling and Psychiatry**, 803-777-5223: Interpersonal violence is a traumatic experience and professional counseling can help complainants process the experience and take steps toward healing.
- **Office of Student Conduct (OSC)**, 803-777-4333: Handles the investigation and resolution of Student Code of Conduct allegations. Investigates complaints referred from EOP and issues sanctions when a code of conduct violation has occurred.
- **Office of Equal Opportunity Programs (EOP)**, 803-777-3854: Ensures that USC students are protected against discrimination on the basis of age, race, color, sex, gender, sexual orientation, religion, national origin, genetics, veteran status, and disability status. Home to the Title IX Coordinator, the EOP Office can assist the complainant with filing a Title IX complaint and investigating the allegations.
- **Title IX Coordinator.** The Director of the Office of Equal Opportunity Programs is the Title IX Coordinator; the Assistant Director of the Office of Equal Opportunity Programs is Deputy Title IX Coordinator. Telephone Number: 803-777-3854. The Title IX Coordinator monitors USC compliance with Title IX, a federal law that prohibits discrimination because of sex/gender. Acts of sexual and interpersonal violence constitute sex discrimination prohibited by Title IX.
- **Office of the Dean of Students** and Deputy Title IX Coordinator (DoS), 803-576-8326: The dean of students oversees Title IX related issues for the Division

of Student Affairs and Academic Support. The Dean can assist students understand policies, investigatory processes, and provide referrals to support services.

b. Off Campus

- **Sexual Trauma Services of the Midlands (STSM)**, 803-790-8208 (office), Hotlines: 803-771-RAPE (7273) (Richland/Lexington); or 1-800-491-RAPE (7273) (Newberry/Sumter); STSM provides free therapeutic services to complainants of sexual violence and their loved ones.
- **Sistercare, Inc.**, 803-765-9428 (24/7 Crisis/Service Line): Provides free therapeutic services to complainants of intimate partner violence and their children.
- **South Carolina Bar Association, Lawyer Referral Service**, 1-800-868-2284: Assists complainants in finding an attorney to represent them in civil and criminal proceedings.

I. Complainant's Options for Reporting Sexual Assaults and Relationship Violence

1. **Criminal complaint:** In order to file a report with law enforcement a complainant may contact the USC Police Department (USCPD) if the assault occurred on campus, or the law enforcement agency in the locality in which the assault occurred. If the complainant is unsure of whom to contact, the complainant may contact SAVIP or USCPD which will assist the complainant in reporting the assault to the correct agency. USCPD can help connect a complainant with an advocate, take a report, transport a complainant to the hospital and assist him or her with obtaining a court-issued restraining order/order of protection. Reporting an assault is not the same as prosecuting it. The decision to pursue legal action can be made later. Complainants should consider preserving evidence by avoiding showering or cleaning themselves or their clothing. Complainants who desire to file criminal charges should consider providing clothing containing evidence of the assault to the appropriate law enforcement agency conducting the criminal investigation for preservation, in the event of prosecution of the alleged offender.

To the extent permitted by the victim, consistent with the university's obligation under the Clery Act, and to the extent permitted by the Family Educational Rights and Privacy Act and any other applicable state or federal laws, the university will share all relevant information with law enforcement agencies conducting criminal investigations.

2. **Institutional complaint:**

- **Office of Equal Opportunity Programs (EOP):** A complainant may file a complaint with the Title IX Coordinator in the EOP office. Once a complainant files this complaint, the EOP Office investigates the allegations
- **Office of Student Conduct (OSC)** Once a complainant files a complaint with EOP, the university's Office of Student Conduct, in coordination with EOP,

can facilitate interim measures, including no-contact orders and residence hall and class schedule changes.

- University conduct proceedings and university Office of Equal Opportunity Programs procedures will provide a prompt, fair and impartial investigation and resolution. They will be conducted by officials who receive annual training on issues related to intimate partner violence, sexual assault and stalking, and conducting investigations and hearings that protect the safety of complainants and promotes accountability, while protecting the rights of all parties involved. During the pendency of the investigation, the Office of Student Conduct and the Office of Equal Opportunity Programs will take appropriate interim measures to protect the complainant as necessary. These interim measures may include options to avoid contact with the respondent, as well as options to allow the complainant to change academic and extracurricular activities or living, transportation, dining, and working situation as appropriate. Additionally, the complainant will be provided information about Title IX rights and any available resources such as complainant advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, legal assistance, and the right to report a crime to campus or local law enforcement.

3. **Reports to external agencies:** A complaint may also be filed with the Office for Civil Rights of the United States Department of Education, or with the Civil Rights Division of the United States Department of Justice.

J. **Institutional Reporting and Statements**

1. **Warnings to the community:** When a crime covered by the Clery Act occurs, campus officials are required to evaluate if there is a serious or ongoing threat to the campus community to determine if a timely warning should be issued to all staff and students. The University of South Carolina makes timely warnings to the university community regarding crimes considered to be a serious or continuing threat to students, faculty, staff, and visitors when reported to the Division of Law Enforcement and Safety (DLES).
2. **Reporting:** In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990, our Annual Security and Fire Safety Report includes information and crime statistics for the three previous calendar years. This information is provided to help increase awareness of current policies, practices and programs that exist for the safety of university faculty, staff and students.

- K. **Retaliation statement:** Title IX prohibits retaliation against individuals who, in good faith, assert their rights under Title IX or other applicable federal and state laws prohibiting illegal discrimination. It shall be deemed a violation of the University of South Carolina's policies and procedures for any person to retaliate, intimidate or take reprisals against a person who has filed a complaint, testified, assisted or participated in any manner in the investigation/resolution of a complaint of sexual misconduct and/or interpersonal violence filed with the Office of Equal Opportunity Programs or Office of

Student Conduct. Appropriate sanctions/disciplinary actions shall be taken against any person who is found to have violated this policy.

- L. Amnesty statement: As a caring community, the university wants to foster an environment in which students take responsibility to call for help when another student is in need. Consistent with the sentiment behind Chapter 53, Title 44, Article 19 of the Code of Laws for South Carolina (Drug or Alcohol-Related Overdose Medical Treatment), any student who files a complaint or who acts as a third-part witness in an investigation under this policy will not be subject to disciplinary action by the Office of Student Conduct for using and/or consuming alcohol or drugs at or near the time of the alleged incident, provided that any such alcohol or drug use not, and do not, place the health or safety of any other student at risk.

M. **Education and Training**

1. **Prevention Programming and Education**

- a. **Stand Up Carolina**: Stand Up Carolina, the University of South Carolina's bystander accountability initiative, aims to foster a culture-wide shift through education, empowerment and advocacy. Stand Up Carolina encourages the entire Carolina community to be active bystanders who **step in** and **speak up**. Through educational presentations, social media messaging and on-campus events, Stand Up Carolina educates students, faculty and staff on the role of active bystanders, how they can intervene in harmful situations and what resources are available on campus.

Stand Up Carolina is offered for faculty and staff so that they may recognize interpersonal violence and include pertinent intervention strategies into their class curriculums. Stand Up Carolina is also offered as a University 101 partner presentation and is designed to correlate specifically to the course goals and learning objectives of University 101. SAVIP also offers Stand Up Carolina presentations to individual classes or student organizations upon request.

- b. **IPV Prevention & Education Programs** are conducted by professional prevention staff at SAVIP throughout the year. These presentations are based on emerging evidence about effective interpersonal violence prevention for college students with a special focus on inclusiveness. Programs include a focus on Healthy Masculinity and effective response to trauma by men based on the belief that interpersonal violence is not just a woman's issue, and that men can be accountable bystanders when it comes to issues of interpersonal violence
- c. **AlcoholEdu and Sexual Assault Prevention** is an online tool that includes an alcohol education module and a sexual assault prevention education module that presents realistic and interactive skill-building scenarios. New undergraduate students (freshmen, transfer or change-of-campus student) at

the Columbia campus are required to complete the AlcoholEdu and Sexual Assault Prevention module. “Sexual Assault Prevention for Graduate Students” is required of graduate and professional students.

- d. **Awareness Month Activities** USC hosts interpersonal violence education/prevention events for students, faculty and staff in the following months:
 - National Stalking Awareness Month (January)
 - Sexual Assault Awareness Month (April)
 - Violence Awareness Month (October)
- e. SAVIP offers the presentation Healthy Relationships, Communication and Consent to University 101 classes, as well as several educational interpersonal violence-related presentations to University 101 classes and upon faculty, staff and student requests. For more information, visit www.sa.sc.edu/shs/savip/

2. Faculty/Staff Training

- a. **Faculty and Staff:** Employees receive training on a regular basis which includes an overview of issues related to sexual assault, and sexual harassment and their duty to report it.
- b. The Title IX Coordinator, staff in the Office of Student Conduct, the USC Police Department, and SAVIP advocates receive training relevant to their respective positions on a regular basis to assist them in the daily functions of their jobs, to enable them to provide complainants with the highest standard of care and ensure the complainant’s and the respondent’s rights are protected during the investigative and student conduct process.

PROCEDURES

A. Investigation Procedures and Protocols

1. The following are possible investigations which may occur simultaneously.

a. Title IX Investigations

- i. The Title IX Coordinator’s office receives and processes, in a timely manner, inquiries from students, faculty, staff and administrators regarding rights and responsibilities concerning harassing behavior or other discriminatory behavior in violation of Title IX;
- ii. Notifies complainants of receipt of the complaint;
- iii. Notifies respondents that complaint has been made;
- iv. If applicable, notifies supervisor of respondent that complaint has been made;
- v. Investigates alleged discrimination and/or harassment, which may include but is not limited to interviewing of complainants, respondents and material

- witnesses; obtaining and reviewing documents and other relevant materials from complainant, respondent and witnesses;
 - vi. Issues findings of fact, using the preponderance of evidence standard, and recommendations for disposition of complaints and notifies all parties regarding disposition;
 - vii. Notifies complainants of his or her right to pursue remedies outside of the university grievance process; follows up with parties regarding implementation of recommendations contained in disposition; seeks assistance from parties' supervisors or advisors, if necessary to implement recommendations;
 - viii. Monitors compliance of all requirements and timelines specified in the complaint/grievance procedures;
 - ix. The EOP Office will endeavor to complete the investigation with thirty-five days of receipt of an incident report. If the circumstances of the case require, the time period for completion of the investigation by the Office of Equal Opportunity Programs may be extended.
 - x. Within five (5) university work days of receipt of the EOP investigator's report, either party may request a review pursuant to applicable university policy.
- b.** Cases in which the Office of Equal Opportunity Programs determine reasonable cause exists to conclude a violation of university policy has occurred are referred to the Office of Student Conduct or to the Division or Human Resources.
- c. USC Police Department Investigation:** The USCPD can investigate alleged criminal acts including, but not limited to, prohibited conduct, as defined herein. USCPD can also help connect complainants with advocates, within USCPD and/or SAVIP, take reports about the incident(s), transport complainants to the hospital and assist with a court-issued restraining order/order of protection.

2. **Survivor's Bill of Rights**

These rights include, but are not limited to, the following:

- a.** All members of the university community have the right to an environment free from physical assault, emotional abuse, sexual intimidation, or any unreasonable behaviors that interfere with students attaining their educational goals.
- b.** In keeping with the spirit of the State of South Carolina's Act 141: Victim and Witness Services, of sexual and/or relationship violence who report their experience to university officials can anticipate that university personnel will treat all incidents of interpersonal violence seriously.
- c.** Complainants will be treated with dignity and respect.
- d.** Complainants will be treated in a non-judgmental manner.
- e.** Campus organizations and services that can assist complainants will be identified.
- f.** When a crime is reported to university officials, those officials will offer assistance in notifying proper authorities.

- g. In a student judicial hearing, the university brings allegations against the alleged offender, and the complainant assumes the role of a witness to the allegations.
- h. When a complainant reports an incident of sexual and/or relationship violence and action is pursued against the alleged offender, the incident will be investigated and adjudicated by appropriate criminal and/or university authorities.
- i. Complainants have the choice to have an advocate accompany them through university disciplinary proceedings.
- j. A complainant will be notified of the progress of the case, including initial contact with the alleged offender and outcomes related to university discipline proceedings. Concerning these outcomes, the complainant and alleged offender must respect the privacy rights of all involved.
- k. Complainants will be informed of counseling services available.
- l. Student complainants can request immediate on-campus housing relocation, transfer of classes, or other steps to prevent unnecessary or unwanted contact or proximity to an alleged offender. When possible, requests will be accommodated.

3. **Rights of Alleged Student Respondent**

Students accused of violating the Student Code of Conduct are afforded the following rights:

- a. The right to be notified of campus organizations and services that can assist students accused of violations of the Student Code of Conduct.
- b. The right to be notified in writing of their rights in the conduct process
- c. The right to be notified in writing of the charges against them with sufficient time to prepare for a hearing. In the event that additional charges are brought, a further written notice must be forwarded to the student(s) or student organization(s). The charged student(s) or student organization(s) may waive the right to separate written notice of additional charges in order to expedite the hearing process.
- d. The right to be notified of the date, time and place of formal hearings at least three university business days prior to the hearing
- e. The right to know the nature and source of the information used in a hearing process. This includes the right to review all documents and exhibits to be introduced at a hearing as well as a list of witnesses asked to testify at the hearing, upon the student's request.
- f. The right to present information on one's own behalf
- g. The right to elect not to appear at the hearing, in which case the hearing shall be conducted in the absence of the charged party(ies)
- h. The right to refuse to answer any questions or make a statement. However, the hearing authority may draw inferences from this refusal.
- i. The right to present questions for the witnesses to answer. The hearing officer or council may rule on relevance of these questions.
- j. The right to be accompanied by an adviser throughout the hearing process. The adviser, with written permission of the accused student(s) or student organization(s), may:
 - i. advise the accused regarding preparation for the hearing
 - ii. accompany the accused to all conduct proceedings

- iii. have access to information to be introduced at the hearing through the student
4. When the university does not pursue a formal investigation because of a complainant's insistence of confidentiality, the university will pursue other steps to limit the effects of the alleged sexual misconduct and attempt to prevent its recurrence.

B. Student Adjudication Procedures

1. Student Conduct Process: Upon receiving a letter of determination following the finding of cause in an EOP investigation, the Office of Student Conduct will contact the student involved to explain the right to a formal conduct hearing with the Carolina Judicial Council. Should the student wish to participate in the Carolina Judicial Council hearing, the Office of Student Conduct will:
 - a. Meet separately with both parties at least twice to explain the hearing process and their rights in the hearing. The Office of Student Conduct has detailed materials to assist both parties prepare for the hearing.
 - b. Inform both parties that they have the right to be accompanied by an advisor of their choosing, but that the advisor may not directly speak for or advocate on behalf of the student.
2. After receiving the evidence at the hearing, the Carolina Judicial Council will make a finding of responsibility based on the majority vote of the designated quorum, using the preponderance of evidence standard.
 - a. **Notification of Outcomes:** Both students are notified simultaneously and in writing of the outcome of the proceeding within two university business days.
 - b. **Sanctions:** University students or employees who are determined to have violated applicable university policies regarding interpersonal violence may be subjected to sanctions ranging from a written warning or reprimand, to suspension, expulsion, or termination, depending on the facts and circumstances of the particular case. Possible sanctions for university students may include the following:
 1. Issuance of no contact order
 2. Campus restriction
 3. Conduct probation
 4. Assessment with a counseling agency
 5. Removal from university Housing
 6. Suspension
 7. Expulsion
 - c. **Appeals:**

An appeal may be made for the following reasons:

 - A procedural error was committed that has significantly prejudiced the findings of the hearing council.
 - New evidence that could not have been available at the time of the hearing and would have a significant effect on the outcome of the case is now available.

Students shall have five university business days from the date the decision letter is received to submit a written request for an appeal to the Title IX/IPV Appellate Committee. If there is no appeal within this time limit, the decision of the Carolina Judicial Council is final, barring extraordinary circumstances, as determined by the Dean of Students. To appeal the findings of the Carolina Judicial Council, the student must do so via the appeals form located on the Office of Student Conduct Website. The Office of Student Conduct will forward a response memorandum and the appeal to the Title IX/IPV Appellate Committee.

The Title IX/IPV Appellate Committee will review the appeal documents and make a decision by majority vote of the established quorum, using the preponderance of evidence standard to:

1. Affirm the decision of the hearing authority, in which case the decision is final, or
2. Remand the case to the original hearing authority for further proceedings with directives to address procedural errors or new evidence.

When an appeal is submitted, the other student involved in the incident will be notified, given a copy of the appeal, and permitted to submit a document or response to the appeal within five university business days. Both appeal documents will be considered simultaneously.

d. Additional Provisions Related to Student Disciplinary Proceedings

1. Notice of the time, date and location of a hearing shall be provided to each party in writing by the Office of Student Conduct no later than five (5) university business days before the date of the hearing.
2. Each party shall have the right to attend and offer testimony and/or other evidence as the university's policies and procedures permit. Each party shall be entitled to be accompanied by an advisor who is allowed to be present but cannot advocate on behalf of the student before, during, or after the hearing.
3. Questioning of the complainant about prior sexual activity or conduct with persons other than the other party shall not be allowed.
4. Neither party shall be permitted to cross-examine or otherwise question each other.
5. Except as required by state or federal law, the parties will not be prevented by the university from disclosing information related to the outcome of student disciplinary proceedings.
6. University officials with a need to know may be informed of the outcome of a disciplinary proceeding to facilitate any appropriate university protective or safety measures.

C. Faculty Adjudication Procedures

Faculty or staff members who are subject to disciplinary action shall be afforded any rights and privileges to which they are entitled pursuant to South Carolina law, University HR Policy 1.39 Disciplinary Action and Termination for Cause; HR Policy 1.42 Grievance; and/or as set forth in the Faculty Manual.

This policy is subject to change to comply with changes in relevant laws and University operating procedures.

RELATED UNIVERSITY, STATE AND FEDERAL POLICIES

- University EOP Policy 1.01 Equal Opportunity Complaint Processing Procedures
- University EOP Policy 1.02 Sexual Harassment
- University STAF Policy 6.24 Student Non-Discrimination and Non-Harassment Policy
- University STAF Policy 6.26 Student Code of Conduct

Title IX of the Education Amendments of 1972

History of Revisions

DATE OF REVISION	REASON FOR REVISION
November 16, 2018	New policy approval to combine the provisions of STAF 108 and STAF 1.09 and expand to include faculty and staff