BENEDICT COLLEGE

TITLE IX

Sexual Discrimination and Misconduct Policy and Resource Guide

June 24, 2026

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Benedict College Title IX Policy Statement

Benedict College adheres to all federal, state, and local civil rights laws prohibiting discrimination in employment and education. Benedict College does not discriminate in its admissions practices, in its employment practices, or in its educational programs or activities based on sex, sexual stereotype, pregnancy, sexual orientation, gender identity, gender expression, and parenting status and forbids retaliation against anyone for engaging in protected activity.

This policy extends to all students, employees, and applicants for admission and/or employment and to participants in all programs and activities supported by the College, including but not limited to the College of Extended Learning Services and College sponsored internships.

As a recipient of federal financial assistance for education activities, Benedict College is required by Title IX of the Education Amendments of 1972 to ensure that all of its education programs and activities do not discriminate based on sex/gender. Sex includes sex, sex stereotypes, gender identity, gender expression, sexual orientation and pregnancy or parenting status.

Benedict College also prohibits retaliation against any person opposing discrimination or participating in any investigation or complaint process internal or external to the College involving discrimination. Sexual harassment, sexual assault, dating and domestic violence, and stalking are forms of sex discrimination, which are prohibited under Title IX and by Benedict College policy.

Any member of the campus community, guest, or visitor who acts to deny, deprive, or limit the educational, employment, residential, or social access opportunities and/or benefits of any member of the Benedict College community based on sex is in violation of the Policy and Procedures on Sexual Discrimination and Misconduct.

Any person may report sex discrimination (whether or not the person reporting is the person alleged to have experienced the conduct), in person, by mail, by telephone, or by email, using the contact information listed below for the Title IX Coordinator. A report may be made at any time (including during non-business hours) by contacting Campus Police at 803-253-5400.

Questions regarding Title IX, and/or concerns about noncompliance, should be directed to the Title IX Coordinator. To view a complete copy of the Title IX Policy, contact the Title IX Coordinator.

Title IX Coordinator for Benedict College
Latoria Williams
1600 Harden Street
Columbia, SC 29204
Phone: 803-705-3227
Latoria.williams@benedict.edu

Preface

Benedict College strives to maintain a safe environment free from violence, exploitation, intimidation, and discrimination. Title IX of the Education Amendments of 1972 ("Title IX") prohibits discrimination based on sex in any education programs or activities that receive federal funding, which includes locations, events, or circumstances whether on or off campus, over which the College has substantial control and includes any building owned or controlled by a student organization that is officially recognized by the College. Title IX applies to sexual harassment (including sexual assault) that prevents students from participating fully and equitably in education opportunities. Benedict College is committed to upholding the principles of Title IX by responding promptly and thoroughly to all complaints/reports of sex discrimination, harassment, or violence.

To create a safe campus and in compliance with Title IX and other federal and state civil rights laws, Benedict College has developed internal policies that will provide a supportive process for individuals who report discrimination, harassment, sexual misconduct, or retaliation and that will ensure a fair process for individuals who are alleged to have violated the College's discrimination, harassment, sexual misconduct, and retaliation policies. The full Non-Discrimination Policy can be found in the Benedict College Human Resources Policies and Procedures Manual.

Benedict College strives to eliminate sexual harassment, prevent its recurrence, and address its effects. Benedict College's policies and procedures regarding sexual offenses and sexual harassment are described in this policy which also provides information to the campus community on how to recognize sexual misconduct, report sexual misconduct, and provide aid to survivors of sexual misconduct. It also contains helpful information to survivors of sexual assault, intimate partner violence, and stalking, including resources available both on and off campus.

Unless otherwise stated, this Policy supersedes and applies in lieu of all other procedures and policies set forth in College documents.

Purpose

The purpose of this Policy is to memorialize the College's prohibition of all forms of sex discrimination, sexual assault, sexual harassment, dating violence, domestic violence, and gender-based stalking, consistent with the terms of Title IX and the regulations issued thereunder by the U.S. Department of Education (collectively, "Title IX"). This Policy's prohibition of sex discrimination, including sexual harassment, extends to all admission and employment decisions of the College. The College will respond to reports of sex discrimination, including sexual

harassment, in a prompt and effective manner and will take appropriate action to prevent and remediate such behavior if it occurs.

Applicability

This Policy applies to all persons participating in or attempting to participate in an educational program or activity, including, but not limited to, all faculty, staff, temporary employees, students, volunteers, consultants, vendors, customers, and other third parties within the College's control.

Sexual harassment can be committed by both men and women, and can involve people of the same sex, opposite sex, or non-binary persons. It can occur between strangers or between those who know each other well, including people involved in an intimate or sexual relationship. Additionally, sexual harassment can occur over the internet or in other cyber-based environments. This Policy prohibits such behavior in the context of the College's educational programs and activities regardless of how such behavior occurs.

Note: Sexual relationships among members of the College community in which one party exercises academic or administrative authority over the other are inappropriate because of a perception of power or influence. For further information regarding the College's policies concerning consensual relationships, please refer to College Policy Manual Page 29: Student Relationships.

Definitions

Actual Knowledge - Notice of allegations to the College's Title IX Coordinator, Latoria Williams, or Jacob Koon, Vice President for Student Affairs. No other College employee shall be considered an official of the College who has authority to institute corrective measures on behalf of the College under the Policy. Furthermore, the mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the College, nor does notice of allegations of sexual harassment to a responsible employee other than the Title IX Coordinator or VP Jacob Koon establish Actual Knowledge of such allegations for the College.

Advisor – A person of choice (who may be, but does not need to be, an attorney) selected by the complainant or respondent to assist that party in connection with any grievance procedures or grievance process under this Policy. (NOTE: For the purposes of conducting cross-examinations at a live hearing, if a party has not engaged an advisor, the College will provide that party (at no fee or charge) with an advisor of the College's choice. A College-appointed advisor may be, but does not need to be, an attorney.)

Appeals Representative - Individual(s) designated by the College President or the President's designee to preside over one or more appeals pursued under this Policy.

College Community-all faculty, adjunct faculty, persons engaged in research, teaching assistants, administrators, staff, students, volunteers, consultants, and persons who conduct business with the College, and person attempting to participate in a College activity of program.

Complainant – An individual who is alleged as the victim of conduct that could constitute sexual

harassment as that term is defined under Title IX.

Consent – An affirmative agreement to engage in mutually acceptable sexual activity. 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, subsequent 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 may be withdrawn at any time during the sexual activity. Withdrawal of consent must be demonstrated by words and/or conduct that indicate a desire to end sexual activity. Once an individual has communicated withdrawal of consent, all sexual activity must end. In some situations, an individual's consent to sexual activity may be invalidated because of circumstance or the behavior of another. Examples of such situations include, but are not limited to the following: incompetence, incapacitation (as defined in this Policy), fear, intimidation, coercion, and confinement. Sexual activity occurring in any of the College's educational programs or activities without the consent of all individuals involved violates this Policy.

Decision Maker - Individual(s) designated by the President or the President's designee to render a decision at the conclusion of one or more hearings conducted under this Policy.

Exculpatory Evidence – Evidence favorable to the respondent in a case that exonerates or tends to exonerate the respondent of guilt.

Formal Complaint – A document filed and signed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the College investigate the allegation of sexual harassment. At the time of filing a Formal Complaint, a complainant must be participating in or attempting to participate in the College's education program or activity for which the formal complaint is filed.

Incapacitation - When an individual is at such a level of impairment such that she/he/they lack the ability to consent to participation in sexual activity. An individual may be incapacitated as a result of the consumption of alcohol or drugs, or due to sleep, unconsciousness, a temporary or permanent physical or mental condition, or other state of mind rendering the person unaware that sexual activity is occurring. In evaluating if consent has occurred in cases of alleged incapacitation, the College will consider at least the following two issues: (1) whether the person initiating sexual activity knew that the other party was incapacitated, and if not, (2) whether a sober, reasonable person in the same situation would have known that the other party was incapacitated. If the answer to either of these inquiries is "YES," affirmative consent was absent. A respondent cannot rebut a charge of sexual assault or sexual harassment by merely asserting that they were drunk or otherwise impaired, and as a result did not know that the complainant was incapacitated. Alcohol, drugs, or other intoxicants do not negate or diminish the responsibility of an individual to obtain affirmative consent.

Inculpatory Evidence – Evidence that shows, or tends to show, a person's involvement in an act, or evidence that can establish guilt.

Investigator – Individual(s) designated by the President or the President's designee to investigate one or more Formal Complaints under this Policy.

Respondent – An individual reported as the perpetrator of conduct that could constitute sexual

harassment as that term is defined under Title IX. Where the respondent is a non-College affiliated party who is not participating or attempting to participate in a College educational program or activity, the College will offer and implement supportive measures to the complainant as outlined in this Policy.

Responsible Employee – Any College faculty member or supervisory employee.

Retaliation - Conduct causing any interference, coercion, restraint, or reprisal against a person complaining of harassment or against a person assisting in any way in the investigation and resolution of a complaint.

Sexual Harassment – For purposes of this Policy, the term "sexual harassment" means conduct based on sex that satisfies one or more of the following:

a. An employee of the College conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct;
b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity; or
c. Any of the following: 1) "Sexual assault"; 2) "Dating violence"; 3) "Domestic violence"; or 4) "Stalking."

Supportive Measures – Non-disciplinary, non-punitive individual services offered as appropriate, and as reasonably available, without charge to the complainant or the respondent, before or after the filing of a Formal Complaint or when no Formal Complaint has been filed. This includes measures designed to protect the safety of all parties and the College's educational environment, or to deter sexual harassment and restore or preserve equal access to the College's education program or activity, without unreasonably burdening the other party.

Title IX Coordinator - The person whom the College has designated and authorized to coordinate the College's efforts to comply with its Title IX responsibilities. The Title IX Coordinator shall be responsible for monitoring compliance with all aspects of this Policy. See Sections VII, VIII, and IX of this Policy for details regarding the Title IX Coordinator's duties.

Title IX Coordinator for Benedict College
Latoria Williams
1600 Harden Street
Columbia, SC 29204
Phone: 803-705-3227
Latoria.williams@benedict.edu

[1] The term "sexual assault" means "an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation." *See* 20 U.S.C. § 1092(f)(6)(A)(v).

[2] The term "dating violence" means "violence committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship, (ii) The type of relationship, and (iii) The frequency of interaction between the persons involved in the relationship." *See* 34 U.S.C. § 12291(a)(10).

[3] The term "domestic violence" means "felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction" *See* 34 U.S.C. § 12291(a)(8).

[4] The term "stalking" means "engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress." *See* 34 U.S.C. § 12291(a)(30).

Jurisdiction

The College will respond promptly when it receives actual knowledge of sexual harassment which appears to violate Title IX, i.e., sexual harassment in any education program or activity of the College occurring against a person in the United States. For purposes of this Policy, the phrase "education program or activity" includes locations, events, or circumstances over which the College exercises substantial control over both the respondent and the context in which the sexual harassment occurs. This includes buildings and locations that are part of the College's operations, off-campus areas where the College exercises substantial control over the respondent, off-campus buildings owned or controlled by a student organization recognized by the College, and the College internet and digital platforms. Jurisdiction under this Policy extends to admissions and employment decisions of the College.

The College has in place other policies that address several types of misconduct that do not constitute sexual harassment (as defined in this Policy) and thus that are not addressed by this Policy and Title IX. If reported misconduct is not covered by this Policy, such conduct will not be investigated or adjudicated by the College's Title IX office. However, such reported conduct may be referred to other College personnel or other departments to be investigated pursuant to other applicable College policies, e.g., the Student Code of Conduct, etc.

The following are examples of circumstances that may fall outside the jurisdictional scope of this Policy:

- Sexual harassment alleged against or by former students or former employees who are not

participating or attempting to participate in any education program or activity of the College.

- Sexual harassment alleged in a study abroad program outside of the United States. Even if a study abroad program is affiliated with the College, Title IX protections do not extend to incidents of sexual misconduct occurring against persons outside of the United States.
- Allegations of sexually offensive conduct that does not satisfy the definition of sexual harassment in this Policy. Such complaints that do not meet the definition of sexual harassment under this Policy may still trigger a Code of Conduct or other policy violation, e.g., a student-on-student assault at an apartment complex adjacent to campus (but not owned or operated by the College).

Reporting Procedures

Prompt reporting is encouraged. Although the College does not limit the timeframe for reporting, members of the College community are encouraged to promptly report all incidents of conduct prohibited under this Policy as soon as possible in order to maximize the College's ability to respond promptly and effectively.

Where to report. Any person may report sexual harassment, including sexual assault, dating violence, domestic violence, or gender-based stalking (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sexual harassment) to the Title IX Coordinator, to any Responsible Employee, or to the Campus Police. Any person who has been a victim of violence or who is fearful for their safety should immediately report to **Campus Police** at (803) 705-4321 or Dispatch (803) 253-5400 (24 hours a day, seven days a week) or to law enforcement by dialing 911. Reporting can be in person, by mail, telephone, or electronic mail, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Forms and procedures for reporting complaints of sexual harassment are available on the College's website at www.Benedict.edu/Policies, and the Office of Human Resources Policies and Procedures Manual; Campus Life in Student Affairs at www.benedict.edu/written-complaint-and-resolution-form/; and Campus Police in Anonymous Reporting at www.benedict.edu/anonymous-reporting/.

Reporting Obligations of Responsible Employees: When an individual tells a Responsible Employee, as defined in this Policy, about conduct that may constitute a violation of this Policy, the Responsible Employee must promptly report to the Title IX Coordinator all relevant details about the alleged Policy violation shared by the individual, including the names of the complainant and respondent, any witnesses, and any other relevant facts, including the date, time, and specific location of the alleged incident as well as any other relevant information or physical and/or electronic documents.

Anonymous Reporting: Any member of the College community may report a violation of this Policy by calling the school's reporting hotline at 803-253-5400 or reporting online using the College's website, both of which are available seven days a week, 24 hours a day. Although a complainant can make and report anonymously, a complainant cannot initiate the Title IX grievance process anonymously. Sexual harassment allegation must be provided in a verbal or written report (e.g., in person, by email, telephone, electronic mail).

Office for Civil Rights (OCR) Reporting: An individual may also report a violation of this Policy to the Department of Education's Office of Civil Rights:

U.S. Department of Education
Office for Civil Rights
Lyndon Baines Johnson Bldg.
400 Maryland Avenue, SW
Washington, DC 20202-1100

Telephone: 800-421-3481
Fax: 202-453-6012
TDD: 800-877-8339
Email: OCR@ed.gov

On-Campus Resources

- Human Resources, Title IX Coordinator - *Latoria Williams, 1600 Harden Street, Columbia, SC 29204 - (803) 705-3227*
- Campus Police located at 2400 Haskell Ave. *(803) 705-4321 – 24-hour Dispatch (803)253-5400*
- Office of Student Affairs located at 1st Floor, Administration Building *(803) 705-4424* | Fax 803-*705-6667*
- Office of Residential Life *(803)705-4381*

Confidential Resources. The following confidential resources have no obligation to report an allegation of sexual harassment but are available resources for complainants and respondents:

- Counseling & Self Development Center located at 2315 Laurel St. *(803) 705-4741* **– CONFIDENTIAL**
- Student Health Center located at 2315 Laurel St. *(803) 705-4719* **– CONFIDENTIAL**
- Religious Services at 1st Floor, Administration Building *(803) 705-4373* **– CONFIDENTIAL**

Community Resources. Benedict College has many resources available to assist students, faculty, and staff off campus such as the following

- Sexual Trauma Services of the Midlands 24/7 Hour Hotlines Richland and Lexington counties - (803)771-7273

- Newberry, Clarendon, and Sumter counties - (800)491-7273

- SC State Office of Victim Assistance located at the Statehouse Complex – Edgar A. Brown Bldg. Room 401, Columbia, South Carolina 29201 **– Phone:** (803)734-1900

|**Fax:** (803)734-1708 | **Toll Free:** (800)220-5370 (Crime Victims Specific Line) | dcvc@scag.gov

Medical Resources

- Palmetto Health Richland located at 5 Richland Medical Park Drive, Columbia, SC 29203 Phone: (803)434-7000 – Sexual Assault Nurse Examiner (SANE) nurse available

Law Enforcement Resources

- City of Columbia Police Department located at 1600 Bull Street, Justice Square, Columbia, SC 29201
  Phone: (803) 545-3500

- Richland County Sheriff's Department located 5623 Two Notch Road, Columbia SC 29223
  Phone (803) 576-3000 | Fax 803-576-3195 | sheriff@rcsd.net

- Lexington County Police Department located 521 Gibson Rd # A, Lexington, SC 29072 – Phone (803)785-8230

Local Shelter

- Sistercare – Post Office Box 1029, Columbia, SC 29202 www.sistercare.org/. For immediate assistance, dial 803.765.9428

Online Resources

- National Coalition Against Domestic Violence www.ncadv.org

- National Domestic Violence Hotlines (800) 799-SAFE or (800) 787-3224 (TTY)

- RAINN - Rape Abuse and Incest National Network (800) 656-HOPE (4673) www.rainn.org

Grievance Procedures

Although Student and Faculty Handbooks outline the College's general grievance procedures for students and faculty, the following procedures will apply to any reports of alleged Title IX violations.

This grievance process will enforce equal treatment for complainants and respondents. No disciplinary sanctions will be imposed prior to a determination of responsibility for sexual harassment. However, the

College reserves the right to enact **emergency removal** of any respondent (whether an employee, a student, or other person) from an education program or activity on an emergency basis, provided that the College (1) undertakes an individualized safety and risk analysis; (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal; and (3) provides the respondent with notice and an opportunity to challenge the decision immediately following the removal (see Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act). For example, if a respondent threatens physical violence against the complainant in response to the complainant's allegations that the respondent verbally sexually harassed the complainant, the immediate threat to the complainant's physical safety posed by the respondent may "arise from" the sexual harassment allegations. As a further example, if a respondent reacts to being accused of sexual harassment by threatening physical self-harm, an immediate threat to the respondent's physical safety may "arise from" the allegations of sexual harassment and could justify an emergency removal.

In matters involving the emergency removal of a non-student employee respondent, the College may place that respondent on administrative leave with or without pay (in such person's capacity as an employee of the College) during the pendency of a grievance process in a manner consistent with applicable law and any other legal obligations of the College.

The proper evidentiary standard for determining whether the conduct occurred is the preponderance-of-the-evidence standard (i.e., it is more likely than not that sexual harassment occurred). Regardless of whether any other College policy, handbook, or other materials suggest or mandate, in general, the application of any other evidentiary standard to charges or complaints against faculty or other College personnel, the standard of evidence shall be the preponderance of the evidence standard for any formal complaint alleging Title IX sexual harassment regardless of the position, title or status held by the respondent.

All parties and witnesses shall maintain professional decorum throughout any process or procedure conducted under this Policy. The expectation of professionalism includes, without limitation, that no person may badger or harass any party, witness, decision-maker, or other College personnel involved in the hearing proceedings. Furthermore, although a party shall be free to confer with the party's advisor during a hearing, such conferral shall not take place in a loud or disruptive manner. If a party or advisor violates any rules imposed on parties equally by this Policy or by a decision-maker during a process or procedure conducted under this Policy, the College retains authority to respond in accordance with its policies governing student and employee misconduct.

Note: Individuals have a right to file both a criminal complaint and a Title IX complaint simultaneously. The College's policy, definitions, and burden of proof may differ from South Carolina criminal law. Neither law enforcement's determination whether or not to prosecute a respondent, nor the outcome of any criminal prosecution, are determinative factors regarding whether a violation of College policy has occurred. Grievance proceedings under this Policy may be carried out prior to, simultaneously with, or following external civil or criminal proceedings. At the request of law enforcement, the College may agree to defer its Title IX investigatory process until after the initial stages of a criminal investigation. The College will promptly resume its Title IX fact-gathering as soon as it is informed that law enforcement has completed the initial investigation.

A. Initial Response to an Allegation of Sexual Harassment

The Title IX Coordinator will promptly contact complainant in a manner that is not deliberately indifferent (i.e., not clearly unreasonable in light of the known circumstances) to:

- Discuss their right to request supportive measures;
- Consider the complainant's wishes with respect to supportive measures;
- Inform the complainant of the availability of supportive measures with or without the filing of a formal complaint. and
- Explain to the complainant the process for filing a formal complaint that will not restrict rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment, as a way of responding in a non-deliberately indifferent manner. The complainant will never be pressured into filing a formal complaint, or participating in a grievance process

Supportive Measures Available – The following supportive measures are available to promote the safety and well-being of the parties, including, but not limited to:

- Restricting contact between the parties by issuing a "No Contact" Order, or mutual restrictions on contact between the parties;
- Providing an extension of time or other course-related adjustments;
- Modifying work or class schedules;
- Providing campus escort services;
- Changing work or housing locations;
- Offering leaves of absence;
- Increasing security and monitoring of certain areas of the campus;
- Providing counseling and/or medical services;
- Providing academic support service, such as tutoring; and
- Arranging for complainant/respondent to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the academic record.

B. Formal Complaint Procedure

The Formal Complaint procedure will be followed in accordance with Title IX. A Formal Complaint is initiated when the complainant (or, based upon the age of the complainant, a guardian or parent) files a Formal Complaint. A Formal Complaint is a document filed and signed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the College investigate the allegation of sexual harassment. The complainant must be participating in or attempting to participate in the education program or activity of the College with which the Formal Complaint is filed.

Upon receipt of a Formal Complaint, the Title IX Coordinator will send a written notice to both parties containing the Formal Complaint's allegation(s), formal grievance procedures, College guidance on the prohibition of submitting false information during the grievance process; and the investigator(s) that have been assigned. Supportive measures will also be made available to both the complainant

and the respondent.

If there are multiple complainants and one respondent, the College may consolidate the Formal Complaints where the allegations of sexual harassment arise out of the same facts or circumstances. The requirement for the "same facts and circumstances" means that the multiple complainants' allegations are so intertwined that their allegations relate to all the parties.

To reiterate, the Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the Formal Complaint, by using the contact information listed for the Title IX Coordinator (www.Benedict.edu Website).

The College desires to respect a complainant's autonomy as much as possible and thus, if a grievance process is initiated against the wishes of the complainant, that decision will be reached thoughtfully and intentionally by the Title IX Coordinator. The Title IX Coordinator's decision to sign a Formal Complaint will occur only after the Title IX Coordinator has promptly contacted the complainant to discuss availability of supportive measures, considered the complainant's wishes with respect to supportive measures, and explained to the complainant the process for filing a Formal Complaint. In deciding whether to sign a Formal Complaint, the Title IX Coordinator may consider a variety of factors, including (but not limited to):

- any pattern of alleged misconduct by the respondent (i.e., serial predation);
- the risk of serious harm to any student, employee or other individual associated with the College;
- whether the complainant's allegations involved violence, threats, use of weapons, or other similar factors;
- whether the complainant's allegations involve law enforcement; and/or
- any other factor, whose consideration is permitted by applicable law, that directly or indirectly implicates the College's interests in providing a safe and productive learning environment.

In the event the Title IX Coordinator signs the Formal Complaint in lieu of the complainant, the Title IX Coordinator is not a complainant or otherwise a party during a grievance process, and must comply with requirements for all Title IX personnel to be free from conflicts and bias.

There is no time limit or statute of limitations on a complainant's decision to file a Formal Complaint; however, prompt reporting of a complaint is encouraged as the College's ability to respond may diminish over time due to the fact that evidence may erode, memories may fade, or the respondent may no longer be affiliated with the College.

Dismissal of a Formal Complaint

- **Mandatory dismissal** – If the alleged conduct does not meet the following jurisdictional requirements under Title IX, the Title IX Coordinator or the decision-maker(s) must dismiss the complaint:
    - If the alleged conduct—even if proven to be true—would not constitute sexual harassment as defined in this Policy.

- If the alleged conduct did not occur in the College's education program or activity.
- If the alleged conduct did not occur against a person in the United States.

A mandatory dismissal does not prevent the College from taking appropriate action under another College rule or policy, such as the Student Code of Conduct, Staff Guidelines/Human Resources Policies and Procedures or Faculty Handbook.

- **Permissive dismissal** – The Title IX Coordinator or the decision-maker(s) may dismiss the Formal Complaint, or any allegations therein, if at any time during the investigation or hearing:
  - The complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the Formal Complaint or any allegations therein;
  - The respondent is no longer enrolled at or employed by the College; or
  - Specific circumstances prevent the Investigator or decision-maker(s) from gathering evidence sufficient to reach a determination as to the Formal Complaint or the allegations therein.

Notice of dismissal – Upon dismissal, the Title IX Coordinator or the decision-maker(s) will provide prompt written notice of the dismissal and the reason(s) therefor simultaneously to the parties. Any party to a Formal Complaint can appeal a dismissal decision pursuant to the appeal procedures set forth in this Policy.

C. Investigatory Process

Once a Formal Complaint of sexual harassment has been received and has met the criteria for undergoing the formal grievance process, the Investigator(s) will conduct a thorough, prompt, fair, equitable, and impartial investigation of the allegations. The Title IX Coordinator as well as all Investigators, decision makers, and appeal representatives will be trained and free from any conflict of interest.

The complainant and respondent may have an advisor provided by the College or an advisor of their choice present at any meeting or proceeding related to the investigation or formal grievance process. An advisor of the party's choice may include an attorney retained by a party at the party's own expense. An advisor provided by the College will be professionally trained to function in an advisory capacity, but that individual may or may not be an attorney. While advisors may attend College processes in an advisory capacity, advisors may not participate directly in the investigation, hearing, or appeal, with the exception of conducting cross-examination during a live hearing. Failure to follow this guidance will prohibit the advisor from participating in the meeting or interview. If an advisor does not adhere to these or other applicable ground rules, the advisor will be dismissed from the applicable interview or meeting, and the College will provide a new advisor of the College's choice to the party whose advisor has been dismissed. Additionally, the College will determine its own schedule, and it is incumbent upon the complainant and the respondent to ensure their advisors are available.

The schedule for interviews, appeals, or any meeting necessary will not be driven by an advisor's availability.

Each party and their advisor will receive written notice of any investigative interview, meeting, or proceeding in which they are expected to attend. This notification will include the date, time, location, names of those who will be present, and the purpose of the meeting. Parties will be given sufficient time to prepare for such interview, meeting, or proceeding.

The investigation will include interviews with the parties, interviews with witnesses, and a review of the documents or anything relevant to the investigation. The complainant and the respondent will have equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. The parties will be allowed to discuss the case and gather evidence. The presumption is that the respondent is not responsible for any Policy violation prior to a finding of such at the conclusion of the grievance process.

Neither the Investigators nor any authorized College official can access, consider, disclose, or otherwise use in the grievance process a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in the capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the College obtains that party's voluntary, written consent to do so. Likewise, the College will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

If needed, the Title IX Coordinator may assist with investigations of Formal Complaints. The investigation will be completed as promptly as possible, and in most cases within 45- 60 work days from the date the Formal Complaint was filed by the complainant or signed by the Title IX Coordinator. If the investigation cannot be completed within the designated time because of extenuating circumstances, the parties will be notified and given a projected time of completion. Extenuating circumstances may exist for a variety of reasons, including (but not limited to) the complexity of the circumstances surrounding the allegation(s); the request to comply with external local law enforcement processes; to account for College breaks or vacations; or to address other legitimate reasons.

The investigator(s) will submit a written report that fairly summarizes relevant evidence (the "Report"). Before completion of this Report, both parties shall have an equal opportunity to inspect and review the Report as well as any evidence obtained as part of the investigation that is related to the allegations raised in the Formal Complaint, regardless of whether or not it was included in the preliminary Report. Upon inspection of review of the Report and evidence, parties will be given 10 workdays days to submit a written response. The written responses will be considered before completing the final Report. The investigator(s) will have 5 business days to complete the final Report and submit to both parties. The live hearing will be scheduled within 10 workdays of the final Report being made available to the parties.

D. Informal Resolution Procedure

After a formal complaint has been filed, and only if each party is interested and willing, the College may offer an informal resolution process. The informal resolution process is available at any point prior to a final determination being issued.

- Informal resolution may encompass a broad range of conflict resolution strategies, including, but not limited to, arbitration, mediation, or restorative justice.
- Parties must voluntarily consent to this option in writing.
- If a complaint involves allegations that an employee sexually harassed a student, the **informal resolution process will not be used**.
- A school may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of Formal Complaints. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution and resume the grievance process with respect to the Formal Complaint.
- Parties who choose the informal resolution option will receive notice of the allegations, their rights, and information about how to withdraw from the process and resume the grievance process. To withdraw, either party will have to submit a written request to withdraw from the informal process and then the party will be eligible to resume the grievance process.
- The informal resolution procedure may be conducted by an assigned mediator, the Title IX Coordinator, or any person trained to facilitate the informal resolution process. The person assigned may not have a conflict of interest or bias either for or against complainants, respondents, or individual parties.

E. Live Hearing

The live hearing will be adjudicated by **one or more decision-makers** (who will be persons other than the individuals who served as the Title IX Coordinator and Investigator(s) for the Formal Complaint). The decision-maker(s) will outline the order and expectations of the proceedings at the start as well as provide written notification and the rationale for their determination at the conclusion of the proceedings. Information regarding the range of possible sanctions, should the grievance process result in a finding that determines responsibility, will also be provided (See Section VIII).

All parties will receive a 10-day advanced notification of the time, date, and location of the live hearing.

- **Virtual hearings** – At the request of either party, the College will provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or the witness answering questions.

- **Live hearings** – Conducted with all parties physically present in the same geographic location

or, at the College's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.

- **Documentation of Hearings** – The College has the sole discretion to record the live hearing by audio, video, or other means. To reduce technical difficulties or delays, a member of the Department of Information Technology or a designee will operate hearing equipment. In addition, hearings will preferably be transcribed by a court reporter or equivalent. Transcripts or recordings, as applicable, will be available for the parties to inspect and review. Finally, as required, transcripts or recordings will be preserved for a seven (7) year period.

- **Cross-Examination** – At the live hearing, the decision-maker(s) must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. The cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor and never by a party personally. If a party does not have an advisor present at the live hearing, the College will provide without fee or charge to that party, an advisor of the College's choice, to conduct cross-examination on behalf of that party.

  At the live hearing, only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross- examination or other question, the decision-maker(s) will first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

  Questions and evidence about the complainant's or respondent's prior sexual behavior are not relevant **(Rape shield protections**), unless such questions and evidence about sexual predisposition or prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

  If a party or witness **does not submit to cross-examination** at the live hearing, the decision-maker(s) must not rely on any statement of the party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross- examination or other questions.

  At the conclusion of the live hearing, the decision-maker(s), using the preponderance of the evidence standard (applicable to all parties), will determine whether or not the respondent is responsible for violating this Policy. If a finding of responsibility is made, the decision-maker(s) will determine the appropriate sanctions. The complainant and respondent will simultaneously receive written notice of the decision-makers' determination, along with

information regarding their rights to appeal the determination.

F. Appeal of the Formal Complaint Determination

The complainant or the respondent has a right to appeal a decision of the formal complaint procedure and/or determination based upon any of the following grounds for appeal:

- Procedural irregularity that affected that outcome;
- New evidence that was not reasonably available at the time of determination or dismissal that could affect the outcome; or
- The Title IX Coordinator, Investigator(s) or decision-maker(s) had a conflict of interest or bias that affected the outcome of the matter.

Appeals must be submitted in writing to the Office of the President of the College within seven (7) working days (excluding weekends and College holidays) after receipt of the final determination Letter from the decision-maker(s). Decisions not appealed within such time are deemed final.

Once an appeal is initiated, the non-appealing party will be notified of the appeal and provided an opportunity to submit a written response within five (5) business days of the receipt of the notification.

The President or appeal representative will review the appeal within thirty (30) calendar days after receipt of the written appeal (except in extenuating circumstances). Normally, the documented evidence will be used to make a decision regarding the appeal; however, new evidence that was not reasonably available at the time of determination will be reviewed, as well as the mandatory grounds for appeal. This is the last step in the College's formal grievance process. Based upon the new evidence, it may be necessary for a new hearing process to be initiated with a new decision-maker(s). At the conclusion of the appeal process, the appellate decision-maker must prepare a written decision, which is provided to both parties simultaneously. After this process, the decision is final.

G. DISCIPLINARY SANCTIONS

Employees and students who violate this Policy are subject to appropriate discipline by the College. If an investigation results in a finding that this Policy has been violated, the mandatory minimum discipline is a written reprimand.

Upon the finding of a serious violation of this Policy, the College reserves the right to take disciplinary measures, up to and including, termination of employment, expulsion, suspension, or removal from campus, cancellation of contract, and any other appropriate actions necessary to address the violation. Furthermore, for student respondents who are found to have violated this Policy, sanctions may also include a requirement to take anger management courses or other coursework designed (in the College's opinion) to achieve rehabilitation for the respondent, housing restrictions, community service, and/or educational sanctions. For employee respondents who are found to have violated this Policy, sanctions may also include mandatory counseling, mandatory training, change in job

responsibilities, demotion, or other adverse employment action, and/or leave without pay.

Persons who violate this Policy may also be subject to civil damages or criminal penalties.

False complaints - Individuals who knowingly or recklessly file a false harassment complaint and/or give false statements in an investigation or hearing against another are in violation of this Policy. If, upon the conclusion of a grievance procedure or grievance process under this Policy, the College learns that an individual has provided false information regarding the complaint or investigation, disciplinary action may be pursued under other College policies, including for example the Student Code of Conduct, against that individual, up to and including, termination of employment, expulsion, suspension, or removal from campus, cancellation of contract, and any other appropriate institutional sanctions, including without limitation any of those disciplinary sanctions identified in this Policy.

H. RETALIATION PROHIBITED

No College personnel or student may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in a Title IX investigation, proceeding, or hearing.

Intimidation, threats, coercion, or discrimination, including charges against an individual for Code of Conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report of Formal Complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation. The College will keep confidential the identity of complainants, respondents, and witnesses, except as may be permitted by FERPA, or as required by law, or as necessary to carry out a Title IX proceeding.

Exceptions – The exercise of rights protected under the First Amendment does not constitute retaliation. Charging an individual with a Code of Conduct violation for making a materially false statement in bad faith during a grievance proceeding does not constitute retaliation; provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a bad faith materially false statement.

Appropriate disciplinary actions shall be taken against any person found to have participated in any acts of retaliation. Any attempt to penalize or retaliate against a person for filing a complaint or participating in the investigation of a complaint regarding a violation of this Policy will be treated as a separate and distinct violation of the Policy.

Specifically:

- A student found to have retaliated in violation of this Policy shall be subject to disciplinary measures up to, and including, suspension and/or expulsion.
- A College employee found to have retaliated in violation of this Policy shall be subject to measures up to, and including, termination of employment.
- A College non-employee found to have retaliated in violation of this Policy shall be subject to measures up to, and including, exclusion from school grounds.

I. EDUCATION AND PREVENTION

Education is an essential component in the prevention and elimination of sexual harassment. To accomplish an adequate educational program, the College shall:

- Educate members of the College community on what constitutes prohibited conduct;
- Inform members of the College community of this Policy and training programs to assure understanding;
- Ensure that the College has sufficiently trained the designated staff to carry out educational programs and training regarding the procedures established by this Policy.

The Office of Human Resources shall monitor compliance with all aspects of this Policy and serve as custodian of confidential documents.

Training

The Title IX Coordinator, investigators, decision-makers, appeal representatives, and any person who facilitates an informal resolution process will receive training on the College's Title IX policy and processes as applicable. Such training includes: the definition of sexual harassment; how to conduct investigations, hearings, appeals, and informal resolution processes; how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; how to operate the technology to be used at a live hearing; and how to make determinations on issues of relevance of questions and evidence. The training materials will be available upon request and will be posted on the Title IX website page.

Dissemination of the Policy

An electronic copy of this Policy is available in the College Policies and Procedures Manual.

Public Notification

As required by law, the College shall collect and annually report statistical information concerning sexual harassment occurring within its jurisdiction. To promote public safety, the College will alert the campus community of incidents and developments of immediate concern.

If you are concerned that the College has not met its obligation under this Policy, please contact the Office of the President at (803) 705-4681 or Roslyn.Artis@benedict.edu.

RESOURCE GUIDE

Title IX

Title IX of the Education Amendments of 1972 (Title IX) prohibits discrimination based on sex in education programs and activities in federally funded schools at all levels.

1) If any part of a school district or college receives any Federal funds for any purpose, all the operations of the district or college are covered by Title IX.

2) Title IX protects students, employees, applicants for admission and employment, and other persons from all forms of sex discrimination, including discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity. Under Title IX, discrimination based on sex includes sexual harassment and sexual violence, such as rape, sexual assault, sexual battery, and sexual coercion. 20 U.S.C. §§ 1681–1688

All students (as well as other persons) at recipient institutions are protected by Title IX—regardless of their sex, sexual orientation, gender identity, part- or full-time status, disability, race, or national origin—in all aspects of a recipient's educational programs and activities.

Benedict College has a Title IX Coordinator assigned to comply with the governing law and to respond to inquiries concerning Title IX.

The Department of Justice shares enforcement authority over Title IX with OCR. The Department of Education's Title IX regulations, 34 C.F.R. Part 106, are available at http://www.ed.gov/policy/rights/reg/ocr/edlite-34cfr106.html.

Harassment, Retaliation, Unlawful Discrimination

Benedict College employees shall have the opportunity to perform their work in an atmosphere and environment free from any form of unlawful discriminatory or retaliatory treatment or physical or mental abuse, including, but not limited to, harassment based on race, color, religion, sex, national origin, age, disability, sexual orientation, marital status, veteran status, personal appearance, gender identity or expression, genetic information, matriculation, political affiliation, unemployed status, family status or responsibilities, or any other conditions protected by law. It is also the policy of Benedict College to provide a working environment free from discomfort or pressure resulting from actions, jokes, ridicule, slurs, threats, or harassment related to the above distinctions or simply resulting from a lack of consideration of a fellow human being.

Sexual harassment is a form of misconduct which undermines the integrity of the employment relationship and refers to behavior which is not welcome, which is personally offensive, which debilitates morale, and which therefore, interferes with work effectiveness.

The College will not tolerate any form of harassment. By way of example, conduct will be considered harassing, and therefore a violation of this policy, if:

- Submission to the conduct is made either an explicit or implicit condition of employment;
- Submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed employee;
- The harassment substantially interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment.

Disputes sometime arise as to whether conduct was “welcome” or “unwelcome.” Conduct that violates the policy if it were unwelcome will be considered to violate this policy if anyone complains.

Any employee who feels he/she has suffered any form of harassment should report such incident to his/her supervisor or to any member of management without fear of reprisal. In the alternative, the employee may discuss the matter with the Director of Human Resources. Complaints against the President may be made to the Chairman of the Board of Trustees. In addition to reporting the matter to your supervisor, the Director of Human Resources, or a higher level of your chain of command, you may report such harassment on audio tape by dialing 803-705-4808.

Such a complaint will be treated confidentially to the extent possible. All complaints of harassment will be promptly investigated regardless of a person’s position with the College. Complaints will be thoroughly and confidentially investigated and, where necessary, appropriate corrective action will be taken. Any person found to have unlawfully harassed another employee will be subject to appropriate disciplinary action, up to and including discharge. The making of accusations which are known by the accusing person to be false is a form of misconduct likely to result in serious impairment of the College's effort to administer this policy properly and effectively for the benefit of all employees, and, accordingly, such misconduct may also result in disciplinary action.

To avoid misunderstandings, complaints made to members of management or to the Human Resources department must include completion of the report form reproduced as part of this policy. You will be given a copy of the completed form. If you report on the answering machine, you must remember the date that you did so. These procedures have been established to get you relief if you feel you are the victim of harassment. The U.S. Supreme Court has said that as a general rule you may not sue the College for violation of your rights unless you first give us notice and opportunity to end the harassment. The reporting procedures which we have adopted are intended to establish a clear record of what has been reported. (Sources: BC Policies & Procedures Manual, Pg. 27)

Retaliation

The College prohibits retaliation against a person reporting harassment or sexual misconduct or against a person assisting in any way in the investigation and resolution of a complaint.

Remember: Set sexual limits and communicate them clearly.

- Trust your instincts. It is your right.
- Exercise control over your environment.
- Avoid excessive use of alcohol.
- Accept the decision that "No means No."
- Acknowledge or recognize that dating does not give you the right to abuse or violate another person.
- Do not assume that previous permission for sexual contact applies to the current situation.

What To Do After an Assault?

If a sexual assault occurs, the survivor should:

Get to a safe place as soon as you are able.

Contact someone you know and trust to be with you, call 911 or Campus Police at 253-5400.

Keep calm and notice as many details as possible about the attacker:

- speech
- hair
- clothes
- scars
- height
- weight

Write down as many details as possible when you are able and preserve the evidence of the assault:

- do not bathe or brush teeth
- do not douche, urinate
- do not change clothes
- do not eat or drink anything until all evidence is college
- do not clean up or move items located where the assault occurred

Next steps:

Seek Medical Attention

It is crucial to seek medical attention as soon as possible to determine the possibility of physical injury, to prevent or treat sexually transmitted diseases (such as HIV), and to prevent pregnancy. A urine drug screen may be able to detect the presence of sedative drugs such as Rohypnol or GHB ("date rape drugs") if the test is administered within 72 hours of consumption for Rohypnol and 12 hours for GHB.

Palmetto Health Richland can administer rape exams for survivors. Support and advocacy will be provided to all members of the Benedict community. Palmetto Health Richland is located at 5 Richland Medical Park Drive, Columbia, SC 29203 - Phone: (803) 434-7000.

Know your options: Individuals may file a complaint against other students or faculty or staff of the College with the Title IX Coordinator pursuant to College Policy – Benedict College Sexual Misconduct Resource Guide.

Individuals may also file a complaint directly with the Benedict College Campus Police available by phone at (803) 705- 4329 – 24-hour Dispatch (803) 705-6455 and located at 2400 Haskell Avenue, Columbia SC 29204. Individuals who make a criminal complaint may also choose to file a Title IX complaint with the College's Title IX Coordinator simultaneously.
Seek counseling: A trained counselor can help the Survivor work through the trauma of the assault. The counselor may assist with changes in academic and on-campus living situations. The College Counselor is located at 2315 Laurel Street; telephone: (803)705-4741. Title IX Coordinator Elizabeth Fulford, Victim Advocate Phone: (803) 705-4838.

An assault is never the survivor's fault.
Being forced into having sex—even if it's by someone you know—is rape and it is a crime.

Reporting Options

If the Student/Faculty/Staff/Survivor of a sexual assault wishes to notify local police of the occurrence, Benedict College will assist that person with the notification. Benedict College will also assist with compiling information necessary to prosecute the attacker through both the criminal and College's Judicial Systems.

Student Written Complaints Procedure: www.benedict.edu/written-complaint-and-resolution-form/

Click to access Benedict College Resources below:
- Student Complaint Form
- Student Handbook

Your Rights

Benedict College is committed to maintaining an environment conducive to learning and working and that is free of the threat of unwelcome or unwanted sexual actions. It is unacceptable behavior and sexual offenders will not be tolerated. It is Benedict College's responsibility to make

every effort to see the Survivor of a reported sexual assault is offered medical and psychological care and counseling

Reporting

- You have the right to report to the College and have your allegations investigated and resolved internally.
- You have the right to report a sexual assault to law enforcement and to have assistance from campus personnel if you so choose.
- You have the right to decline to report to law enforcement.

Equity

- All members of the campus community have the right to have reported incidents addressed according to processes outlined in Benedict College's Sexual Misconduct Resource Guide.
- Those reporting as well as those responding to reported incidents are allowed equal opportunity to have a support person present during proceedings of the resolution process.
- All parties have the right to written and timely notification of the outcome of any resolution proceedings.
- Reporting parties and witnesses will receive amnesty for minor conduct infractions (e.g. alcohol and drug violations) which are secondary to incidents of sexual misconduct.
- Retaliation against those reporting, responding to reports, and/or supporting those parties involved have the right to be free from retaliation.

Support

- Reporting parties have the right to be notified about access to counseling and medical services available on and off campus.
- Reporting parties have the right to be notified about options for changing their academic or living arrangements.
- Reporting parties have the right to seek court orders for protection and can request assistance from Campus Safety in request and enforcement of such orders.
- All parties involved in sexual misconduct allegations will receive necessary assistance enabling their fair participation in all proceedings.

Accommodations

Benedict College may implement measures to reduce the risk of harm and/or increase safety on the campus and in the community in response to allegations of Sexual Misconduct.

These measures may include, but are not limited to, the following:

- Academic accommodations (change of course section or schedule)

- Housing accommodations (change in housing location)
- Limiting contact between parties (No Contact Order, No Trespass Order)
- Community Education (providing specific education targeted to groups where there may be reports of inappropriate behavior)
- Transportation assistance and/ or campus escorts
- Work accommodations (change in office/work location on campus)
- Referrals for counseling or further assessment
- Probation
- Suspension and/or expulsion

If Someone You Know Has Been Assaulted

- Believe the survivor and provide support

- Respect what the survivor tells you (however much or little) and, although you will naturally have questions, it is best to refrain from doing so

- Do not question or judge what the survivor did to survive the assault

- Reassure the survivor that she/he was not at fault

- Encourage the survivor to get medical attention as soon as possible, even if the survivor thinks there was no injury

- Encourage the survivor to seek support and counseling, but do so in a supportive manner. Do not push the survivor.

- Encourage the survivor to talk to someone confidentially about reporting options. Respect the survivor's decision to report, or not report, the assault. Do not take control. Sexual assault makes people feel invaded and out of control. It is crucial that they be able to make their own decisions and regain influence over what happens in their lives to rebuild trust and strength.

Support healthy decisions the survivor makes, even if you may not agree.

Remember, there is no “right” way for a survivor to respond to an assault. You may have different feelings about the survivor’s choices, but it is important to allow the survivor to make his or her own choices. Survivors of sexual assault temporarily lose control over their life and body. Given this, it is important that a survivor’s decisions be respected now, even if you disagree with their choices.

Reducing the Risks of Sexual Assault

Regardless of the choices an individual makes, no one deserves to be sexually assaulted.

- Take care of each other. Watch out for your friends and ask them to watch out for you. If you find a friend in a situation that seems "off," do something about it.
- Be upfront about any personal boundaries or limits you may have with a sexual partner.
- Clearly and firmly express your consent or lack of consent for any sexual activity.
- Be aware of your surroundings and your choices regarding substance use; drinking and using drugs impairs your perception and can increase vulnerability.
- If you find yourself in a high-risk situation:
    - ✓ Return to a safer space as soon as you are able
    - ✓ Reach out for help to those around you or via phone
    - ✓ Try to physically distance yourself from an aggressor
    - ✓ Use verbal defenses, if possible
- If your partner does not freely, willingly, and knowingly say "YES," then you do not have consent. Each person involved is responsible to get and give consent.
- Clearly communicate your intentions before you initiate a sexual encounter.
- With a potential partner, ask for clear, verbal consent at each stage of the encounter.
- Never assume that your potential partner is as sexually comfortable as you may be. Instead, ask for consent. Silence and/or not fighting back is not consent.
- Remember that "Yes" means "YES!" If you are getting mixed signals, stop and check in with your partner. Get a clear "yes" before moving forward.
- No matter how a person is dressed, how a person is dancing, or if they are willing to go into a space with you, you still MUST get consent before engaging in sexual activity.
- Remember that your partner has the right to change his/her mind. Consent must be ongoing. If at any point, you are asked to STOP, then STOP! Do not move forward until you are explicitly told otherwise. If the activity stops there, then respect that boundary.
- Recognize that consent for one activity (kissing, touching, rubbing) is not consent for another activity (intercourse, oral sex). Ask your partner if they want to move to the next level with you.
- The use of alcohol or drugs may seriously interfere with the participants' judgment about whether consent has been sought and given. If your potential partner is under the influence,

passed out, asleep or just seems “off,” this is not the time to initiate sexual contact. Help them get to safety instead.

- ALWAYS RESPECT THE ANSWER. You MUST stop all sexual activity when there is not consent.
- Never threaten or force a potential partner, verbally or physically. Getting an individual to agree to intimate activities through threats, violence, or coercion is sexual assault.

Sexual Misconduct Definitions

The definitions below are taken directly from the U.S Department of Justice, Office of Violence Against Women and **these actions are strictly prohibited**. These forms of violence can happen to anyone, regardless of age, race, sexual orientation, education level or religious beliefs.

Sexual Assault

Sexual assault can be defined as any type of sexual contact or behavior that occurs by force or without consent of the recipient of the unwanted sexual activity. Falling under the definition of sexual assault is sexual activity such as forced sexual intercourse, forcible sodomy, child molestation, incest, fondling, and attempted rape. It includes sexual acts against people who are unable to consent either due to age or lack of capacity.

Domestic Violence

Domestic violence can be defined as a pattern of abusive behavior that is used by an intimate partner to gain or maintain power and control over the other intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

> **Physical Abuse:** Hitting, slapping, shoving, grabbing, pinching, biting, hair pulling, etc. are types of physical abuse. This type of abuse also includes denying a partner medical care or forcing alcohol and/or drug use upon him or her.
> **Sexual Abuse:** Coercing or attempting to coerce any sexual contact or behavior without consent. Sexual abuse includes, but is certainly not limited to, marital rape, attacks on sexual parts of the body, forcing sex after physical violence has occurred, or treating one in a sexually demeaning manner.
> **Emotional Abuse:** Undermining an individual's sense of self-worth and/or self-esteem is abusive. This may include, but is not limited to constant criticism, diminishing one's abilities, name-calling, or damaging one's relationship with his or her children.
> **Economic Abuse:** Is defined as making or attempting to make an individual financially dependent by maintaining total control over financial resources, withholding one's access to money, or forbidding one's attendance at school or employment.
> **Psychological Abuse:** Elements of psychological abuse include - but are not limited to - causing fear by intimidation; threatening physical harm to self, partner, children, or partner's family or friends; destruction of pets and property; and forcing isolation from family, friends, or school and/or work.

Domestic violence can happen to anyone regardless of race, age, sexual orientation, religion, or gender. Domestic violence affects people of all socioeconomic backgrounds and education levels. Domestic violence occurs in both opposite-sex and same-sex relationships and can happen to intimate partners who are married, living together, or dating.

Dating Violence or Intimate Partner Violence

Dating violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Survivor; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

- the length of the relationship
- the type of relationship
- the frequency of interaction between the persons involved in the relationship

Stalking

Stalking can be defined as a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear.

Stalking can include:

- Repeated, unwanted, intrusive, and frightening communications from the perpetrator by phone, mail, and/or email.
- Repeatedly leaving or sending Survivor unwanted items, presents, or flowers.
- Following or lying in wait for the Survivor at places such as home, school, work, or recreation place.
- Making direct or indirect threats to harm the Survivor, the Survivor's children, relatives, friends, or pets.
- Damaging or threatening to damage the Survivor's property.
- Harassing Survivor through the internet.
- Posting information or spreading rumors about the Survivor on the internet, in a public place, or by word of mouth.
- Obtaining personal information about the Survivor by accessing public records, using internet search services, hiring private investigators, going through the Survivor's garbage, following the Survivor, contacting Survivor's friends, family work, or neighbors, etc.

Sexual Harassment

Sexual Harassment occurs when there is unwelcome conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal and physical conduct of a sexual nature constitutes sexual harassment. Types of sexual harassment may include quid pro quo sexual harassment or hostile environment harassment.

Sources: Stalking Resource Center, National Center for Survivors of Crime & National Domestic Violence Hotline, National Center for Survivors of Crime and WomensLaw.org

Sexual Exploitation

Sexual Exploitation occurs when a person takes non-consensual, unjust, or abusive sexual advantage of another person for his/her own benefit or for the benefit of anyone other than the person being exploited and does not otherwise constitute sexual harassment or assault under this policy. Examples of prohibited

conduct include, but are not limited to: non-consensual video/audio taping of sexual activity by any electronic device; non-consensual sharing of a consensually made video/audio tape of sexual activity; prostituting another individual; going beyond the boundaries of consent given, such as by secretly allowing others to watch consensual sex; or voyeurism of a sexual nature. Sexual exploitation is prohibited and will be treated as sexual misconduct.

Bullying

Bullying is unwanted, aggressive behavior among school aged children that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time. Both kids who are bullied and who bully others may have serious lasting problems. Bullying includes actions such as making threats, spreading rumors, attacking someone physically or verbally, and excluding someone from a group on purpose.

Cyberbullying

Cyberbullying is bullying that takes place over digital devices like cell phones, computers, and tablets. Cyberbullying can occur through SMS, Text, and apps, or online in social media, forums, or gaming where people can view, participate in, or share content. Cyberbullying includes sending, posting, or sharing negative, harmful, false, or mean content about someone else. It can include sharing personal or confidential information about someone else causing embarrassment or humiliation. Some cyberbullying crosses the line into unlawful or criminal behavior.

Hostile Learning Environment and Academic Freedom

This policy takes into account that robust discussion and debate are fundamental to the life of the College and that classroom instruction may require appropriate latitude for pedagogical decisions regarding the topics discussed, as well as other methodologies used to fully engage students.

This policy shall be interpreted in a manner that is consistent with academic freedom. Free speech rights apply in the classroom and in all other educational programs and activities of institutions. Great care must be taken not to inhibit open discussion, academic debate, and expression of personal opinion, particularly in the classroom.

Nonetheless, speech or conduct of a sexual or hostile nature which occurs in the context of educational instruction may exceed the protections of academic freedom and constitute prohibited discrimination, harassment, sexual misconduct, or retaliation if it meets the definition of discrimination, harassment, sexual misconduct, or retaliation as noted throughout this policy and (a) is reasonably regarded as non-professorial speech (i.e., advances a personal interest of the faculty member or a student as opposed to furthering the learning process or legitimate objectives of the course), or (b) lacks accepted pedagogical purpose or is not germane to the academic subject matter.

Consent

Consent is defined by a verbal agreement given equally by all partners to engage in a specific activity at the moment. The legal age of consent in South Carolina is 16.

Consent is VALID when:

- Both (or all) people are fully conscious
- Both people are equally free to act
- Both individuals are positive and sincere in their desires
- Both individuals are clear about their intent

Consent is INVALID under the following circumstances:

- When it is obtained by fraud or coercion—ex. By physical force, threats, or intimidation.

Consent is INVALID when it involves:

- Minors under the age of consent, as defined by South Carolina State Law
- Persons whose mental disabilities prohibit sound judgment about actions and their consequences.
- Persons physically or mentally incapacitated as a result of alcohol or other drug consumption, whether voluntary or involuntary.
- When it is assumed merely because of a previous and/or a current sexual relationship, a person's attire, and/or money spent on a date.
- Silence and/or non-verbal actions or expressions indicating resistance should also be interpreted as lack of consent.

Consent may be withdrawn at any time. No Means No!

Source: Building Healthy Communities Curriculum, Sexual Trauma Services of the Midlands

Incapacitation

Someone who is incapacitated *cannot* give consent.

- Incapacitation means that a person is in a state which renders one unable to make rational, reasonable decisions because they lack the capacity to understand the full context of a situation.
- The use of alcohol or drugs may seriously interfere with the participants' judgment about whether consent has been sought and given.
- Examples of incapacitation include, but are not limited to, being highly intoxicated, blacked out, passed out, asleep, unable to communicate or subjected to violence. Whether an individual voluntarily consumed alcohol or drugs, if they are incapacitated, they are unable to give consent for sexual activity. A person who is asleep or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason, is not capable of giving valid consent.
- Engaging in sexual activity with someone who is known to be– or reasonably known to be– incapacitated constitutes sexual assault.

- Using, possessing, distributing, or administering incapacitating substances is prohibited.
- The fact that someone was intoxicated and was unable to recognize incapacitation of their partner does not excuse sexual misconduct.