

Women Reauthorization Act (VAWA as amended). The Title IX Coordinator's responsibilities also include receipt and review of complaints, investigating or overseeing the investigation of complaints of alleged sexual misconduct or harassment; ensuring that consistent standards and practices apply to all investigations; being available to meet with students and employees who believe a violation of this policy has occurred; and assisting campus security or law enforcement as needed. Students and employees may also contact the U.S. Department of Education, Office for Civil Rights at (800) 421-3481 or ocr@ed.gov.

B. Policy Definitions

Actual knowledge means notice of sexual harassment or allegations of sexual harassment to CSU's Title IX Coordinator or any CSU official who has authority to institute corrective measures on behalf of CSU.⁴ There can be no imputation of knowledge based solely on vicarious liability or constructive notice, and the "actual knowledge" requirement is not satisfied when the only CSU official with actual knowledge is the respondent.

Complainant means an individual who is alleged to be the victim of conduct that could constitute sexual harassment. A complainant must be enrolled at or employed by CSU when the formal complaint is filed.

Education program or activity includes locations, events, or circumstances over which the University exercises substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution (University).

Formal complaint means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that CSU 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 education program or activity of CSU. A formal complaint may be filed with the Title IX Coordinator in person, by mail, by e-mail using the contact information for the Title IX Coordinator listed in this policy and other publications, or through an online portal provided for this purpose by CSU that (1) contains the complainant's physical or digital signature, or (2) otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party.

Incapacitated means a complainant is temporarily incapable of appraising or controlling his/her conduct due to the influence of a narcotic, anesthetic, alcohol, or other substance, including substances administered without consent, or due to any other act committed upon the victim without consent.⁵

Intimate partner. For purposes of this policy, an "intimate partner" is defined as an individual with whom one has or had a short- or long-term relationship that provides romantic and/or physical intimacy or emotional dependence. Intimate relationships can occur between individuals of the same gender or different genders and may include (but are not limited to) marriages, civil unions, dating relationships, "hook-up" relationships, relationships in which partners are characterized as "girlfriends" or "boyfriends," and relationships between individuals with a child in common.

⁴ "Any CSU official who has authority to institute corrective measures on behalf of CSU" is defined as the Title IX Coordinator, the Human Resources Director, Senior Women 's Administrator, Athletic Director, CSU Senior Officers (including the Vice President for Student Life/Dean of Students and the President).

⁵ Persons who are drugged, incapacitated, or under the age of 16 are unable to give consent.

Rape is a form of sexual violence that may or may not involve

of giving consent due to the use of drugs or alcohol, being a minor, or an intellectual or other disability. Sexual violence includes acts of physical force, violence, threats, and intimidation, ignoring the objections of the other person, causing the other person's intoxication or incapacitation through drugs, alcohol, or other substance, or taking advantage of another person's incapacitation, including voluntary drug or alcohol intoxication. Both men and women can be victims of sexual violence.

Sexual Battery is a form of sexual violence and means oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object.

Supportive measures means any non-disciplinary, non-punitive, individualized services offered as appropriate, reasonably available, and without charge to the complainant or respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The University must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

Consent means intelligent, knowing, and voluntary consent and does not include coerced submission. "Consent" shall not be deemed or construed to mean the failure by the alleged victim to offer physical resistance to the offender. Once consent is withdrawn or revoked, the sexual activity must stop immediately.

Consent must be *voluntary* and given without coercion, force, threats, or intimidation.

Consent can be *withdrawn or revoked*. Consent to one form of sexual activity does not constitute consent to other forms of sexual activity. Consent on a prior occasion does not constitute consent on

2. Submission to, or rejection of, unwelcome sexual conduct is used as a basis for denying employment or an opportunity to participate in or benefit from a CSU program or activity.
3. Conduct has the purpose or effect of unreasonably interfering with, denying or limiting a student's ability to participate in or benefit from any school program or activity or a term, condition or benefit of employment.
4. Conduct alters the educational environment to the degree that it adversely affects the student's ability to participate in or benefit from any school program whether or not that student is the target of the harassment.
5. An instructor, administrator, volunteer, or other person in a position of authority engages in sex discrimination or sexual harassment of a student or employee; and/or
6. A student or a group of students engages in sexual harassment of another student or students.

The following are examples of behaviors that are prohibited under this policy. This is not intended to be an exhaustive list:

7. Unwelcome excessive sexual flirtation, advances or propositions.
8. Derogatory, vulgar or graphic written or oral statements regarding one's sexuality.
9. Unwanted touching of an individual's body.
10. Attempted or actual physical assault.
11. Any nonconsensual sexual act, including but not limited to, rape, sexual assault, sexual battery and sexual coercion.
12. Unwelcome sexual comments, innuendoes, suggestions or jokes.
13. Display of sexually suggestive pictures or objects.
14. Domestic violence, dating violence, sexual violence, and stalking, including electronic and cyberstalking.
15. Sending text messages, e-mails, or other electronic communications with nude or sexually suggestive photos, videos, or other images, including revenge porn or distribution of nude or sexually explicit images; and
16. Sending nude or sexually suggestive images over the Internet without consent of the subject, or to individuals who do not welcome such material.

This policy specifically includes electronic communications, including but not limited to phone calls, text messages, e-mail, and social media communications such as Instagram, Snapchat, Twitter, and Facebook, etcetera.

D. Reporting sexual misconduct and filing a complaint

Where to report or file a complaint. Sexual assault, sexual harassment and other behavior prohibited by this policy should be reported to the Title IX Coordinator. To schedule an appointment to make an in-person report, contact:

COUNSELING RESOURCES

[CSU Counseling Services](#) (On

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

[Goose Creek Police Department](#)

519 North Goose Creek Blvd
Goose Creek, SC 29445

Emergencies - 911

Non-Emergencies - (843) 572-4300

[Victim Services](#)

Complaints signed by the Title IX Coordinator. ¹⁶The only CSU official authorized to initiate the grievance process against a respondent is the Title IX Coordinator (by signing a formal complaint). The Title IX Coordinator may, under some circumstances, initiate a grievance process when a complainant does not wish to participate. Such a conclusion can only be reached by the specially trained Title IX Coordinator, and only when specific circumstances justify that action. The Title IX Coordinator will only initiate a grievance process

If a party is not an "eligible student," as defined in 34 C.F.R. § 99.3, the University must obtain the voluntary, written consent of a "parent" as defined in 34 C.F.R. § 99.3.

1. Investigation

A formal complaint must be filed before an investigation begins. A formal complaint is:

(a)

Dismissal of a formal complaint.

Mandatory Dismissal - A formal complaint must be dismissed by the Title IX Coordinator:

- (a) If the conduct alleged in the formal complaint would not constitute sexual harassment as defined in §106.30 even if proved,
- (b) did not occur in the University's education program or activity, or
- (c) did not occur against a person in the United States, CSU must dismiss the formal complaint under Title IX.

Discretionary Dismissal - CSU may dismiss a formal complaint or any allegations therein, if at any time during the investigation or hearing:

- (a) a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein.
- (b) the respondent is no longer enrolled at or employed by CSU; or
- (c) specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal required or permitted by this section, CSU must promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties. Such a dismissal does not preclude action under another provision of CSU's code of conduct.

Consolidation of formal complaints. CSU has discretion to consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Cooperation. All faculty, staff, volunteers, and students are required to cooperate in the investigation process. Refusal to cooperate will result in disciplinary action based on failure to cooperate in an official CSU investigation for employees and volunteers, and disciplinary action potentially leading to dismissal.

Evidentiary/fact relevance determinations. The Title IX Coordinator /Investigator has discretion to determine whether a proffered witness or documentary information would be relevant or helpful to the investigation.

Relevant Information and Directly Related Evidence for Investigation. Prior to the hearing, CSU will provide the parties an equal opportunity to inspect and review "any evidence . . . directly related" to the allegations, including inculpatory and exculpatory evidence, and regardless of whether CSU intends to rely on the evidence, and regardless in making a determination of responsibility.

The Title IX Coordinator or investigator may collect and consider the following types of information:

- Statements by the complainant and respondent about the alleged incident(s).
- Statements by witnesses to the alleged incident(s).
- Evidence about the credibility of the alleged victim and the alleged harasser.
- Evidence that the alleged harasser has been found to have harassed other victims.
- Evidence that the alleged victim has made false allegations against other individuals .
- Evidence as to the alleged victim's reaction or behavior after the alleged harassment.
- Evidence as to whether the alleged victim filed a complaint or took other action to protest the conduct soon after the incident occurred; and

Other evidence of the harassment (e).

- (b) At the request of either party, CSU will provide for a virtual 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.
- (c) An advisor must be allowed to attend disciplinary hearings in an advisory capacity and to cross-examine witnesses.
- (d) If a party does not have an advisor for the live hearing, CSU will provide one2 G()JTJETQq0.00000912 0 612 792 reV

During the hearing, the Title IX panel, hearing committee or the hearing officer may be advised by legal counsel or a representative from Human Resources or Student Affairs.

The Panel shall have no authority to compel the attendance of witnesses.

Determinations

A panel or committee must determine whether there is clear and convincing evidence that a violation of policy occurred and issue a written decision stating whether the allegations were substantiated, and if so, recommend disciplinary sanctions and remedial measures. For each violation charged, the decision must include specific findings of fact and conclusions as to whether the facts support a finding of responsibility for a violation of CSU's Title IX policy. For each violation charged, there must be a written determination by the decision makers that includes:

- (a) The allegations potentially constituting sexual harassment.
- (b) The procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held.
- (c) Findings of fact supporting the determination.
- (d) Conclusions regarding the application of the University's code of conduct to the facts.
- (e) A statement of, and rationale for,

