

UPSTATE

University of South Carolina

2020-2021

The Jeanne Clery Disclosure of Campus Security Policies & Campus Crime Statistics

Includes Crime Statistics for Calendar Years (CYs) 2018, 2019, 2020
Prepared by the USC Upstate Department of Public Safety



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UNIVERSITY OF SOUTH CAROLINA UPSTATE 2020/2021 ANNUAL SECURITY AND FIRE SAFETY REPORT

For the 2020-2021 fall semester, the University of South Carolina Upstate enrollment was approximately 6,019. The student body is approximately 69% female and 31% male. Approximately 860 students lived in on-campus housing during the fall 2020 semester. Additionally, there are approximately 834 employees, 525 full-time equivalent (FTE - faculty and staff combined) and 309 part-time equivalent (PTE) employees.

The USC Upstate Department of Public Safety is responsible for law enforcement on and around campus, enforcement of University policies, and emergency response on campus. The Department's Mission Statement reads, "The purpose of the University of South Carolina Upstate Department of Public Safety is to embrace and maintain a safe, secure, and healthy campus environment where faculty, staff, students and guests may flourish in the pursuit and support of academic excellence. This mission will be accomplished through proactive community-oriented policing and the effective, efficient and responsible management of all available physical, technical and human resources."

The Department of Public Safety is under the leadership of the Director of Public Safety who reports to the Vice Chancellor for Finance and Administration. Institutional Clery compliance is managed by the Director. The Assistant Chief of Police who reports to the Director of Public Safety is responsible for overseeing and managing police patrols, security and parking operations. The Assistant Chief of Police is also responsible for in-service training, crime prevention services, community policing compliance, and field training.

The Department is staffed by 11 full-time patrol officers and two part-time patrol officers including 4 sergeants who supervise each of the four patrol platoons. The Patrol Division operates 24 hours a day, seven days a week while the Administrative Offices including the Public Front Counter are open 8:00 a.m. to 5 p.m. Monday-Friday save holidays. Officers patrol the campus in patrol vehicles, and by foot. Contract security officers provide additional support during large-scale campus events such as commencement and athletic events.

Three Parking Officers enforce the University's parking regulations while an Administrative Manager, Front Counter Technician and three student workers support front office and parking operations. There are also two Campus Safety Officers who provide security services on campus. Additionally there is an Administrative Sergeant responsible for investigations, CALEA management and oversight, SCIBRS, NCIC compliance and assisting the Director of Public Safety with Clery compliance. The Campus Fire Marshal is responsible for Fire and Life Safety. The Public Safety Staff is rounded out by a Transportation Services Coordinator who manages the University's vehicle maintenance, fleet of busses and five professional drivers.

Effective public safety services must include an effective community partnership with informed and engaged members of the campus population across all sectors and an understanding that safety is the responsibility of all, not just those formally charged with enforcing laws, policies, rules and regulations. This includes looking out for one another, locking up valuables, never leaving valuable unattended and reporting suspicious activity or behavior. The Department of Public Safety provides leadership and expertise in this area and includes educational programming regarding safety, security and crime prevention, criminal investigations, preventative patrols, community-oriented policing (COP), fire safety and prevention.

All Public Safety Officers are state certified law enforcement officers with full powers of arrest with statewide jurisdiction. All are graduates of the South Carolina Criminal Justice Academy, receive a minimum of 30 hours in-service training annually and trained as emergency first responders.

This publication is intended to provide you with information on educational programs, safety practices, crime statistics, and policies regarding the reporting of emergencies on campus, safety and security on campus. It is the primary objective of the Department of Public Safety to work collaboratively with members of the campus community in our collective efforts to continually enhance the safety of our academic environment so that faculty, staff and students may flourish in the pursuit of academic excellence. Should you have any questions, comments, or suggestions regarding the information contained within this publication or any related public safety policies, procedures, or operations, please feel free to contact the Director of Public Safety at KPETE@uscupstate.edu or (864) 503-5254.

Sincerely,

Klay D. Peterson
Director of Public Safety & Chief of Police

The University of South Carolina Upstate Policy for Reporting the Annual Disclosure of Crime Statistics

In 1998 the federal government passed the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, previously known as the Student-Right-To Know Act of 1990. This law requires colleges and universities receiving federal funding to disclose specific reported criminal activity on their campus. The Department of Public Safety prepares a report annually to comply with this Act. The full text of this report can be located on our website at www.uscupstate.edu/campus-services/campus-police-and-parking/. Each year an e-mail notification is made to all faculty, staff, and enrolled students that advises of the availability of this report with the website address to access the report.

Further amendments were made in 2000 and 2008 addressing sex offender notification and campus emergency response. In 2014 the Department of Education published the final regulations for the Violence against Women Act (VAWA); amendments to the Clery Act. This report is prepared in cooperation with local law enforcement agencies surrounding our main campus and two satellite campus sites, the Dean of Students, Housing and Residential Life, Student Affairs and Campus Security Authorities (CSAs). Campus crime, arrest and referral statistics include those reported to the USC Upstate Department of Public Safety and designated campus officials known as Campus Security Authorities (CSA's) which include but are not necessarily limited to directors, deans, department heads, advisors to student groups and organizations, athletic coaches, Title IX Coordinator, and designated Housing and Residential Life employees. These include but are not limited to a member of the University Police Department, an individual who has responsibility for campus security but does not constitute a police or security department (for example, monitoring the entrance to a building), an individual or organization specified in the institution's security policy as an individual or organization to which students and employees should report criminal offenses, and an official of an institution who has significant responsibility for student or campus activities. Examples of such positions at USC Upstate include directors, deans, department heads, judicial affairs officers, advisors to students and student organizations, athletic coaches, the director of athletics and university police.

Prompt reporting to the local law enforcement agency by health care professionals (such as the Director of Health Services) is mandatory if the care provider suspects or reasonably suspects that the person seeking treatment has suffered wounds inflicted by a firearm or suffered assaultive or abusive conduct. Counseling Services informs their clients of the procedures to report crimes to University Public Safety on a voluntary or confidential manner should they feel it is in the best interest of the client. A procedure is in place to anonymously capture crime statistics disclosed confidentially during such a session. Each year, an e-mail notification is made to all enrolled students providing the web site address to access this report. Faculty/Staff receive similar notification. Copies of this report may also be obtained at the University Police Department at 219 North Campus Blvd. Spartanburg, SC 29303. Prospective employees may obtain a copy from Human Resources at 800 University Way Spartanburg, SC 29303 Administration Room 301 or by calling (864) 503-5320.

Preparation of this report is the responsibility of the USC Upstate Department of Public Safety. For the main campus, reporting data includes crime reports from the USC Upstate Department of Public Safety, Spartanburg County Sheriff's Department and South Carolina Highway Patrol. It also includes crime reports from Campus Security Authorities, and crime reports and disciplinary actions from the Dean of Students and Director of Housing and Residential Life. For the George Dean Johnson Jr. College of Business and Economics, campus reporting data includes crime reports from the USC Upstate Department of Public Safety and City of Spartanburg Police Department. It also includes crime reports from Campus Security Authorities, and crime reports and disciplinary actions from the Dean of Students. Finally, for the University Center Greenville campus, reporting data includes crime reports from the Greenville Tech Police Department and City of Greenville Police Department. It also includes crime reports from Campus Security Authorities, and disciplinary actions from the Dean of Students. Hard copies of this report are available to prospective employees in the Human Resources Office at the John C. Stockwell Administration Building at 800 University Way Room 310 Spartanburg, SC 29303. Hard copies for prospective students are available in the Admissions Office in the HEC building at 300 North Campus Blvd. room 2081.

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These offenses must be reported according to their occurrence in the following location categories:

- The University of South Carolina Upstate Campuses
- The University of South Carolina Upstate residence halls (Magnolia House, Palmetto House and Villas)
- Public Property Reasonably Contiguous to the Campuses
- Non-Campus Buildings

More specifically, the law requires the reporting of violent crimes, burglary, arson, motor vehicle theft and a summary of arrests and disciplinary referrals for liquor law, drug abuse and weapons violations

- Murder & Non-Negligent Homicide
- Manslaughter by Negligence
- Dating Violence, Domestic Violence and Stalking
- Sex Offenses
 - Forcible (rape, sodomy, rape with a foreign object, fondling and sexual battery)
 - Non-Forcible (incest and statutory rape)
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Hate Crimes (where evidence reflects victim selection based on actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin or disability)
- Arrests or persons referred for campus disciplinary action for liquor law violations, drug abuse violations and weapons possession.

In compliance with this law, the University Of South Carolina Upstate Department Of Public Safety has produced a pamphlet containing this information as well as other valuable safety and crime prevention information. This information is posted on the University of South Carolina Upstate Department of Public Safety Web site under *Campus Crime Statistics* located at www.uscupstate.edu/campus-services/campus-police-and-parking and is available in printed form at:

The University of South Carolina Upstate
C/O Department of Public Safety
219 North Campus Blvd.
Spartanburg, SC 29303

Copies of the brochure will also be sent upon request by U.S. mail or electronic mail. If you have any questions, concerns, or comments, please contact the University of South Carolina Upstate Police Department at (864) 503-7777 or by electronic mail at universitypolice@uscupstate.edu.

General Procedures for Reporting Campus Emergencies and Crimes (Upstate Spartanburg Campus)

The University of South Carolina Upstate maintains a full-service 24-hour Department of Public Safety staffed by certified law enforcement officers fully accredited by the State of South Carolina. Police Officers patrol the campus in clearly marked vehicles, bicycles, electric carts and foot patrol. For emergencies dial **911**. For non-emergencies, business, or general information the Department of Public Safety may be reached at any time by dialing Ext. 7777 from campus telephones or dialing (864) 503-7777 from a cellular or off-campus telephone. In the unlikely event of a campus-wide telephone system failure, the Department of Public

Safety may be reached at (864) 503-9196. Magnolia House, Palmetto House and Palmetto Villas residents may also report an emergency to any Housing and Residential Life Staff Member who in turn will notify University Police via radio or telephone.

The main campus is equipped with emergency phones at the entrance to most campus buildings as well as 9 strategically located “blue light” call boxes. These call boxes are located as follows; Hodge Parking Lot, Smith Parking Lot, Health Education Building, Building #9 at Palmetto Villas, Building #6 at Palmetto Villas, Building #3, at the Villas, Academic Annex Parking Lot, Smith Parking Lot and HPAC Parking Lot. These phones connect the caller directly to the Spartanburg County 911 Communications Center.

Students, faculty, staff, visitors and all other members of the campus community are encouraged to contact the Department of Public Safety promptly, and to accurately report any crimes, medical emergency, fire, suspicious person or circumstance by calling **911**. Dispatchers are available 24 hours a day to answer your call. In response to a call, UPD will take the required action, dispatching an officer or asking the victim to report to UPD to file an incident report. Reports involving student criminal activity or misconduct are forwarded to the Dean of Students Office for review and potential disciplinary action through the Judicial Affairs process. Incidents involving employees of the University will be forwarded to the appropriate department head, Human Resources and/or Provost in the case of faculty.

Bystanders or witnesses to crimes, suspicious circumstances, fires or medical emergencies are encouraged to report such incidents when the victim(s) is unable to make such a report. This encouragement is publicized on the Department of Public Safety webpage, through articles in the campus newspaper, “The Carolinian” and through the Student and Employee Handbook. These publications are made available to all students, faculty and staff members and may be accessed on-line at the University web site.

In the event of an emergency, The Department of Public Safety should be dialed immediately at **911**. Calls for any emergency service provider such as fire or emergency medical services (EMS) may be made from campus telephones by dialing **911** as well.

Support Services. Students may also contact Counseling Services (864) 503-5195 (Ext.5195) where staff members are trained to assist with victim support and/or individual counseling, or to make referrals to the appropriate member of Health Services, (Ext.5191), Spartanburg Regional Medical Center (864-560-6000) or other appropriate agencies as needed.

George Dean Johnson Jr. College of Business and Economics and University Center Greenville Campus

The George Dean Johnson Jr. College of Business and Economics is located at 160 East St. John St. Spartanburg, SC 29306. All emergency responses at this campus are provided on a request for service basis. Law enforcement services are provided by the City of Spartanburg Police Department, fire services by the City of Spartanburg Fire Department and emergency medical services by Spartanburg County Emergency Medical Services. All emergency service providers may be reached by dialing **911**. Dispatchers are available 24 hours a day to answer your call. In response to a call, Spartanburg PD will take the required action, dispatching an officer or asking the victim to report to USC Upstate Police to file an incident report. Reports generated by Spartanburg City PD involving student criminal activity or misconduct are forwarded to University Police who in turn forward the information to the Dean of Students Office for review and potential disciplinary action through the Judicial Affairs process. Incidents involving employees of the University will be forwarded to the appropriate department head, Human Resources and/or Provost in the case of faculty.

Students, faculty, staff, visitors and all other members of the campus community are encouraged to contact the Department of Public Safety promptly, and to accurately report any crimes, medical emergency, fire, suspicious person or circumstance by calling **911**. Bystanders or witnesses to crimes, suspicious circumstances, fires or medical emergencies are encouraged to report such incidents when the victim(s) is unable to make such a report. This encouragement is publicized on the Department of Public Safety webpage, through articles in the campus newspaper, “The Carolinian” and through the Student and Employee Handbook. These publications are made available to all students, faculty and staff members and may be accessed on-line at the University web site.

The University of South Carolina Upstate Greenville campus is located at the University Center of Greenville, 225 South Pleasantburg Drive at McAllister Square, Greenville, SC 29606. In addition to USC Upstate, five other universities are partners in the University Center. These include: Clemson University, Anderson University, Furman University, University of South Carolina

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Columbia and Greenville Technical College. Law enforcement services are provided on this campus by the Greenville Technical College Police Department, fire services by the City of Greenville Fire Department and emergency medical services (EMS) by Greenville County.

Students, faculty, staff, visitors and all other members of the Greenville campus are encouraged to contact the Greenville Technical College Police Department promptly at (864) 250-8911 and accurately report any crimes, suspicious person or circumstance. **911** may also be called to report a crime, fire or medical emergency. Bystanders or witnesses to crimes, suspicious circumstances, fires or medical emergencies are encouraged to report such incidents when the victim(s) is unable to make such a report.

In the event of an emergency, Greenville Tech Police should be called immediately at (864) 250-8911. Calls for any emergency service provider such as fire or emergency medical services, (EMS) may be made by dialing **911**. It is critical that the caller contact Greenville Tech Police immediately after direct contact has been made with emergency operators in order for Police Officers to direct outside responders to the exact location of the emergency. Dispatchers are available 24 hours a day to answer your call. In response to a call, Greenville Tech Police will take the required action, dispatching an officer or asking the victim to report to GVTPD to file an incident report. Reports involving student criminal activity or misconduct are forwarded to the Dean of Students Office for review and potential disciplinary action through the Judicial Affairs process. Incidents involving employees of the University will be forwarded to the appropriate department head, Human Resources and/or Provost in the case of faculty.

Support Services. Students may also contact Counseling Services (864) 503-5195 (Ext. 5195) where staff members are trained to assist with victim support and/or individual counseling, or to make referrals to the appropriate member of Health Services, (864) 503-5191 (Ext. 5191), Greenville Regional Hospital (864) 455-6372 or other appropriate agencies as needed.

General Procedures for Confidential Reporting of Campus Emergencies and Crimes

University Police Officers, Counseling Services and all of the aforementioned campus offices provide prompt, sensitive, and courteous service to any member of our community who may require assistance. Due to the nature and legal requirements of these duties, University Police and other campus officials must treat all reported crimes as official matters and investigate accordingly. Anyone desiring to discuss sensitive matters in a non-investigatory setting may contact Counseling Services, (Ext. 5195) or a Pastoral Counselor. All crimes, no matter how they are reported, must, by federal law be documented and reported. The same federal law also mandates that confidentiality be strictly maintained.

Limited Voluntary Confidential Reporting

The University of South Carolina Upstate Department of Public Safety encourages anyone who is the victim or witness of any crime to promptly and accurately report the incident to the police. Because police reports are public records under state law, the Department of Public Safety cannot hold reports of crime in confidence. Confidential or limited confidential reports for purposes of inclusion in the annual disclosure of crime statistics can generally be made to other USC Upstate campus security authorities as listed under Reporting a Crime. Confidential reports may also be made to Crime Stoppers at 58-CRIME (864-582-7463) or a confidential crime reporting form at the USC Upstate Police Department website at <https://www.uscupstate.edu/campus-services/campus-police-and-parking/how-to-report-a-crime/crime-report-form/>

Confidential Reporting Procedures

As a result of the negotiated rulemaking process which followed the signing into law, the 1998 amendments to 20 U.S.C. Section 1092 (f), clarification was given to those considered to be campus security authorities. Campus "Pastoral Counselors" and Campus "Professional Counselors," when acting as such are not considered to be a campus security authority and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged, if and when they deem appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.

Counselors are defined as:

Pastoral Counselor

An employee of an institution, who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.

Professional Counselor

An employee of the institution whose official responsibilities include providing psychological counseling to members of the institution's community and who is functioning within the scope of his or her license or certification.

Reporting of Criminal Offenses

To Report a Crime: Upstate Spartanburg Campus

Faculty, staff, students and visitors are encouraged to report all criminal actions and suspicious activity, emergencies, or any other public safety related incidents occurring in the University’s Clery geography to University Public Safety by dialing **911** for emergencies, 503-7777 for non-emergencies, or by using the emergency phones located at the entrance doors to most campus buildings, or one of nine strategically located blue light phones. Any suspicious activity or person seen in the parking lots or loitering around vehicles, inside buildings, or around the Residence Halls should be reported to the University Police Department. In addition, you may report a crime to the following:

Dean of Students	503-7350	Campus Life Center (CLC) 180 Gramling Dr. Room 303
Director of Health Services	503-5191	Health Services Bldg. 995 University Way and 490 Hodge Dr. (Rampey Bldg.)
Director of Housing & Residential Life	503-5422	Palmetto House 470 Hodge Dr. Room 031D
Director of Employee Relations	503-5354	Administration Bldg. 800 University Way Room 310
Title IX Coordinator	503-5052	Library Building 150 Gramling Dr. Room 220

For commuter students living in off-campus housing adjacent to the University, please call Spartanburg County Sheriff’s Department for law enforcement services at **911**. The University of South Carolina Upstate and the Spartanburg County Sheriff’s Department work closely together. University Police attend periodic meetings with local law enforcement agencies to exchange ideas and problems which may be of concern to the University community.

To Report a Crime: George Dean Johnson Jr. College of Business and Economics

Contact the Spartanburg City Police Department at **911** for emergencies, or non-emergencies at (864) 596-2035. Any suspicious activity or person seen in the parking lots or loitering around vehicles or inside buildings should be reported to the police department as well. In addition, you may report a crime to the following:

Dean of Students	503-7350	Campus Life Center 180 Gramling Dr. Room 303
Director of Health Services	503-5191	Health Services Bldg. 995 University Way and 490 Hodge Dr. (Rampey Bldg.)
Director of Employee Relations	503-5354	Administration Bldg. 800 University Way Room 310
Title IX Coordinator	503-5052	Library Building 150 Gramling Dr. Room 220

To Report a Crime: University Center Greenville (UCG) Campus

To report crimes at the Greenville campus, contact the Greenville Technical College Police Department at (864) 250-8911 for emergency and non-emergency services. Greenville Tech Police can also be reached at the following cell phone numbers: (864) 419-9972, 419-9966, 419-9929 or 419- 9980.

Any suspicious activity or person seen in the parking lots or loitering around vehicles or inside buildings should be reported to the Police Department. In addition, you may report a crime to the following:

Executive Director Greenville Campus	552-4218	University Center Greenville (UCG) 225 S. Pleasantburg Dr. Suite 627
Dean of Students	503-7350	Campus Life Center 180 Gramling Dr. Room 303
Director of Health Services	503-5191	Health Services Bldg. 995 University Way and 490 Hodge Dr. (Rampey Bldg.)
Director of Employee Relations	503-5354	Administration Bldg. 800 University Way Room 310
Title IX Coordinator	503-5052	Library Building 150 Gramling Dr. Room 220

Off-Campus Criminal Activity

If a USC Upstate student is involved in an off-campus criminal offense, the University Department of Public Safety is not typically involved with the investigations conducted by outside law enforcement agencies. Adjacent housing complexes such as Pinegate, Valley Falls, Auden Upstate, Upstate Co-Living and Campus Evolution are within the jurisdiction of the Spartanburg County Sheriff's Department.

Student Life maintains contact with recognized fraternity and sorority organizations through the efforts of the Greek Affairs Advisor. These organizations are located on campus. Neither the University of South Carolina Upstate nor any recognized fraternity or sorority organization operates any on or off-campus student organization facilities such as housing for these fraternity and sorority organizations. University Police members do not provide law enforcement services to off-campus Greek Life activities recognized by University Authority.

Crime Prevention, Fire Safety, and Safety Awareness Programming

The University of South Carolina Upstate offers a number of programs designed to inform students and employees about campus safety and security; procedures, practices and the prevention of crime. A common theme of all awareness and crime prevention programs is to encourage students and employees to be responsible for their own safety and for the safety of others on campus. Crime prevention programs on personal safety and security are sponsored by various campus organizations throughout the year. These programs include general crime prevention and security awareness programs, such as safety education, programs, and discussions about topics such as alcohol abuse, drug abuse, sexual assault awareness and prevention, relationship violence awareness and prevention, stalking, bystander intervention, fire safety, emergency response and evacuation procedures, and theft prevention. University Public Safety, Housing and Residential Life, Student Life and the Title IX Coordinator participate in forums, panels, meetings, and programs in residence halls and fraternities/sororities to explain University security, campus safety, campus policies, and expectations related to student conduct and behavior and fire safety measures and procedures at USC Upstate.

These crime prevention and security awareness themes are additionally reviewed as part of Public Safety's community policing liaison program with athletes, first-year residents, and other key student groups and organizations. New employee orientation includes a tour of the University Police Department including an overview of safety and security procedures and the distribution of crime prevention and fire safety materials.

There are three DPS marquee crime prevention/safety awareness events that occur each year. In the fall semester, DPS in cooperation with the North Spartanburg Fire Department Fire Marshal conducts a fire extinguisher use and fire prevention training for all Resident Assistants. The second marquee event is in the fall and entitled: "Campus Safety Day."

This involves a community event on campus that includes representatives from the Police Department to meet and greet students, answer questions and hand out prevention materials, etc. The third marquee event occurs each spring entitled, "Safe Spring Break" This involves officers conducting a Fatal Vision demonstration with golf carts showing the perils and impairments of driving while under the influence. Once a semester the Chief of Police hosts "Pizza with the Chief" at the residence halls which is a casual atmosphere where the Chief interacts with students, discusses campus safety and security and answers questions.

Additional safety awareness and crime prevention training/programming occurs at the end of each fire/evacuation drill, Rape Aggression Defense classes, during RA and CSA training, and during other special campus events and safety forums throughout the year. Listed below is a description of these programs:

Anti-Hazing Training: Twice a year at the beginning of the fall and spring semesters, the Office of Student Life conducts mandatory training for all sororities and fraternities regarding the University's anti-hazing policy and expectations of FSL members.

Emergency and Safety Procedures Guide: Each employee is given a desktop emergency procedures guide detailing policies and procedures for a wide-range of potential emergency situations such as a fire, active shooter, bomb threat, severe weather incident, etc.

University 101 Classes: University 101 classes are mandated for all first year students. In these classes, part of the curriculum includes the instructors and guest speakers from University Police discussing many crime prevention and security awareness procedures including residence hall security, personal safety, sexual assault, dating violence, stalking, cyber stalking, identity theft, vehicle safety, criminal scams, vehicle safety, drinking and driving, and more. These classes are offered under the Academic Affairs umbrella.

Title IX Training: Upon hire at orientation, each new employee must complete an on-line Title IX training. This training addresses sexual discrimination on campus including sexual assault, stalking, dating violence. Also all University employees must attend either an on-line or in class Title IX training. This training is comprehensive and on-going. These trainings are sponsored by the University Training Coordinator in the USC Upstate Business Affairs Office.

Active Shooter/Mitigating Workplace Violence Training: Each year the Department of Public Safety offers 4-6 training classes on Active Shooters and Mitigating Workplace Violence. These classes are open to all members of the community. The training is also available of the USC Upstate Department of Public Safety website.

Campus Security Authority Training (CSA's): Campus Security Authority training is open to all university employees, and is offered on-line through the USC Upstate Training Office. This training includes the definition of a CSA, CSA responsibilities, when to report, reporting options, what must be reported, CSA exclusions and CSA exemptions. This training is also available on-line at the Department of Public Safety website.

Not Anymore: "Not Anymore," for College is an on-line prevention program that encourages students to make safe decisions regarding alcohol and drugs and how to manage the behaviors of peers in order to create a healthier campus. It also addresses Title IX issues such as sexual assault, domestic violence, dating violence, and stalking. At the beginning of each semester, all incoming students are required to complete this on-line training. It is sponsored by the Office of Student Life.

Guest Speakers: Each academic year the Dean of Students sponsors a guest speaker who meets and talks with students on such subjects as alcohol education, sexual assault and the law and Title IX.

Rape Aggression Defense (R.A.D.): Rape Aggression Defense System is a comprehensive course that includes awareness, prevention, risk reductions, avoidance and hands-on self-defense training. A for credit class is offered once each semester while two to three public classes are offered to the general community each year. This program is sponsored by the Department of Public Safety.

Safety Awareness Brochures: An array of safety training brochures are also available free of charge at the Department of Public Safety. These include information on Restraining Orders, Rape Aggression Defense, Mitigating Workplace Violence, Electrical Safety, Fire Safety, and Tips for Solving Conflict without Violence.

Student and Parent Orientation: During student and parent orientations in July and August of each year, students and parents are informed of services offered by the University's Department of Public Safety. Lectures, video and Power Point presentations include strategies for maintaining personal safety, residence hall security, vehicle theft and theft of personal property from vehicles. This program is hosted by Admissions.

Safe Spring Break: Each year the University hosts a Safe Spring Break informational session in which the Department of Public Safety participates with a program entitled Fatal Vision where students learn first-hand the effects of driving under the influence of alcohol and marijuana by driving a golf cart with specially designed goggles that help simulate driving under the influence.

Crime Prevention Awareness Programs: Periodically during the academic year the Upstate Police Department, in cooperation with other University organizations and departments, present crime prevention awareness sessions on sexual assault (rape and acquaintance rape), Rohypnol abuse, theft, vandalism and educational sessions on personal safety and residence hall security. These lectures and training are held in University 101 classes. Residence halls and individual classes upon request.

Residential Student Briefings: At the beginning of each fall semester, the Chief of Police and/or the Dean of Students meet with residents of the Palmetto House, Magnolia House and Villas to discuss Title IX and drug and alcohol policies related to criminal statutes and University policy.

Media: In addition to awareness classes, information is disseminated to students and employees through crime security alert posters and articles in the University newspaper as needed and appropriate.

Tip: To enhance personal safety, (especially after an evening class), walk with friends or someone from class that you know well, or call the Department of Public Safety for an escort

Miscellaneous Personal Responsibility and Security Awareness Programs: The professional staff and Resident Assistants of Housing and Residential Life conduct personal responsibility security awareness programs each semester. With the assistance of the professional staff, each Resident Assistant is responsible for conducting at least ten such awareness programs each academic year for their respective floors of responsibility. In past years these have included Drunken Mario Cart, Think before You Drink, Consent Tie-Die, Spread the Love and bulletin board training on consent explained by using tea. However, these programs may change each semester depending on the programming choices of each Professional Staff and Resident Assistant employee. Additionally, each semester, the staff conducts 8 community-wide programs selected from the following categories; leadership, identity, values, Experience Upstate, wellness, educational, life skills and large-scale socials.

Residents of each housing facility are also trained on fire safety and residence hall security at the beginning of each semester. Topics covered include fire safety policies and procedures, visitation, tailgating into residence halls, guest check-in procedures, lock down procedures and apartment and suite security.

Police Authority, Campus Safety Officer Authority and Jurisdiction`

Upstate Spartanburg Campus

As State Constables, University Police Officers possess state-wide police powers to apprehend and arrest anyone involved in illegal acts on campus and areas immediately adjacent to the campus. If minor offenses involving University rules and regulations are committed by a University student, the Department of Public Safety may also refer the individual to the Dean of Students or Director of Housing and Residential Life for judicial action. In addition, University Police may be called upon by the University Administration to conduct administrative investigations of a non-criminal nature. Major offenses such as rape, murder, aggravated assault and robbery may be investigated jointly with the Spartanburg County Sheriff's Department and/or South Carolina law Enforcement Division (SLED). The prosecution of criminal cases, both felony and misdemeanor are conducted in Magistrate, General Sessions, or Federal Court within Spartanburg County. The Department of Public Safety works closely with Spartanburg County Sheriff's Department, Highway Patrol, and federal police agencies and has direct radio communications with the Spartanburg County Sheriff's Department, North Spartanburg County Fire Department and the County **911** Emergency Dispatch Center. There is no written memorandum of understanding (MOU) between Spartanburg County Sheriff's Department and the USC Upstate Police Department.

Through coordination with local law enforcement agencies, any criminal activity engaged in by students at off-campus locations may be monitored and recorded. This information is provided to University Police who in turn provide this information to the Dean of Students.

By mutual agreement with state and federal agencies, the Department of Public Safety maintains an American Law Enforcement Network (ALLEN). Through this system, police personnel can access the National Crime Information Computer System as well as the State of South Carolina criminal data base system. These computer databases are used for accessing criminal history data, nationwide police records, driver/vehicle identification information, as well as other local, state and federal law enforcement information.

Campus safety officers are not vested with police authority including powers of arrest. Their primary function is to observe and report criminal activity, suspected criminal activity and violations of University policy. These personnel are assigned to fixed posts at the Library and Campus Housing. One additional position is assigned to lock up campus building and classrooms. Their jurisdiction is limited to the campus boundaries.

George Dean Johnson Jr. College of Business and Economics

As municipal law enforcement officers, City of Spartanburg Police Officers possess police powers to apprehend and arrest anyone involved in illegal acts within the City of Spartanburg including a 3-mile radius outside the city limit. This includes the Johnson School of Business campus and areas immediately adjacent to the same. If minor offenses involving University rules and regulations are committed by a University student, University Police may refer the individual to the Dean of Students for judicial action. Spartanburg Police work closely with state and federal police agencies and have direct radio communications with EMS, the Spartanburg County Fire Department and the County **911** Emergency Dispatch Center. Major offenses such as rape, murder, aggravated assault and robbery may be investigated jointly with SLED. The prosecution of criminal cases, both felony and misdemeanor are conducted in Magistrate, General Sessions, or Federal Court within Spartanburg County. Through coordination with local law enforcement agencies, any criminal activity engaged in by students at off-campus locations may be monitored and recorded. This information is provided to University Police who in turn provide this information to the Dean of Students.

By mutual agreement with state and federal agencies, the City of Spartanburg maintains an American Law Enforcement Network (ALLEN). Through this system, police personnel can access the National Crime Information Computer System as well as the State of South Carolina criminal data base system. These computer databases are used for accessing criminal history data, nationwide police records, driver/vehicle identification information, as well as other local, state and federal law enforcement information.

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University Center Greenville (UCG) Campus

As State Constables, Greenville Tech Police Officers possess state-wide police powers to apprehend and arrest anyone involved in illegal acts on the Greenville campus and areas immediately adjacent to the campus. If minor offenses involving University rules and regulations are committed by a University student, University of South Carolina Upstate Police or the Greenville Tech Police may also refer the individual to the Dean of Students for judicial action. Major offenses such as rape, murder, aggravated assault and robbery may be investigated jointly with the City of Greenville Police Department and/or SLED. The prosecution of criminal cases, both felony and misdemeanor are conducted in Magistrate, General Sessions, or Federal Court located within Greenville County. Greenville Tech Police work closely with local, state, and federal police agencies and have direct radio communications with the Greenville Police Department, Greenville County Fire Department and the Greenville County **911** Emergency Dispatch Center.

Through coordination with local law enforcement agencies, any criminal activity engaged in by students at off-campus locations may be monitored and recorded. This information is provided to University Police who in turn provide this information to the Dean of Students.

By mutual agreement with state and federal agencies, the Greenville Tech Police Department maintains an American Law Enforcement Network (ALEN). Through this system, police personnel can access the National Crime Information Computer System as well as the State of South Carolina criminal data base system. These computer databases are used for accessing criminal history data, nationwide police records, driver/vehicle identification information, as well as other local, state and federal law enforcement information.

General Policy Information

Emergency vehicles

You are required to yield and pull over for any vehicle exhibiting flashing emergency lights, including University Police. Failure to do so may result in arrest, citation, and/or disciplinary action.

Identifying Yourself to Campus Officials

When requested to do so, you are required to properly identify yourself to any Campus Official, including Housing and Residential Life staff, Resident Assistants and University Police Officers.

Individual Responsibility

Every student and employee must bear an appropriate amount of responsibility for their own safety and security as well as their fellow students and co-workers. To this end, please observe the following guidelines:

- Report all crimes immediately. Prompt reporting may assist in apprehension and prevention of future crimes. Call **911**.
- Report all suspicious persons and circumstances. This may prevent a crime from occurring. Call **911**.
- Lock your doors and windows, even if you'll only be gone, "a little while." It doesn't take long for a thief to walk in, remove your personal property and walk out unnoticed.
- Don't prop open or try to compromise the security features of residence hall doors. If you find a door propped open, please close it. If it won't lock, notify an RA, the Housing and Residential Life office or the Department of Public Safety immediately.
- Adequately secure any property left outside, such as bicycles.
- If you walk across campus late at night, consider going with a friend. We enjoy a very safe campus; however, crime can occur anywhere.

Littering and Vandalism

Please help keep your campus clean! Students who are found to be responsible for littering or vandalism in or around the campus will be charged for the cost of clean-up and/or repair. Flagrant incidents may also result in disciplinary action and/or arrest/citation.

Lost and Found

To check on lost items of personal property, or to turn in found items, please call the Department of Public Safety business line at (864) 503-7777.

Emergency Response and Evacuation Procedures Statement

The University's Incident Management Plan includes information about the Incident Management Team, University operating status parameters; incident priorities and performance expectations; shelter-in-place and evacuation guidelines; and local contingency and continuity planning requirements. University Departments are responsible for developing contingency plan and continuity of operations plans for their staff and areas of responsibility.

The University conducts numerous emergency response exercises each year, such as table top exercises, field exercises, and tests of the emergency notification systems on campus. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution.

USC Upstate Police officers and supervisors have received training in Incident Command and responding to critical incidents on campus. When a serious incident occurs that represents an immediate threat to the campus, the first responders to the scene are usually the USC Upstate Police, North Spartanburg Fire Department and Spartanburg County EMS. These agencies typically respond and work together to manage the incident. Depending on the nature of the incident, the Spartanburg County Sheriff's Office, USC Upstate departments and other local or federal agencies could also be involved in responding to the incident.

General information about the emergency response and evacuation procedures for USC Upstate are publicized each year as part of the institution's Clery Act compliance efforts and that information is available on the USC Upstate Police Department web site. Detailed information about and updates to the USC Upstate Incident Management Plan, are available on the University web site at <https://uscupstate.edu/campus-services/campus-police-and-parking/emergency-information/incident-management-plan/>

All members of the USC Upstate community are notified on an annual basis that they are required to notify the USC Upstate Police Department of any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of students and/or employees on campus. USCUPD has the responsibility of responding to, and summoning the necessary resources, to mitigate, investigate, and document any situation that may cause a significant emergency or dangerous situation. In addition, the USC Upstate Police Department has a responsibility to respond to such incidents to determine if the situation does in fact, pose a threat to the community. If that is the case, Federal Law requires that the institution immediately notify the campus community or the appropriate segments of the community that may be affected by the situation.

In the event of an emergency, members of the campus community may be advised to Shelter-In-Place, relocate to a Severe Weather Shelter Area (partial evacuation) evacuate open spaces, parking lots and athletic fields, evacuate a building or evacuate the campus entirely. Evacuations will be facilitated by members of the University Police Department, Building and Floor Coordinators and Faculty members.

Emergency Notifications

Recognizing the institution’s fiduciary responsibility to keep students, employees and guests from harm’s way, the University of South Carolina Upstate provides immediate notifications to the campus community when a significant emergency or other dangerous situation posing an imminent threat to the health and safety of our community has been confirmed by a University official. Such notifications may include general safety information or specific instructions to lock down a building, evacuate, shelter-in-place or move to a severe weather shelter area. Emergency responses are provided by University Public Safety, Spartanburg EMS, and North Spartanburg Fire Department.

To ensure the integrity of this process, emergency notification systems are tested once each semester. Additionally, the University will work to provide safe, timely and effective building evacuations. To this end, one (1) evacuation drill is held each year in all academic and support services buildings while two (2) building evacuation drills are held each academic term in residence halls.

An emergency notification to our campus community is triggered by any event that is currently occurring and represents an emergency or dangerous situation posing an immediate threat to campus. After confirmation of a significant emergency or dangerous situation representing an immediate threat to the health or safety of students or employees occurring on campus or affecting campus, emergency notification procedures will be initiated immediately. To report an incident requiring an emergency notification, contact University Police immediately at either (864) 503-7777 or, **911**. Depending on the type of emergency, the following departments/agencies will respond and oversee the emergency:

- | | |
|--------------------------------|--|
| • Criminal Incidents | University Police (may be assisted by Spartanburg County Sheriff’s Department) |
| • Building or Open Space Fires | North Spartanburg Fire Department |
| • Medical Emergencies | Spartanburg County Emergency Medical Services (EMS) |
| • Pandemics/Health Issues | South Carolina Department of Health and Environmental Control |
| • Building Facility Issues | USC Upstate Facilities Management Department |
| • Gas Leaks | Piedmont Gas |
| • Hazardous Weather Incidents | Spartanburg County Office of Emergency Management |

Some examples of an immediate threat may include:

- A building fire
- Active shooter
- Terrorist incident
- Bomb threat
- Explosion
- Gas leak
- Civil unrest or rioting
- Approaching tornado or other severe weather condition
- Hazardous material spill

Notifications will be made via the SpartAlert Emergency Notification System. These notifications will be made by text messages and email. Students and employees should take responsibility for regularly checking their text messages and email. Limited mass notifications via public address speakers connected to the fire alarm systems in the HPAC, Smith and Media buildings may also be activated from the Department of Public Safety on an as needed basis. The University’s emergency notification system may also include the utilization of outdoor emergency notification loudspeakers, electronic message boards, flyers at building entrances and bulletin boards, and/or person to person notification of students, faculty and staff by Building and Floor Coordinators, University Police or other University personnel.

Moreover, USC Upstate will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

The entire campus community will be notified when there is at least the potential that a very large segment of the community will be affected by a situation, or when a situation threatens the operation of the campus as a whole. Limited notifications may be made when only a small area or building is affected. These decisions are made by the Chief of Police or his/her designee and when needed with input from the Incident Management Team. In either regard, there will be a continuing assessment of the situation and additional segments of the campus community may be notified if a situation warrants such action.

Emergency notifications will be issued by either the Chief of Police, Assistant Chief of Police or Associate Vice-Chancellor for Strategic Marketing and Communications. The contents of the notification will be determined by an assessment of the threat by University Police including the nature and location of the threat, specific precautions to be taken and whether any weapons are involved in the dangerous situation. Intelligence information for the alerts may be obtained from patrol officers, parking officers, safety officers, faculty, staff, students or visitors of the University. Risk assessment will be assessed by the Incident Management Team and subject matter experts such as the Chief of Police, Assistant Chief of Police, Investigator, Resident State Fire Marshal, Director of Risk Management, or external public safety partners including law enforcement, fire and EMS.

Notifications to the external community may be made to local media outlets (television, radio, newspaper) through University Communications. Reverse 911 notifications may be made to the adjacent community from the Spartanburg County 911 Center. Parents or relatives of current students may also be notified via the SpartAlert Emergency Notification System if students choose to register their phone numbers with the SpartAlert system.

Messages may include directions to the campus community to:

- Lock down a building
- Shelter in place (remain in the location in which you are presently located)
- Relocate to a designated Severe Weather Shelter Area
- Evacuate a building
- Avoid coming to campus or a particular area on campus
- Clear athletic and recreational fields and seek shelter indoors
- Evacuate the entire campus

Emergency Notification Protocol

In the event a situation arises, either on or off campus, that in the judgment of the Chief of University Police constitutes an ongoing or continuing threat, a campus-wide “timely warning” will be issued. The warning will be issued through the University’s SpartAlert Emergency notification system to faculty, staff and students through email and text messaging and on occasion through the campus’ student newspaper, the Carolinian.

In the event of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees on campus a campus-wide Emergency Notification will immediately be issued upon confirmation of a significant emergency or dangerous situation.

Depending on the particular circumstance of the crime or other dangerous situation, especially in all situations that could pose an immediate threat to the community or individuals, the Department of Public Safety may also post a message on the University’s network of electronic message boards and/or outdoor emergency notification speakers, flyers or posters posted in campus buildings, and a posting of information on the University web site at www.uscupstate.edu. Anyone with information warranting a timely warning or emergency notification should report the circumstances to University Police either by phone (864) 503-7777, or in person at the Department of Public Safety located at 219 North Campus Blvd. Spartanburg, SC 29303.

1. Confirm that there is a significant emergency or dangerous situation on campus requiring activation of the “*SpartAlert*” emergency notification system. This confirmation is determined by the Chief of Police or his/her designee from verified information received from multiple layers of information gathering including but not limited to Police Officers, University department and administrators, students, faculty, media and external public safety partners.
2. Determine the appropriate segment(s) of the campus community to receive notification. If a significant emergency or dangerous situation is such that it could impact the entire campus community, all segments of the community will be notified. However, if the threat is limited to a building or area, such as flooding in a single structure, only persons in the affected area may be notified. On-going assessments of the event will be made and additional segments of the community will be notified if the situation warrants such action.
3. Determine the content of the notification. The Chief of Police or his/her designee will confer with the Director of University Communications or her/his designee to determine what information will be included in the notification. Consideration will be given by the Chief of Police as to how much information is appropriate to disseminate at different points in time.
4. Initiate the “*SpartAlert*” emergency notification system without delay, and taking into account the safety of the community, unless, in the professional judgment of the responsible authorities, such activation could compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. In most cases, first responders will be alerted of the significant emergency or dangerous situation prior to the community as a whole.
5. Methods of communicating a significant emergency or dangerous situation to our external stakeholders or larger community will be made by the Director of Communications and may include all or a part of the following:
 - Radio and/or Television Alerts
 - Reverse 911 Notification through Spartanburg 911 Center
6. Methods of communicating a significant emergency or dangerous situation to our internal stakeholders may include all or a part of the following:
 - Text message notification
 - Email notification
 - Public address notifications from fire alarm hallway speakers in HPAC, Smith and Media buildings only
 - Electronic message boards
 - Notification on University web page at www.uscupstate.edu
 - Person to person
 - Flyers and/or posters

Emergency Response and Evacuation

The University’s Incident Management Plan includes information about Incident Response Teams, University operating status parameters, incident priorities and performance expectations, shelter-in-place and evacuation guidelines, and local contingency and continuity planning requirements. Depending on the extent and/or severity of the emergency, members of the campus community may be advised to Shelter-in-Place, relocate to a designated Severe Weather Shelter Area, evacuate a building, evacuate open spaces/athletic fields/parking lots or evacuate campus entirely.

University departments are responsible for developing contingency plans and continuity of operations plans for their staff and areas of responsibility (Individual Building Action Plans). The University conducts a number of emergency response exercises each year such as table top exercises, field exercises, and tests of the emergency notification systems on campus. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution.

USC Upstate police officers and supervisors have received training in Incident Command and responding to critical incidents on campus. When a serious incident occurs that causes an immediate threat to campus, the first responders to the scene are usually USC Upstate police officers, Spartanburg EMS and North Spartanburg Fire Department. Typically these agencies respond and work together to manage the incident. Depending on the nature of the incident, other USC Upstate departments and other local or federal agencies could also be involved in responding to the incident.

Emergency Evacuation Glossary of Terms

- **Shelter-In Place Procedures-What it Means to “Shelter-in-Place”** - If an incident occurs and the buildings or areas around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors as leaving the area may expose you to that danger. Thus, to, “shelter-in-place” means to make a shelter of the building you are in, and with a few adjustments this location can be made even safer and more comfortable until it is safe to go outside.
- **Basic “Shelter-In-Place” Guidelines** - If an incident occurs and the building you are in is not damaged, stay inside until you are told it is safe to come out. If your building is damaged, take your personal belongings and follow the evacuation procedures for our building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, seek shelter quickly at the nearest University building. If police or fire department personnel are on the scene, follow their directions.
- **How You Will Know to “Shelter-In-Place”**- A shelter-in-place notification may come from several sources, including the SpartAlert notification system, Upstate Police, Housing Staff members, or other University employees.
- **How to “Shelter-in-Place”**- No matter where you are, the basic steps of sheltering-in-place will generally remain the same. Should the need ever arise, follow these steps unless otherwise instructed by on scene emergency responders:
 1. If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of an emergency. If you are outdoors, proceed quickly into the nearest building or follow instructions from on scene first responders.
 2. Locate a room to shelter inside. The room should be an interior room at ground level either without windows or a minimal number of windows.
 3. Shut and lock all windows and close exterior doors.
 4. Turn off air conditioners, heaters and fans.
 5. Close vents to ventilation systems if possible (University staff will turn off ventilation systems as quickly as possible).
 6. Make a list of people with you and ask someone to call in to USC Upstate Department of Public Safety so they know where you are sheltering.
 7. Turn on a radio or TV and listen for further instructions.
 8. Make yourself comfortable.
- **Partial Evacuation Procedures-What “Partial Evacuation” Means** - In case of severe weather such as a tornado or severe lightning storm, it is usually safer to stay indoors and partially evacuate to a “Severe Weather Shelter Area” located within the building you are in. These areas are readily identifiable by a green and white sign affixed to the wall reading, “Severe Weather Shelter Area.” It is usually safer to stay in these areas as remaining in a classroom adjacent to an outer wall and/or glass windows may expose you to danger, especially if a tornado touches down.
- **Basic “Partial Evacuation” Guidelines** - If an incident occurs and the building you are in is not damaged, remain in the Severe Weather Shelter Area until you are told it is safe to come out.
- **How You Will Know to “Partially Evacuate”**- A “Partial Evacuation” notification may come from several sources, including the SpartAlert notification system, Upstate Police, Housing Staff members, or other University employees.
- **How to “Partially Evacuate”**- No matter where you are, the basic steps of partially evacuating will generally remain the same. Should the need ever arise, follow these steps unless otherwise instructed by on scene emergency responders:
 1. If you are inside, collect any personal belongings, emergency supplies and a telephone to be used in case of an emergency. Quickly and orderly move to the nearest “Severe Weather Shelter” area.
 2. If you are outdoors, proceed quickly and orderly into the nearest building and locate a “Severe Weather Shelter Area,” or follow instructions from on scene first responders.
 3. Remain in the “Severe Weather Shelter” until it is safe to leave.

How Do I Sign-Up for Emergency Notifications and Timely Warnings?

SpartAlert is a free “opt out” notification program, however, standard text messaging charges apply for emergency notifications and semi-annual tests. As such, faculty, staff and students must register their phone numbers with the University to enable cell phone notifications of an emergency situation or timely warning. Students or employees may also elect to include parents or other close relatives’ phone numbers as well. To sign up for SpartAlert,

Employee procedures for registering for SpartAlert notifications:

- Log into the VIP website at: <https://myaccount.sc.edu>
- Click on “Show Me Emergency Notification”
- Click on “Go to Update Form”
- Fill in the boxes for phone number and email notifications
- When completed click “Update.”

Student procedures for registering for SpartAlert notifications:

- Log on to: <https://myaccount.sc.edu>
- Click on “Manage Emergency Notification Information”
- Enter your VIP number and Password and Click Login
- Click on “Update Form”
- Fill in boxes for phone numbers and email notifications
- When completed click “Update”

In responding to an emergency situation, the University may take all or part of the following actions to mitigate a dangerous situation. Activation of these resources will be the responsibility of the Department of Public Safety and Incident Management Team:

- Dispatch police officers and/or other emergency response personnel to the location of the emergency
- Contact Building and Floor Coordinators in each building to assist with notifications to evacuate a building, shelter-in-place or relocate to a designated Severe Weather Shelter Area. In on-campus housing units, Resident Assistants and HRL professional staff will manage students with building evacuations, sheltering in place or relocation to severe weather shelter areas.
- Lock down residence halls
- Lock down campus buildings
- Direct students and employees to a safe location on or off campus
- Activate the Incident Management Team
- Call in off-duty Upstate Police Officers to respond to campus
- Divert traffic or close a street(s)
- Evacuate campus
- Request additional resource or assistance from the North Spartanburg Fire Department, Spartanburg County EMS or Spartanburg County Sheriff’s Department.
- Activate NIMS/ICS
- Establish a Mobile Command Center
- Activate the Emergency Operations Center

Testing Emergency Response and Evacuation Procedures

At least annually, the USC Upstate Department of Public Safety conducts a test(s) of the University's emergency response and evacuation procedures. These exercises are scheduled drills and may include contain drills, contain exercises, and follow-through activities. These exercises are designed to assess and evaluate emergency plans and capabilities. Emergency and response evacuation procedures are publicized in conjunction with at least one test per calendar year. Testing includes but is not limited to:

- Building evacuations of residence halls and academic buildings
- Shelter-in-Place procedures
- Building lock downs
- Testing of the SpartAlert Emergency notification system
- Fire alarm tests
- Table Top exercises
- Contain exercises (An exercise involving coordination of efforts of first responders; i.e., police, fire, EMS)
- Contain follow-through activities (An activity designed to review the test)

Timely Warning Notices and Emergency Notifications

Timely warning notices are triggered by Clery Act reportable crimes that have already occurred on University property, or public property contiguous to the University but represent an ongoing threat to the campus community. Other non-Clery Act crimes that may also represent an on-going threat to the campus community will trigger a Timely Warning Notice as well. A warning will be issued by either the Department of Public Safety or University Communications as soon as pertinent information is available and confirmed. Timely warnings are sent by text messaging and email.

The purpose of a Timely Warning is to alert the campus community to certain crimes in a manner that is timely, aid in the prevention of similar crimes, and enable people to protect themselves. Whether a Timely Warning is issued is decided on a case by case basis in light of all the facts surrounding the incident such as the nature of the crime and whether or not students and employees are at risk for becoming victim of similar crimes.

Anyone with information warranting an emergency notification or a timely warning notice should report the circumstances to the Department of Public Safety by phone at (864) 503-7777 or in person at 219 North Campus Blvd. Spartanburg, SC 29303. Timely Warnings will be issued through the SpartAlert Emergency Notification System. Depending on the circumstances of the incident, notifications may also be placed at entrances to buildings, bulletin boards, electronic message boards and the campus newspaper.

Emergency Notifications under the Clery Act, an Emergency Notification (Alert) will be sent to the campus community via the SpartAlert Emergency Notification System through text messaging and email when any significant emergency or dangerous situation occurs on campus or public property contiguous to campus involving an immediate threat to the health or safety of student or employees. The Emergency Notification will be sent immediately by either by University Police or University Marketing and Communications as soon as pertinent information is received and confirmed.

Whether an Emergency Notification is issued is decided on a case by case basis in light of all the facts surrounding the incident such as the nature of the crime and whether or not students and employees are immediately at risk. Anyone with information warranting an Emergency Notification should be reported to the USC Upstate Police Department by calling **911**.

Some examples of Emergency Notifications (Alerts) are:

- Approaching extreme weather
- Armed intruder
- Bomb threat
- Explosion, fire, or gas leak
- Serious health-related outbreak
- Riot
- Terrorist incident

Security and Access Policy

Upstate Spartanburg Campus - During normal business hours, the University (excluding residence halls) is open to students, parents, employees, contractors and guests. During non-business hours, access to University facilities is by key or access card if previously authorized by policy or issued by a representative of the Department of Public Safety, Facilities, or Housing and Residential Life. During periods of extended closure, the University will admit only those persons with prior approval to all University-owned facilities accompanied by a member of University Police or Housing and Residential Life.

Residence Halls are locked 24 hours a day and require the use of card access during the academic school year and as determined by the Housing Office during the summer and other extended breaks. The front lobbies of the Magnolia House and Palmetto House are staffed by student employees during the day and Housing Safety Officers from the Police Department from 10:00 PM – 6:00 AM. Some facilities have individual operating hours which may vary at different times of the year. Examples of these are the Library, CLC, Hodge Center and Fitness Center. In these cases, the facilities will be secured according to a schedule provided by the department(s) responsible for the building and posted by the Special Events Office.

Emergencies may necessitate changes or alterations to any posted schedules. Areas that are revealed to be problematic have security surveys conducted of them. Facilities Management and Housing and Residential Life review these results. These surveys examine security issues such as CCTV, locks, card access, lighting, communications, emergency lights, fire life safety systems, and landscaping.

George Dean Johnson Jr. College of Business and Economics - During normal business hours, (7:30 AM – 6:30 PM Monday-Friday) the Johnson School of Business is open to students, parents, employees, contractors and guests. During non-business hours, access to the building is by card access and alarm access code if previously authorized by policy or issued by an authorized representative of the Department of Public Safety and/or Facilities Management. During periods of extended closure, the University will admit only those persons with prior approval. Emergencies may necessitate changes or alterations to any posted schedules. Areas that are revealed to be problematic have security surveys conducted of them to enhance security. University Police, Facilities Management and the Dean of the Business School review these results. These surveys examine security issues such as landscaping, locks, card access, CCTV, communications, lighting, emergency lights, fire life safety systems, and landscaping.

University Center Greenville Campus (UCG) - During normal business hours, the University Center Greenville Campus is open to students, parents, employees, contractors and guests. During non-business hours, access to buildings is by key and alarm access code if previously authorized by policy or issued by a representative of Greenville Tech Police or University Center Management. During periods of extended closure, the University Center staff will admit only those persons with prior approval to all University Center facilities.

Areas that are revealed to be problematic have security surveys conducted of them to enhance security. Greenville Tech Police, University Public Safety, UCG Facilities Management and the Executive Director of the Greenville Campus review these results. These surveys examine security issues such as landscaping, locks, card access, CCTV, communications, lighting, emergency lights, fire life safety systems, and landscaping.

Policy Statement on Tobacco

USC Upstate is a smoke-free campus. As such, smoking is not permitted anywhere on campus. This includes electronic or “E” cigarettes, electronic nicotine delivery systems (ENDS), and personal vaporizers (PV).

Policy Statement on Alcoholic Beverages

The possession, consumption, manufacture, sale or furnishing of alcoholic beverages on University grounds is governed by University policy and South Carolina state statutes. Laws regarding the possession, sale, consumption or furnishing of alcoholic beverages are controlled by the Alcoholic Beverage Commission. However, the criminal enforcement of alcoholic beverage laws on campus is the primary responsibility of the USC Upstate Department of Public Safety.

Campus policies which are primarily enforced by University Public Safety and Housing and Residential Life prohibit the consumption, possession, sale, distribution or furnishing of alcoholic beverage on campus (including empty alcoholic beverage containers), except at special events designated by the Chancellor and approved by the Chief of Police, Risk Manager or Vice-Chancellor for Student Affairs. Students 21 or over living in the Villas may possess one six pack of beer or one bottle of wine not to exceed 750ml in their apartment. Consumption is limited to inside of the apartment.

Violations of University policy and state alcoholic beverage laws are subject to University disciplinary action, criminal prosecution, fine and/or imprisonment. It is unlawful to sell, furnish, or provide alcoholic beverages to a person under the age of 21. Further, the possession of an alcoholic beverage by anyone under 21 years of age in a public place or place open to the public is illegal. Organizations or groups violating the University alcoholic beverage policy or state law may be subject to University sanctions. Driving a vehicle under the influence of alcohol or drugs (DUI) is a significant risk to the campus community. Persons driving under the influence are subject to arrest and/or University sanctions.

Policy Statement on Illegal Drugs

The University of South Carolina Upstate has been designated "drug free." The possession, sale, manufacture or distribution of any controlled substance is illegal under state and federal laws. Such laws are strictly enforced by University Police, Dean of Students and Housing and Residential Life. Violators are subject to University disciplinary action, criminal prosecution, fine and imprisonment. Possession of paraphernalia is also a violation of the University drug policy and includes any object that contains the residue of an illegal drug or narcotic, and/or any object that is used in the consumption or distribution of an illegal drug. All drugs and/or paraphernalia will be confiscated and/or destroyed. Being under the influence of illicit drugs is also a violation of University policy. Violators are subject to University disciplinary action, criminal prosecution, fine and/or imprisonment.

Alcohol and Substance Abuse Information and Education

Prevention Programs

The University of South Carolina Upstate has developed a program to prevent the illicit use of drugs and the abuse of alcohol by students and employees. The program provides services related to drug use and abuse including dissemination of informational materials, educational programs, counseling services, referrals and University disciplinary actions.

The Title IX Coordinator provides overall coordination of Alcohol and Drug Education Programs of these for students. The Director of Employee Relations and Equal Opportunity provides overall coordination for employee services and referrals. However, many services are either independently or collaboratively the responsibility of other areas of the institution. These include:

Alcohol and Drug Education: Students

- “Safe Campus” is an on-line educational program required for all incoming freshmen and transfer students.
- University 101 classes address this topic to reach all incoming freshman as well.
- Workshops are conducted for students violating campus alcohol and drug policies
- Pamphlets on drug and alcohol education are also available at the Department of Public Safety
- Housing and Residential Life provides a variety of programming to residential students regarding drug and alcohol abuse including the following:
 - **Safety Week** (first week in September) - A week focused on safety, including alcohol and drug related education
 - **Alcohol Educational Email** -Sent out to all residents in January or February of each year just before Homecoming regarding alcohol and drug policies and abuse.
 - **Mocktails** - A yearly educational event held in January where Resident Assistants discuss alcohol education with hall residents.

Alcohol and Drug Education: Employees

- Deer Oaks is an Employee Assistance Program available to all employees offering support, counseling and treatment for alcohol and drug abuse (see chart of services page 37 and 38).

Counseling Support: Counseling Services, Director of Health Services, Center for Student Success, Career Center, the Opportunity Network and Center for International Studies.

Referral Services: Human Resources, Employee Assistance Program, Spartanburg Alcohol and Drug Abuse Commission, Cherokee County Drug and Alcohol Abuse Commission, The Phoenix Center, Private Practice Therapists, Spartanburg Regional Behavioral Health, Carolina Center for Behavioral Health, Marshall I. Pickens Hospital, AnMed-Wellspring, Keystone, McLeod Addictive Disease Center and Pavilion (see chart of services pages 37 and 38).

University Disciplinary Actions: Dean of Students, Director of Housing and Residential Life, Honor Council, Judicial Appeals Committee and the Student Honor Council.

USC Upstate Sexual Misconduct & Sexual Harassment Resolution Procedures

Purpose

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

Definitions

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

Coercion: A tactic used by a respondent to intimidate, trick or force someone to have sex with him or her without physical force. Examples of coercion: 1. Verbal-Making statements that unduly pressure someone into having sex. 2. Authoritative/ Power- Using one’s position over another person (faculty/student, supervisor/employee).

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3. Plying someone with alcohol or drugs so that he/she cannot resist. 4. Use of threats and/or intimidation which can cause one to believe that death or injury would occur if they resisted.

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

Complainant: A person who files a written complaint with the Office of Institutional Equity, Inclusion, and Engagement or other responsible employee or confidential resource alleging he or she has been subjected to sexual misconduct as defined in this policy.

Consent: Clear, conscious, willing and affirmative agreement to engage in sexual activity. Consent must have the following elements: 1. Both parties are clear about their intent to engage in sexual activities and their desire to do so is willing. 2. Both individuals are fully conscious. 3. Consent can be withdrawn at any time. 4. Someone who is incapacitated cannot consent. 5. Neither individual is impaired by drugs and/or alcohol to the extent they do not know the who, what, when, where, why, or how of the situation. 6. Silence or an absence of resistance does not in and of itself constitute consent. 7. Coercion, force, or threat of either cancels consent. 8. Past consent of sexual activities does not imply future consent. 9. Consent to engage in sexual activity with one person does not give consent to engage in sexual activity with someone else.

(Sexual) Harassment: forms of sex or gender discrimination, which is a violation of federal and state law and University of South Carolina-Upstate policy. Sexual harassment is unwelcome conduct of a sexual nature, so sufficiently severe, pervasive and objectively offensive that it adversely affects a person's or group's ability to participate in or benefit from academic or employment, programs, services or activities of the university. Sexual harassment may arise between employment supervisors and subordinates, between instructors and students, between peers, or between any of the foregoing persons and individuals conducting business with the university.

1. For sexual harassment to occur, it must be reported to the Title IX Coordinator or reported to any university official with authority to institute corrective measures.
2. USC-Upstate is not obligated to resolve sexual harassment complaints that occur outside the United States (ex: study abroad).
3. Informal, even multiple, complaints registered against the behaviors of an individual do not require a formal complaint process.
4. Examples of conduct that may constitute sexual harassment include, but are not limited to, the following types of unwelcome behavior:

Physical Conduct

1. Offensive Touching:

Touching an unwilling or non-consensual person's intimate parts (such as genitalia, groin, breast, buttocks, mouth, and/or clothing covering them);

b. Touching an unwilling or non-consensual person with one's own intimate parts; or forcing an unwilling or non-consensual person to touch another's intimate parts.

2. Sexual Assault: Any form of sexual contact that occurs without consent and/or through the use of force, threat of force, intimidation, incapacitation or coercion.

Non-Verbal Conduct

1. Suggestive or insulting gestures or sounds;
2. Displaying or presenting images of a sexual nature.

Verbal Conduct

1. Explicit or implicit propositions of a sexual nature;

Off Campus

1. The University must respond to reports of off-campus sexual harassment if the location is used by an officially recognized student organization or institutional organization (ex: fraternity, sorority, or athletic housing).

Incapacitation: 1. Mentally incapacitated – being incapable of appraising, understanding or controlling one’s conduct, whether this condition is produced by illness, defect, influence of a substance or from some other cause; or 2.

Physically helpless – being unconscious, asleep, or for any other reason physically unable to communicate unwillingness or lack of consent to an act.

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

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

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

Retaliation: Any act or attempt to retaliate against or seek retribution from any individual or group of individuals involved in the investigation and/or resolution of sexual misconduct, intimate partner violence or stalking allegation.

Retaliation can take many forms, including continued abuse or violence, threats, and intimidation. Intimidation includes any verbal, written, or electronic threats of violence or other threatening behavior directed toward another person or group that reasonably leads the person(s) in the group to fear for the complainant’s physical well-being. Any individual or group of individuals, not just a complainant or respondent, can engage in retaliation or be the victim of retaliation.

Sexual Misconduct includes any of the following behaviors:

1. Offensive Touching: The touching of an unwilling or non-consensual person's intimate parts (such as genitalia, groin, breast, buttocks, mouth, and/or clothing covering them); touching an unwilling person with one's own intimate parts; or forcing an unwilling person to touch another's intimate parts.
2. Sexual Assault: Any form of sexual contact that occurs without consent and/or through the use of force, threat of force, intimidation, incapacitation or coercion.
3. Sexual Exploitation: An act or acts committed through non-consensual abuse or exploitation of another person’s sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose. The act or acts of sexual exploitation are prohibited even though the behavior does not constitute one of the other sexual misconduct offenses.

Examples of sexual exploitation include: a. observing another individual’s nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved; b. non-consensual streaming of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved; c. prostituting another individual; d. exposing one’s genitals in non-consensual circumstances; e. knowingly exposing another individual to a sexually transmitted disease or virus without

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that individual's knowledge; and f. inducing incapacitation for the purpose of making another person vulnerable to nonconsensual sexual activity. Please note that statutory definitions of the above-described behaviors may differ from the definitions set forth herein.

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

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

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

Policy Statement

The University of South Carolina-Upstate strictly prohibits stalking, intimate partner violence or any other kind of sexual misconduct. Acts of sexual misconduct and interpersonal violence interfere with the educational mission by endangering the physical and emotional safety of community members, damaging trust in the community, offending the dignity and violating the autonomy of community members, disrupting the academic progress of complainants and those supporting complainants. This policy applies to all members of the university community, including students, employees, volunteers, independent contractors, visitors, and any individuals regularly or temporarily employed, studying, living, visiting, conducting business, or having any official capacity at the university, regardless of gender, gender identity, gender expression or sexual orientation.

A. Application of Policy

1. The University of South Carolina-Upstate as an institution recognizes that sexual misconduct, intimate partner and other interpersonal violence and stalking are serious issues and as an institution we are committed to providing advocacy, intervention, and prevention education to the campus community. All reported instances will be investigated and appropriate disciplinary, criminal, and/or other action will be taken. Appropriate support services will be made available to students, faculty, and staff. The university will also provide outreach in the form of prevention programming, bystander accountability training, and awareness activities for the university community. For additional information on services for complainants of interpersonal violence at USC-Upstate and on this policy, visit www.sc.edu/stopsexualassault or

<https://www.uscupstate.edu/campus-life/health-and-safety/counseling-services/crisis-services/>.

2. This policy applies to all forms of prohibited conduct, as defined herein, and provides the following information:

- a. Resources both on and off-campus to assist complainants, whether they choose to report the incident to university officials;

- b. Reporting options for complainants that include reporting the incident to law enforcement and/or university officials or reporting to sources on campus that are able to protect the complainant's identity;
 - c. Information on reporting categories for incidents of prohibited conduct, and what may happen when those reports occur; and
 - d. Information on awareness events and prevention education, including USC-Upstate's bystander accountability program.
3. Prohibited conduct as defined in this policy for which the alleged offender is a student is a violation of the university's Code of Student Conduct and may result in sanctions ranging from probation to expulsion. Disciplinary action on the part of the university does not preclude the possibility of criminal charges against the individual. For additional information refer to USC STAF 6.24 Student Non-Discrimination and Non-Harassment Policy, and EOP 1.02 Sexual Harassment Policy.

B. Scope of Policy

1. All members of the university community are expected to comply with and abide by university's policies and guidelines and Title IX, in addition to other federal, state, and local laws, whether engaged in activity off campus or on-campus. Note that USC-Upstate is not obligated to address complaints of sexual harassment that occur outside the United States. The Student Right-to-Know and Campus Security Act (the Clery Act) of 1990 mandates the annual disclosure of statistics of sexual assaults and violent acts, to include dating violence, known to have occurred within the university's jurisdiction. A complainant's identity is not disclosed in any such statistical reporting.
2. The university strongly encourages all members of the campus community to provide a written or verbal report to the university police regarding any incident of sexual assault or interpersonal violence. There are different levels for reporting, which will be covered in more detail in section V. In brief, confidential resources are not required to report the complainant's identity when reporting the incident to campus and/or local authorities. Responsible employees are mandated to report to the Title IX Coordinator any incidents of sexual misconduct, intimate partner violence, or stalking reported to them by a student. Reporting sexual misconduct is necessary to ensure that the complainant gets the help they need, the alleged offender is held accountable and the community is made safer. Whether criminal or disciplinary action is desired, a report may be filed via a reporting form on USC-Upstate's Title IX/Sexual Assault website, <https://www.uscupstate.edu/diversity/office-of-institutional-equity-inclusion-and-engagement/>. If the complainant wishes his or her name to not be disclosed, the Office of Equity, Inclusion, and Engagement (EIE) will explain that such a confidentiality request may limit the ability of the university to respond, but that the E.I.E. Office will take all reasonable steps to investigate consistent with the complainant's request, as long as doing so does not prevent the EIE Office from responding effectively to the complaint and does not prevent the EIE Office from stopping potential discrimination or harassment of others. In all situations, the EIE Office will make every effort, to the extent allowed by law, to protect the privacy of the persons involved. The number of persons with knowledge of the complaint shall be kept to a minimum and only those persons with a need to know will be notified of the complaint.
3. Any responsible employee who fails to report a Title IX incident, as required by university policy, is subject to appropriate disciplinary action pursuant to policy HR 1.39 Disciplinary Action and Termination for Cause and the Faculty Manual.

C. Reporting Categories for Employees:

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

1. Privileged employee:

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

Student Health Services- University Health Services Building

Student Health Services Satellite Office – Rampey Center

<https://www.uscupstate.edu/campus-life/health-and-safety/health-services/>

Phone: 864-503-5191

Counseling Services – Rampey Center

<https://www.uscupstate.edu/campus-life/health-and-safety/counseling-services/>

Phone: 864-503-5195

After-hours crisis line: 864-503-5195

2. Confidential Resources:

a. Services, including the on-campus Counseling Services crisis line,

<https://www.uscupstate.edu/campus-life/health-and-safety/counseling-services/crisis-services/>, University Health Services, <https://www.uscupstate.edu/campus-life/health-and-safety/health-services/>,

Anonymous Reporting Form, <https://cm.maxient.com/reportingform.php?UnivofSCUpstate>,

and/or Office of Institutional Equity, Inclusion and Engagement, phone: 864-503-5959,

<https://www.uscupstate.edu/diversity/office-of-institutional-equity-inclusion-and-engagement>

The personnel in these offices, including staff and student workers, can talk to a complainant without revealing any personally identifying information about an incident to the university. A complainant can seek assistance and support from these individuals without triggering a university investigation that could reveal the complainant's identity or that the complainant has disclosed the incident. These services report the nature, date, time, and general location of an incident to the Title IX Coordinator. These limited reports – which include no information that would directly or indirectly identify the complainant – help keep the Title IX Coordinator informed of the general extent and nature of sexual and interpersonal violence on and off campus so the coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. Before reporting any information to the Title IX Coordinator, the aforementioned resources will consult with the complainant to ensure that no personally identifying details are shared.

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

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

a. The university designates two categories of responsible employees:

1. Those who have the authority to address the alleged incident.

The following employees fall into this category:

President

Senior Vice President for Academic Affairs and Provost

Associate/Vice Provosts

Athletics Director

Deans

Associate/Assistant Deans

Department Chairs/School Directors

Director of Equal Opportunity Programs

Deputy Title IX Coordinators

Director of Public Safety and Chief of Police

2. Those who have a duty to report incidents of prohibited conduct reported by students to those who can address these incidents. The following groups of university employees are included in this category:

Peer Leaders

Athletic coaches and directors

Student organization advisors

Greek Life officials

Instructional faculty

b. If a complainant requests confidentiality:

Before a complainant reveals any information to a responsible employee, the employee should ensure that the complainant understands the employee's reporting obligations – and, if the complainant wants to maintain confidentiality, direct the complainant to confidential resources.

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

D. Non-University Resources:

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

- Safe Homes/Rape Crisis Center (800-273-5066)

The center, located at 235 Union St., is the local rape crisis and domestic violence center. Trained volunteers provide crisis intervention for victims of rape and relationship violence on their 24-hour hotline. They operate a shelter for women who are currently in abusive relationships and need safe housing temporarily.

- Safe Harbor (800-291-2139)

The center provides safe shelter, counseling, advocacy, and other services for victims of domestic violence and their children, and domestic violence prevention and education for the entire Upstate community. They operate a domestic violence crisis line and two secure safe homes, serving Greenville, Pickens, Oconee and Anderson counties.

- Spartanburg Regional Hospital Emergency Department (864-560-6000 or 911)

Located on 101 E. Wood St., the Emergency Department can provide immediate care for severe crises such as drug or alcohol overdoses or serious suicidal thoughts. Students may call 864-503-7777 for ambulance service to the hospital. (There is a fee.)

E. Anonymous Reporting:

Although the university encourages complainants to talk to someone, the university also provides a universal reporting form which can be found at <https://www.uscupstate.edu/diversity/office-of-institutional-equity-inclusion-and-engagement/>. The person completing the form can choose for it to be routed to a confidential reporting source (e.g., Title IX Coordinator) or to an investigative resource (e.g., USC-Upstate Police Department, Dean of Students Office)

H. Help for Complainants Following an Incident of Prohibited Conduct:

The university provided two broad areas of support for complainants of prohibited conduct. Emergency support services are accessible immediately after an incident, while ongoing assistance is available to address longer-term impacts of the incident. Some campus units provide both types of support and are therefore listed for both areas.

1. Emergency Support Services:

USC-Upstate Counseling Services Crisis Line – 24-hour phone line: (864)-503-5195

The crisis line provides support, crisis intervention, accompaniment referral for medical procedures and student conduct processes, identifying additional resources for complainants, help complainants understand options, can facilitate appropriate referrals at any time and can assist in coordinating other services listed throughout this policy which eliminates the need for complainants to make multiple phone calls. They can also be contacted by faculty/staff/students with questions about this policy, referrals, or other specific information/concerns.

University Police Department – phone: (864) – 503-7777 or dial 911 from any campus emergency phone box

USC-Upstate police can help connect a complainant with an advocate, take a report, call transport for a complainant to the hospital and assist them with obtaining a court-issued restraining order/order of protection

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Spartanburg, SC Police Department – phone: 911

The Spartanburg Police Victim’s Assistance and Advocacy Office – (864) – 503 – 4625

University Health Services – 8:30 am -5:00 pm, phone: (864) – 503-5191

The Health Services staff provides confidential medical services; or a complainant may choose to visit another healthcare provider. Forensic exams are not performed by the Student Health Services; complainants must present to an area emergency room for that service.

On Campus:

University Counseling Services, phone: 864-503-5195

Interpersonal violence is a traumatic experience and professional counseling can help complainants process the experience and take steps toward healing.

Dean of Students Office, phone: 864-503-5107

Handles the resolution of Student Code of Conduct, Sexual Misconduct, and Sexual Harassment allegations, including the issue of sanctions when responsibility is proven. The Dean can assist students understand policies, investigatory processes, and provide referrals to support services.

Office of Equity, Inclusion, and Engagement (EIE), phone: 864-503-5959

Ensures that USC-Upstate students are protected against discrimination on the basis of age, race, color, sex, gender, sexual orientation, religion, national origin, genetics, veteran status, gender identity/express, and disability status. Home to the Title IX Coordinator, the EIE Office can assist the complainant with filing a Title IX complaint and investigating the allegations.

The Title IX Coordinator monitors USC compliance with Title IX, a federal law that prohibits discrimination because of sex/gender. Acts of sexual and interpersonal violence constitute sex discrimination prohibited by Title IX.

Off Campus:

South Carolina Bar Association, Lawyer Referral Service, phone: (800)-868-2284

Assists complainants in finding an attorney to represent them in civil and criminal proceedings.

See Non-University Resources and Emergency Support Services

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

1. Criminal complaint: In order to file a report with law enforcement a complainant may contact the USC-Upstate Police Department if the assault occurred on campus, or the law enforcement agency in the locality in which the assault occurred. If the complainant is unsure of whom to contact, the complainant may contact the Dean of Students Office or the Office of Institutional Equity, Inclusion, and Engagement which will assist the complainant in reporting the assault to the correct agency. USC Upstate Police can help connect a complainant with an advocate, take a report, contact transport for a complainant to the hospital and assist him or her with obtaining a court-issued restraining order/order of protection. **Reporting an assault is not the same as prosecuting it.** The decision to pursue legal action can be made later. Complainants should consider preserving evidence by avoiding showering or cleaning themselves or their clothing. Complainants who desire to file criminal charges should consider providing clothing containing evidence of the assault to the appropriate law enforcement agency conducting the criminal investigation for preservation, in the event of prosecution of the alleged offender. To the extent permitted by the victim, consistent with the university’s obligation under the Clery Act, and to the extent permitted by the Family Educational Rights and Privacy Act and any other applicable state or federal laws, the university will share all relevant information with law enforcement agencies conducting criminal investigations.

2. Institutional complaint:

Office of Equity, Inclusion, and Engagement (EIE): A complainant may file a complaint with the Title IX Coordinator in the EIE office. Once a complainant files this complaint, the EIE Office investigates the allegations

Dean of Students Office: Once a complainant files a complaint with EIE, the university's Dean of Students Office, in coordination with EIE, can facilitate interim measures, including no-contact orders and residence hall and class schedule changes. University conduct proceedings and university Office of EIE Programs procedures will provide a prompt, fair and impartial investigation and resolution. They will be conducted by officials who receive annual training on issues related to intimate partner violence, sexual assault and stalking, and conducting investigations and hearings that protect the safety of complainants, protect the fairness for complainants and respondents, and promote accountability, while protecting the rights of all parties involved. During the pendency of the investigation, the Dean of Students Office and the Office of EIE will take appropriate interim measures to protect the complainant as necessary. These interim measures may include options to avoid contact with the respondent, as well as options to allow the complainant to change academic and extracurricular activities or living, transportation, dining, and working situation as appropriate. Additionally, the complainant and respondent will be provided information about Title IX rights and any available resources such as complainant and respondent advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, legal assistance, and the right to report a crime to campus or local law enforcement.

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

J. Institutional Reporting and Statements

1. Warnings to the community: When a crime covered by the Clery Act occurs, campus officials are required to evaluate if there is a serious or ongoing threat to the campus community to determine if a timely warning or an emergency notification should be issued to all staff and students. The University of South Carolina- Upstate makes timely warnings to the university community regarding crimes considered to be a serious or continuing threat to students, faculty, staff, and visitors when reported to the University Police Department.

2. Reporting: In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990, our Annual Security and Fire Safety Report with VAWA Amendments includes information and crime statistics for the three previous calendar years. This information is provided to help increase awareness of current policies, practices and programs that exist for the safety of university faculty, staff and students.

K. Retaliation statement: Title IX prohibits retaliation against individuals who, in good faith, assert their rights under Title IX or other applicable federal and state laws prohibiting illegal discrimination. It shall be deemed a violation of the University of South Carolina Upstate's policies and procedures for any person to retaliate, intimidate or take reprisals against a person who has filed a complaint, testified, assisted or participated in any manner in the investigation/resolution of a complaint of sexual misconduct and/or interpersonal violence filed with the Office of Equity, Inclusion, or Engagement or Office of the Dean of Students. Appropriate sanctions/disciplinary actions shall be taken against any person who is found to have violated this policy.

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

M. Education and Training:

1. Prevention Programming and Education

- a. Safe Campus, the USC-Upstate's new student orientation online module for preventing sexual misconduct, alcohol abuse, and drug use is currently required of all new students. Safe Campus module access is provided for new students following their admission to the university.
- b. University 101 classes are required of all first-year students. All class sections include a sexual misconduct prevention and response unit.
- c. Sexual Misconduct, Prevention & Education Programs are conducted by professional prevention staff in various divisions throughout the academic year. These presentations are based on emerging evidence about effective interpersonal violence prevention for college students with a special focus on inclusiveness. Programs include a focus on effective response to trauma by men based on the belief that interpersonal violence is not just a woman's issue, and that men can be accountable bystanders when it comes to issues of interpersonal violence.
- d. Awareness Month Activities, USC-Upstate hosts interpersonal violence education/prevention events for students, faculty and staff during the academic year.

2. Faculty/Staff Training

- a. Faculty and Staff: Employees receive training on an annual basis which includes an overview of issues related to sexual assault, and sexual harassment and their duty to report it.
- b. The training must include a presumption that the respondent is not responsible until determination is made at the end of the hearing/disciplinary process.
- c. The Title IX Coordinator, staff in the Office of the Dean of Students, the USC Police Department, Title IX Hearing Boards, and advocates receive training relevant to their respective positions on an annual basis to assist them in the daily functions of their jobs, to enable them to provide complainants with the highest standard of care and ensure the complainant's and the respondent's rights are protected during the investigative and student conduct process.
- d. The training must include a presumption that the respondent is not responsible until determination is made at the end of the hearing/disciplinary process.

Procedures

A. Investigation Procedures and Protocols

- 1. The following are possible investigations which may occur simultaneously. All investigations at USC-Upstate, unless specifically announced, originate with the Office of Institutional Equity, Inclusion, and Engagement (EIE).
 - a. Title IX Investigations:
 - i. The Title IX Coordinator's office receives and processes, in a timely manner, inquiries from students, faculty, staff and administrators regarding rights and responsibilities concerning harassing behavior, other discriminatory behavior, and/or sexual misconduct in violation of Title IX;
 - ii. Notifies complainants of receipt of the complaint;
 - iii. Notifies respondents that complaint has been made;
 - iv. If applicable, notifies supervisor of respondent that complaint has been made;
 - v. Investigates alleged discrimination and/or harassment and/or misconduct, which may include but is not limited to interviewing of complainants, respondents and material witnesses; obtaining and reviewing documents and other relevant materials from complainant, respondent and witnesses;

- vi. Issues findings of fact, using the preponderance of evidence standard, and recommendations for disposition of complaints and notifies all parties regarding disposition;
- vii. Notifies complainants of his or her right to pursue remedies outside of the university grievance process; follows up with parties regarding implementation of recommendations contained in disposition; seeks assistance from parties' supervisors or advisors, if necessary to implement recommendations;
- viii. Monitors compliance of all requirements and timelines specified in the complaint/grievance procedures;
- ix. The EIE Office will endeavor to complete the investigation within a "reasonably prompt" (U.S. Department of Education and branch Office of Civil Rights) receipt of an incident report. If the circumstances of the case require, the time period for completion of the investigation by the EIE Office may be extended.
- x. Within ten (10) university work days of receipt of the EIE investigator's report, either party may request a review pursuant to applicable university policy.
 - b. Cases in which the Office of EIE determine reasonable cause exists to conclude a violation of university policy has occurred are referred to the Dean of Students Office. In accordance with the University of South Carolina System, when the Title IX investigator does not conclude a violation has occurred, the complaint cannot proceed into a formal hearing.
 - c. USC-Upstate Police Department Investigation: The USC-Upstate Police Department can investigate alleged criminal acts including, but not limited to, prohibited conduct, as defined herein. University Police can also help connect complainants with University advocates, take reports about the incident(s), provide transport for complainants to the hospital and assist with a court-issued restraining order/order of protection.

2. Survivor's Bill of Rights - These rights include, but are not limited to, the following:

- a. All members of the university community have the right to an environment free from physical assault, emotional abuse, sexual intimidation, or any unreasonable behaviors that interfere with students attaining their educational goals.
- b. In keeping with the spirit of the State of South Carolina's Act 141: Victim and Witness Services, of sexual and/or relationship violence who report their experience to university officials can anticipate that university personnel will treat all incidents of interpersonal violence seriously.
- c. Complainants will be treated with dignity and respect.
- d. Complainants will be treated in a non-judgmental manner.
- e. Campus organizations and services that can assist complainants will be identified.
- f. When a crime is reported to university officials, those officials will offer assistance in notifying proper authorities.
- g. In a student Title IX/sexual misconduct hearing, the university brings allegations against the alleged offender, and the complainant assumes the role of a witness to the allegations.
- h. When a complainant reports an incident of sexual and/or relationship violence and action is pursued against the alleged offender, the incident will be investigated and adjudicated by appropriate criminal and/or university authorities.
- i. Complainants have the choice to have an attorney, advocate or advisor accompany them through university disciplinary proceedings.
- j. A complainant will be notified of the progress of the case, including initial contact with the alleged offender and outcomes related to university discipline proceedings. Concerning these outcomes, the complainant and alleged offender must respect the privacy rights of all involved; however, the complaint, respondent, and involved parties are specifically allowed to talk about the allegations.
- k. Complainants will be informed of counseling services available.

l. Student complainants can request immediate on-campus housing relocation, transfer of classes, or other steps to prevent unnecessary or unwanted contact or proximity to an alleged offender. When possible, requests will be accommodated.

3. Rights of Alleged Student Respondent

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

- a. The right to be notified of campus organizations and services that can assist students accused of violations of the Student Code of Conduct.
- b. The right to be notified in writing of their rights in the conduct process
- c. The right to be notified in writing of the charges against them with sufficient time to prepare for a hearing. In the event that additional charges are brought, a further written notice must be forwarded to the student(s) or student organization(s). The charged student(s) or student organization(s) may waive the right to separate written notice of additional charges in order to expedite the hearing process.
- d. The right to be notified of the date, time and place of formal hearings at least ten (10) university business days prior to the hearing
- e. The right to know with a minimum of ten (10) days in advance of the hearing, the nature and source of the information used in a hearing process. This includes the right to review all documents and exhibits to be introduced at a hearing as well as a list of witnesses asked to testify at the hearing, upon the student's request.
- f. The right to present information on one's own behalf
- g. The right to elect not to appear at the hearing, in which case the hearing shall be conducted in the absence of the charged party (ies)
- h. The right to refuse to answer any questions or make a statement. However, the hearing authority may draw inferences from this refusal.
- i. The right to present questions for the witnesses to answer. The hearing officer or council may rule on relevance of these questions.
- j. Respondent will be notified of the availability of counseling services.
- k. The right to be accompanied by an attorney or adviser throughout the hearing process. The adviser, with written permission of the accused student(s) or student organization(s), may:
 - i. Advise the accused regarding preparation for the hearing
 - ii. Accompany the accused to all conduct proceedings
 - iii. Have access to information to be introduced at the hearing through the student

When the university does not pursue a formal investigation because of a complainant's insistence of confidentiality, the university will pursue other steps to limit the effects of the alleged sexual misconduct and attempt to prevent its recurrence.

B. Student Adjudication Procedures

1. Student Conduct Process: Upon receiving a letter of determination following the finding of cause in an EIE investigation, the Dean of Students Office will contact the student involved to explain the right to a formal conduct hearing with the Title IX/Sexual Misconduct Hearing Board. Should the student wish to participate in the Title IX/Sexual Misconduct hearing, the Dean of Students Office will:
 - a. Meet separately with both parties at least twice to explain the hearing process and their rights in the hearing. The Dean of Students Office has detailed materials to assist both parties prepare for the hearing.
 - b. Inform both parties that they have the right to be accompanied by an attorney-advisor of their choosing. If they cannot afford an attorney, then the university provides an attorney for them. The attorney-advisors may cross-examine the complainant, respondent, and any witnesses. Cross-examinations may not be conducted by the complainant nor the respondent.

- c. If a student does not have an attorney-advisor, the University must appoint an attorney-advisor of the University's choice to conduct cross-examination.
 - d. An external and non-voting Chairperson for the Hearing Board will be provided by the University for purposes of maintaining decorum, protecting fairness, and guiding efficiencies at all possible times.
 - e. The complainant and the respondent may be present for the entire hearing.
2. After receiving the evidence at the hearing, the Title IX/Sexual Misconduct Hearing Board will make a finding of responsibility based on the majority vote of the designated quorum, using the preponderance of evidence standard. The complainant, the respondent, the complainant/respondents' advisors, and all witnesses will not be present during the deliberation of finding portion of the hearing.
- a. **Notification of Outcomes:** Both students are notified simultaneously and in writing of the outcome of the proceeding within three (3) university business days.
 - b. **Sanctions:** University students who are determined to have violated applicable university polices regarding Title IX/sexual misconduct/sexual harassment, and/or interpersonal violence may be subjected to sanctions ranging from a written warning or reprimand, to suspension, residence hall suspension, or expulsion, depending on the facts and circumstances of the particular case. Other sanctions may include the following:
 - 1. Issuance of no contact order
 - 2. Campus restriction
 - 3. Conduct probation
 - 4. Assessment with a counseling agency
 - c. **Appeals:** An appeal may be made for the following reasons:
 - i. A procedural error was committed that has significantly prejudiced the findings of the hearing council.
 - ii. New evidence that could not have been available at the time of the hearing and would have a significant effect on the outcome of the case is now available.

The complainant and the respondent shall have five (5) university business days from the date the decision letter is received to submit a written request for an appeal to the Title IX/Sexual Misconduct Appeals Panel. If there is no appeal within this time limit, the decision of the Title IX/Sexual Misconduct Hearing Board is final, barring extraordinary circumstances, as determined by the Dean of Students. To appeal the findings of the Hearing Board, the student must do so via e-mailed letter to the Dean of Students. The Dean of Students Office will forward a response memorandum and the appeal to the Title IX/Sexual Misconduct Appeals Panel. The Title IX/Sexual Misconduct Appeals Panel will review the appeal documents and make a decision by majority vote of the established quorum, using the preponderance of evidence standard to:

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

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

d. Additional Provisions Related to Title IX/Sexual Misconduct Disciplinary Proceedings

- i. Notice of the time, date/location of a hearing shall be provided to each party in writing by the Office of the Dean of Students no later than ten (10) university business days before the date of the hearing.
- ii. Each party shall have the right to attend and offer testimony and/or other evidence as the university's policies and procedures permit. Each party shall be entitled to be accompanied by an attorney-advisor who is allowed to be present and is allowed to cross-examine the complainant, the respondent, and all witnesses.
- iii. Questioning of the complainant or respondent about prior sexual activity or conduct with persons other than the other party shall not be allowed.
- iv. The parties will not be prevented by the university from disclosing information related to the outcome of student disciplinary proceedings.
- v. University officials with a need to know may be informed of the outcome of a disciplinary proceeding to facilitate any appropriate university protective or safety measures.

The Campus Sex Crimes Prevention Act of 2000 and Sex Offender Registry

In accordance with the “Campus Sex Crimes Prevention Act” of 2000 which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, the USC Upstate Department of Public Safety is providing a link to “Offender Watch” the South Carolina Law Enforcement Division’s (SLED) Sex Offender Registry. This act requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a State concerning registered sex offenders may be obtained.

It also requires sex offenders already required to register with the State to provide notice of each institution of higher education in that State at which the person is employed, carries a vocation, or is a student. In the State of South Carolina, convicted sex offenders must register with the Sex Offender and Crimes Against Minors Registry maintained by the South Carolina Law Enforcement Division (SLED).

The State of South Carolina Code of Laws section 23-3-465 prohibits sex offenders mandated to report under section 23-3-450 from living in campus housing at a public institution of higher learning supported whole or in part by the State. Furthermore the act requires states to make the information available to an enforcement agency where the institution is located. The Family Educational Rights and Privacy Act (FERPA) was also amended to make it clear that institutions fully disclose information received through state registration and community notification programs even if the offender is a student.

The Sex Offender and Crimes against Children Registry (Offender Watch) is available via Internet pursuant to South Carolina Code of Laws Section 23-3-410 at www.sled.sc.gov or www.communitynotification.com.

Members of the University of South Carolina Upstate campus community may obtain information about registered sex offenders who may be present on Campus by contacting the University of South Carolina Upstate Department of Public Safety (864) 503-7777, or e-mail at police@uscupstate.edu. Send requests via U.S. mail to the University of South Carolina Upstate Attn: University Police at 800 University Way, Spartanburg, SC 29303, or in person at 219 North Campus Blvd. Spartanburg, SC 29303.

Sexual Misconduct Policies, Program Services, Resources and Protocols

The University of South Carolina Upstate prohibits the crimes of dating violence, domestic violence, sexual assault and stalking as they are defined for purposes in the Clery Act. Moreover, the University reaffirms its commitment to maintaining a campus environment that emphasis the dignity and worth of all members of the college community. To this end the University of South Carolina Upstate issues this statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault, and stalking as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a college official. The University educates all freshmen and in-coming transfer students about sexual assaults, stalking, dating violence, and domestic violence through mandatory completion of on-line “Safe Campus” training. Additionally, a speaker addressing drugs and alcohol is assigned to address these issues each fall for all first year students enrolled in U101 classes. These represent the University’s primary prevention and awareness programs.

The Dean of Students and/or Chief of Police meets with all residential students at the beginning of each academic year and talks to them about sexual assault, stalking, dating violence and domestic violence. Moreover, the Department of Public Safety offers Rape Aggression Defense Classes (RAD) and informational training programs regarding sexual assault, dating violence, domestic violence and stalking are also available to University students and employees upon request. Literature on date rape education, risk reduction and University response is available through Counseling Services, Health Services and the Department of Public Safety.

The University of South Carolina Upstate's educational programming consists of primary prevention and awareness programs for all incoming students, new employees and existing employees that:

- A. Clearly communicate that the institution prohibits the crimes of domestic violence, dating violence, sexual assault and stalking (as defined by the Clery Act and VAWA). This is communicated by email to the University community each semester.
- B. Provide the definitions of domestic violence, dating violence, sexual assault, and stalking according to any jurisdictional definitions of these terms;
- C. Define consent and describe what behaviors and actions constitute consent, in reference to sexual activity as defined by the student and employee codes of conduct;
- D. Provide a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding situational structures, and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;
- E. Provide information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence;
- F. Provide an overview of information from the Annual Security and Fire Safety Report in compliance with the Clery Act.
- G. Provide information regarding:
 1. Procedures victims should follow if a crime of domestic violence, dating violence, sexual assault, or stalking occurs as outlined elsewhere in this annual report.
 2. How the institution will protect the confidentiality of victims and other necessary parties as described elsewhere in this Annual Report.
 3. Existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both in the institution and the community as described elsewhere in this Annual Report;
 4. Options for, assistance in, and how to request changes to academic, living transportation, and working situations or protective measures as described elsewhere in this Annual Report;
 5. Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking as describe elsewhere in this Annual Report.

Primary Prevention and Awareness Programs

The University provides primary prevention and awareness training programming to all incoming students and employees. These trainings include:

The University provides primary prevention and awareness training programming to all employees. These trainings include:

- Title IX training for all employees addressing the crimes of domestic violence, dating violence, and stalking. Upon hire at orientation, each new employee must complete an on-line Title IX training. This training addresses (unlawful) discrimination on campus including sexual assault, (sexual harassment), stalking, (intimate partner) violence, domestic violence and (sexual exploitation). Also, all (full time) University employees must attend (or complete) either an on-line or in class unlawful discrimination/Title IX training. This training is comprehensive and on-going. These trainings are sponsored by the Office of Institutional Equity, Inclusion and Engagement and University Training Coordinator in the USC Upstate Finance and Administration Division
- "Safe Campus," an on-line training program for all incoming students addressing drug and alcohol abuse and the crimes of domestic violence, dating violence, sexual assault and stalking.

On-Going Prevention and Awareness Campaigns

Definition: On-Going Awareness Campaigns and Programs: Programs that continue from year to year and are intended to educate the campus community about violence against women crimes, how to prevent, report and intervene as a bystander. Prevention campaigns are systemic, aggressive events and activities that provide on-going educational information and prevention strategies. Title IX training, "Safe Campus," University 101 classes, "Are You OK?," Rape Aggression Defense (R.A.D.) classes are on-going prevention and awareness campaigns on campus to educate and reduce risk from stalking, dating violence, domestic violence and

sexual assault. Information and programming schedules for these offerings may be obtained through the Title IX Coordinator, Dean of Students Office, Director of University Training or University Police.

What are my Reporting Options and Who Do I Contact If I am a Victim of Sexual Assault, Dating Violence, Stalking or Domestic Violence?

The adverse emotional impact following an act of violence including sexual assault can be severe. The long term effects of the trauma of sexual violence can have serious and lasting psychological consequences. The University recognizes the importance of competent, comprehensive and sensitive professional help. Do not hesitate to contact any one of the offices listed as soon as possible to report any incidence of sexual violence. The victim of a sexual assault, dating violence, domestic violence or stalking has several options listed below:

- **Reporting to the USC Upstate Department of Public Safety:** If an assault occurs on University property, it should be reported to campus police by calling **911**, 503-7777 or by using a campus emergency telephone. Assaults that occur off campus or at the Johnson School of Business, or University Center Greenville should be reported to the local police department by calling **911**. If you so desire, you may also be assisted by campus authorities such as the Dean of Students (864) 503-5107, Counseling Services, (864) 503-5195, Director of Health Services at (864) 503-5191, or the Title IX Coordinator at (864) 503-5959 in notifying University Police.

Filing a police report will involve investigating the allegation to determine if probable cause exists to warrant a violation of criminal statutes. Filing a police report will also involve making a statement to a police officer, identifying witnesses, identifying the perpetrator if known and turning over any and all physical evidence to the police department. Statements will also be taken from any witnesses and the perpetrator if known.

At any time during the course of the investigation, the victim may withdraw his or her desire to proceed with the case, or elect to file a complaint at a later date. However, if a report of criminal domestic violence is received an officer must investigate; and, if a police officer has probable cause to believe any crime of domestic violence has occurred, including violation of a protection order, the officer may make an arrest with or without a warrant, even if the officer did not observe the offense. If the victim is injured, the officer must make an arrest if the officer has probable cause to believe a crime of domestic violence occurred. Probable cause is merely a reasonable belief that a crime has occurred.

Regardless of which avenue a student selects, the University of South Carolina Upstate will comply with the student's request for assistance in notifying the selected campus authority.

Moreover, when a student or employee reports to the institution that the student or employee has been the victim of dating violence, domestic violence, stalking or sexual assault; whether the offense occurred on or off campus, the institution will provide the student or employee a written explanation of the student's or employee's rights and options.

If you do not wish to file a police report, you may also contact any of the following resources:

- **Title IX Coordinator** (864) 503-5052
- **Dean of Students** (864) 503-7350
- **Director of Health Services** (864) 503-5191
- **Counseling Services** (864) 503-5195 – Counseling Services is an on-campus resource that provides free counseling visits to students. These trained professionals are ready to assist you or refer you to other competent professionals. All assistance is free and strictly confidential. Counseling can be critical to regaining one's emotional balance following a sexual assault.
- **SAFE Homes Rape Crisis** (864) 583-9803. This organization provides services to victims of domestic violence in Spartanburg, Cherokee and Union Counties and victims of sexual assault in Spartanburg and Cherokee Counties.

Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault, or Stalking Occurs

If you are the victim of a sexual assault, dating violence, domestic violence or stalking at this institution, your first priority should be to go to a place of safety. You should then obtain necessary medical treatment if needed. In the Spartanburg metropolitan area, this is Spartanburg Regional Hospital. Sexual Assault Nurse Examiners, (SANE) at the hospital are trained and certified in physical evidentiary recovery kit collection. Evidence may be collected, even if the victim chooses not to make a report to law enforcement.

The Department of Public Safety strongly advocates that a victim of sexual assault, domestic violence, dating violence or stalking report the incident in a timely manner to either the University Police Department or other law enforcement agency (if the incident occurred off campus). This is a critical factor for effective evidence collection and preservation, assisting in criminal prosecution and helpful in obtaining an order of protection. Filing a police report with a University Police Officer will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers. Filing a police report will, however:

- Ensure that a victim of sexual assault receives the necessary medical treatment and tests at no expense to the victim;
- Provide for the collection of evidence helpful in prosecution, which cannot be obtained later;
- Assure the victim has access to free confidential counseling from counselors trained in the area of sexual assault crisis intervention.

Campus authorities such as the Dean of Students, Title IX Coordinator, Victim Advocates, Professional Counselors or others may assist the victim in notifying law enforcement authorities upon request. Alternatively, a victim may decline to notify law enforcement, pursue remedy through the campus judicial process or decline to notify such authorities entirely.

Incidents of sexual assault, dating violence, domestic violence or stalking on campus may be reported to any campus authority with whom the victim is comfortable and specifically to the following individuals by phone or in person:

Dean of Students	503-7350	Campus Life Center (CLC) 180 Gramling Dr. Room 303
Director of Health Services	503-5191	Health Services Bldg. 995 University Way and 490 Hodge Dr. (Rampey Bldg.)
Director of Housing & Residential Life	503-5422	Palmetto House 470 Hodge Dr. Room 031D
Director of Employee Relations	503-5354	Administration Bldg. 800 University Way Room 310
Title IX Coordinator	503-5052	Library Building 150 Gramling Dr. Room 220

When a victim contacts the Department of Public Safety, a state certified victim's advocate will be contacted as well. The victim of a sexual assault, dating violence, domestic violence or stalking may choose for the investigation to be pursued through the criminal justice system, University judicial system, or both. Alternatively, the victim may choose not to pursue either of these options. University disciplinary proceedings, as well as special guidelines for cases involving sexual misconduct are detailed in the *Student Handbook*.

The *Handbook* provides in part, that the accused and the victim will each be allowed to choose one person who to accompany them throughout the hearing. Both the victim and the accused will be informed in writing of the outcome of the hearing that arises from an allegation of dating violence, domestic violence, sexual assault or stalking.

A student found guilty of violating the University sexual misconduct policy could be criminally prosecuted in State court and suspended or expelled from the University on the first offense. A Victim's Advocate from the Department of Public Safety and/or Counselor from the University Counseling Center will also guide the victim through the available options and support the victim in his or her decision. Various counseling options are available from the University through Health Services, Counseling Services and the Employee Assistance Program. Counseling and support service outside the University system may be obtained through Safe Homes (see chart of services pages 37 and 38).

Medical Attention:

Whatever one does following a sexual assault, it is essential that medical attention be sought immediately to protect against internal injury or disease and to assist with later prosecution. A victim should observe the following recommendations:

- Do not take a shower or wash any body part
- Do not douche
- Do not brush teeth
- Do not drink liquids
- Do not change clothes
- Do not change sheets
- Do not urinate
- Do not smoke or eat if there has been oral sexual contact
- Do not place any changed clothes in a plastic bag

In circumstances of a sexual assault, if a victim does not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections. Victims of sexual assault, domestic violence, dating violence, and stalking are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or copies of other documents that may be useful to investigators.

Involvement of Law Enforcement and Campus Authorities

Although the University strongly encourages all members of the community to report violations of this policy to the Department of Public Safety, it is the victim's choice whether or not to make such a report. Furthermore, victims have the right to decline to notify law enforcement. However, the Department of Public Safety may be reached at (864) 503-7777 during normal business hours or **911** after hours or for an emergency; or in person at the Department of Public Safety at 219 North Campus Blvd. Spartanburg, SC 29303.

Reporting Incidents of Sexual Assault, Domestic Violence, Dating Violence and Stalking to the Title IX Coordinator

If you have been the victim of sexual assault, domestic violence, dating violence or stalking, you should report the incident promptly to the Title IX Coordinator located in the Administration Building, 800 University Way, Spartanburg SC 29303 Room 117; phone (864) 503-5959 by calling, writing, or coming into the office to report in person. Reports of all sexual assaults, domestic violence, dating violence, and stalking received by University Public Safety will automatically be referred to the Title IX Coordinator for review. The Title IX Coordinator is not a confidential reporting entity and is required to report incidents of a criminal nature to Public Safety.

Procedures the University Will Follow When a Crime of Sexual Assault, Domestic Violence, Dating Violence or Stalking is Reported

The University has procedures in place that serve to be sensitive to victims who report sexual assault, domestic violence, dating violence, and stalking including informing individuals about their right to file criminal charges; as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance and other services on and or off campus; as well as other remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available. The University will make such accommodations, if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to local law enforcement. Students and employees should contact the Title IX Coordinator located in the Library Building, 150 Gramling Dr, Spartanburg SC 29303 Room 220; phone (864) 503-5052 by calling, writing, or coming into the office to report in person. The Title IX Coordinator will coordinate with the Dean of Students for student cases and the Director of Employee Relations for employee cases.

The University of South Carolina Upstate will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the results of any disciplinary hearing conducted by the University against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, the University of South Carolina Upstate will provide results of the disciplinary hearing to the victim’s next of kin, if so requested.

Incident Being Reported	Procedures USC Upstate Will Follow
Sexual Assault	<ol style="list-style-type: none"> 1. Depending on when reported (immediate vs. delayed report), the institution will facilitate victim with access to medical care. 2. The institution will assess the immediate safety needs of the victim 3. USC Upstate will assist victim with contacting University Police if the complainant requests and provide the victim with contact information for University Police. 4. The institution will provide the victim with referrals to on and off campus counseling/mental health providers. 5. USC Upstate will assess the need to implement interim or long-term protective measures, if appropriate. 6. The institution will provide the victim with a written explanation of victim’s rights and options. 7. USC Upstate will issue a “No Trespass” and/or “No Contact” order to the accused party if deemed appropriate. 8. The institution will provide written instructions on how to apply for an Order of Protection. Further the institution will provide access to a Victim Advocate to assist with the process. 9. USC Upstate will provide a copy of the University policy applicable to sexual assault to the victim and inform the victim regarding timeframes for inquiry, investigation and resolution. 10. The institution will inform the victim of the outcome of the investigation, whether or not the accused will be administratively charged, and the outcome of the hearing. 11. USC Upstate will enforce the anti-retaliation policy and take immediate and separate action against the parties that retaliate against a person for reporting sex-based discrimination or for interfering or attempting to interfere in the investigation. 12. The institution will provide written instructions to the victim on how to preserve evidence.
Stalking	<ol style="list-style-type: none"> 1. USC Upstate will assess immediate safety needs of the victim. 2. Institution will assist victim with contacting University Police if the complainant requests or provide contact information for the authority of jurisdiction if the incident occurred off-campus. 3. USC Upstate will provide written instructions on how to apply for an Order of Protection. 4. The institution will provide written instructions to the victim on how to preserve evidence. 5. USC Upstate will assess the need to implement interim or long term proactive measures to protect the victim, if appropriate. 6. The institution will provide the victim with a written explanation of the victim’s rights and options. 7. USC Upstate will issue a “No Trespass” and/or “No Contact” order to the accused party if deemed appropriate.
Dating Violence	<ol style="list-style-type: none"> 1. USC Upstate will assess the immediate safety needs of the victim. 2. Institution will assist victim with contacting University Police if the complainant requests or provide contact information for the authority of jurisdiction if the incident occurred off-campus. 3. USC Upstate will provide written instructions on how to apply for an Order of Protection. 4. The institution will provide written instructions to the victim on how to preserve evidence. 5. USC Upstate will assess the need to implement interim or long term proactive measures to protect the victim, if appropriate. 6. The institution will provide the victim with a written explanation of the victim’s rights and options. 7. USC Upstate will issue a “No Trespass” and/or “No Contact” order to the accused party if deemed appropriate.
Domestic Violence	<ol style="list-style-type: none"> 1. USC Upstate will assess the immediate safety needs of the victim.

	<ol style="list-style-type: none"> 2. Institution will assist victim with contacting University Police if the complainant requests or provide contact information for the authority of jurisdiction if the incident occurred off-campus. 3. USC Upstate will provide written instructions on how to apply for an Order of Protection. 4. The institution will provide written instructions to the victim on how to preserve evidence. 5. USC Upstate will assess the need to implement interim or long term proactive measures to protect the victim, if appropriate. 6. The institution will provide the victim with a written explanation of the victim's rights and options. USC Upstate will issue a "No Trespass" and/or "No Contact" order to the accused party if deemed appropriate.
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Federal Clery Act Definitions of Domestic Violence, Dating Violence, Sexual Assault and Stalking

The Clery Act defines the crimes of domestic violence, dating violence, sexual assault and stalking as follows:

Domestic Violence – Domestic Violence is defined as a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic or psychological. It is defined as a felony or misdemeanor crime 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 State of South Carolina.
- 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 State of South Carolina.

For purposes of complying with the requirements of this section and § 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Definition of a Crime of Violence: According to Section 16 of Title 18 of the United States Code, the term "crime of violence" means:

1. An offense that has an element of the use, attempted use, or threatened use of physical force against the person or property of another; or
2. Any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

Dating 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 victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For purposes of this definition:

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for purposes of Clery Act reporting.

Sexual Assault

Forced sexual assault is defined as an offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program and included in Appendix A of 34 CFR Part 668. Per the National Incident-Based Reporting System User Manual from the UCR Program a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent." It occurs when there is unwilling or nonconsensual penetration of any bodily opening with any object or body part that is committed either by force, threat, intimidation, or through exploitation of another's mental or physical condition of which the assailant was or should have been aware. Providing or making available to a victim, and/or using any substance (e.g. alcohol, GHB, Rohypnol, etc.) will be considered an aggravated assault by statute as well as by the Administrative Hearing Officer, or Honor Council when determining responsibility and appropriate sanction. Use of these substances by an alleged assailant may constitute violation of other University policies, and the student may be charged with these violations as well (e.g. Drugs, Harm to Persons, Disorderly Conduct, Disruptive Activity, Alcohol, etc.). The use of alcohol and other drugs by either party, in conjunction with an incident of sexual assault, does not mitigate accountability for the commission of this offense or diminish the seriousness of the offense.

- **Rape** is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling** is defined as the touching of private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest** is defined as sexual intercourse between two persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.
- **Stalking** is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - Fear for the person's safety or the safety of others; or
 - Suffer substantial emotional distress.

It is a pattern of conduct that is intended to cause or does cause a person to fear: (1) Death or death of others important to that person; (2) Assault or assault of others important to that person; (3) Bodily injury or bodily injury of others important to that person; (4) Sexual assault or sexual assault of others important to that person; (5) Involuntary restraint or involuntary restraint of others important to that person; (6) Damage to property or damage to property of others important to that person; (7) Confinement or confinement of others important to that person; (8) Threats of harassment via electronic devices (e.g. e-mail, phone, fax). The relationship between the perpetrator and the victim may be a current or former partner or spouse, dating relationship, acquaintance, or stranger.

Jurisdictional Definitions of Sexual Assault, Domestic Violence, Dating Violence, and Stalking

Sexual Assault: The State of South Carolina defines sexual assault as follows:

Rape (Criminal Sexual Conduct) SC Code of Laws 16-3-652 - A person is guilty of criminal sexual conduct in the first degree if the actor engages in sexual battery with the victim and if any one or more of the following circumstances are proven:

- (a) The actor uses aggravated force to accomplish sexual battery.
- (b) The victim submits to sexual battery by the actor under circumstances where the victim is also the victim of forcible confinement, kidnapping, trafficking in persons, robbery, extortion, burglary, housebreaking, or any other similar offense or act.
- (c) The actor causes the victim, without the victim's consent, to become mentally incapacitated or physically helpless by administering, distributing, dispensing, delivering, or causing to be administered, distributed, dispensed, or delivered a controlled substance, a controlled substance analogue, or any intoxicating substance.

Domestic Violence/Abuse SC Code of Laws - 16-25-10 and 16-25-20 Domestic Violence involves someone causing harm or injury to a household member, or threatening or attempting to cause harm or injury to a household member while being apparently able to carry out the threat or attempted harm. The state also makes it a crime to violate a domestic violence protection order or to trespass on the grounds of a domestic violence shelter. Household members include spouses, former spouses, people who have children together, and people of the opposite sex who live together or have lived together.

Dating Violence - Dating Violence is the physical, sexual, psychological, or emotional violence within a dating relationship, including stalking. It can occur in person or electronically and might occur between a current or former dating partner.

Stalking - SC Code of Laws 16-3-1700 Pattern of words or conduct that causes fear of death, assault, bodily injury, criminal sexual contact, kidnapping, or property damage to victim or victim's family member. Aggravated stalking is stalking accompanied by an act of violence.

Consent

- Both individuals are physically free and capable to act
- Both individuals are willing and clear about their intent to engage in sexual activities
- Silence may not in and of itself constitute consent
- Past consent of sexual activities doesn't imply ongoing future consent.
- Consent cannot legally be given by someone who is intoxicated.
- Consent cannot be legally given by a person who is incapable of giving consent due to a mental or physical disability
- Legal age of consent in South Carolina is 16 years old. However, individuals as young as 14 years old are able to give consent with a partner who is 18 years old or younger.

Non-Consensual Sexual Contact occurs when there is coerced, manipulated or unwanted touching, directly or through clothing, of an intimate part of a person (i.e., the genital areas, groin, inner thigh, anus, buttocks, mouth or breasts) that occurs against one's will, or without one's consent, including when one is unconscious, intoxicated or otherwise unable to give consent.

Non-Consensual Sexual Assault occurs when there is unwilling or non-consensual penetration of any bodily opening with any object or body part. This includes, but is not limited to penetration of a bodily opening without consent through use of coercion or manipulation.

Preservation of Evidence

Should you fall victim to one of these crimes, it is important to preserve any evidence associated with the crime that may assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining an Order of Protection. In the case of a sexual assault where biological evidence is present, a S.A.N.E. kit should be completed at Spartanburg Regional Medical Center to preserve evidence. However, completing a forensic examination would not require a victim to file a police report but will help preserve evidence in the event the victim decides to file a report at a later date. Time is absolutely critical when reporting a sexual assault. The sooner the assault is reported the easier it is to collect valuable evidence.

Standard of Evidence

The University of South Carolina Upstate employs a "preponderance of evidence" standard for all (Civil Rights/Title IX) investigations. A preponderance of evidence simply means that it is more likely than not that the accused is responsible for their actions. In criminal investigations conducted by the University Police Department, the standard of evidence is "proof beyond a reasonable doubt."

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Investigation of Reports

The University will take prompt action to investigate and adjudicate a complaint. A written notice of inquiry and assessment will be given to the reporting party/complainant informing them of their rights and options to proceed with a formal investigation. With signed consent of the reporting party, a written notice of formal investigation will be issued to both complainant and the respondent informing them of the allegations, resources and rights in the process at least three business days prior to any meeting pursuant to the formal investigation. A summary of findings and recommendations will be issued and reviewed with both the reporting party/complainant and respondent before being issued to the appropriate decision-making authority. Investigations will include timely notice of meetings for the reporting party/complainant and the respondent throughout the process.

The University will conduct a prompt, fair, impartial investigation in a timely manner designed to provide all parties with resolution. The University's goal is to complete the investigation within 60 days. However, there may be times where the process may take longer, and the University will communicate on an ongoing basis with the parties a realistic timeline, and the circumstances regarding the same. In every investigation conducted under this policy, the burden is on the University-not the parties-to gather sufficient evidence to reach a fair, impartial determination as to whether sexual misconduct has occurred and, if so, whether a hostile environment has been created that must be redressed.

Investigations will be conducted by one or more of the following: the University Police Department, the EO/Title IX Coordinator, an external investigator, or other investigator designated by the Dean of Students. The designee may be an employee of the University, an external investigator, or both. All reasonable efforts will be made to keep information private during the University's investigation and adjudication of a complaint. University Investigators receive annual training on the issues related to Title IX including unlawful discrimination, sexual harassment, sexual misconduct, intimate partner violence, sexual exploitation, dating violence, domestic violence, sexual assault and stalking and on how to conduct an objective and impartial investigation and hearing processing that protects the civil rights and safety of all parties, promotes accountability, and ensures investigative techniques do not apply to sexual stereotypes and generalizations. The investigation is designed to provide a fair and reliable gathering of the facts. The investigation will be thorough, impartial and fair. Finally, the investigation will be conducted in a manner that is respectful of individual privacy concerns.

Victim Advocate Services

Victim Advocate Services are available through a certified victim's advocate at the University Police Department. If you or a loved one become a victim of a crime, it's important to know your rights, and have a support base. Our Victim Assistance Response Team is available to provide services to victims and witnesses immediately after the crime occurs, during the investigation, and throughout the Criminal Justice Process in many different ways:

- Crisis Intervention
- Referrals and information to community agencies for professional counseling, support groups, medical, financial aid, and shelter.
- Informing victims/witnesses of their rights/responsibilities under the law.
- Acting as liaison between victims, police, investigators, and local agencies.
- Court preparation accompaniment and emergency transportation to court.
- Information regarding the current status of your case.
- Assistance in filing for victim compensation through the State Office of Victim Assistance (SOVA), to help with medical expenses, lost wages, counseling and funeral expenses.

Under the provisions of SC State Statute 16-3-1515, a victim or witness who wishes to exercise his or her rights under this article or receive services under this article or both must provide a law enforcement agency, a prosecuting agency, a summary court judge, the Department of Corrections, the Department of Juvenile Justice, as appropriate, his or her legal name, current mailing address, and current telephone number.

Victim and Witness Rights

Victims and Witnesses of Criminal Activity Have The Right To:

1. Be treated with fairness, respect and dignity. To be free from intimidation, harassment, or abuse throughout the criminal justice system and informed of a victim's constitutional rights.
2. Be reasonably informed when the accused/convicted person is arrested, released from custody or escapes custody.
3. Be informed of and present at all criminal proceedings which are dispositive of the charges where the defendant has the right to be present.
4. Be allowed to submit either a written or oral statement at all hearings affecting bond or bail.
5. Be heard at any proceeding involving a post-arrest, a plea, or sentencing.
6. Be reasonably protected from the accused or persons acting on his behalf throughout the criminal justice process.
7. Confer with the prosecution after the crime against the victim has been charged, before the trial, or before any disposition, and informed of the disposition.
8. Have reasonable access after the conclusion of the criminal investigation to all documents relating to the crime against the victim before trial.
9. Receive prompt and full restitution from the convicted person or persons.
10. Be informed of any proceeding when any post-conviction action is being considered, and be present at any hearing.
11. A reasonable disposition and prompt and final conclusion of the case.
12. Have all rules governing criminal procedure and the admissibility of evidence in all criminal proceedings protect victims' rights and have these rules subject to amendment or repeal by the legislature to ensure protection of these rights.

Facilitated Anonymous Reporting through Counseling Services/Pastoral Counselors

Certified Counselors assigned to the Counseling Center and practicing pastoral counselors are confidential resources and do not report incidents. In their capacity and function, they do not make identifiable reports or incidents to official on-campus resources unless the student specifically requests them to do so; however, the University encourages counselors to inform students they can report incident of crime to the University Police Department, which can be done directly or anonymously. Students may request Counseling Services to facilitate anonymous reporting using an internal form designed to capture general details about the incident (date, time, location, and brief description of the incident type) for inclusion in the University's Annual Security and Fire Safety Report. The University does not provide confidential or anonymous reporting outside of these entities. The amount of detail provided may enable the University to initiate an investigation into the circumstances surrounding the report. Such an investigation may jeopardize the anonymity of the reporting person or complainant

Employee Assistance Program

USC Upstate also provides an Employee Assistance Program for use by employees. The EAP is available to provide full-time employees assistance with such problems as sexual or physical abuse, depression, marital and relationship conflict, stress, anxiety, and other personal matters. All full-time employees, regardless of performance are eligible. The contact number for EAP is listed in the Resources section of this annual report.

All information related to an employee's EAP participation is strictly confidential. Only the EAP provider maintains EAP records. The EAP provider does not release specific information about an employee's use of EAP services, unless the employee gives his or her advance written consent. The EAP does not report incidents to any official on-campus resources unless the employee specifically grants permission to do so.

Bystander Intervention

Bystander intervention is defined as safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes:

- Recognizing situations of potential harm
- Understanding institutional structures and cultural conditions that facilitate violence
- Overcoming barriers to intervening
- Identifying safe and effective intervention options
- Taking action to intervene

Prevention and Awareness Campaigns for Employees

Bystander awareness training for faculty and staff is an on-going program for students, faculty and staff entitled, "See Something, Say Something, Do Something." This program is advertise via posters placed on bulletin boards, social media and the University web site to encourage members of our community to get involved and not be an idle bystander when intervention is needed to help another member of our community.

The objectives of these trainings are as follows:

- Decrease perpetration and bystander inaction
- Increase empowerment for victims in order to promote safety
- Help individuals and communities address conditions that facilitate violence

Prevention and Awareness Campaigns for Students

Another campaign which is sustained over time for students, faculty and staff is "See Something, Say Something, Do Something." This program is advertise via posters placed on bulletin boards to encourage members of our community to get involved and not be an idle bystander when intervention is needed to help another member of our community.

The Office of Housing and Residential Life (HRL) also offers a variety of trainings to their residents throughout the year. These trainings and awareness campaigns include Bystander training and other topics as follows:

- Leadership
- Identity
- Values
- Experience Upstate

- Wellness
- Educational
- Life Skills
- Large-scale Social

At the commencement of each academic year the Chief of Police and/or Dean of Students meets with all residential students and train students on bystander intervention, Title IX, drug and alcohol policies, consent and sexual assault.

The objectives of these trainings are as follows:

- Decrease bystander inaction
- Increase empowerment for victims in order to promote safety
- Help individuals and communities address conditions that facilitate violence

Risk Reduction

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one's risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National network, www.rainn.org).

- Be aware of your surroundings. Knowing where you are and who is around you may help you find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around you.
- Walk with purpose. Even if you don't know where you are going, act like you do.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be. If you see something suspicious, contact law enforcement immediately by calling 911.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged and that you have cab or Uber money and your on-demand driver app is loaded.
- Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
- Avoid putting music headphones in both ears so you can be more aware of your surroundings, especially if walking or jogging alone.
- When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
- Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink out of punch bowls or other large, common, open containers.
- Watch out for your friends and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
- If you suspect you or a friend has been drugged, contact law enforcement immediately by calling **911**. Be explicit with doctors so they can give you the correct tests (you will need a urine test and possible others).
- Try to think of an escape route. How would you get out of the room? Where are the doors, windows? Are there people around that may be able to help you? Is there an emergency phone nearby?
- If you and/or the other person have been drinking, you can say you would rather wait until you both have your full judgment before doing anything you may regret later.
- If you need to get out of an uncomfortable or scary situation, here are some things you can try:

- Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you feel uncomfortable that is to blame.
- Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
- Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come get you or make up an excuse for you to leave.
- Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else you need to be, etc.

Orders of Protection

There are two types of restraining orders in South Carolina. If you're attempting to restrain someone who is a member of your household (such as an abusive boyfriend or girlfriend), the restraining order is called an "Order of Protection." An Order of Protection is granted by a family court judge. Otherwise, if you are trying to restrain another person such as someone who is harassing or stalking you, you may seek a Restraining Order which is granted by a Magistrate.

If you and the person you are seeking the order against are "household members," then you may be able to get an Order of Protection. In South Carolina, "family members" are any of the following:

1. Spouses;
2. Former spouses;
3. People who have a child in common;
4. A male and female who are living together; or
5. A male and female who used to live together.

Where can I get an Order of Protection in South Carolina?

Spartanburg County

Family Court (Forms and Filings)
180 Magnolia St.
Spartanburg, SC 29304
(864) 596-2500

Greenville County

Greenville County Detention Center (Forms)
4 McGee St.
Greenville, SC 29601
(864) 467-2320

Family Court (Filings)
301 University Ridge Suite 425
Greenville, SC 29601
(864) 467-5906

In Spartanburg County assistance for filling out the paperwork can be found at Safe Homes Rape Crisis on the Third Floor at 180 Magnolia St. Spartanburg, SC 29304. For Greenville County filings assistance for filing paperwork can be found at: the Greenville County Solicitor's Office. They can be reached at (864) 467-8647 or www.greenvillecounty.org/solicitor/staff.asp.

You may file for an Order of Protection in the Family Court in any of the following counties:

1. The county where alleged act of abuse occurred;
2. The county where the petitioner resides or is sheltered, unless the petitioner lives in another state (if the alleged abuser does not live in this county, then the petitioner can only file here, but the case must be heard in another county that qualifies);
3. The county where the alleged abuser resides, unless the alleged abuser lives in another state; or
4. The county where the parties last resided together.

If you do not believe you can afford to hire a lawyer, go to the Family Clerk of the Court in one of the counties where you can file. The Clerk should provide you the necessary forms to fill out and file right there on the spot. There is no filing fee. Some counties also offer pro bono services for those who cannot afford a lawyer, and you may be able to have a lawyer help you fill out the petition, although that lawyer might not represent you at the hearing.

After it is filed, the judge will schedule a hearing. Some are held within 24 hours if you request it and the judge believes that an emergency exists. At the hearing, you will have to prove by the “preponderance of the evidence” that your “household member” committed:

1. Physical harm, bodily injury, assault, or the threat of physical harm; or
2. Committed sexual criminal offenses, as otherwise defined by statute, committed against a family or household member by a family or household member.

If you prove your case, then the family court judge can order any or all of the following:

1. Restrain the abuser from abusing, threatening to abuse, or molesting the petitioner or the person or persons on whose behalf the petition was filed;
2. Restrain the abuser from communicating or attempting to communicate with the petitioner in any way, and restraining the abuser from entering or attempting to enter your home, place of employment, school, or other place the judge feels is necessary. No contact!
3. Determine temporary custody and visitation if the parties have a child;
4. Require the abuser to pay temporary financial support for the petitioner and the child;
5. Grant temporary but exclusive use of the residence to either party;
6. Prohibit the transferring, destruction, encumbering, or disposition of real or personal property owned or leased by both parties;
7. Provide for temporary possession of personal property and order that the Sheriff will assist in having one party obtain property from the residence; and/or
8. Require the abuser to pay your attorney’s fees.

A family court order of protection will be at least for 6 months but no more than one year. Also, the restrained person won’t be able to obtain a gun while the order is pending.

What happens if someone violates an Order of Protection?

Violation of a family court order of protection is dealt with in one of two ways:

1. A finding by the court of contempt with up to one year in jail and up to \$1,500 in fines.
2. A criminal finding with up to 30 days in jail or a fine.

If a person under a family court order of protection and that person has been charged with or convicted of criminal domestic violence or CDVHAN, that person can’t go to a domestic violence shelter where the victim resides. If so, that abuser can be sentenced by the court for up to 3 years in jail. If the person has a dangerous weapon, then it is a felony that carries up to 5 years.

What should I do until I get my Order of Protection?

If you believe you or your children are in danger by the abuser, do one or all of the following:

1. Find a safe place to stay away from the abuser. For example, go to a friend’s or family member’s house (preferably one where the abuser might not think to look) until you’ve got the court involved.
2. Call the police. They may be able to offer some protection by checking in on you until your court date. Second, report the abuser to document your allegations so you can present this information to the family court. Lastly, police may arrest the person and charge with assault or criminal domestic violence (CDV).
3. Seek medical treatment if you need it.
4. Document any injuries by taking pictures.

Restraining Orders

A person may file for a Magistrate’s Court restraining order against another person if the other person is engaged in harassment or stalking.

- **Harassment** is two or more instances that intrude into the private life of another person and that could cause a reasonable person mental distress. It can be following the person, continuously contacting the person, or regularly dropping by someone’s home or job. It can include a pattern of unwanted communication, including phone, text, letter, or email.
- **Stalking** is similar to harassment, except that it is more extreme and can cause a reasonable person to believe that the person would kill, assault, or kidnap them or a member of their family.

Generally, you need two police reports showing that the person has harassed or stalked you on two or more occasions. If the person has a current charge pending for harassment or stalking, you may be able to get a restraining order. Where can I get a Restraining Order in South Carolina?

You have more than one option. You can file in the Magistrate Court of any of the following counties:

1. The county where the harassment or stalking occurred;
2. The county where the alleged stalker lives; or
3. The county where you reside if the alleged stalker is not a South Carolina resident or cannot be found.

To obtain a Restraining Order in Spartanburg or Greenville Counties:

Spartanburg County Magistrate Court
180 Magnolia Street
Spartanburg, SC 29304
(864) 596-2564

Greenville County Family Court
301 University Ridge Suite 425
Greenville, SC 29601
(864) 467-5906

How do I get a Restraining Order in South Carolina?

You can either hire an attorney to represent you, or, consider contacting a *pro bono* legal organization in your community such as SAFE Homes Rape Crisis and see if they’ll help you for free. You can also try to handle the case by yourself. If so, we suggest first going to a Magistrate in one of the counties listed above. The Clerk of Court should provide you with forms you need to file the complaint. There is no filing fee, but you may have to pay the fee if you don’t prove your case. After you’ve filed, the court will then schedule a hearing. During the hearing, you will need to prove that the person is harassing or stalking you. In certain cases, the court can grant a temporary, emergency restraining order without a hearing (*ex parte*) that will hold you over until you get your hearing. If you prove your case, then the judge will issue an order restraining the person from:

1. Abusing or threatening you or members of your family;
2. Entering your residence, job, school, or other appropriate location as determined by the judge; or
3. Communicating with you in any way.

The restraining order lasts for up to a year, but the judge can extend it in certain cases. If the person gets charged criminally with harassment or stalking, it will be extended until the person’s trial on those charges.

What happens if someone violates a Restraining Order?

Violation of a Magistrate’s Court Restraining Order is punishable by up to 30 days in jail, a fine of \$500, or both. If the person has pending CDV charges or has been convicted of CDV and enters a domestic violence shelter where the victim is staying, that person can get up to 3 years in jail or up to 5 years if the person carries a weapon onto the premises.

If the party named in the order violates the terms and conditions of the Order on University property or public properties adjacent to the University contact University Police immediately. If a violation occurs off campus, immediately contact the law enforcement agency of jurisdiction such as Spartanburg County Sheriff's Department or City of Spartanburg Police Department. In Greenville County contact either the Greenville County Sheriff's Department or the City of Greenville Police Department.

Responsibilities of USC Upstate – Restraining Orders and Orders of Protection

If you have been granted either an Order of Protection or a Restraining Order, bring a copy of the Order to the Department of Public Safety at 219 North Campus Blvd. Spartanburg, SC 29303 (864) 503-7777. As the law enforcement authority of jurisdiction, the Department of Public Safety will enforce all legal orders issued by a court of competent jurisdiction.

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, USC Upstate will provide written notification to students and employees about accommodations available to them, including academic, living, transportation and working situations. The written notification will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and protective measures, (i.e. the notification will include the name and contact information for the individual or office that should be contacted to request the accommodations).

Changes in Academic, Living, Transportation, Working Situations and Protective Measures

The University of South Carolina Upstate will provide written notifications to victims of Dating Violence, Domestic Violence, Sexual Assault and Stalking about options for, available assistance in, and how to request changes to academic, living, transportation and working situations or protective measures.

To this end USC Upstate will make such accommodations or provide such protective measures if a victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to University Police or local law enforcement. These determinations are made by the Dean of Students in consultation with the Senior Vice-Chancellor of Academic Affairs and/or the Chief of Police. Protective measures will be designed to minimize the burden on the victim and will be evaluated on a case-by-case basis. These may include some or all of the following actions:

- Changes in academic schedules
- Changes in housing location
- Dining hall eating hours
- Transportation to classes or the workplace, parking, etc.
- Changes to working situations, hours, days, etc.
- Protective measures such as security escorts or transportation assistance
- Assistance with filing an Order of Protection or Restraining Order

At the victim's request, and to the extent of the victim's cooperation and consent, University offices will work cooperatively to assist the victim in obtaining accommodations. If reasonably available, a victim may be offered changes to academic, living, working, or transportation situations regardless of whether the victim chooses to report the crime to law enforcement.

Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Potential changes to living situations may include moving to a different room or residence hall. Possible changes to work situations may include changing work hours. Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a safety escort, etc. Issuance of an Order of No Trespass may also be appropriate.

Requests for these changes should be directed to the Dean of Students who will consult with other appropriate authorities including but not limited to the Chief of Police, Director of Housing and Residential Life, Senior Vice-Chancellor for Academic Affairs, Title IX Coordinator and faculty members.

To request changes to living arrangements, a victim (student) should contact:

Julie McMahon
Director of Housing and Residential Life
Palmetto House
470 Hodge Dr. Room 031D
Spartanburg, SC 29303
(864) 503-5420

For student changes to academic classes contact:

Nick Kehrwald, J.D. - Dean of Students
Campus Life Center (CLC)
180 Gramling Dr. Suite 303
Spartanburg, SC 29303
(864) 503-7350

For changes to transportation and protective measures (faculty, staff, and students) contact:

Klay Peterson, Chief of Police
University Police Department
219 North Campus Blvd.
Spartanburg, SC 29303
(864) 503-5254

For changes to working arrangements (employees and students) contact:

Dagmara Bruce, Human Resources Director
Administration Building
800 University Way Room 310
Spartanburg, SC 29303
(864) 503-5933

Confidentiality of Victim Information

Victims may request that directory information on file with the University may be withheld by request. This request can be made to the Registrar's Office in person by visiting the Health Education Complex or by calling (864) 503-5040. Employees can contact the Office of Human Resources to make a similar request regarding directory information at (864) 503-5354.

Regardless of whether a victim has opted-out of allowing the University to share "directory information," personally identifiable information (PII) about the victim and other necessary parties will be treated as confidential and only shared with persons who have a specific need to know; i.e. those who are investigating/adjudicating the report or those involved in providing support services to the victim, including accommodations and protective measures. By only sharing personally-identifiable information with individuals on a need-to-know basis, the University will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

Each year the University of South Carolina Upstate prepares an annual Campus Safety and Security Report which includes crime statistics and security policies of the University of South Carolina Upstate in compliance with the Jeanne Clery Act.

2020-2021 Annual Security and Fire Safety Report – University of South Carolina Upstate – Department of Public Safety

This information is transmitted to The Department of Education on or about October 1st of each year. Moreover, crime statistics as well as a daily crime log are made available to the public.

In compliance with the Violence against Women Act of 1994, it is the policy of the University of South Carolina Upstate to maintain the confidentiality of victims of certain crimes including domestic violence, dating violence, sexual assault and stalking. To this end, personally identifying information will not be included in any publically available recordkeeping, including the Clery Act reporting and disclosures such as the annual security report and daily crime log. When preparing these reports, none of the below listed information is listed in the reports or transmitted electronically between the gatekeepers of the information. This includes:

- A first and last name;
- A home or physical address;
- Contact information (including a postal, email or Internet protocol address, or telephone or facsimile number
- A social security number, driver’s license number, passport number or student identification number; and
- Any other information, including date of birth, racial or ethnic background, or religious affiliation that would serve to identify any individual.

In addition, any CSA crime reports submitted for inclusion in the annual Clery report and daily crime log will not include the above listed identifying information either. Moreover, the University will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

On and Off Campus Services for Victims

Upon receipt of a report of domestic violence, dating violence, sexual assault, or stalking, USC Upstate will provide written notification to students and employees about existing assistance with and/or information about obtaining resources and services, including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and assistance in notifying appropriate local law enforcement. If a sexual assault, or rape should occur on campus, staff on scene, including University Police, will offer the victim a wide variety of services. This information regarding “resources” is not provided to infer that those resources are “crime reporting entities” for USC Upstate.

	Employees	Students
ON CAMPUS		
Counseling/Mental Health		USC Upstate Counseling Services (864) 503-5195 * <i>Confidential Resource</i>
Health Services		USC Upstate Health Services (864) 503-5191
Title IX Coordinator	(864) 503-5052	Title IX Coordinator (864) 503-5052
Visa and Immigration Assistance/International Student Support and Services		International Programs Coordinator (864) 503-5622
Student Financial Aid		Financial Aid Office (864) 503-5349
LGBTGA Advocacy and Education		Women’s Center (864) 503-5724

Women's Center		Women's Center (864) 503-5724
Pastoral Counseling		Contact your individual faith leader or place of worship
University Police Department	Non-Emergency: (864) 503-7777 Emergency Phone: 911	Non-Emergency: (864) 503-7777 Emergency Phone: 911
Dean of Students		Dean of Students (864) 503-7350
Victim Advocacy	University Police Department (864) 503-7777	University Police Department (864) 503-7777
Office of Multicultural Engagement		
Support for Victims of Violence	SAFE Homes Rape Crisis Coalition 236 Union Street Spartanburg, SC 29302 (864) 583-9803	SAFE Homes Rape Crisis Coalition 236 Union Street Spartanburg, SC 29302 (864) 583-9803
Facilitated Anonymous Reporting		A student can go to Counseling Services to submit an anonymous report. The amount of detail provided will determine the University/s ability to investigate/respond.
OFF CAMPUS		
Counseling/Mental Health	The McLaughlin Young Group (1) 800-633-3353	
Health Services	Spartanburg Regional Hospital (864) 560-6000	Spartanburg Regional Hospital (864) 560-6000
Victim Advocacy	Spartanburg Regional Hospital (864) 560-6000	Spartanburg Regional Hospital (864) 560-6000
Legal Assistance	148 E. Main Street Spartanburg, SC 29304 (864) 582-0369	148 E. Main Street Spartanburg, SC 29304 (864) 582-0369
City of Spartanburg Police Dept.	911 Spartanburg County Communications	911 Spartanburg County Communications
Spartanburg County Sheriff's Department	911 Spartanburg County Communications	911 Spartanburg County Communications
Visa and Immigration Assistance	USCIS American Immigration Center 501 Pennsylvania Ave. Greer, SC 29650 864-968-3942	USCIS American Immigration Center 501 Pennsylvania Ave. Greer, SC 29650 864-968-3942

Missing Student Policy

Students residing in campus housing, (Magnolia House, Palmetto House and Villas) may identify and register a contact person(s) with the Housing and Residential Life Office to notify if the resident student is determined to be missing (according to HEA guidelines a student is considered missing if their whereabouts is unaccounted for more than 24 hours). If a student is under 18 years of age, is not an emancipated individual and is determined to be missing, USC Upstate must notify the contact as well as a custodial parent or guardian within 24 hours.

This emergency notification process will be initiated in accordance with the student's designation when the Department of Public Safety has been notified and has determined that the student has been missing for more than 24 hours and has not returned to campus.

However, it is the policy of the University of South Carolina Upstate that any student discovered missing for 24 hours, (whether or not the student has identified a contact person), is above the age of 18 or is an emancipated minor will be reported immediately upon discovery to the Department of Public Safety for investigation. Upon notification the USC Upstate Department of Public Safety will also notify the Spartanburg County Sheriff's Department.

If it is determined that the student has been missing for 24 hours and the missing student has identified a contact, the Department of Public Safety will immediately notify said contact. If the missing student is under 18 and not emancipated, Public Safety will immediately notify said student's custodial parent or legal guardian as well as the contact of record. If neither of the two preceding scenarios applies to a student determined to be a missing person, The Department of Public Safety will notify the appropriate law enforcement agency having jurisdiction.

In all such cases involving a missing student, appropriate campus authorities including the Dean of Students, Director of Housing and Residential Life and Registrar will be notified.

To register missing student notification information, contact the Housing and Residence Life Office at or prior to move-in. All contact information will be registered confidentially and will only be accessed by authorized campus officials. The Housing and Residence Life Office is located on the ground floor of the Palmetto House at 470 Hodge Dr. Spartanburg, SC 29303.

Missing persons should be reported to the USC Upstate Department of Public Safety, Dean of Students or the Director of Housing and Residential Life.

At the victim's request, and to the extent of the victim's cooperation and consent, University offices will work cooperatively to assist the victim in obtaining accommodations. If reasonably available, a victim may be offered changes to academic, living, working, or transportation situations regardless of whether the victim chooses to report the crime to law enforcement.

Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Potential changes to living situations may include moving to a different room or residence hall. Possible changes to work situations may include changing work hours. Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a safety escort, etc. Issuance of an Order of No Trespass may also be appropriate.

If the victim wishes to receive assistance in requesting these accommodations, the victim should contact the Title IX Coordinator or the USC Upstate Department of Public Safety and speak to the Victim's Advocate.

Equal Opportunity Policies

USC Upstate recognizes the human dignity of each member of the University community and shares in its commitment to build an inclusive and welcoming learning and work environment that celebrates the intellectual, cultural and experiential dimensions of diversity and promotes the fundamental values of wellness, equity and civility.

USC Upstate remains committed to the principles of academic freedom and believes that an environment that encourages the free and open exchange of ideas is integral to the mission of the University and embraces the protected rights of free expression, speech and association put forth in the U.S. Constitution. The following sections highlight the relevant equal opportunity and affirmative action policies and prohibited conduct that give guidance to our words and actions.

Prohibition of Unlawful Discrimination and Harassment (EOP 1.03)

The University of South Carolina is committed to providing an environment free from unlawful discrimination and harassment. Discrimination or harassment based on race, sex, gender, gender identity, age, color, religion, national origin, disability, sexual orientation, genetics, veteran status, pregnancy, childbirth or related medical conditions is prohibited. This prohibition applies to all personnel matters and educational access for all persons, including employees, prospective employees, students, prospective students and other persons utilizing the University's resources.

Any employee or student of the University of South Carolina who violates this policy shall be subject to disciplinary action, which may include termination or expulsion from the university.

This policy is not intended to limit or infringe the academic freedom of members of the academic community. Scholarly, educational, or artistic expression in written, oral, graphic, or any other form, which is permitted by law shall not be limited by this policy.

Definitions of Prohibited Conduct

Discrimination

The unfair or unequal treatment of an individual or a group based upon membership in any class protected by law as articulated in EOP 1.03 (race, sex, gender, age, color, religion, national origin, disability, sexual orientation, genetics, veteran status, pregnancy, childbirth or related medical conditions) that interferes with or limits the ability of an individual or group to participate in or benefit from the services, activities or privileges provided by the University.

Harassment

A specific type of unlawful discrimination that includes conduct (oral, written, graphic, or physical) which is directed against any individual, student or group of students based upon membership in any class protected by law as articulated in EOP 1.03, that is sufficiently severe, pervasive or persistent so as to interfere with or limit the ability of an individual or group to participate in or benefit from the services, activities or privileges provided by the University. Some examples include, but is not limited to objectionable epithets, demeaning depictions or treatment and threatened or actual abuse or harm.

Sexual Harassment Policy EOP 1.02

A specific type of gender based unlawful discrimination which is defined as unwelcome conduct of a sexual nature that is sufficiently severe, pervasive or persistent that it adversely affects an individual or group's ability to participate in or benefit from the programs and services provided by the University. Some examples of unwelcome and harmful conduct that may constitute sexual harassment and violate this policy include, but are not limited to:

Physical Conduct

1. Offensive Touching – touching an unwilling or non-consensual person's intimate parts (such as genitalia, groin, breast, buttocks, mouth, and/or clothing covering them). Touching an unwilling or non-consensual person with one's own intimate parts; or forcing an unwilling or non-consensual person to touch another's intimate parts.
2. Impeding or blocking a person's movements;
3. Acts of sexual violence; any form of sexual contact that occurs without consent and/or through the use of force, treat, threat of force, intimidation, incapacitation or coercion.

Non-Verbal Conduct

1. Suggestive or insulting gestures or sounds;
2. Displaying or presenting images of a sexual nature.

Verbal Conduct

1. Explicit or implicit propositions of a sexual nature;
2. Sexual innuendos and other sexually suggestive behavior;
3. Repeated, unwanted requests for dates;
4. Repeated inappropriate personal comments of a sexual nature;
5. Unwelcome and inappropriate letters, telephone calls, electronic mail; or other communication or gifts;
6. Other repeated, unwanted communication or gifts

Additional Types of Sexual Harassment Include:

1. Threats to make an adverse employment or academic decision based upon a refusal to engage in sexual activities.
2. Indecent exposure.
3. Invasion of sexual privacy.
4. Conduct, even if not specifically directed at the complainant, which is sufficiently pervasive, severe, or persistent to alter the conditions of employment or status as a student and create a hostile working or learning environment, when viewed from the perspective of a reasonable person of the complainant's gender.

Title IX, Sexual Misconduct, Intimate Partner Violence and Stalking

In addition to our commitment to maintaining an inclusive learning and work environment, USC Upstate does not tolerate or ignore acts of sexual violence and sexual assault. USC Upstate actively promotes and provides numerous educational opportunities to raise awareness and ensure the safety of its students, faculty, staff and community partners. As members of the University community, all individuals are expected to comply with and abide by University policies and guidelines in addition to all local, state and federal laws whether on campus or off.

Title IX is a federal law that mandates colleges and universities create an environment free from unlawful discrimination and sexual harassment for all students, employees and guests of the institution. Under Title IX, discrimination on the basis of sex can include sexual harassment, gender-based harassment (e.g. pregnancy) and all forms of sexual misconduct (including sexual assault, sexual exploitation, intimate partner violence (IPV) and stalking).

Sexual Misconduct is defined as the touching of an unwilling or nonconsensual person's intimate parts (genitalia, groin, buttocks, mouth, breast and/or clothing covering them) or forcing an unwilling person to touch another's intimate parts

Sexual Assault is defined as any form of sexual contact that occurs without the consent and/or through the use of force, threat of force, intimidation, incapacitation or coercion.

Sexual Exploitation is defined as an act or acts committed through non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose. This is prohibited conduct even though the act or acts do not constitute one of the other sexual misconduct offenses.

Intimate Partner Violence (IPV) is defined as any act of violence or threatened act of violence against a person who is, or has been involved in a sexual, dating, domestic, or other intimate relationship with the alleged offender.

Stalking is defined as a pattern of conduct in the form of words or acts (including, but not limited to harassment via electronic means, e.g. email, texts, social media, etc.) that is intended to cause or does cause a reasonable person to fear for themselves and others important to them; death, assault, bodily injury, sexual assault, involuntary restraint or damage to property or other's property.

Like all forms of unlawful discrimination and harassment, sexual misconduct, intimate partner violence and stalking interfere with an individual's ability to participate in and/or benefit from the programs and services provided by the University. Any acts that constitute sexual misconduct towards another community member, intimate partner violence or stalking are violations of the USC Upstate Code of Student Behavior as well as HR policies and may result in disciplinary actions from probation to expulsion for students to possible termination for employees. Alcohol and drug use does not mitigate accountability nor diminish the seriousness of this unlawful conduct. Disciplinary action on the part of USC Upstate does not preclude the possibility of criminal charges. University disciplinary proceedings may proceed with or without prosecution from local, state or federal law enforcement authorities.

The Clery Act of 1990 mandates an annual disclosure of statistics of sexual assaults and violent crimes known to have occurred within USC Upstate jurisdiction. For more information regarding the campus annual security report, please contact University Police at 864-503-7777.

All complaints, inquiries and investigations of unlawful discrimination, unlawful harassment and sexual misconduct (including) sexual assaults are processed by the EO/Title IX Coordinator in the Office of Institutional Equity, Inclusion and Engagement.

For more information regarding Title IX including reporting sexual assault or other unlawful harassment, protection from retaliation, confidentiality, submitting a complaint, available resources for survivors (e.g. Counseling Services), sexual violence prevention efforts and much more, please contact the resources below:

- Title IX Coordinator and Chief Diversity Officer: equity@uscupstate.edu or (864) 503-5052
- Office of Institutional Equity, Inclusion and Engagement, (864) 503-5959
- Office of the Dean of Students, (864) 503-7350
- USC Upstate Counseling Services, (864) 503-5195 (students only)
- USC Health Services, (864) 503-5191
- University Police, (864) 503-5777 or **911** for emergencies

Prohibited Conduct

- A member of the University community shall not engage in the sexual harassment of another member of the University community.
- A member of the University community shall not encourage, condone, or fail to take reasonable steps within this person's power to stop the sexual harassment of another member of the University community, regardless of whether the harassment is by another member of the University community or by persons doing business with the University.
- A member of the University community shall not retaliate, or attempt to cause retaliation against any person:
 - (1) Who reasonably protests against sexual harassment practices within the University or
 - (2) who becomes involved in any capacity in the procedures established in this Policy.

However, discipline may be imposed on a member of the University community who abuses the procedures established in this Sexual Harassment Policy: (1) by making claims of sexual harassment knowing them to be false or in reckless disregard of their truth or falsity, or (2) by making claims involving conduct that this person knows or has reason to know are not prohibited by this policy.

A member of the University community shall not refuse to cooperate in the investigation of a sexual harassment complaint, but may assert whatever testimonial and evidentiary privileges available to that person by law.

Sanctions and Enforcement Procedures

Persons who violate the University of South Carolina System Non-Discrimination and Equal Opportunity Policies are subject to appropriate discipline by the University. If an investigation results in a finding that this policy has been violated, the mandatory minimum discipline is a written reprimand. The discipline for the most serious violations may be termination from employment (and revocation of tenure) if the violator is an employee or permanent expulsion if the violator is a student. They may also be subject to civil damages or criminal penalties. Violations of this policy by students, including graduate assistants, will be governed by the following disciplinary procedures:

1st Offense: probation, community service, corrective action and in severe cases, suspension.

2nd Offense: suspension

3rd Offense: expulsion

Enforcement Procedures: Sources of advice and assistance with the procedures of the Non-Discrimination and Equal Opportunity Policies are available to all members of the community. They include: the Dean of Students (students); Director of Employee Relations and Equal Opportunity (any member of the University community) the Vice Chancellor for Finance and Administration (employees).

- Dean of Students, Campus Life Center, Rm 303, 864-503-7350
- Director of Employee Relations & Equal Opportunity, Administration Bldg., Rm 310, 864-503-5354
- Vice Chancellor for Administrative & Business Affairs, Administration Bldg., Rm.302, 864-503-5490

The Office of Employee Relations & Equal Opportunity can also provide training in the prevention, education, and the law relating to sexual harassment.

Policy on Sexual Assault

Introduction The University of South Carolina Upstate is an academic community preserved through mutual respect and trust of the individuals who learn, teach and work within it. Chief among the University's goals is a commitment to educating men and women to become responsible citizens. In this regard, the University is dedicated to maintaining a campus environment that actively discourages and condemns violence of any kind. Therefore, the University does not tolerate or ignore acts of sexual violence. As members of the University community, all individuals are expected to comply with and abide by the University policies and guidelines, Title IX, in addition to federal, state, and local laws whether off campus or on-campus.

The use of alcohol and other drugs in conjunction with an incident of sexual assault and/or acts of violence does not mitigate accountability for the commission of these acts or diminish the seriousness of the offense. The Student Right-to-Know and Campus Security Act (the Clery Act) of 1990 mandates the annual disclosure of statistics of sexual assaults and violent acts known to have occurred within the university's jurisdiction. The survivor's identity is not disclosed, in any such statistical reporting. Any act that constitutes a sexual assault or interpersonal violence of another person will not be tolerated and is a violation of the University's Code of Student Conduct, and HR 1.39 which may result in sanctions ranging from probation to expulsion. Disciplinary action on the part of the university does not preclude the possibility of criminal charges against the individual. Campus disciplinary procedures may proceed with or without prosecution by local, state or federal authorities. Disciplinary action will follow current University policy outlined in the Upstate Code of Student Conduct. These acts are defined in the following ways:

(Sexual) Harassment: forms of sex or gender discrimination, which is a violation of federal and state law and University of South Carolina-Upstate policy. Sexual harassment is unwelcome conduct of a sexual nature, so sufficiently severe, pervasive and objectively offensive that it adversely affects a person's or group's ability to participate in or benefit from academic or employment, programs, services or activities of the university. Sexual harassment may arise between employment supervisors and subordinates, between instructors and students, between peers, or between any of the foregoing persons and individuals conducting business with the university.

1. For sexual harassment to occur, it must be reported to the Title IX Coordinator or reported to any university official with authority to institute corrective measures.
2. USC-Upstate is not obligated to resolve sexual harassment complaints that occur outside the United States (ex: study abroad).
3. Informal, even multiple, complaints registered against the behaviors of an individual do not require a formal complaint process.
4. Examples of conduct that may constitute sexual harassment include, but are not limited to, the following types of unwelcome behavior:

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

Domestic Violence: Definition: A pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic or psychological. It is defined as a felony or misdemeanor crime 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 domestic or family violence laws of South Carolina.
- 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 State of South Carolina.

Stalking: Definition: A pattern of conduct in the form of words or acts (including, but not limited to, harassment via electronic or other means, such as email, text messages, social media, blogs, telephone call or faxes) in which the relationship between the respondent and the target of the conduct may be as current or former partners or spouses, a dating relationship, social acquaintances, or strangers, that is intended to cause, or does cause, a reasonable person to fear: (1) death or death of others important to that person; (2) assault or assault of others important to that person; (3) bodily injury or bodily injury of others important to that person; (4) sexual assault or sexual assault of others important to that person; (5) involuntary restraint or involuntary restraint of others important to that person; (6) damage to property of the person or to the property of others important to that person.

Non-Verbal Conduct: Suggestive or insulting gestures or sounds; displaying or presenting images of a sexual nature

Verbal Conduct: Explicit or implicit propositions of a sexual nature

Offensive Touching/Non-Consensual Sexual Contact: Definition: Touching an unwilling or non-consensual person's intimate parts (such as genitalia, groin, breast, buttocks, mouth, and/or clothing covering them); touching an unwilling or non-consensual person with one's own intimate parts; or forcing an unwilling or non-consensual person with one's own intimate parts.

Non-Consensual Sexual Assault Definition: occurs when there is unwilling or non-consensual penetration of any bodily opening with any object or body part. This includes, but is not limited to penetration of a bodily opening without consent through use of coercion or manipulation.

Forced Sexual Assault Definition: occurs when there is unwilling or non-consensual penetration of any bodily opening with any object or body part that is committed either by force, threat, intimidation, or through exploitation of another's mental or physical condition of which the assailant was or should have been aware. Providing or making available to a victim, and/or using any substance (e.g. alcohol, GHB, Rohypnol, etc.) will be considered by the Administrative Hearing Officer, Honor Council, or pre-hearing Officer when determining responsibility and appropriate sanction. Use of these substances in violating this policy may constitute "Forced Sexual Assault" and result in expulsion from the University. In addition, the use of these substances by an alleged assailant may constitute violation of other University policies, and the student may be charged with these violations as well (e.g. Drugs, Harm to Persons, Disorderly Conduct, Disruptive Activity, Alcohol, etc.). The use of alcohol and other drugs by either party, in conjunction with an incident of sexual assault, does not mitigate accountability for the commission of this offense or diminish the seriousness of the offense.

(Sexual) Harassment: forms of sex or gender discrimination, which is a violation of federal and state law and University of South Carolina-Upstate policy. Sexual harassment is unwelcome conduct of a sexual nature, so sufficiently severe, pervasive and objectively offensive that it adversely affects a person's or group's ability to participate in or benefit from academic or employment, programs, services or activities of the university. Sexual harassment may arise between employment supervisors and subordinates, between instructors and students, between peers, or between any of the foregoing persons and individuals conducting business with the university.

1. For sexual harassment to occur, it must be reported to the Title IX Coordinator or reported to any university official with authority to institute corrective measures.
2. USC-Upstate is not obligated to resolve sexual harassment complaints that occur outside the United States (ex: study abroad).
3. Informal, even multiple, complaints registered against the behaviors of an individual do not require a formal complaint process.
4. Examples of conduct that may constitute sexual harassment include, but are not limited to, the following types of unwelcome behavior:

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

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

Consent is defined as follows: Clear, conscious, willing and affirmative agreement to engage in sexual activity. Consent must have the following elements: 1. Both parties are clear about their intent to engage in sexual activities and their desire to do so is willing. 2. Both individuals are fully conscious. 3. Consent can be withdrawn at any time. 4. Someone who is incapacitated cannot consent. 5. Neither individual is impaired by drugs and/or alcohol to the extent they do not know the who, what, when, where, why, or how of the situation. 6. Silence or an absence of resistance does not in and of itself constitute consent. 7. Coercion, force, or threat of either cancels consent. 8. Past consent of sexual activities does not imply future consent. 9. Consent to engage in sexual activity with one person does not give consent to engage in sexual activity with someone else.

Coercion: A tactic used by a respondent to intimidate, trick or force someone to have sex with him or her without physical force. Examples of coercion: 1. Verbal-Making statements that unduly pressure someone into having sex. 2. Authoritative/ Power- Using one's position over another person (faculty/student, supervisor/employee). 3. Plying someone with alcohol or drugs so that he/she cannot resist. 4. Use of threats and/or intimidation which can cause one to believe that death or injury would occur if they resisted.

Complainant: A person who files a written complaint with the Office of Institutional Equity, Inclusion, and Engagement or other responsible employee or confidential resource alleging he or she has been subjected to sexual misconduct as defined in this policy.

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

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

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

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

Title IX: a federal law that mandates that colleges and universities create an environment free from sexual discrimination and harassment for all community members. Under Title IX, discrimination on the basis of sex can include sexual harassment, gender-based harassment, a federal law that mandates that colleges and universities create an environment free from sexual discrimination and harassment for all community members. Under Title IX, discrimination on the basis of sex can include sexual harassment, gender-based harassment,

Seeking Medical Attention and Counseling Services

Medical Attention: Whatever one does following sexual assault, it is essential that medical attention be sought immediately at the nearest emergency room to protect against internal injury or disease and to assist with later prosecution. A victim should observe the following recommendations: Preserve all physical evidence of the assault, even if you (or someone you know) are unsure whether to report the crime. Do not shower, bathe, douche, eat, drink, wash your hands or brush your teeth until after you have had a medical examination. Save all the clothing that was worn during the time of the assault and bring them and any other potential evidence to the emergency room (medical exam). Place each item of clothing in a separate paper bag (do not use plastic bags). Do not clean or disturb the area where the assault occurred.

Counseling: Counseling can be critical to regaining one's emotional balance following a sexual assault. There are trained professionals ready to assist you or refer you to other competent professionals. All assistance is free and strictly confidential as it is for other offices such as the University Police Department and the Office of Student Affairs. Counseling Services is located in CLC Suite 224 and can be contacted at 864-503-5195.

Sexual Assault Reporting Options

Reporting to the University Police or Local Police: If an assault occurs on University property, it should be reported to University police by calling **911** or 503-7777 by using a campus emergency phone. Assaults that occur off-campus should be reported to the local police (**911**). These numbers can be used 24 hours a day, seven days a week.

Other Reporting Options: in lieu of reporting a sexual assault to University police you may also make a report to a counselor in Counseling Services, (864) 503-5195, Dean of Students: 503-7350, or Title IX Coordinator at 503-5052. The adverse emotional impact following sexual assault can be severe. The long term effects of the trauma of sexual violence can have serious and lasting psychological consequences. The University recognizes the importance of competent, comprehensive, sensitive professional help. Do not hesitate to contact any one of the offices listed to report any incidence of sexual violence:

- Counseling Services is an on-campus resource that provides free counseling visits to students. The phone number is 503-5195.
- University Police will provide on-going assistance in pursuing criminal prosecution. The phone number is 503-7777 or **911**. They can also put a victim/survivor in touch with Victim/Witness Services.
- University Housing is available to assist a victim with housing needs, such as relocation. They can be reached at 503-5422. Time is absolutely critical when reporting a sexual assault. The sooner an assault is reported the easier it is to collect valuable evidence.

The Violence Against Women Reauthorization Act - Introduction

The Violence Against Women Act (VAWA) is a landmark piece of legislation that seeks to improve criminal justice and community-based responses to domestic violence, dating violence, sexual assault and stalking in the United States. The passage of VAWA in 1994 and its reauthorization in 2000, 2005 and 2013, has changed the landscape for victims who once suffered in silence. Victims of domestic violence, dating violence, sexual assault and stalking have been able to access services, and a new generation of families and justice system professionals has come to understand that domestic violence, dating violence, sexual assault and stalking are crimes that our society will not tolerate.

2018-2020 USC Upstate Campus Crime Statistics Violence against Women Reauthorization Act (VAWA) Offenses

Main Campus VAWA Offenses Reporting Table					
OFFENSE	YEAR	GEOGRAPHIC LOCATION			
		ON-CAMPUS PROPERTY	ON CAMPUS STUDENT HOUSING FACILITIES	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
DOMESTIC VIOLENCE	2018	1	1	N/A	0
	2019	0	0	N/A	0
	2020	0	0	N/A	0
DATING VIOLENCE	2018	0	0	N/A	0
	2019	0	0	N/A	0
	2020	0	0	N/A	0
STALKING	2018	0	0	N/A	0
	2019	2	0	N/A	0
	2020	0	0	N/A	0

George Dean Johnson Jr. College of Business and Economics (no student housing or non-campus property) VAWA Offenses Reporting Table					
OFFENSE	YEAR	GEOGRAPHIC LOCATION			
		ON-CAMPUS PROPERTY	ON CAMPUS STUDENT HOUSING FACILITIES	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
DOMESTIC VIOLENCE	2018	0	N/A	N/A	0
	2019	0	N/A	N/A	0
	2020	0	N/A	N/A	0
DATING VIOLENCE	2018	0	N/A	N/A	0
	2019	0	N/A	N/A	0
	2020	0	N/A	N/A	0
STALKING	2018	0	N/A	N/A	0
	2019	0	N/A	N/A	0
	2020	0	N/A	N/A	0

VAWA Offenses Reporting Table University Center Greenville (UCG) (no student housing or non-campus property)					
OFFENSE	YEAR	GEOGRAPHIC LOCATION			
		ON-CAMPUS PROPERTY	ON CAMPUS STUDENT HOUSING FACILITIES	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
DOMESTIC VIOLENCE	2018	0	N/A	N/A	0
	2019	0	N/A	N/A	0
	2020	0	N/A	N/A	0
DATING VIOLENCE	2018	0	N/A	N/A	0
	2019	0	N/A	N/A	0
	2020	0	N/A	N/A	0
STALKING	2018	0	N/A	N/A	0
	2019	0	N/A	N/A	0
	2020	0	N/A	N/A	0

Procedures Victims Should Follow if a Crime of Sexual Assault, Domestic Violence, Dating Violence, or Stalking Has Occurred

If you are the victim of a sexual assault, dating violence, domestic violence or stalking at this institution, your first priority should be to go to a place of safety. You should then obtain necessary medical treatment if needed. In the Spartanburg metropolitan area, this is Spartanburg Regional Hospital. Sexual Assault Nurse Examiners, (SANE) at the hospital are trained and certified in physical evidentiary recovery kit collection. Evidence may be collected, even if the victim chooses not to make a report to law enforcement.

The Department of Public Safety strongly advocates that a victim of sexual assault, domestic violence, dating violence or stalking report the incident in a timely manner to either the University Police Department or other law enforcement agency (if the incident occurred off campus). This is a critical factor for effective evidence collection and preservation, assisting in criminal prosecution and helpful in obtaining an order of protection. Filing a police report with a University Police Officer will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers. Filing a police report will, however:

- Ensure that a victim of sexual assault receives the necessary medical treatment and tests at no expense to the victim;
- Provide for the collection of evidence helpful in prosecution, which cannot be obtained later;
- Assure the victim has access to free confidential counseling from counselors trained in the area of sexual assault crisis intervention.

Campus authorities such as the Dean of Students, Title IX Coordinator, Professional Counselors or others may assist the victim in notifying law enforcement authorities upon request. Alternatively, a victim may decline to notify law enforcement, pursue remedy through the campus judicial process or decline to notify such authorities entirely. Incidents of sexual assault, dating violence, domestic violence or stalking on campus may be reported to any campus authority with whom the victim is comfortable and specifically to the following individuals by phone or in person:

Dean of Students	503-7350	Campus Life Center (CLC) 180 Gramling Dr. Room 303
Director of Health Services	503-5191	Health Services Bldg. 995 University Way and 490 Hodge Dr. (Rampey Bldg.)
Director of Housing & Residential Life	503-5422	Palmetto House 470 Hodge Dr. Room 031D
Director of Employee Relations	503-5354	Administration Bldg. 800 University Way Room 310
Title IX Coordinator	503-5052	Library Building 150 Gramling Dr. Room 220

When a victim contacts the Department of Public Safety, a state certified victim's advocate will be contacted as well. The victim of a sexual assault, dating violence, domestic violence or stalking may choose for the investigation to be pursued through the criminal justice system, University judicial system, or both. Alternatively, the victim may choose not to pursue either of these options. University disciplinary proceedings, as well as special guidelines for cases involving sexual misconduct are detailed in the *Student Handbook*.

The *Handbook* provides in part, that the accused and the victim will each be allowed to choose one person who to accompany them throughout the hearing. Both the victim and the accused will be informed in writing of the outcome of the hearing that arises from an allegation of dating violence, domestic violence, sexual assault or stalking.

A student found guilty of violating the University sexual misconduct policy could be criminally prosecuted in State court and suspended or expelled from the University on the first offense. A Victim's Advocate from the Department of Public Safety and/or Counselor from the University Counseling Center will also guide the victim through the available options and support the victim in his or her decision. Various counseling options are available from the University through Health Services, Counseling Services and the Employee Assistance Program. Counseling and support service outside the University system may be obtained through Safe Homes.

Orders of Protection and Restraining Orders

If a victim of sexual assault, domestic violence, dating violence or stalking obtains an order of protection, no contact order or restraining order, the University Police Department should be presented a copy of the order. Upon receipt, the police department will maintain a copy of the order on file until such order(s) expire. All current orders issued by a court of competent jurisdiction will be enforced on campus by University Police.

Law Enforcement Relationships and Jurisdiction

The University of South Carolina Upstate maintains a full-service 24-hour Department of Public Safety staffed by certified law enforcement officers fully accredited by the State of South Carolina. Police Officers patrol the campus in clearly marked vehicles, bicycles, electric carts and foot patrol. For emergencies dial **911**. For non-emergencies, business, or general information the Department of Public Safety may be reached at any time by dialing Ext. 7777 from campus telephones or dialing (864) 503-7777 from a cellular or off-campus telephone. In the unlikely event of a campus-wide telephone system failure, the Department of Public Safety may be reached at (864) 503-9196. Magnolia House, Palmetto House and Palmetto Villas residents may also report an emergency to any Housing and Residential Life Staff Member who in turn will notify University Police via radio or telephone.

Upstate Spartanburg Campus

As State Constables, University Police Officers possess state-wide police powers to apprehend and arrest anyone involved in illegal acts on campus and areas immediately adjacent to the campus. If minor offenses involving University rules and regulations are committed by a University student, the Department of Public Safety may also refer the individual to the Dean of Students or Director of Housing and Residential Life for judicial action.

Major offenses such as rape, murder, aggravated assault and robbery may be investigated jointly with the Spartanburg County Sheriff's Department and/or South Carolina law Enforcement Division (SLED). The prosecution of criminal cases, both felony and misdemeanor are conducted in Magistrate, General Sessions, or Federal Court within Spartanburg County.

The Department of Public Safety works closely with local, state, and federal police agencies and has direct radio communications with the Spartanburg County Sheriff's Department, North Spartanburg County Fire Department and the County **911** Emergency Dispatch Center.

By mutual agreement with state and federal agencies, the Department of Public Safety maintains an American Law Enforcement Network (ALLEN). Through this system, police personnel can access the National Crime Information Computer System as well as the State of South Carolina criminal data base system. These computer databases are used for accessing criminal history data, nationwide police records, driver/vehicle identification information, as well as other local, state and federal law enforcement information.

George Dean Johnson Jr. College of Business and Economics

As municipal law enforcement officers, City of Spartanburg Police Officers possess police powers to apprehend and arrest anyone involved in illegal acts within the City of Spartanburg including a 3-mile radius outside the city limit. This includes the Johnson School of Business campus and areas immediately adjacent to the same. If minor offenses involving University rules and regulations are committed by a University student, University Police may refer the individual to the Dean of Students for judicial action.

Spartanburg Police work closely with state and federal police agencies and have direct radio communications with EMS, the Spartanburg County Fire Department and the County **911** Emergency Dispatch Center.

University Center Greenville (UCG) Campus

As State Constables, Greenville Tech Police Officers possess state-wide police powers to apprehend and arrest anyone involved in illegal acts on the Greenville campus and areas immediately adjacent to the campus. If minor offenses involving University rules and regulations are committed by a University student, University of South Carolina Upstate Police or the Greenville Tech Police may also refer the individual to the Dean of Students for judicial action. Major offenses such as rape, murder, aggravated assault and robbery may be investigated jointly with the City of Greenville Police Department and/or SLED. The prosecution of criminal cases, both felony and misdemeanor are conducted in Magistrate, General Sessions, or Federal Court located within Greenville County. Greenville Tech Police work closely with local, state, and federal police agencies and have direct radio communications with the Greenville Police Department, Greenville County Fire Department and the Greenville County **911** Emergency Dispatch Center.

Victim Advocate Services are available through a certified victim's advocate at the University Police Department. If you or a loved one become a victim of a crime, it's important to know your rights, and have a support base. Our Victim Assistance Response Team is available to provide services to victims and witnesses immediately after the crime occurs, during the investigation, and throughout the Criminal Justice Process in many different ways:

- Crisis Intervention
- Referrals and information to community agencies for professional counseling, support groups, medical, financial aid, and shelter.
- Informing victims/witnesses of their rights/responsibilities under the law.
- Acting as liaison between victims, police, investigators, and local agencies.
- Court preparation accompaniment and emergency transportation to court.
- Information regarding the current status of your case.
- Assistance in filing for victim compensation through the State Office of Victim Assistance (SOVA), to help with medical expenses, lost wages, counseling and funeral expenses.

Under the provisions of State Statute 16-3-1515, a victim or witness who wishes to exercise his or her rights under this article or receive services under this article or both must provide a law enforcement agency, a prosecuting agency, a summary court judge, the Department of Corrections, the Department of Juvenile Justice, as appropriate, his or her legal name, current mailing address, and current telephone number.

Confidentiality

In 1998 the federal government passed the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, previously known as the Student-Right-To Know Act of 1990. This law requires colleges and universities receiving federal funding to disclose publically specific reported criminal activity on campus.

The Department of Public Safety prepares a report annually to comply with this Act. However, these reports do not include personally identifiable information about the victim which is maintained as confidential.

Moreover, accommodations or protective measures provided to the victim are also considered confidential to the extent that maintaining such confidentiality would not impair the ability of USC Upstate to provide said accommodations or protective measures.

Victim and Witness Rights

Victims and Witnesses of Criminal Activity Have The Right To:

1. Be treated with fairness, respect and dignity. To be free from intimidation, harassment, or abuse throughout the criminal justice system and informed of a victim's constitutional rights.
2. Be reasonably informed when the accused or convicted person is arrested, released from custody, or has escaped.
3. Be informed of and present at all criminal proceedings which are dispositive of the charges where the defendant has the right to be present.
4. Be allowed to submit either a written or oral statement at all hearings affecting bond or bail.
5. Be heard at any proceeding involving a post-arrest, a plea, or sentencing.
6. Be reasonably protected from the accused or persons acting on his behalf throughout the criminal justice process.
7. Confer with the prosecution after the crime against the victim has been charged, before the trial, or before any disposition, and informed of the disposition.
8. Have reasonable access after the conclusion of the criminal investigation to all documents relating to the crime against the victim before trial.
9. Receive prompt and full restitution from the convicted person or persons.
10. Be informed of any proceeding when any post-conviction action is being considered, and be present at any hearing.
11. A reasonable disposition and prompt and final conclusion of the case.
12. Have all rules governing criminal procedure and the admissibility of evidence in all criminal proceedings protect victims' rights and have these rules subject to amendment or repeal by the legislature to ensure protection of these rights.

Written Notice of Disciplinary Action to Accused and Accuser

A written explanation of procedures for institutional disciplinary action will be provided to the accuser and the accused in cases of alleged dating violence, domestic violence or stalking. Moreover, when the institution receives a report that a student or employee has been the victim of dating violence, domestic violence, sexual assault or stalking, USC Upstate will provide the student or employee a written explanation of the student's or employee's rights and options.

Written Notification of Available Protective Services

The University of South Carolina Upstate will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available for victim, both within the institution and in the community.

USC Upstate provides a range of protective measures to the victim following an allegation of dating violence, domestic violence, stalking or sexual assault. These options will include written notification to victims for available assistance in, and how to request changes to:

- Academic situations
- Living situations
- Transportation situations
- Working situations
- Protective measures

Accommodations or protective measures are provided if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to University Police or local law enforcement. This information is available online or in the Student Handbook

Reporting Procedures for Victims of Criminal Sexual Assault, Domestic Violence, Dating Violence and Stalking—

If a student or employee is a victim of criminal sexual assault, domestic violence, dating violence or stalking, the incident should be reported immediately to University Police. If the incident occurred off campus it should be reported to the law enforcement authority of jurisdiction where the crime occurred or University Police. However, campus and external community resources are available to students and employees regardless of where the crime occurred. These resources may include but are not limited to Health Services, Counseling Services, Dean of Students, and Victim Advocacy through the Department of Public Safety.

If a student does not want to make a police report they may contact the Dean of Students or Title IX Coordinator on campus to seek campus judicial relief and action. An employee not wishing to file a police report may contact either the Title IX Coordinator or the Director of Employee Relations for administrative relief and action. Listed below are some important phone numbers:

Resources	Phone Number	Address
University Police	911 or (864) 503-7777	219 E. Campus Blvd.
Victim Advocate	(864) 503-5309	219 E. Campus Blvd.
Dean of Students	(864) 503-7350	Campus Life Center 180 Gramling Dr. Room 303
Counseling Services	(864) 503-5195	Rampey Building 490 Hodge Dr.
Title IX Coordinator	(864) 503-5052	Library Building 150 Gramling Dr. Room 220
Health Services	(864) 503-5191	995 University Way and 490 Hodge Dr. (Rampey Bldg.)

Definitions: Dating Violence, Domestic Violence, Sexual Assault and Stalking, Consent, Primary Prevention Programs, Bystander Intervention, On-Going Prevention and Awareness Campaigns:

The University of South Carolina Upstate prohibits the crimes of dating violence, domestic violence, stalking and sexual assault.

Dating Violence- Dating violence is the performance or threat of an act of violence by at least one member of an unmarried couple on the other member within the context of dating. This may *include any form of sexual assault, physical violence, and verbal or emotional abuse.*

Domestic Violence - In South Carolina, domestic violence involves someone causing harm or injury to a household member, or threatening or attempting to cause harm or injury to a household member with the ability to carry out the threat or attempted harm. The state also makes it a crime to violate a domestic violence protection order or to trespass on the grounds of a domestic violence shelter. Household members include spouses, former spouses, people who have children together, and people of the opposite sex who live together or have lived together.

Stalking – In South Carolina, stalking is defined as a pattern of words or conduct that causes fear of death, assault, bodily injury, criminal sexual contact, kidnapping, or property damage to victim or victim’s family member. Aggravated stalking is stalking accompanied by an act of violence.

Sexual Assault – Forced sexual assault occurs when there is unwilling or nonconsensual penetration of any bodily opening with any object or body part that is committed either by force, threat, intimidation, or through exploitation of another’s mental or physical condition of which the assailant was or should have been aware.

Providing or making available to a victim, and/or using any substance (e.g. alcohol, GHB, Rohypnol, etc.) will be considered by the Administrative Hearing Officer, Honor Council or Pre-Hearing Officer when determining responsibility and appropriate sanction. Use of these substances by an alleged assailant may constitute violation of other University policies, and the student may be charged with these violations as well (e.g. Drugs, Harm to Persons, Disorderly Conduct, Disruptive Activity, Alcohol, etc.). The use of alcohol and other drugs by either party, in conjunction with an incident of sexual assault, does not mitigate accountability for the commission of this offense or diminish the seriousness of the offense.

Consent is defined as follows:

- Both individuals are physically free and capable to act
- Both individuals are willing and clear about their intent to engage in sexual activities
- Silence may not in and of itself constitute consent
- Past consent of sexual activities doesn't imply ongoing future consent.

Primary Prevention Programs- These are defined as programs that new students and new employees must be offered that promote awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking

Bystander Intervention is part of being a member of the USC Upstate community. It involves engaging in a negative situation to help stop it. Such situations may include sexual violence, potential sexual violence, or speaking out against statements, attitudes or behaviors that may perpetuate a culture endorsing violence. As a caring and involved community, USC Upstate embraces the "It's on Us" and "Are You OK?" programs to promote awareness that violence against women and other crimes on campus will not be tolerated. Moreover, that as a campus community we look out for each other; "to have each other's back" and in so doing safely intervene when we see inappropriate actions taking place in lieu of turning a blind eye. Research on the causes of sexual violence and evaluation of prevention efforts indicates that bystanders are a key piece of prevention work. Common components of Bystander Intervention include:

- **Awareness.** A key first step is to heighten awareness so individuals and groups are better able to identify instances of sexual violence.
- **Sense of Responsibility.** A sense of responsibility gives the bystander motivation to step in and take action. Bystanders are much more likely to help friends than strangers, and are more likely to help strangers if they see them as part of a group they identify with (like supporting the same sports team).
- **Perceptions of Norms.** Perceptions of peer norms about helping (whether you think your friends are likely to help), and perceptions of authorities' (like professors') attitudes are related to bystander attitudes. People often mistakenly think others are less supportive of doing something to address sexual violence than they actually are. Studies show links between perceptions of helping, trust, and commitment among community members; trust in campus authorities; and their willingness to take action as a bystander.
- **Weighing Pros and Cons.** People weigh the costs and benefits of getting involved in a risky situation. These include threats to their own safety, negative consequences for their relationships with others, and the potential to change outcomes of a risky situation or help a victim.
- **Confidence.** People who feel more confident in their ability to help are more likely to take action. A consistent research finding is that prevention programs, particularly in-person educational and skill workshops, increase individuals' sense they can take effective action.
- **Building Skills.** People need to know what to do and how to do it. Population survey data shows that many people are at a loss for specific ways to help. Survivors tell us that friends and family do not always do things that are useful or supportive, and these negative or unhelpful responses make coping with and recovering from abuse much harder. Bystander intervention training can give motivated community members skills to intervene in ways that protect their own safety and are truly supportive to victims.
- **Context.** Bystanders also need safety nets for themselves – resources they can call upon and community policies that support intervention. At USC Upstate these resources include University Police, Counseling Services, the Title IX Coordinator and Dean of Students.

On-Going Prevention and Awareness Campaigns/Programs to Prevent Dating Violence, Domestic Violence, Sexual Assault and Stalking

Definition: On-Going Awareness Campaigns and Programs: Programs that continue from year to year and are intended to educate the campus community about violence against women crimes, how to prevent, report and intervene as a bystander. Prevention campaigns are systemic, aggressive events and activities that provide on-going educational information and prevention strategies. Title IX training, "Not Anymore," University 101 classes, "Are You OK?," Rape Aggression Defense (R.A.D.) classes are on-going prevention and awareness campaigns on campus to educate and reduce risk from stalking, dating violence, domestic violence and sexual assault. Information and programming schedules for these offerings may be obtained through the Title IX Coordinator, Dean of Students Office, Director of University Training or University Police.

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Risk Reduction

Definition: Risk reduction is the ways and means of reducing or eliminating violence against women in all forms; sexual assault, domestic violence, dating violence and stalking. Information on risk reduction is available through the University Police Department, Dean of Students Office, Student Affairs Office, Title IX Coordinator and Human Resources. Risk reduction strategies include attendance at Active Shooter training sessions, mitigation of workplace violence, participation in Rape Aggression Defense classes (R.A.D.), attendance at Personal Protection crime prevention classes, on-line training, University 101 classes, periodic and on-going training offered in Housing and Residence Life regarding safety and security, and educational videos which are offered from time to time.

Investigation of Reports

All concerns will be taken seriously and directed to either the University Police Department, Title IX Coordinator, or both, which will then inform the alleged respondent about the University's policy regarding such behavior, and advise the respondent that retaliation is prohibited.

The University's Title IX Coordinator will be notified of all Title IX/VAWA related claims. In those cases the Title IX Coordinator will determine to whom to assign the responsibility to investigate. The investigation will typically involve interviewing the individual who believes they have been the victim of sexual assault, dating violence, domestic violence, stalking or harassment; interviewing the individual who has been accused; and interviewing any witnesses or those who are believed to have relevant information about the claim. The individual being accused generally has the right to know who has made the allegation against them. The supervisor of an employee making a claim and the supervisor of an employee being named in a complaint may be notified of the complaint, if appropriate.

Case Review Process:

When the individual making a claim or the accused is a member of the faculty, the investigation will typically be assigned to the Office of the Provost. Any corrective action toward a faculty member will be determined based on procedures set forth in the faculty handbook.

When a claim involves an employee of the University other than a faculty member, the investigation will typically be assigned to the Director of Employee Relations. Moreover, the Title IX Coordinator may delegate responsibility for the investigation to another member of the professional staff or person(s) authorized by the University as appropriate. Any corrective or disciplinary action toward a staff employee will be based on the University's standard disciplinary procedures.

Student complaints about a faculty member or staff member of the University will be reviewed by either the Office of the Provost, (in the case of a faculty member), and the Title IX Coordinator (in complaints involving Title IX/VAWA related issues) or the Director of Employee Relations (in the case of a staff employee).

Faculty or staff complaints about a student will be reviewed by the Title IX Coordinator or his/her designee. The judicial procedures for offenses related to sexual assault, dating violence, domestic violence, stalking and harassment are outline in the Student Code of Conduct.

Student complaints about other students will be reviewed and investigated per the Sexual Misconduct and Relationship Violence Policy by the Title IX Coordinator and/or Dean of Students. The judicial procedures for such grievances are outlines in the Student Code of Conduct.

During the course of the investigation, the individual conducting the investigation may consult with or notify the Chancellor, Provost, Vice-Chancellor of Student Life, Dean of Students, Director of Human Resources, Director of Employee Relations, Director of Public Safety, or legal counsel.

Confidentiality will be maintained throughout the investigation to the extent practical and consistent with the University's need to undertake a full and impartial investigation. Only those with a need-to-know will be involved in the investigation.

In cases involving an issue or concern outlined in the Employee and Student Sexual Harassment, Sexual Assault, Sexual Misconduct, Sating Violence, Domestic Violence, Stalking and Sexually Inappropriate Behavior, both the complainant and/or respondent may have an advisor of their choice present during the investigation. The role of an advisor is to support the complainant/respondent, but the advisor may not represent the complainant/respondent during the investigation.

Employees questioned by the University during the course of an investigation are required to provide their full cooperation. In turn, it is expectation of the University that all those involved in an investigation, including the individual making the claim, the individual who has been accused, and any witnesses will be treated with dignity and respect during the course of the investigation.

If criminal conduct has been alleged, the claimant may elect to file a complaint with the University Police Department, or if the incident(s) occurred off-campus, with the appropriate authority of jurisdiction. Both a Title IX investigation and a criminal investigation may occur concurrently.

The University will normally conclude its investigation within 60 days or less. In rare cases where the matter presents particular complexities or the unavailability of witnesses, the time period may be extended. All investigations will offer an equal opportunity for the reporting party and the respondent to present relevant witnesses and other evidence. At the conclusion of the investigation, the decisional authority will determine whether a violation of this policy occurred using a "preponderance of evidence" standard. This means that, based on the totality of the evidence, the allegation more likely than not occurred (not a "clear and convincing evidence" standard).

In investigations that implicate rights protected by Title IX, the individual making the reporting party, as well as the alleged offender (respondent), will be apprised of the outcome of the investigation in writing. The University's Grievance Procedures are available to employees and students after a determination has been made by the appropriate decisional authority.

If a violation has been found to have occurred, immediate and appropriate action will be taken to stop the inappropriate behavior, eliminate any hostile environment created, prevent its recurrence, and remedy the effects.

Where a respondent has been found responsible, the University will take appropriate actions, which may include disciplinary and corrective actions designed to prevent future occurrences. Sanctions may be issued individually, or a combination of sanctions may be imposed. The determination of sanctions is based upon a number of factors, including: the nature, severity of, and circumstances surrounding the violation; the harm suffered by the complainant or the campus community posed by the respondent; the impact of the violation on the community, its members, or its property; any previous disciplinary history; previous complaints or allegations involving similar conduct; and any mitigating or aggravating circumstances. Disciplinary measures for employees of the University may include a verbal warning, written warning, suspension without pay, or possible termination of employment. Disciplinary actions for students may include official reprimand/warning, practical penalty, definite probation, indefinite probation, and expulsion.

In appropriate cases, the University may determine that the misconduct was motivated by bias, insofar as a complainant was selected on the basis of their race, color, ethnicity, national origin, religion, sex, sexual orientation, gender expression, gender identity, are, veteran's status, marital/family status, genetic information, or disability. Where the University determines the misconduct was motivated by bias, the University may elect to increase the sanction imposed as a result of the motivation.

Notice of Outcome and Sanction

In investigations that implicate rights protected by Title IX, the individual making the complaint, as well as the alleged offender, will be apprised of the outcome of the investigation in writing. Sanctions for violations are issued by the appropriate decisional authority.

Upstate Code of Student Conduct

Section1: Introduction

The University community is committed to fostering a campus environment that is conducive to the transmission of truth, academic inquiry, a productive campus life, thoughtful study and discourse, and free expression. The student conduct program within the Dean of Students Office is committed to an educational and developmental process that balances the interests of individual students with the interests of the University community.

- A community exists on the basis of shared values and principles. At USC-Upstate, student members of the community are expected to uphold and abide by certain standards of conduct that form the basis of the *Code of Student Conduct*. These standards are embodied within a set of core values that include integrity, valuing others, knowledge, community, and responsibility.
- Each member of the University community bears responsibility for their conduct and to assume reasonable responsibility for the behavior of others. When members of the community fail to exemplify these five values by engaging in violation of the rules below, campus conduct proceedings are used to assert and uphold the *Code of Student Conduct*.
- The student conduct process at the University is not intended to punish students; rather, it exists to protect the interests of the community and to challenge those whose behavior is not in accordance with our policies. Sanctions are intended to challenge students' moral and ethical decision-making and to help them bring their behavior into accord with our community expectations. When a student is unable to conform their behavior to community expectations, the student conduct process may determine that the student should no longer share in the privilege of participating in this community.
- Students should be aware that the ***student conduct process is quite different from criminal and civil court proceedings***. Procedures and rights in student conduct procedures are conducted with fairness to all, but do not include the same protections of due process afforded by the courts. Due process, as defined within these procedures, assures written notice and a hearing before an objective decision-maker. No student will be found in violation of University policy without information showing that it is more likely than not (also called the "preponderance of the evidence") that a policy violation occurred and any sanctions will be proportionate to the severity of the violation, to the cumulative conduct history of the student, and to the attitude of the student during the process.
- The University is committed to a policy that assures equal opportunity to all students and therefore does not discriminate on the basis of race, ethnicity, color, gender, sexual orientation, religion/faith tradition, national origin, age, disability, veteran status, or HIV/AIDS status. In addition, the Division of Student Affairs does not discriminate on the basis of gender identity/expression.

Section 2: Jurisdiction

Students at the University are provided a copy of the *Code of Student Conduct* annually in the form of a link on the University website. Hard copies are available upon request from the Dean of Students Office (email: officeofstudentaffairs@uscupstate.edu). **Students are responsible for having read and abiding by the provisions** of the *Code of Student Conduct*.

The *Code of Student Conduct* and the student conduct process apply to the conduct of individual students, both undergraduate and graduate, and all University-affiliated student organizations. For the purposes of student conduct, the University considers an individual to be a student when an offer of admission has been extended and thereafter as long as the student has a continuing educational interest in the University.

The University retains conduct jurisdiction over students who choose to take a leave of absence, withdraw or have graduated for any misconduct that occurred prior to the leave, withdrawal or graduation. If sanctioned, a hold may be placed on the student's ability to re-enroll and/or obtain official transcripts and/or graduate and all sanctions must be satisfied prior to re-enrollment eligibility. In the event of serious misconduct committed while still enrolled but reported after the accused student has graduated, the University may invoke these procedures and should the former student be found responsible, the University may revoke that student's degree.

The *Code of Student Conduct* applies to behaviors that take place on the campus, at University-sponsored events and may also apply off-campus when the Dean of Students or designee determines that the off-campus conduct affects a substantial University interest.¹ A substantial University interest is defined to include:

- Any situation where it appears that the student's conduct may present a danger or threat to the health or safety of him/herself or others; and/or
- Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational mission and/or interests of the University;

The *Code of Student Conduct* may be applied to behavior conducted online, via email or other electronic medium. Students should also be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online. The University does not regularly search for this information but may take action if and when such information is brought to the attention of University officials. However, most online speech by students not involving University networks or technology will be protected as free expression and not subject to this Code, with two notable exceptions:

- **A true threat, defined as "a threat a reasonable person would interpret as a serious expression of intent to inflict bodily harm upon specific individuals";**
- **Speech posted online about the University or its community members that causes a significant on-campus disruption.**

¹ Adapted, with gratitude, from Penn State University.

The *Code of Student Conduct* applies to guests of community members whose hosts may be held accountable for the misconduct of their guests. The Code may also be applied to resident non-students, campers and high school bridge/extension/partner/dual-credit and continuing education programs by contractual agreements. Visitors to and guests of University may seek resolution of violations of the *Code of Student Conduct* committed against them by members of the University community.

There is no time limit on reporting violations of the *Code of Student Conduct*; however, the longer someone waits to report an offense, the harder it becomes for University officials to obtain information and witness statements and to make determinations regarding alleged violations.

Though anonymous complaints are permitted, doing so may limit the University's ability to investigate and respond to a complaint. Those who are aware of misconduct are encouraged to report it as quickly as possible to the Dean of Students Office and/or to University Police.

University email is the University's primary means of communication with students. Students are responsible for all communication delivered to their University email address.

Section 3: Violations of the Law

Alleged violations of federal, state and local laws may be investigated and addressed under the *Code of Student Conduct*. When an offense occurs over which the University has jurisdiction, the University conduct process will usually go forward notwithstanding any criminal complaint that may arise from the same incident.

The University reserves the right to exercise its authority of interim suspension upon notification that a student is facing criminal investigation and/or complaint (additional grounds for interim suspension are outlined further into this code). Interim suspensions are imposed until a hearing can be held, typically within two weeks. Within that time, the suspended student may request an immediate hearing from the Dean of Students to show cause why the interim suspension should be lifted. This hearing may resolve the allegation, or may be held to determine if the interim suspension should be continued. The interim suspension may be continued if a danger to the community is posed and the University may be delayed or prevented from conducting its own investigation and resolving the allegation by the pendency of the criminal process. In such cases, the University will only delay its hearing until such time as it can conduct an internal investigation or obtain sufficient information independently or from law enforcement upon which to proceed. This delay will be no longer than three weeks from notice of the incident.

Students accused of crimes may request to take a leave from the University until the criminal charges are resolved. In such situations, the University procedure for voluntary leaves of absence is subject to the following conditions:

- The responding student must comply with all campus investigative efforts that will not prejudice their defense in the criminal trial; and
- The responding student must comply with all interim actions and/or restrictions imposed during the leave of absence; and
- The responding student must agree that, in order to be reinstated to active student status, they must first be subject to, and fully cooperate with, the campus conduct process and must comply with all sanctions that are imposed.

Section 4: The Rules

The University considers the behavior described in the following sub-sections as inappropriate for the University community and in opposition to the core values set forth in this document. These expectations and rules apply to all students, whether undergraduate or graduate. The University encourages community members to report to University officials all incidents that involve the following actions. Any student found to have committed or to have attempted to commit the following misconduct is subject to the sanctions outlined in Section 7: Conduct Procedures.

Integrity: University students exemplify honesty, honor and a respect for the truth in all of their dealings. Behavior that violates this value includes, but is not limited to:

- 1) **Falsification.** Knowingly furnishing or possessing false, falsified or forged materials, documents, accounts, records, identification or financial instruments;
- 2) **Academic Dishonesty.** Acts of academic dishonesty as outlined in the *Code of Academic Integrity*;
- 3) **Unauthorized Access.** Unauthorized access to any University building (i.e. keys, cards, etc.) or unauthorized possession, duplication or use of means of access to any university building or failing to timely report a lost University identification card or key;
- 4) **Collusion.** Action or inaction with another or others to violate the *Code of Student Conduct*;
- 5) **Trust.** Violations of positions of trust within the community;
- 6) **Election Tampering.** Tampering with the election of any University-recognized student organization (minor election code violations are addressed by the Student Government Association (SGA));
- 7) **Taking of Property.** Intentional and unauthorized taking of University property or the personal property of another, including goods, services and other valuables;
- 8) **Stolen Property.** Knowingly taking or maintaining possession of stolen property;

Community: University students build and enhance their community. Behavior that violates this value includes, but is not limited to:

- 9) **Disruptive Behavior.** Substantial disruption of University operations including obstruction of teaching, research, administration, other University activities, and/or other authorized non-University activities which occur on campus;
- 10) **Rioting.** Causing, inciting or participating in any disturbance that presents a clear and present danger to self or others, causes physical harm to others, or damage and/or destruction of property;
- 11) **Unauthorized Entry.** Misuse of access privileges to University premises or unauthorized entry to or use of buildings, including trespassing, propping or unauthorized use of alarmed doors for entry into or exit from a University building;

- 12) Trademark.** Unauthorized use (including misuse) of University or organizational names and images;
- 13) Damage and Destruction.** Intentional, reckless and/or unauthorized damage to or destruction of University property or the personal property of another;
- 14) IT and Acceptable Use.** Violating the University Acceptable Use and Computing Policy, found online at: <https://www.uscupstate.edu/campus-services/information-technology/service-directory/computing-tips/>
- 15) Gambling.** Gambling as prohibited by the laws of the State of South Carolina. (Gambling may include raffles, lotteries, sports pools and online betting activities);
- 16) Weapons.** Possession, use, or distribution of explosives (including fireworks and ammunition), guns (including air, BB, paintball, facsimile weapons and pellet guns), or other weapons or dangerous objects such as arrows, axes, machetes, nun chucks, throwing stars, or knives with a blade of longer than 3 inches, including the storage of any item that falls within the category of a weapon in a vehicle parked on University property;
- 17) Tobacco.** Smoking or tobacco use in any area of campus is prohibited as found online at: <https://www.uscupstate.edu/faculty-staff/policies/tobacco-free-campus-policy/>;
- 18) Fire Safety.** Violation of local, state, federal or campus fire policies including, but not limited to:
- Intentionally or recklessly causing a fire which damages University or personal property or which causes injury.
 - Failure to evacuate a University-controlled building during a fire alarm;
 - Improper use of University fire safety equipment; or
 - Tampering with or improperly engaging a fire alarm or fire detection/control equipment while on University property. Such action may result in a local fine in addition to University sanctions;
- 19) Ineligible Pledging or Association.** Pledging or associating with a student organization without having met eligibility requirements established by the University.
- 20) Animals.** Animals, with the exception of animals that provide assistance (e.g. seeing-eye dogs approved by the University Office of Accessibility Services), and emotional/psychiatric support animals as outlined in the Housing & Residence Life Contract, are not permitted on campus except as permitted by law.
- 21) Wheeled Devices.** Skateboards, roller blades, roller skates, bicycles and similar wheeled devices are not permitted inside University buildings, residence halls or on tennis courts. Additionally, skateboards and other wheeled items may not be ridden on railings, curbs, benches, or any such fixtures that may be damaged by these activities, and individuals may be liable for damage to University property caused by these activities.

Social Justice: *Students recognize that respecting the dignity of every person is essential for creating and sustaining a flourishing university community. They understand and appreciate how their decisions and actions impact others and are just and equitable in their treatment of all members of the community. They act to discourage and challenge those whose actions may be harmful to and/or diminish the worth of others. Conduct that violates this value includes, but is not limited to:*

- 22) Discrimination.** Any act or failure to act that is based upon an individual or group's actual or perceived status (sex, gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, or sexual orientation, gender identity, gender expression, or other protected status) that is sufficiently severe that it limits or denies the ability to participate in or benefit from the University's educational program or activities.
- 23) Harassment.** Any unwelcome conduct based on actual or perceived status including: sex, gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, sexual orientation, gender identity, gender expression, or other protected status. Any unwelcome conduct should be reported to campus officials, who will act to remedy and resolve reported incidents on behalf of the victim and community.
- a) Hostile Environment. Sanctions can and will be imposed for the creation of a hostile environment only when harassment is sufficiently severe, pervasive (or persistent) and objectively offensive that it unreasonably interferes with, limits or denies the ability to participate in or benefit from the University's educational or employment program or activities².
- 24) Retaliatory Discrimination or Harassment.** Any intentional, adverse action taken by an responding individual or allied third party, absent legitimate nondiscriminatory purposes, against a participant or supporter of a participant in a civil rights grievance proceeding or other protected activity under this Code.
- 25) Bystanding.**
- a) Complicity with or failure of any student to appropriately address known or obvious violations of the *Code of Student Conduct* or law;
- b) Complicity with or failure of any organized group to appropriately address known or obvious violations of the *Code of Student Conduct* or law by its members.
- 26) Abuse of Conduct Process.** Abuse or interference with, or failure to comply in, University processes including conduct and academic integrity hearings including, but not limited to:
- a) Falsification, distortion, or misrepresentation of information;
- b) Failure to provide, destroying or concealing information during an investigation of an alleged policy violation;
- c) Attempting to discourage an individual's proper participation in, or use of, the campus conduct system;
- d) Harassment (verbal or physical) and/or intimidation of a member of a campus conduct body prior to, during, and/or following a campus conduct proceeding;
- e) Failure to comply with the sanction(s) imposed by the campus conduct system;
- f) Influencing, or attempting to influence, another person to commit an abuse of the campus conduct system.

² This policy attempts to balance the need of the community to create a civil climate while also embracing the 1st Amendment protection that attaches to most harassing speech that is simply offensive.

Respect: University students show positive regard for each other and for the community. Behavior that violates this value includes, but is not limited to:

- 27) Harm to Persons.** Intentionally or recklessly causing physical harm or endangering the health or safety of any person.
- 28) Threatening Behaviors:**
- a) **Threat.** Written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property.
 - b) **Intimidation.** Intimidation defined as implied threats or acts that cause a reasonable fear of harm in another.
- 29) Bullying and Cyberbullying.** Bullying and cyberbullying are repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally, and are not protected by freedom of expression.
- 30) Hazing.** Defined as an act that endangers the mental or physical health or safety of a student, or that destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. Participation or cooperation by the person(s) being hazed does not excuse the violation. Failing to intervene to prevent and/or failing to discourage and/or failing to report those acts may also violate this policy. (See *University Student Handbook*, <https://www.uscupstate.edu/campus-life/office-of-student-involvement/fraternity-sorority-life/>);
- 31) Intimate Partner/Relationship Violence.** Violence or abuse by a person in an intimate relationship with another;
- 32) Stalking.** Stalking is a course of conduct directed at a specific person that is unwelcome and would cause a reasonable person to feel fear;
- 33) Sexual Misconduct.** Includes, but is not limited to, sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse, and/or sexual exploitation (See Sexual Misconduct/Title IX Policy at https://www.sc.edu/about/initiatives/safety/stop_sexual_assault/index.php);
- 34) Public Exposure.** Includes deliberately and publicly exposing one's intimate body parts, public urination, defecation, and public sex acts. University theatrical productions that require student nudity in a rehearsal and/or performance are exempted from this violation.

Responsibility: University students are given and accept a high level of responsibility to self, to others and to the community. Behavior that violates this value includes, but is not limited to:

- 35) Alcohol.** Use, possession, or distribution of alcoholic beverages or paraphernalia except as expressly permitted by law and the University's Alcohol Policy (<https://www.uscupstate.edu/campus-life/health-education> for further information);
- 36) Drugs.** Use, possession or distribution of illegal drugs and other controlled substances or drug paraphernalia except as expressly permitted by law and the University's Drug Policy (See <https://www.uscupstate.edu/campus-life/health-education> for further information);

- 37) Prescription Medications.** Abuse, misuse, sale, or distribution of prescription or over-the-counter medications;
- 38) Failure to Comply.** Failure to comply with the reasonable directives of University officials or law enforcement officers during the performance of their duties and/or failure to identify oneself to these persons when requested to do so;
- 39) Financial Responsibilities.** Failure to promptly meet financial responsibilities to the institution, including, but not limited to; knowingly passing a worthless check or money order in payment to the institution or to an official of the institution acting in an official capacity.
- 40) Arrest.** Failure of any student to accurately report an off-campus arrest by any law enforcement agency for any crime (including non-custodial or field arrests) to the Dean of Students Office within seventy-two (72) hours of release.
- 41) Other Policies.** Violating other published University policies or rules, including all Housing & Residence Hall policies, Parking & Traffic policies, Facilities Use policies, and/or Computing Use policies;
- 42) Health and Safety.** Creation of health and/or safety hazards (dangerous pranks, hanging out of or climbing from/on/in windows, balconies, roofs, etc.)
- 43) Violations of Law. Evidence of violation of local, state or federal laws, when substantiated through the University's conduct process.**

Section 5: Overview of the Conduct Process

This overview gives a general idea of how the University's campus conduct proceedings work, but it should be noted that not all situations are of the same severity or complexity. Thus, these procedures are flexible, and are not exactly the same in every situation, though consistency in similar situations is a priority. The campus conduct process and all applicable timelines commence with notice to an administrator of a potential violation of University rules.³

NOTICE. Once notice is received from any source (victim, Resident Assistant, 3rd party, online, etc.), the University may proceed with a preliminary investigation and/or may schedule an initial educational meeting with the responding student to explain the conduct process to the responding student and gather information.

³ In Title IX related issues, the "administrator" is any "responsible employee" as defined under Title IX and/or campus policy.

A. STEP 1: Preliminary Inquiry or Educational Meeting

The University conducts a preliminary inquiry into the nature of the incident, complaint or notice, the evidence available, and the parties involved. The preliminary inquiry may lead to:

- 1) A determination that there is insufficient evidence to pursue the investigation, because the behavior alleged, even if proven, would not violate the Code of Student Conduct, (e.g.: for reasons such as mistaken identity or allegations of behavior that falls outside the code);
- 2) A more comprehensive investigation, when it is clear more information must be gathered;
- 3) A formal complaint of a violation and/or an educational meeting with the responding student.

When an initial educational meeting is held, the possible outcomes include:

- A decision not to pursue the allegation based on a lack of or insufficient evidence. The matter should be closed and records should so indicate;
- A decision on the allegation, also known as an “informal” or “administrative” resolution to an uncontested allegation (see immediately below);
- A decision to proceed with additional investigation and/or referral for a “formal” resolution.

If a decision on the allegation is made and the finding is that the responding student is not responsible for violating the Code, the process will end. If the University’s finding is that the responding student is in violation, and the responding student accepts this finding within three work days, the University considers this an “uncontested allegation.” The administrator conducting the initial educational meeting will then determine the sanction(s) for the misconduct, which the responding student may accept or reject. If accepted, the process ends⁴.

If student accepts the findings, but rejects the sanction, the University will conduct a sanction-only hearing, conducted by a **3-person faculty-staff hearing board** which recommends a sanction to the Dean of Students or the Dean of Students’ Student Conduct designee. The sanction is then reviewed and finalized by the Dean of Student or the Dean of Students’ Student Conduct designee and is subject to appeal (see *Appeal Review Procedures*) by any party to the misconduct. Once the appeal is decided, the process ends.

If the administrator conducting the educational meeting determines that it is more likely than not that the responding student is in violation, and the responding student rejects that finding in whole or in part, then it is considered a contested allegation and the process moves to Step 2.

B. STEP 2: Formal Hearing

In a contested allegation, additional investigation may then be commenced and/or a hearing may be held when there is reasonable cause to believe that a rule or rules have been violated. A formal notice of the complaint will be issued, and a hearing will be held before the Conduct Council. A finding will be determined and is final except in cases that involve Title IX or other discrimination allegations. In those cases, the hearing results serve as a recommendation to the Dean of Students or the Dean’s Student Conduct-designee and, where appropriate, the Title IX Coordinator, who review and finalize the finding.⁵ If the finding is that the responding student is not responsible, the process ends. Applicable appeals options are described below.

⁴ In cases of minor misconduct, both steps in this paragraph can be accomplished in one meeting.

⁵ The findings of the hearing should only be overturned or modified when necessary to conform to Title IX and/or to repair error that would result in appeal.

C. STEP 3: Review and Finalize Sanction(s).

If the student is found in violation(s), sanctions will be recommended by the Conduct Council to the Dean of Students or the Dean's Student Conduct-designee and Title IX Coordinator when applicable, who will review and finalize the sanctions, subject to the University appeals process by any party to the complaint.

Section 6: Student Conduct Authority

A. Authority

The Dean of Students is vested with the authority over student conduct by the Chancellor and by the Vice-Chancellor for Student Affairs. The Dean of Students may appoint a Student Conduct-designee to oversee and manage the student conduct process. The Dean of Students or Student Conduct-designee may appoint administrative hearing and appeals officers as deemed necessary to efficiently and effectively supervise the student conduct process.

The Dean of Students or Dean's Student Conduct-designee will assume responsibility for the investigation of an allegation of misconduct to determine if the complaint has merit.

B. Gatekeeping

No complaint will be forwarded for a hearing unless there is reasonable cause to believe a policy has been violated. Reasonable cause is defined as some credible information to support each element of the offense, even if that information is merely a credible witness or a victim's statement. A complaint wholly unsupported by any credible information will not be forwarded for a hearing.

C. Conflict Resolution Options

The Dean of Students or the Dean's Student Conduct-designee has discretion to refer a complaint for mediation or other forms of appropriate conflict resolution. All parties must agree to conflict resolution and to be bound by the decision with no review/appeal. Any unsuccessful conflict resolution can be forwarded for formal processing and hearing; however, **at no time will complaints of physical sexual misconduct or violence be mediated as the sole institutional response**. The Dean of Students or the Dean's Student Conduct-designee may also suggest that complaints that do not involve a violation of the *Code of Student Conduct* be referred for mediation or other appropriate conflict resolution.

D. Composition of the Conduct Council

The Dean of Students or the Dean's Student Conduct-designee will be responsible for assembling the Conduct Council according to the following guidelines:

- 1) The membership of the Conduct Council is selected from a pool of at least 6 students, 6 faculty, and 6 staff/administrative members appointed and trained **for at least 8 hours**⁶ annually by the Dean of Students or the Dean's Student Conduct-designee. Title IX/Sexual Misconduct Hearing Board members will be trained for at least 12 hours annually by the Dean of Students or the Dean's Student Conduct-designee and/or the Office of Equity and Inclusion.

⁶ Minimal competence requires 8 hours of training, and panel members ought to be more than minimally competent.

- 2) For each complaint, a panel will be chosen from the available pool, and is usually comprised of five (5) or seven (7) persons with a minimum of two (2) students, and three (3) faculty/staff-administrators. Availability may determine a different composition for the Council, and in complaints involving discrimination, sexual misconduct, or other sensitive issues, the Dean of Students or the Dean's Student Conduct-designee will usually use five (5) or seven (7) faculty/administrators/staff member for the Title IX/Sexual Misconduct Hearing Board. The Dean of Students or the Dean's Student Conduct-designee appoints the Chair of the Council, who assures that University procedures are followed throughout the hearing. In the case of Title IX/sexual misconduct Hearing Boards, the University Office of Equity and Inclusion will be consulted for hiring an external expert to serve as non-voting Chairperson of the Title IX/sexual misconduct Hearing Board.

E. Administrative Hearing/Meeting Officers

Administrative Hearing/Meeting Officers (AHO or ACO) are chosen from a pool of annually trained administrators or staff members selected by the Dean of Students or the Dean's Student Conduct-designee or the Director of Housing and Residence Life.

F. Panel Pool and the Appeals Panel

Three-member Appeals Panels are drawn from the panel pool, with the only requirement being that they did not serve on the Council or Hearing Board for the initial hearing. Appeals Panels review appeal requests submitted by the Dean of Students or by the Dean's Student Conduct-designee. If an all faculty/administrator/staff panel is used to hear a sensitive issue, the Appeals Panel will also be comprised of only faculty/administrator/staff members.

To serve in the Conduct Council pool, students must:

- 1) Be in academic good standing and have completed 15 hours of academic credit with a cumulative GPA of at least 2.0.
- 2) Be in good standing with the conduct process throughout the semester in which they serve. Good standing is defined as having no record of misconduct during the semester(s) in which a student wishes to serve on the panel. A serious history of misconduct could disqualify a student for service.

The Dean of Students or the Dean's Student Conduct-designee will have final authority to approve all those serving on the Conduct Council or the Title IX/Sexual Misconduct Hearing Board. The non-voting advisor to the council/board/panel is the Student Conduct-designee with responsibility for training the Council/Board/Panel, conducting preliminary investigations, and ensuring a fair process for the party bringing the complaint and responding student. In the event of a resignation from the council/board/panel, the Student Conduct-designee will solicit a replacement from the group from which the representative came. Decisions made, and sanctions imposed, by the panel or an AHO will be final and implemented, pending the normal appeal process. At the discretion of the Dean of Students or by the Dean's Student Conduct designee, implementation of sanctions may be stayed pending review.

G. Interpretation and Revision

The Dean of Students or the Dean's Student Conduct-designee will develop procedural rules for the administration of hearings that are consistent with provisions of the *Code of Student Conduct*. Material deviation from these rules will, generally, only be made as necessary and will include reasonable advance notice to the parties involved, either by posting online and/or in the form of written communication. The Dean of Students or the Dean's Student Conduct-designee may vary procedures with notice upon determining that changes to law or regulation require policy or

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procedural alterations not reflected in this *Code*. The Dean of Students or the Dean's Student Conduct-designee may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party. Any question of interpretation of the *Code of Student Conduct* will be referred to the Dean of Students, whose interpretation is final. The *Code of Student Conduct* will be updated annually under the direction of the Dean of Students or the Dean's Student Conduct-designee with a comprehensive revision process being conducted every 5 years.

Section 7: Formal Conduct Procedures

A. University as Convener

The University is the convener of every action under this code. Within that action, there are several roles. The responding student is the person who is alleged to have violated the Code. The party bringing the complaint, who may be a student, employee, visitor, or guest, may choose to be present and participate in the process as fully as the responding student. There are witnesses, who may offer information regarding the allegation. There is an investigator(s) whose role is to present the allegations and share the evidence that the University has obtained regarding the allegations.

B. Group Violations

A student group or organization and its officers and membership may be held collectively and individually responsible when violations of this code by the organization or its member(s):

- Take place at organization-sponsored or co-sponsored events, whether sponsorship is formal or tacit;
- Have received the consent or encouragement of the organization or of the organization's leaders or officers; or
- Were known or should have been known to the membership or its officers.

Hearings for student groups or organizations follow the same general student conduct procedures. In any such action, individual determinations as to responsibility will be made and sanctions may be assigned collectively and individually and will be proportionate to the involvement of each individual and the organization.

C. Amnesty:

1) For Victims

The University provides amnesty to victims who may be hesitant to report to University officials because they fear that they themselves may be accused of minor policy violations, such as underage drinking, at the time of the incident. Educational options will be explored, but no conduct proceedings or conduct record will result⁷.

2) For Those Who Offer Assistance

To encourage students to offer help and assistance to others, University pursues a policy of amnesty for minor violations when students offer help to others in need. At the discretion of the Dean of Students or the Dean's

⁷ Records regarding the provision of amnesty, however, should be maintained.

Student Conduct-designee, amnesty may also be extended on a case-by-case basis to the person receiving assistance. Educational options will be explored, but no conduct proceedings or conduct record will result.

3) For Those Who Report Serious Violations

Students who are engaged in minor violations but who choose to bring related serious violations by others to the attention of the University are offered amnesty for their minor violations. Educational options will be explored, but no conduct proceedings or record will result. Abuse of amnesty requests can result in a decision by the Dean of Students or the Dean's Student Conduct-designee not to extend amnesty to the same person repeatedly.

4) Safe Harbor

The University has a Safe Harbor rule for students. The University believes that students who have a drug and/or addiction problem deserve help. If any University student brings their own use, addiction, or dependency to the attention of University officials outside the threat of drug tests or conduct sanctions and seeks assistance, a conduct complaint will not be pursued. A written action plan may be used to track cooperation with the Safe Harbor program by the student. Failure to follow the action plan will nullify the Safe Harbor protection and campus conduct processes will be initiated.

D. Notice of Alleged Violation

Any member of the University community, visitor or guest may allege a policy violation(s) by any student for misconduct under this *Code* by the following process:

Notice may also be given to the Dean of Students or by the Dean's Student Conduct-designee) and/or to the Title IX Coordinator, when appropriate. Additionally, administrators may act on notice of a potential violation whether a formal allegation is made or not. All allegations can be submitted by a victim or a third party, and should be submitted as soon as possible after the offending event occurs. The University has the right to pursue an allegation or notice of misconduct on its own behalf and to serve as convener of the subsequent campus conduct process.

The Dean of Students or the Dean's Student Conduct-designee will assume responsibility for the investigation of the alleged violation as described in the sub-section below.

E. Investigation

Investigation is referenced in both steps 1 and 2 above, with detailed investigation procedures described in this sub-section. The Dean of Students or the Dean's Student Conduct-designee will appoint an investigator(s) for allegations under this *Code*.⁸ The investigator(s) will take the following steps, if not already completed by the Coordinator or designee:

- 1) Initiate any necessary remedial actions on behalf of the victim (if any);

⁸ For any complaint that falls under Title IX (e.g. sexual misconduct) or involves any other form of discrimination, the Dean of Students will work with the Title IX Coordinator.

- 2) Determine the identity and contact information of the party bringing the complaint, whether that person is the initiator of the complaint, the alleged victim, or a University proxy or representative;
- 3) Conduct an immediate preliminary investigation to identify an initial list of all policies that may have been violated, to review the history of the parties, the context of the incident(s), any potential patterns and the nature of the complaint;
 - a) If the victim is reluctant to pursue the complaint, determine whether the complaint should still be pursued and whether sufficient independent evidence could support the complaint without the participation of the victim;
 - b) Notify the victim of whether the University intends to pursue the complaint regardless of their involvement, and inform the victim of their rights in the process and option to become involved if they so choose;
 - c) Preliminary investigation usually takes between 1-7 business days to complete;
- 4) If indicated by the preliminary investigation and authorized by the Dean of Students or Dean's Student Conduct-designee, conduct a comprehensive investigation to determine if there is reasonable cause to believe that the responding student violated University policy, and to determine what specific policy violations should serve as the basis for the complaint;
 - a) If there is insufficient evidence through the investigation to support reasonable cause, the allegations will be closed with no further action;
 - b) A comprehensive investigation usually takes between one day and two weeks;
- 5) Meet with the party bringing the complaint to finalize the party's Statement, which will be drawn up by the investigator or designee as a result of this meeting;
- 6) Commence a thorough, reliable and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the responding student, who may be given notice of the interview prior to or at the time of the interview;
 - a) Prepare the notice of alleged policy violation(s) on the basis of the reasonable cause determination, which may be delivered prior to, during or after the responding student is interviewed, at the discretion of the investigator(s);
- 7) Interview all relevant witnesses, summarize the information they are able to share and have each witness sign the summary to verify its accuracy;
- 8) Obtain all documentary evidence and information that is available;
- 9) Obtain all physical evidence that is available;
- 10) Complete the investigation promptly by analyzing all available evidence without unreasonable deviation from the intended timeline;
- 11) Make a finding, based on a preponderance of the evidence (whether a policy violation is more likely than not);
- 12) Present the investigation report and findings to the responding student, who may:
 - a) accept the findings,
 - b) accept the findings in part and reject them in part,
 - c) or may reject all findings;
- 13) Share the findings and update the party bringing the complaint on the status of the investigation and the outcome.

Findings

1) The Responding Student is Found “Not Responsible”

Where the responding student is found not responsible for the alleged violation(s), the investigation will be closed. The party bringing the complaint, if any, may request that the **Dean of Students or the Dean’s Student Conduct-designee**, as applicable, review the investigation file to possibly re-open the investigation or convene a hearing. The decision to re-open an investigation or convene a hearing rests solely with the Dean of Students or with the Student Conduct-designee in these cases, and is granted only on the basis of extraordinary cause.

2) The Responding Student Accepts a Finding of “Responsible”...

a) The Responding Student Accepts a Finding of “Responsible” and Accepts the Recommended Sanctions.

Should the responding student accept the finding that they violated University policy, the investigator will recommend appropriate sanctions for the violation, having consulted with the Dean of Students or with the Dean’s Student Conduct-designee, as appropriate. In cases involving discrimination, recommended sanctions will act to end the discrimination, prevent its recurrence, and remedy its effects on the victim and the University community. If the responding student accepts these recommended sanctions, the sanctions are implemented by the Dean of Students or by the Dean’s Student Conduct-designee and the process ends. This outcome is not subject to appeal.

b) The Responding Student Accepts a Finding of “Responsible” and Rejects the Sanctions Recommended.

If the responding student accepts the “responsible” findings, but rejects the recommended sanctions, there will be an administrative conference on the sanction, only. Administrative conference procedures are detailed below.

3) Responding Student Rejects the Findings Completely or In-part

a) Responding Student Rejects the Findings Completely

Where the responding student rejects the finding that they violated University policy, a formal hearing will be convened within fifteen (15) business days, barring exigent circumstances.

At the hearing, the investigator(s) will present their report to the panel, the panel will hear from the parties, and any necessary witnesses. The investigation report will be considered by the panel, which renders an independent and objective finding. Full panel procedures are detailed below.

If the panel finds the responding student not responsible for all violations, the Dean of Students or the Dean’s Student Conduct-designee will timely inform the parties of this determination and the rationale for the decision in writing. This determination is subject to appeal by any party to the complaint. Appeal review procedures are outlined below.

If the panel finds a violation, it will recommend a sanction/responsive action to the Dean of Students or to the Dean's Student Conduct-designee, who will render a decision within **10 work** days of the hearing and timely notify the parties in writing. An appeal of sanction(s) may be filed by any party to the complaint as detailed below.

b) Responding Student Accepts the Findings in Part and Rejects in Part

Where the responding student rejects in part the finding that they violated University policy, there will be a panel hearing solely on the disputed allegations within seven days, barring exigent circumstances. For all findings holding a responding student responsible for a violation, the University will follow the sanctioning process detailed in sub-sections K(8) and K(9), below. If the Panel finds the responding student "Not Responsible" on any of the contested allegations, the process will move to the Sanctioning Phase on only the uncontested allegations, as detailed in sub-sections K(8) and K(9), below.

G. Notice of Hearing

Once a determination is made that reasonable cause exists for the Dean of Students or the Dean's Student Conduct-designee to refer a complaint for a hearing, notice will be given to the responding student. Notice will be in writing and may be delivered by one or more of the following methods: in person by the Student Conduct-designee; mailed to the local or permanent address of the student as indicated in official University records; or emailed to the student's University-issued email account.

Once mailed, emailed and/or received in-person, such notice will be presumptively delivered. The letter of notice will:

- 1) Include the alleged violation and notification of where to locate the *Code of Student Conduct* or the Title IX/Sexual Misconduct policy and University procedures for resolution of the complaint; and
- 2) Direct the responding student to contact the Dean of Students or Student Conduct-designee within a specified period of time to respond to the complaint. This time period will generally be no less than two days⁹ from the date of delivery of the summons letter.

A meeting with the Student Conduct-designee may be arranged to explain the nature of the complaint and the conduct process. At this meeting, the responding student may indicate, either verbally or in writing, to the Dean of Students or to the Dean's Student Conduct-designee, whether they admit to or deny the allegations of the complaint.

I. Interim Action

Under the *Code of Student Conduct*, the Dean of Students or designee may impose restrictions and/or separate a student from the community pending the scheduling of a campus hearing on alleged violation(s) of the *Code of Student Conduct* when a student represents a threat of serious harm to others, is facing allegations of serious criminal activity, to preserve the integrity of an investigation, to preserve University property and/or to prevent disruption of, or interference with, the normal operations of the University. Interim actions can include separation from the institution or restrictions on participation in the community for no more than ten (10) business days pending the scheduling of a campus hearing on alleged violation(s) of the *Code of Student Conduct*.

⁹ "Day", used throughout this document, refers to normal business days when the University is in operation.

During an interim suspension, a student may be denied access to University housing and/or the University campus/facilities/events. As determined appropriate by the Dean of Students or by the Dean's Student Conduct-designee, this restriction may include classes and/or all other University activities or privileges for which the student might otherwise be eligible. At the discretion of the Dean of Students or Dean's Student Conduct-designee and with the approval of, and in collaboration with, the appropriate Dean(s), alternative coursework options may be pursued to ensure as minimal an impact as possible on the responding student.

J. Hearing Options & Preparation

The following sub-sections describe the University's conduct hearing processes. Except in a complaint involving failure to comply with the summons of the Dean of Students or of the Dean's Student Conduct -designee, no student may be found to have violated the *Code of Student Conduct* solely as a result of the student's failure to appear for a hearing. In all such instances, conduct hearings will proceed as

scheduled and the information in support of the complaint will be presented to, and considered by, the Dean of Students, Dean's Student Conduct-designee, AHO or council/board/panel presiding over the hearing.

Where the responding student admits to violating the *Code of Student Conduct*, the Dean of Students or the Dean's Student Conduct-designee may invoke administrative hearing procedures to determine and administer appropriate sanctions without a formal hearing. This process is also known as an *administrative meeting*. In an administrative meetings, complaints will be heard and determinations will be made by the Dean of Students or by the Dean's Student Conduct-designee.

Where the responding student denies violating the *Code of Student Conduct*, a formal hearing will be conducted. This process is known as a Conduct Council or Title IX/Sexual Misconduct Hearing. At the discretion of the Dean of Students or the Dean's Student Conduct-designee, a request by one or more of the parties to the complaint for an administrative meeting may be considered. Students who deny a violation for which a council/board/panel hearing will be held will be given a minimum of ten (10) days to prepare unless all parties wish to proceed more quickly. Preparation for a formal hearing is summarized in the following guidelines:

- 1) Notice of the time, date and location of the hearing will be in writing and may be delivered by one or more of the following methods: in person by the Dean of Students or by the Dean's Student Conduct-designee; mailed to the local or permanent address of the student as indicated in official University records; or emailed to the student's University-issued email account. Once mailed, emailed and/or received in-person, such notice will be presumptively delivered.
- 2) If there is an alleged victim of the conduct in question, the alleged victim may serve as the party bringing the complaint or may elect to have the University administration serve as the party bringing the complaint forward. Where there is no alleged victim, the University administration will serve as the party bringing the complaint forward.
- 3) If a responding student fails to respond to notice from the Dean of Students or the Dean's Student Conduct-designee, the Dean or Student Conduct-designee may initiate a complaint against the student for failure to comply with the directives of a University official and give notice of this offense. Unless the student responds to this notice within two days by answering the original notice, an administrative meeting may be scheduled and held on the student's behalf.

As a result, the student may be administratively withdrawn from attending classes or a disciplinary hold may be placed on their University account, deeming them ineligible to register for courses or University housing until such time as the student responds to the initial complaint.

- 4) At least five (5) business days before any scheduled formal hearing, the following will occur:
 - a) The responding student will deliver to the Dean of Students or Student Conduct-designee a written response to the complaint;
 - b) The responding student will deliver to the Dean of Students or Student Conduct -designee a written list of all witnesses for the University to call at the hearing;
 - c) The responding student will deliver to the Dean of Students or the Student Conduct- designee all physical evidence the student intends to use or needs to have present at the hearing and will indicate who has possession or custody of such evidence, if known, so that the Dean of Students or the Student Conduct-designee can arrange for its presence;
 - d) The party bringing the complaint will deliver to the Dean of Students or Student Conduct-designee a written list of all witnesses for the University to call at the hearing;
 - e) The party bringing the complaint will deliver to the Dean of Students or to the Student Conduct-designee all items of physical evidence needed at the hearing and will indicate who has possession or custody of such evidence, if known, so that the Dean or Student Conduct-designee can arrange for its presence;
 - f) The party bringing the complaint and the responding student will notify the Dean of Students or the Dean's Student Conduct-designee of the names of any advisors/advocates who may be accompanying the parties at the hearing.

- 5) The Dean of Students or the Student Conduct-designee will ensure that the hearing information and any other available written documentation is shared with the parties at least three (3) days before any scheduled hearing. In addition, the parties will be given a list of the names of all the panelists in advance. Should any party object to any panelist, that party must raise all objections, in writing, to the Dean of Students or the Student Conduct-designee immediately. Hearing officers will only be unseated if the Dean of Students or the Student Conduct-designee concludes that their bias precludes an impartial hearing of the complaint. Additionally, any panelist who feels they cannot make an objective determination must recuse themselves from the proceedings.

K. Panel Hearing Procedures

The Dean of Students or Student Conduct-designee will appoint one faculty-staff-administrator panelist as the Chair for the hearing. The parties have the right to be present at the hearing; however, they do not have the right to be present during deliberations. If a student cannot attend the hearing, it is that student's responsibility to notify the Dean of Students or the Student Conduct-designee no less than three (3) days prior to the scheduled hearing to arrange for another date, time and location. Except in cases of grave or unforeseen circumstances, if the responding student fails to give the requisite minimum three (3) day notice, or if the responding student fails to appear, the hearing will proceed as scheduled.

If the party bringing the complaint fails to appear, the complaint may be dropped unless the University chooses to pursue the allegation on its own behalf, as determined by the Dean of Students or by the Student Conduct-designee.

The Dean of Students or Student Conduct-designee, the Chair and the Conduct Council will conduct panel hearings according to the following guidelines:

- 1) Hearings will be closed to the public.
- 2) Admission to the hearing of persons other than the parties involved will be at the discretion of the Council Chair and the Student Conduct-designee.
- 3) In hearings involving more than one responding student, the standard procedure will be to hear the complaints jointly; however, the Dean of Students or the Student Conduct-designee may permit the hearing pertinent to each responding student to be conducted separately. In joint hearings, separate determinations of responsibility will be made for each responding student.
- 4) The parties have the right to an advisor/advocate of their own choosing, including attorneys. Typically advisors are members of the campus community, but the parties may select whomever they wish to serve as their advisor.¹⁰ The advisor may not make a presentation or represent the party bringing the complaint or responding student during the hearing. They may confer quietly with their advisee, exchange notes, clarify procedural questions with the Chair and suggest questions to their advisee.¹¹
- 5) The party bringing the complaint, the responding student, the Conduct Council, the Dean of Students and the Student Conduct-designee will have the privilege of questioning all present witnesses and questioning all present parties (directly or through the Chair, at the discretion of the Chair). Unduly repetitive witnesses can be limited at the discretion of the **Chair and/or the Dean of Students and/or the Student Conduct-designee**.
- 6) Pertinent records, exhibits, and written statements may be accepted as information for consideration by the Conduct Council and the Student Conduct-designee. Formal rules of evidence are not observed. The **Chair and/or the Dean of Students and/or the Student Conduct-designee** may limit the number of character witnesses presented or may accept written affidavits of character instead.
- 7) All procedural questions are subject to the final decision of the Dean of Students or the Student Conduct-designee.
- 8) After a Conduct Council hearing, the Council will deliberate and determine, by majority vote, whether it is more likely than not (also “the preponderance of evidence”) that the responding student has violated the *Code of Student Conduct*. The Dean of Students or Student Conduct-designee will be present and available as a resource during all deliberations. Once a finding is determined, if the finding is that of a policy violation, the panel will determine an appropriate sanction(s). The Dean of Students or Student Conduct-designee is responsible for informing the panel of applicable precedent and any previous conduct violations or other relevant pattern information about the responding student. The Council Chairperson will prepare a written deliberation report and deliver it to the Dean of Students, detailing the recommended finding, how each member voted, the information cited by the panel in support of its recommendation, and any information the panel excluded from its consideration and why.

¹⁰ Note that some jurisdictions (e.g.: North Carolina) require institutions to permit attorney participation in a hearing.

¹¹ *See Id.*

This report should conclude with any recommended sanctions. This report should not exceed two pages in length and must be submitted to the Dean of Students within two (2) days of the end of deliberations.

- 9) The Dean of Students will consider the recommendations of the Council, may make appropriate modifications to the panel's report and will then render a decision and inform the responding student and party bringing the complaint (if applicable by law or University policy) of the final determination within **five (5) business** days of the hearing. Notification will be made in writing and may be delivered by one or more of the following methods: in person by the Dean of Students or Student Conduct-designee; mailed to the local or permanent address of the student as indicated in official University records; or emailed to the student's University-issued email account. Once mailed, emailed and/or received in-person, such notice will be presumptively delivered. In cases of sexual misconduct and other crimes of violence, notice of the outcome will be delivered to all parties simultaneously, meaning without substantial delay between the notifications to each.
- 10) There will be a single verbatim record (an audio recording is acceptable) for all Council hearings. Deliberations will not be recorded. The record will be the property of the University and maintained according to the University's record retention policy.

L. Conduct Sanctions

One or more of following sanctions may be imposed upon any student for any single violation of the *Code of Student Conduct*:

- 1) *Warning*: An official written notice that the student has violated University policies and/or rules and that more severe conduct action will result should the student be involved in other violations while the student is enrolled at the University.
- 2) *Restitution*: Compensation for damage caused to the University or any person's property. This could also include situations such as failure to return a reserved space to proper condition – labor costs and expenses. This is not a fine but, rather, a repayment for labor costs and/or the value of property destroyed, damaged, consumed, or stolen.
- 3) *Fines*: Reasonable fines may be imposed. Fines are specified to include the costs for enrolling in online courses related to the violations.
- 4) *Community/University Service Requirements*: For a student or organization to complete a specific supervised University service.
- 5) *Loss of Privileges*: The student will be denied specified privileges for a designated period of time.
- 6) *Confiscation of Prohibited Property*: Items whose presence is in violation of University policy will be confiscated and will become the property of the University. Prohibited items may be returned to the owner at the discretion of the Dean of Students, Director of Housing & Residence Life, Student Conduct-designee, and/or University Police.
- 7) *Behavioral Requirement*: This includes required activities including, but not limited to, seeking academic counseling or substance abuse screening, writing a letter of apology, purchasing a gift for an aggrieved party, etc.

- 8) *Educational Program*: Requirement to attend, present and/or participate in a program related to the violation. It may also be a requirement to sponsor or assist with a program for others on campus to aid them in learning about a specific topic or issue related to the violation for which the student or organization was found responsible. Audience may be restricted.
- 9) *Restriction of Visitation Privileges*: May be imposed on a resident or non-resident student. The parameters of the restriction will be specified by the Office of Housing and Residence Life.
- 10) *University Housing Probation*: Official notice that, should further violations of Residence Life or University policies occur during a specified probationary period, the student may immediately be removed from University housing. Regular probationary meetings may also be imposed.
- 11) *University Housing Reassignment*: Reassignment to another University housing facility. Housing and Residential Life personnel will decide on the reassignment details.
- 12) *University Housing Suspension*: Removal from University housing for a specified period of time after which the student is eligible to return. Conditions for re-admission to University housing may be specified. Under this sanction, a student is required to vacate University housing within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Director of Housing and Residence Life. This sanction may be enforced with a trespass action if deemed necessary. Prior to reapplication for University housing, the student must gain permission from the Director of Housing and Residence Life (or designee). This sanction may include restrictions on visitation to specified buildings or all University housing during the suspension.
- 13) *University Housing Expulsion*: The student's privilege to live in, or visit, any University/College housing structure is revoked indefinitely. This sanction may be enforced with a trespass action if deemed necessary.
- 14) *University Probation*: The student is put on official notice that, should further violations of University policies occur during a specified probationary period, the student may face suspension or expulsion. Regular probationary meetings may also be imposed.
- 15) *Eligibility Restriction*: The student is deemed "not in good standing" with the University for a specified period of time. Specific limitations or exceptions may be granted by the Dean of Students or Student Conduct-designee and terms of this conduct sanction may include, but are not limited to, the following:
- a) Ineligibility to hold any office in any student organization recognized by the University or hold an elected or appointed office at the University; or
 - b) Ineligibility to represent the University to anyone outside the University community in any way including: participating in the study abroad program, attending conferences, or representing the University at an official function, event or intercollegiate competition as a player, manager or student coach, etc.
- 16) *University Suspension*: Separation from the University for a specified minimum period of time, after which the student is eligible to return. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension. The student is required to vacate the campus within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Dean of Students or the

Dean's Student Conduct-designee, and in consultation with the Director of Housing and Residence Life when the student resides in Housing. During the suspension period, the student is banned from university property, functions, events and activities without prior written approval from the Dean of Students. This sanction may be enforced with a trespass action as necessary. **This sanction will be noted as a Conduct Suspension on the student's official academic transcript.**

- 17) *University Expulsion*: Permanent separation from the University. The student is banned from university property and the student's presence at any University-sponsored activity or event is prohibited.

This action may be enforced with a trespass action as necessary. **This sanction will be noted as a Conduct Expulsion on the student's official academic transcript.**

- 18) *Other Sanctions*: Additional or alternate sanctions may be created and designed as deemed appropriate to the offense with the approval of the Dean of Students or the Dean's Student Conduct-designee.

The following sanctions may be imposed upon groups or organizations found to have violated the *Code of Student Conduct*:

- 1) One or more of the sanctions listed above, specifically *a)* through *i)* and *o)* through *q)*; and/or
- 2) Deactivation, de-recognition, loss of all privileges (including status as a University registered group/organization), for a specified period of time.

M. Parental Notification

The University reserves the right to notify the parents/guardians of dependent students regarding any conduct situation, particularly alcohol and other drug violations. The University may also notify parents/guardians of non-dependent students who are under the age of 21 of alcohol and/or other drug violations. Parental notification may also be utilized discretionarily by administrators when permitted by FERPA or consent of the student.

N. Notification of Outcomes

The outcome of a campus hearing is part of the education record of the responding student and is protected from release under the Federal Education Rights and Privacy Act (FERPA), except under certain conditions. As allowed by FERPA, when a student is accused of a policy violation that would constitute a "crime of violence" or forcible or non-forcible sex offense, the University will inform the alleged victim/party bringing the complaint in writing of the final results of a hearing regardless of whether the University concludes that a violation was committed. Such release of information may only include the alleged student's/responding student's name, the violation committed, and the sanctions assigned (if applicable). In cases of sexual misconduct and other offenses covered by Title IX, only, the rationale for the outcome will also be shared with all parties to the complaint in addition to the finding and sanction(s).

In cases where the University determines through the student conduct process that a student violated a policy that would constitute a "crime of violence" or non-forcible sex offense, the University/College may also release the above information publicly and/or to any third party. FERPA defines "crimes of violence" to include:

- 1) Arson

- 2) Assault offenses (includes stalking)
- 3) Burglary
- 4) Criminal Homicide—manslaughter by negligence
- 5) Criminal Homicide—murder and non-negligent manslaughter
- 6) Destruction/damage/vandalism of property
- 7) Kidnapping/abduction
- 8) Robbery
- 9) Forcible sex offences
- 10) Non-forcible sex offences

O. Failure to Complete Conduct Sanctions

All students, as members of the University community, are expected to comply with conduct sanctions within the timeframe specified by the Dean of Students, Dean's Student Conduct-designee or Administrative Meeting Officer. Failure to follow through on conduct sanctions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions and/or suspension from the University **and may be noted on, or with, the student's official transcript at the end of the semester.** In such situations, resident students will be required to vacate University housing within 24 hours of notification by the Dean of Students or the Dean's Student Conduct-designee, though this deadline may be extended upon application to, and at the discretion of, the Director of Housing and Residence Life and/or the Director of Student Conduct. A suspension will only be lifted when compliance with conduct sanctions is satisfactorily achieved. This determination will be made by the Director of Student Conduct.

P. Appeal Review Procedures

Any party may request an appeal of the decision of the Administrative Meeting or formal hearing by filing a written request to the **Dean of Students**, subject to the procedures outlined below. All sanctions imposed by the original meeting or hearing body remain in effect, and all parties should be timely informed of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision.

Grounds for Appeal Requests

Appeals requests are limited to the following grounds:

- 1) A procedural error occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
- 2) To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction.¹² A summary of this new evidence and its potential impact must be included;¹³
- 3) The sanctions imposed are substantially disproportionate to the severity of the violation.

Appeals must be filed in writing with the Dean of Students within five (5) business days of the notice of the outcome to the hearing, barring exigent circumstances. Any exceptions are made at the discretion of the Dean of Students and, when appropriate, the Director of Housing & Residence Life, and/or the Title IX Coordinator.

The Dean of Students will share the appeal by one party with the other party (parties) when appropriate under procedure or law (e.g., if the responding student appeals, the appeal is shared with the complainant, who may also wish to file a response, request an appeal on the same grounds or different grounds). The Dean or Dean's Student Conduct-designee will refer the request(s) to the University's designated Appeal Review Officer, the Vice-Chancellor for Student Affairs. The Dean of Students will also draft a response memorandum to the appeal request(s), based on the Appeal Review Officer's determination that the request(s) will be granted or denied, and why. All request-related documents are shared with all parties prior to submission to the Appeal Review Officer.

The Appeal Review Officer will conduct an initial review to determine if the appeal request meets the limited grounds and is timely. They may consult with the Dean of Students, the Student Conduct-designee, the Director of Housing and Residence Life and/or Title IX Coordinator on any procedural or substantive questions that arise.

If the appeal is not timely or substantively eligible, the original finding and sanction will stand and the decision is final. If the appeal has standing, the Appeal Review Officer determines whether to refer the appeal to the Appeals Panel or to remand it to the original decision-maker(s), typically within five (5) business days. Efforts should be made to use remand whenever possible, with clear instructions for reconsideration only in light of the granted appeal grounds. Where the original decision-maker may be unduly biased by a procedural or substantive error, a new panel will be constituted to reconsider the matter, which can in turn be appealed, once. Full rehearings by the Appeals Panel are not permitted. Where new evidence is presented or the sanction is challenged, the Appeals Review Officer will determine if the matter should be returned to the original decision-maker for reconsideration or if it should be reviewed by the Appeals Panel with instruction on the parameters regarding institutional consistency and any applicable legal guidelines. In review, the original finding and sanction are presumed to have been decided reasonably and appropriately, thus the burden is on the appealing party(ies) to show clear error. The Appeals Panel must limit its review to the challenges presented.

On reconsideration, the Appeals Panel or original decision-maker may affirm or change the findings and/or sanctions of the original hearing body according to the permissible grounds. Procedural errors should be corrected, new evidence should be considered, and sanctions should be proportionate to the severity of the violation and the student's cumulative conduct record.

All decisions of the Appeals Panel are to be made within five (5) days of submission to the Panel and are final, as are any decisions made by the original hearing body, Dean of Students, Dean's Student Conduct-designee, and/or Director of Housing & Residence Life as the result of reconsideration consistent with instructions from the Appeal Review Officer.

The Appeals Panel

Three-member Appeals Panels are drawn from the hearing panel pool, with the following requirements to serve¹⁴:

- 1) they did not serve on the Panel for the initial hearing
- 2) they were not involved in the investigation in any way
- 3) they have been properly trained in appeals procedures

For students to serve in the panel pool¹⁵, they must:

- 1) Be in academic good standing and have completed 15 hours of academic credit with a cumulative GPA of at least 2.0.
- 2) Be in good standing with respect to the conduct process throughout the term in which they serve. Good standing is defined as having no record of misconduct during the semester(s) in which a student wishes to serve on the panel, as well as not currently being on any probation. A serious history of misconduct could disqualify a student for service.

The Appeal Review Officer will have final authority to approve all those serving on the Appeals Panel. The parties may challenge a panelist(s) on the basis of potential bias, and any panelist who cannot render an impartial decision must recuse themselves. The Appeals Review Officer will make the determination as to the validity of any challenge or need for recusal. In the event of a recusal from the panel, the Appeals Review Officer will solicit a replacement from the pool of panelists.

The Dean of Students or the Student Conduct-designee serves as the non-voting advisor to the Panel, with responsibility for training the Panel, conducting preliminary investigations, and ensuring a fair process for the complainant and responding student.

The presumptive stance of the University is that all decisions made and sanctions imposed by the original decision-maker are to be implemented during the appellate process. At the discretion of the Dean of Students or Student Conduct-designee, and in consultation with the Director of Housing and Residence Life when necessary, implementation of sanctions may be stayed pending review only in extremely exigent circumstances. This does not include proximity to graduation, end of term, or exams. Instead, it refers to an overwhelming likelihood, as determined by the Appeals Review Officer and Dean of Students or Student Conduct-designee, in consultation, that the appeal would result in a reversal of the finding and/or substantial modification of the sanctions.

Other Guidelines for Appeals

- All parties will be timely informed **within five (5) work days** of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision;
- Every opportunity to return the appeal to the original decision-maker for reconsideration (remand) should be pursued;

¹⁵ Students should not be panelists for sexual misconduct and other Title IX-covered behaviors, because of the chilling effect on reporting this causes.

- Appeals are not intended to be full re-hearings of the complaint. In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal; witnesses may be called if necessary.
- Appeals are not an opportunity for appeals panelists to substitute their judgment for that of the original decision-maker merely because they disagree with the finding and/or sanctions. Appeals decisions are to be deferential to the original decision-maker, making changes to the finding only where there is clear error and to the sanction only if there is a compelling justification to do so.

Q. Disciplinary Records

All conduct records are maintained by the University for seven (7) years from the time of their creation except those that result in separation (suspension or expulsion, including from housing) and those that fall under Title IX, which are maintained indefinitely.

R. Policy for Non-Academic Grievances

A grievance is defined as a dissatisfaction occurring when a student thinks that any condition affecting him/her is unjust, inequitable or creates an unnecessary hardship. Such grievances include, but are not limited to, the following problems: mistreatment by any University employee, wrongful assessment and processing of fees, records and registration errors, racial discrimination, sex discrimination, and discrimination based on disability, as they relate to non-academic areas of the University. The grievance procedure shall not be used for appeals of disciplinary decisions, residency classification decisions, traffic appeals decisions or any other type decision where a clearly defined appeals process has already been established. Non-Academic grievances related to the University's non-discrimination and equal opportunity policies should be reported to the dean of students, and to the director of equal opportunity programs. The procedure is as follows:

The initial phase of the student grievance procedure requires an oral discussion between the student and the immediate supervisor of the person(s) alleged to have caused the grievance. If the student wishes to file an official grievance, a grievance form may be completed and filed with the immediate supervisor of the person alleged to have caused the grievance.

The form should be filed with the person's immediate supervisor within five (5) working days of the initial discussion referred to above. The supervisor shall immediately investigate the incident and render a decision. If the student feels the grievance is resolved, the process is complete. If the grievance is unresolved, the student may bring the matter before the dean of students by presenting a written statement within ten (10) working days of the supervisor's decision. The Dean of Students will investigate and render a decision within 10 working days.

The Code of Academic Integrity

Within the Code of Student Conduct there exists the Code of Academic Integrity. Students are on their honor not to cheat, lie or steal, and if they witness another student doing so, it is their responsibility to report the individual and the circumstances to the instructor or the dean of students.

A. Bribery

The offering, giving, receiving or soliciting of anything of value to obtain a grade or consideration a student would not expect to achieve from his or her own academic performance.

B. Cheating

Examples include:

Any conduct during a program, course, quiz or examination that involves the unauthorized use of written or oral information, or information obtained by any other means of communication; the buying, selling, sharing of questions or theft of any examination or quiz prior to its administration; the unauthorized use of any electronic or mechanical device during any program, course, quiz or examination or in connection with laboratory reports or other materials related to academic performance; the unauthorized use of notes, laboratory reports, term reports, theses and written materials in whole or part; the unauthorized collaboration on any test, assignment or project.

C. Lying

Lying is the deliberate misrepresentation by words, actions or deeds of any situation or fact, in part or whole, for the purpose of avoiding or postponing the completion of any assignment, duties, test or examination in a course, internship or program.

D. Plagiarism

Plagiarism, or literary theft, in any writing assignment: using others' words or ideas without consistent, correctly formatted acknowledgement. This includes sources the student knows personally (friends, other students, relatives, etc.) as well as all text, Internet, and other sources. Students are required to properly acknowledge sources as follows: **students may not present as their own ideas, opinions, images, figures, languages or concepts of another, including those of other students.** Students must acknowledge all sources such as magazines, journals, Internet sites, records, tapes, films and interviews. Papers and other materials bought from "term paper writing services," if submitted as the work of anyone except the writing service, constitute a violation of the principles of this code. Further, violation of any of the following standards may be cause for disciplinary action. The common specific uses of source material are:

Direct Quotation: Word-for-word copying of a source. Direct quotation must be accurate, must not misrepresent the source in any way and must be properly acknowledged.

Paraphrase:

A recasting into one's own words material from a source, generally condensing the source. A direct quotation with only a word or two changed, added or omitted should not be passed off as a paraphrase. A paraphrase restates the source but does not misrepresent it and must be properly acknowledged.

Self-Plagiarism:

The act of re-using your own work without letting your professor know that it comes from a previous paper or assignment. This can include parts of a previous assignment or an entire paper.

Use of ideas:

The use of an idea from a source must be properly acknowledged, even when one's application of that idea varies from the source.

Use of figures, tables, charts, statistics, images, photographs and other similar sources: These items must be fully acknowledged, and any changes must be clearly indicated. If a student has received any kind of help (except that permitted by an instructor) in the preparation of a project, that help must be fully acknowledged.

Sanctions of Academic Integrity violations include, but are not limited to:

- expulsion
- indefinite or definite suspension;
- reprimand;
- “X” assigned for the final grade;
- “F” assigned for the course;
- “O” assigned for the assignment, test or paper;
- reduction in final course grade;
- additional assignments from the professor;
- completion of plagiarism workshop and
- letter of apology to the Faculty member

The sanctions in this section are intended to be disciplinary, and nothing in these procedures, including the imposition of any sanction, shall be interpreted to limit the academic authority of an instructor to determine an appropriate grade for a student who has violated the rule. If an instructor determines that, because of academic dishonesty, a student’s performance in an academic program merits a grade reduction or a failing grade, the instructor’s authority to award such an appropriate grade is not limited by the imposition of any sanction under this Section.

Infractions of the Code of Academic Integrity may result in removal from academic programs by the authority of the specific academic dean.

Students removed by the academic dean for academic integrity violations have the same rights outlined in the USC Upstate Code of Student Conduct regarding notice of the alleged offense and an opportunity to be heard before the honor council.

Resolution of Alleged Academic Infractions:

Informal Administrative Hearing

Upon receiving an alleged violation of the Code of Academic Integrity, the dean of students or designee (oftentimes, this is the involved faculty member) will investigate the report. The dean of students or designee will conduct an initial interview with the accused. The potential academic violations will be explained at that time. It is at this time the student can resolve the matter through admission of responsibility, or request a hearing with the Honor Council.

The Honor Council (see below for composition and procedures) is given the charge to handle academic honor code violations. The Honor Council does not have the role to examine severity of sanction appeals from the decisions of the dean of students or faculty member; those concerns will be forwarded to the Appeals Panel.

Should further action be necessary, the charged student will receive written notification of a hearing before the Honor Council within two (2) business weeks. The charge letter will include a statement of the charges and the time and place of the hearing.

If the accused accepts responsibility in writing prior to appearing before a Council hearing, a sanction determined by faculty member for an academic violation will be imposed.

If a student fails to respond to a charge letter within the time specified in a certified letter, he or she forfeits his or her rights and may have a sanction imposed by the faculty member. A hearing may be conducted in the absence of an accused student if the student fails to appear for a scheduled hearing.

The Honor Council Procedures

During an Honor Council hearing, the faculty chairperson will bring the council to order and present the alleged violation brought against the student. The student has the right to attend the hearing, at a designated time, to respond to any evidence, and to present witnesses and evidence. Council members and the student shall be free to ask questions during the hearing. Following the presentation and hearing of all information pertaining to a particular violation, the Honor Council shall deliberate without the accused student being present.

The Honor Council shall also determine the sanction that will be imposed if the student is found responsible for Code of Academic Integrity violations. Faculty members will determine the sanction assigned for any Code of Academic Integrity violations that occur in their classes.

The dean of students will maintain all records of violations of the Code of Academic Integrity confidentially for a period of seven (7) calendar years from the date of the hearing. Cases that result in suspension or expulsion will be retained indefinitely. Appropriate University officials may be notified of actions taken by the Honor Council on the basis of their need to know. Records will be made available to the Honor Council for specific cases where a student is found responsible, and has a record of any prior violations of the Code of Academic Integrity.

Any prior violations of the Code of Academic Integrity will be taken into account in determining the sanction or sanctions for a subsequent violation(s) of the Code. The hearing authority shall exercise active control over the hearing in order to elicit relevant information, avoid needless consumption of time, and to prevent harassment or intimidation of witnesses. Formal rules of evidence shall not be applicable, nor shall deviations from prescribed procedures necessarily invalidate a decision or proceeding unless significant prejudice to the charged student, student organization or University is shown to have resulted.

Composition and Jurisdiction of the Honor Council

The Honor Council normally consists of two students and three faculty voting members. Participants for each council are selected by the dean of students from a pool of students and faculty. The dean of students is authorized to assign non-academic integrity cases to a Student Honor Council that operates under the same guidelines as a council in which faculty participates. The faculty pool consists of two faculty appointed by each academic division or department from each of the following disciplines: business, education, nursing, library and the College of Arts and Sciences. The student pool consists of two students appointed by each academic division or department from each of the following colleges: business, education, nursing and the College of Arts and Sciences. Students serving on the Honor Council must have completed 30 hours at USC Upstate and maintain a 2.25 GPA and must be in good behavioral standing at the University. Members of the Honor Council are selected each fall to serve during the fall, spring and summer of the following year. With the voluntary, informed and written consent of the University's representative and charged parties, the above provisions related to council composition, chairmanship and quorum may be waived in order to expedite the scheduling and completion of hearing procedures. The dean of students or designee acts as a nonvoting administrator of the council, and will appoint a faculty chairperson for each council hearing, and selects members from the pool to serve at a particular council hearing. All matters involving an alleged violation of the Code shall subject the student or student organization to the jurisdiction of the campus judicial system. In special cases where the safety of the individual or the University community is threatened, a student may be subject to immediate suspension by the chancellor or his designee pending a hearing.

D. The Student Honor Council

During a Student Honor Council hearing, the hearing chair will bring the hearing to order and present the charges brought against the student. The student has the right to attend the hearing, at a designated time, to respond to any evidence, and to present witnesses and evidence. Student Honor Council members and the student shall be free to ask questions during the hearing. Following the presentation and hearing of all information pertaining to a particular violation, the Student Honor Council shall deliberate without the accused student being present. The Student Honor Council shall also determine the sanction that will be imposed as outlined in the Code of Conduct if the student is found responsible. The dean of students will maintain all records of violations of the Code of Student Conduct confidentially for a period of six calendar years from the date of the hearing. Cases that result in suspension or expulsion will be retained indefinitely. Appropriate University officials may be notified of actions taken by the Student Honor Council on the basis of their need to know. Records will be made available to the Student Honor Council for specific cases where a student is found responsible, and has a record of any prior violations of the Code of Student Conduct. Any prior violations of the Code of Student Conduct will be taken into account in determining the sanction or sanctions for a subsequent violation(s) of the Code. The focus of inquiry in disciplinary proceedings shall be the responsibility of the accused party. The hearing authority shall exercise active control over the hearing in order to elicit relevant information, avoid needless consumption of time, and to prevent harassment or intimidation of witnesses. Formal rules of evidence shall not be applicable, nor shall deviations from prescribed procedures necessarily invalidate a decision or proceeding unless significant prejudice to the charged student, student organization or University is shown to have resulted. Ad hoc student honor councils may be created when extenuating circumstances (e.g. summer break, University holidays, final exams, etc.) preclude an honor council or an appeal council from obtaining the usual quorum (five students) for hearing a case. The dean of students will serve as the non-voting chair of this ad hoc board.

Composition and Jurisdiction of the Student Honor Council

The Student Honor Council normally consists of five students, one of whom is the student chair. Participants for each court are selected by the dean of students from a pool of students. The pool consists of students appointed annually through academic deans, department and division chairs. Students serving on the Student Honor Council must have completed 30 hours at USC Upstate and maintain a 2.25 GPA and must be in good behavioral standing at the University. Members of the Student Honor Council are selected each fall to serve during the fall, spring and summer of the following year. With the voluntary, informed and written consent of the University's representative and charged parties, the above provisions related to board composition, chairmanship and quorum may be waived in order to expedite the scheduling and completion of hearing procedures.

The dean of students acts as non-voting administrator of the council, and appoints a student chair to serve as chairperson for each council hearing, and selects members from the pool to serve at a particular council hearing. All matters involving an alleged violation of the Code of Student Conduct shall subject the student or student organization to the jurisdiction of the campus judicial system. In special cases where the safety of the individual or the University community is threatened, a student may be subject to immediate suspension by the chancellor or his designee pending a hearing.

Extenuating Circumstance Creation of Conduct Councils, Honor Councils, or Title IX/Sexual Misconduct Hearing Boards

Ad hoc honor councils may be created when extenuating circumstances (e.g. summer break, University holidays, final exams, etc.) preclude an honor council or an appeal council from obtaining the usual quorum (two students, three faculty) for hearing a case. The dean of students or designee will serve as the administrator of this council or hearing board.

S. Approval and Implementation

This *Code of Student Conduct* was approved on August 14, 2020.

A. Special Hearing Provisions for Sexual Misconduct, Discrimination and Other Complaints of a Sensitive Nature

All hearings under this sub-section will be conducted by a five (5) or seven (7) member faculty-staff-administrator Hearing Board drawn from the pool. An external non-voting Chairperson for the Hearing Board will be provided by the University Office of Equity and Inclusion or by the Office of the Dean of Students. The Chairperson will have the necessary education and training for Title IX/Sexual Misconduct hearings. For sexual misconduct, discrimination and other complaints of a sensitive nature, whether the alleged victim is serving as the party bringing the complaint or as a witness, alternative testimony options may be provided, such as placing a privacy screen in the hearing room or allowing the alleged victim and the respondent to testify from another room via audio or audio/video technology.

The past sexual history or sexual character of a party will not be admissible by the other parties in hearings unless such information is determined to be highly relevant by the Hearing Board Chair. All such information sought to be admitted by a party or the University will be presumed irrelevant until a showing of relevance is made, in advance of the hearing, to the Chair. Demonstration of pattern, repeated, and/or predatory behavior by the responding student, in the form of previous findings in any legal or campus proceeding, will always be relevant to the sanction.

The party bringing any complaint alleging sexual misconduct, other behavior falling within the coverage of Title IX and/or a crime of violence will be notified in writing of the outcome of a hearing, any sanctions assigned and the rationale for the decision.

Required Attribution if Any Portion of This Model Is Used: *The [Your University/College] Code of Student Organization Conduct is adapted from The Dyad Strategies Model Code of Student Organization Conduct and is used here with permission.*

Section 8: Introduction of the Model *Code of Student Organization Conduct*

This project was undertaken as an organic response to a number increasingly clear trends in the higher education landscape. First, our team observed inconsistencies in the manner in which campuses investigated and adjudicated student organization misconduct. Few campuses have stand-alone organizational processes and either create them when the need arises or attempt to overlay individual student codes of conduct onto the organizational process. Neither of these approaches constitute sound professional practice. Second, our team observed heightened tension between campuses and inter/national fraternity and sorority headquarters regarding the manner in which cases of student organization misconduct were investigated and adjudicated. During the three years leading up to the publication of this model *Code of Student Organization Conduct*, we observed an increased number of inter/national fraternity headquarters continuing to recognize undergraduate chapters, even after those chapters lost University/College recognition. This proliferation of unrecognized groups occurred in part because inter/national fraternity headquarters perceived a fundamental lack of fairness and due process in the investigation and adjudication of alleged organizational misconduct.

This model code is presented against the backdrop of a series of student deaths related to their involvement in campus student organizations. More effective and consistent models of investigating and adjudicating student organization misconduct can help make campuses safer and allow us to more effectively addressing the dangerous behaviors being perpetrated by some campus student organizations.

We offer this model *Code of Student Organization Conduct* as an attempt to provide consistency in terms of how campuses investigate and adjudicate organizational misconduct, and as an attempt to limit the number of cases ending with decisions by students, their advisors and their inter/national governing bodies to continue underground, unrecognized operations because of their (often well-founded) concerns over due process and fundamental fairness.

In developing this model code, we were guided by our shared belief that a well-designed organizational conduct process could accomplish the following objectives:

1. **Promote Behavior Change** – the goal of any educational process is to promote learning, growth and development. This requires that the organizational misconduct process provides students with the opportunity to learn from their mistakes and to demonstrate a commitment to organizational changes that will ensure those mistakes will not be repeated. Promoting behavioral change at the organizational level requires that students who are part of these organizations, as well as their advisors and other stakeholders, are psychologically invested in the outcomes of any organizational misconduct proceeding. To that end, this model code moves away from a unilateral sanctions process in favor of an outcomes development process, through which organizational leaders, advisors, and other key stakeholders are involved in a collaborative process to determine the educational tools and environmental changes necessary to build lasting, meaningful change and to limit the recurrence of problematic behavior.
2. **Promote Safer Campus Cultures** – This model *Code of Student Organization Conduct* promotes student safety through a focus on increased student agency in the process. By giving student organizational leaders a more prominent role in the development of outcomes, and by engaging their advisors and other external constituents in the development of those outcomes, we hope to create environments where high-risk behavior is less likely to be repeated. This model code promotes increased partnership and oversight that is designed to proactively promote student safety.
3. **Promote Self-Governance** – Research on the post-millennial generation (often referred to as Gen Z) suggests that as a result of hyper-involved parenting and a dearth of unsupervised, unstructured playtime, today's college students lack basic conflict resolution skills. As a result, traditional systems of organizational self-governance and peer accountability processes have ceased to function as intended. Behaviors that would have been addressed through systems of peer accountability a decade ago now go unaddressed. This model code seeks to promote self-governance and internal accountability in a number of ways: First, the partnership process outlined allows organization leaders, in some instances, to self-investigate alleged misconduct and incentivizes organization leaders to hold individual members accountable for their behavior. Second, this model code incentivizes organizational leaders to self-report individual violations of policy and provides organizations with limited amnesty when they report these individual violations in good faith.
4. **Build Trust and Goodwill with Students, Advisors and Other Stakeholders** – With the proliferation of student groups being allowed to operate without university recognition because of perceived fairness and due process issues, there is a need for transparent, collaborative and inclusive systems of organizational misconduct.

This model code promotes a straightforward process for adjudicating organizational misconduct, providing multiple opportunities for review and appeal. This code also involves students, advisors and stakeholders in developing and implementing outcomes associated with this process. For example, this code encourages written return agreements in those instances where loss of recognition is the best course of action. In a number of ways, this model *Code of Student Organization Conduct* is designed to build trust and goodwill between Universities/Colleges and their student organization leaders, advisors, and other external stakeholders.

To accomplish these four objectives, this model code features a number of elements designed specifically for the unique needs of the organizational misconduct process, including:

Three-Tier Resolution Process - The Three-Tier Resolution Process allows campuses flexibility in determining which types of cases require a formal investigation/resolution, and which types of cases can be resolved through alternative resolution processes. Using this model, each campus should develop a Violation Rubric (see Attachment A). The Violation Rubric provides a recommended adjudication model for various types of violations.

The first tier is designed for those low-level violations that are generally straightforward based on an incident report and can be handled in a prescribed manner (i.e. noise violation, unregistered social event, minor alcohol violations). For Tier 1 incidents, prescribed penalties (a menu of these penalties would need to be developed, published, and regularly reviewed by the College/University – i.e. an unregistered party is a \$250 fine and a period of social restriction) would be automatically assessed by the campus upon receiving report related to alleged misconduct, if the Dean of Students or designee believes the behavior is more likely than not to have occurred. Upon notification of the violation, the organization can either accept the penalty or choose to have a hearing as outlined in the formal adjudication process.

The second tier is designed for those intermediate offenses that are less straightforward but do not initially require a formal campus investigation. For Tier 2 incidents, organizations would be notified by the University/College that a report of a potential violation had been received, and a meeting between the organization’s leadership and the Dean of Students/Designee would be scheduled. The organization would then be given the opportunity to conduct its own internal investigation and suggest outcomes related to addressing the incident in question. If the University/College is satisfied with the investigation, the outcomes development process can begin. If the University/College is not satisfied with either the investigation or report, then the case may be moved to the formal investigation/adjudication process.

The third tier is designed for serious offenses that require an official University/College investigation. For Tier 3 incidents, cases would be investigated by an independent investigator and adjudicated through an administrative or formal hearing process.

Option for Self-Reporting - To promote and encourage self-governance within organizations, this Model Code features a section related to self-reporting of policy violations. In those cases where RSO leadership reports policy violations of individual members to the University/College, the University/College will work with the RSO leadership to investigate and adjudicate the individuals implicated in the report and will NOT investigate or adjudicate the RSO unless the investigation of individuals makes clear that there is organizational culpability.

Independent Investigator Model - For those cases that require a University/College formal investigation, this process promotes an independent investigator model that has become widely used on college campuses for victim-based and other civil rights investigations. By separating the investigation from the adjudication process, this model alleviates

concerns about bias and due process by ensuring that the person(s) investigating cases are not also responsible for adjudicating those cases. In order to ensure that investigations are timely, we encourage campuses to have a team of trained investigators. In other cases, it may be appropriate to use external investigators. While acknowledging that, in some jurisdictions, police investigations must begin prior to any campus disciplinary proceeding, an independent investigator model coupled with a team of trained investigators should allow campuses to quickly and thoroughly investigate cases of alleged misconduct.

Collaborative Outcomes Process - Organizational misconduct processes have long been associated with lengthy, punitive sanction letters that rarely result in lasting, meaningful change. This model code replaces a top-down, unilateral sanctioning process with a collaborative, deliberative outcomes development process designed to create ownership and buy-in of organizational leaders, advisors and stakeholders. This outcomes development process involves the solicitation of input and the collaborative development of outcomes designed to produce meaningful, lasting cultural change.

Transparent, Straightforward Appeals Process – This Model Policy features an appeals process that is straightforward, giving RSO’s the opportunity to appeal the result of any formal resolution process and/or any Outcome developed at the conclusion of the formal resolution process.

Delineation of Individual vs. Organizational Misconduct –In this model policy, we advocate for individual accountability as the primary means of addressing behavior. This model policy reflects our view that student organizations should be held accountable only when the organization aids, abets, incites, organizes, approves or otherwise participates in any behaviors that would constitute policy violations. In determining whether an entire organization, rather than or in addition to individual members of that organization, are to be held accountable for misconduct, we recommend asking the following questions of the misconduct in question:

How many members of the organization were present when the misconduct occurred or had specific knowledge of the misconduct before it occurred or while it was occurring?

What knowledge did the appropriate organization officers and/or advisors have of the misconduct?

What action(s) did the appropriate organization officers and/or advisors take in addressing/preventing the misconduct from occurring?

Were members of the organization acting in concert, or did their membership in the organization serve as an impetus for the misconduct?

Did the violation arise out of an event that was sponsored, financed, planned, or otherwise endorsed by members of the organization?

Is there a pattern of individual violations that have occurred without proper remedial action by the organization?

Employee Disciplinary Proceedings Utilized in Cases of Alleged Domestic Violence, Dating Violence, Sexual Assault and Stalking

General Standards of Conduct

USC Upstate is committed to operating with integrity and in compliance with all applicable federal, state, and local laws, regulations and policies. Additionally, all employees are expected to conduct themselves honestly and with a high degree of personal integrity. The mutual respect and collegiality that is gained as a result of adherence to these high standards encourages a positive and productive work environment. This not only involves sincere respect for the rights of others, but also requires that employees refrain from behavior in both their personal and professional lives, that might be harmful to themselves or their coworkers and/or University. To maintain the integrity of USC Upstate and to protect the rights of its employees, students, and the University itself, employees are expected to conduct themselves honestly, professionally, and ethically at all times.

Additionally, to make the University a safe and pleasant place to work, every employee is expected to observe certain standards of conduct. Certain conduct is of such a serious nature that immediate dismissal may be warranted without prior warning or discipline. Examples of such conduct are as follows: gross insubordination; dishonesty, stealing property belonging to the University, its suppliers, students, or other employees; private financial relations with customers or suppliers, students or other employees; deliberate damage to University property, fighting; falsifying, or causing to be falsified information on an employment application, time card, or other University documents; unlawful possession, use, or distribution of alcohol, intoxication; the illegal use, sale, manufacture, possession or distribution of drugs or narcotics; sexual misconduct, other inappropriate sexual conduct, illegal harassment, and/or discrimination; the possession or use of firearms or other weapons on University property or the use or threat of violence.

The specific conduct describe in this section does not include all of the possible grounds for discipline or discharge. These descriptions are intended as illustrations of the types of conduct that must be avoided for the good of our employees, students, visitors and University.

Because these rules are essential to our most important function – effective service to our students – as well as to the efficient operation of our business, the provisions of this section will be promptly and fairly enforced. We appreciate the cooperation of every employee in the careful observance of these standards of conduct.

Employee and Student Sexual Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, Stalking and Sexually Inappropriate Behavior

All members of USC Upstate have the right to work and study in an environment free of discrimination, including freedom from sexual harassment, sexual misconduct, dating violence, domestic violence, staking and other sexually inappropriate behavior. The intent of this policy is to foster responsible behavior in a working and academic environment free from discrimination and harassment. To this end, USC Upstate will not tolerate and by policy forbids the sexual harassment of employees and students including sexual assault, sexual misconduct, dating violence, domestic violence, stalking and any and all sexually inappropriate behavior.

Sexual harassment, sexual misconduct, dating violence, domestic violence, stalking and other sexually inappropriate behavior is defined by this policy is prohibited when it involves any member of the campus community:

- Towards a faculty member or employee by a faculty member or employee
- Towards a student by a faculty or staff member
- Towards a faculty or staff member by a student
- Towards a student by a student
- Towards a faculty or staff member or student by a visitor or guest of the University

All members of the faculty, administration and staff who have information regarding, are witness to, or become aware by any means of any form of sexual harassment, sexual misconduct, inappropriate sexual behavior, dating violence, domestic violence, stalking, and/or criminal activity, are required to report the incident as outlined in these policies.

Other Forms of Harassment/Discrimination

Employees are expected to maintain the highest degree of professional behavior. All harassment or discrimination by employees is strictly prohibited. Further, harassing or discriminatory behavior of non-employees directed at University employees or students is likewise prohibited.

Discrimination occurs when race, color, national or ethnic origin, sex, sexual orientation, gender identity or expression, marital status, disability, religion, veteran status, age, or any protected status is used as inappropriate or irrelevant criteria for action. Discrimination is particularly condemned when it exploits and jeopardizes the trust that should exist among members of an educational institution. To preserve a work and study atmosphere that fosters such trust, the University affirms the principle that students, faculty and staff must be treated equitably and evaluated on the basis of merit rather than irrelevant criteria. When a person intentionally or inadvertently abuses the power and authority inherent in their position, there can be negative consequences both to the individuals involved, as well as to the educational and working environment of the college.

Discrimination also includes harassment. Harassment may be based on a person's race, color, national or ethnic origin, sex, sexual orientation, gender identity or expression, marital status, disability, religion, veteran status, age or any protected status. It includes a wide range of abusive and humiliating verbal or physical behaviors that are directed against a particular person or persons. In some cases, the conduct may be such that it is clear that it is directed against a particular person or group, even though the person/group may not be specifically identified.

Examples of unacceptable behavior include, but are not limited to, the following:

- Physical, emotional or mental abuse
- Racial, religious, ethnic, or gender based or sexual insults
- Derogatory ethnic, religious, or sexual jokes or slurs
- Unwelcome sexual comments or advances
- Taunting intended to provoke another
- Requests for sexual favors used as a condition of employment or affecting any personnel decisions such as hiring, promotion, or compensation
- Unwanted physical contact such as pinching, grabbing, rubbing, etc.; stalking, bullying, cyber-bullying, etc.

All members of the faculty, administration and support staff who have information regarding, are witness to, or become aware of by any means any form of harassment or discrimination are required to report the incident.

Reporting of Prohibited Conduct, Harassment, and Discrimination Violations

A member of the campus community who reports sexual harassment, sexual violence, intimate partner violence, or stalking whether the complainant or witness, can be assured all reports will be taken seriously, and that each individual will be treated with dignity, respect, and in a non-judgmental manner from the initial report to the final outcome. Similarly, a respondent can expect to be treated fairly and respectfully from the initial report to final result.

Any employee or faculty member who believes he or she has been the subject of any form of prohibited conduct, harassment, or discrimination in any form should bring the matter to the Director of Employee Relations or Provost.

All members of the faculty, staff and administration, are required to report incidents of prohibited conduct, harassment, and or discrimination, including sexual harassment and gender discrimination, sexual misconduct, relationship violence, and sexually inappropriate, they observe, that they are informed about, or, of which they become aware by any means to the Director of Employee Relations or provost.

Faculty Members

Violations of the code of conduct for faculty members including the Violence against Women Act (VAWA) are reported to the Provost via the employee’s immediate supervisor and/or the Title IX Coordinator. In the case of the professional schools, this includes the Dean of the respective college in which the code of conduct violation was alleged to have occurred. For all other academic units, code of conduct violations including Violence against Women Act are reported through the Department Chair and/or Title IX Coordinator. In assessing the responsibility of a faculty member concerning the allegation, a “preponderance of evidence” standard will be employed. University employees who are determined to have violated applicable University polices regarding relationship violence, domestic and dating violence, stalking and harassment may be subjected to sanctions ranging from a written warning or reprimand, to suspension, expulsion, or termination, depending on the facts and circumstances of the particular case and legal prosecution.

In assessing the responsibility of a faculty member concerning the allegation, a “preponderance of evidence” standard will be employed. Listed below are the sanctions for these offenses:

- Sexual harassment 1st Offense - Counseling, oral warning, written reprimand, suspension to dismissal
 2nd Offense - Written reprimand to suspension to dismissal
 3rd Offense - Dismissal
- Stalking 1st Offense - Written reprimand to suspension to dismissal
 2nd Offense - Dismissal
- Dating Violence 1st Offense - Written reprimand to suspension to dismissal
 2nd Offense - Dismissal
- Domestic Violence 1st Offense - Written reprimand to suspension to dismissal
 2nd Offense - Dismissal
- Sexual Assault 1st Offense - Dismissal

Staff Members

Violations of the code of conduct for staff members including the Violence against Women Act (VAWA) are reported to the employee’s immediate supervisor and/or the Title IX Coordinator. In assessing the responsibility of a staff member concerning the allegation, a “preponderance of evidence” standard will be employed.

University employees who are determined to have violated applicable University polices regarding relationship violence, domestic and dating violence, stalking and harassment may be subjected to sanctions ranging from a written warning or reprimand, to suspension, expulsion, or termination, depending on the facts and circumstances of the particular case and legal prosecution.

Any classified or unclassified non-academic employee may be counseled, warned, reprimanded, suspended or dismissed whenever such action is considered necessary by the authorized supervisor, department chair, or higher level administrative official within the employee’s line of supervision.

Any disciplinary or performance based action that is grieved through University Grievance Policy HR 1.42 or through the state Employee Grievance Procedures, must be reviewed by the USC Vice-Chancellor for Human Resources or the Vice-President’s designee prior to the action being taken unless the seriousness of the violation or deficiency calls for immediate action. In all cases of immediate action, consultation with USC’s Division of Human Resources must take place as soon as practicable.

- Sexual harassment 1st Offense – Counseling, oral warning, written reprimand, suspension to dismissal
 2nd Offense - Written reprimand to suspension to dismissal
 3rd Offense – Dismissal
- Stalking 1st Offense –Written reprimand to suspension to dismissal
 2nd Offense –Dismissal
- Dating Violence 1st Offense –Written reprimand to suspension to dismissal
 2nd Offense - Dismissal
- Domestic Violence 1st Offense –Written reprimand to suspension to dismissal
 2nd Offense - Dismissal
- Sexual Assault 1st Offense –Dismissal

University employees who feel they have been discriminated against by reason of race, color, sex, age, religion, national origin, disability, veteran status or sexual orientation may voice their complaint to their immediate supervisor or department head. Complaints that cannot be resolved satisfactorily within the department should be reported promptly to the Office of Employee Relations and Equal Opportunity at USC Upstate or USC. The complaint procedure is described in the USC System Affirmative Action Policy, USC Policies and Procedures Manual.

Non-discriminatory grievances relative to the employment process or conditions of work, e.g. dismissals, suspension, or demotions, may be brought to the attention of the USC Vice-President for Human Resources, if they have been unresolved at the departmental level. There is a time limit of fourteen calendar days in which an employee may file a formal, written grievance. The fourteen day period begins with the effective date of the action which the employee is grieving.

For further information on this grievance procedure refer to the University's Grievance Policy in the USC Policies and Procedures Manual. Grievance Procedures for faculty are outlined in the Faculty Manual.

Residence Hall Room Options/Room Assignments

Room assignments are made without regard to race, color, creed, religion, sexual orientation or disability. Housing and Residential Life uses the housing application information to pair students up with similar interests and hobbies. Special considerations will be given to those who have special health needs. Students seeking accommodations related to a disability must contact the Office of Disability Services. The Housing and Residential Life office makes assignments based off the recommendations of the Office of Disability Services assuming space permits the recommendation. Housing and Residential Life does not accept medical documentation or other verification of a disability; all documentation must go through the Office of Disability Services.

Housing contracts are for the full academic year. As such, students are expected to reside in campus housing the full year.

Room Options

Freshmen students will be assigned to double rooms in Magnolia House or Palmetto House. While single rooms may be available, they are first made available based on accommodations. One floor in Palmetto House is held for transfer students. Upper-class students (sophomore – senior) residing in on-campus housing will live in the Villas (apartments).

Residence Halls Guests and Visitors

University Housing is provided for the exclusive use of USC Upstate students as assigned by Housing and Residential Life (HRL). Visitors may be allowed to use the residence facilities within the following guidelines:

I. Policy

Visitation is defined as those times during which residents may have guests in their rooms, suites, or apartments, or in the public areas of residential floors. Specific visitation plans outline the maximum hours during which guests may visit. Within these plans, the shared concerns and wishes of roommates are of paramount importance and determine what visitation privileges are acceptable or unacceptable within a specific room. Visitation is a privilege that is subordinate to a resident's right of privacy within her or his room. Residents may not exercise their visitation privileges if doing so interferes with the rights of the roommate or of other residents.

USC Upstate's residence halls and apartments differentiate in their visitation hour plans. Each of the plans outlined below show when visitation is allowed in the residence halls and apartments under that plan.

A. Treehouses (Magnolia House and Palmetto House)

Visitation is from 9 am – 12 midnight each day on Monday-Thursdays; and overnight visitation on the weekends is from 9 am on Fridays until 12 midnight on Sundays. Guests who are not registered to stay overnight must leave by 2 a.m. on Friday and Saturday nights.

B. Palmetto Villas - The Villas visitation in the apartments is 24 hours/7 days a week providing that all roommates have expressed permission.

II. Procedures for Visitors and Overnight Guests

A. Signing In Guests

A guest is defined as any person who is visiting another person that does not live in their place of assignment or residence (includes off campus students as well as on campus residents visiting another building). All guests must be signed in by the resident s/he is visiting at the front desk of the building s/he is visiting.

1. Staff members are available to assist residents in signing in their guests.
2. Tree Houses: Within the approved visitation hours, guests must be signed in at the entrance of each residence hall desk.
 - Each guest and host must present a picture ID to the staff member working at the main entrance; guests **must** have a photo ID or admittance will be denied.
 - The staff member at the desk will enter the name of the guest in the sign-in log and will retain the ID.
 - The guest ID will be returned when the host and guest sign out at the desk.
 - A resident may register no more than two (2) guests at a time.
 - **Hosts must escort** guests at all times
 - Each suite will be allowed to have a maximum of four guests at one time.
3. The Villas: All guests must have expressed permission (by all roommates) to be present in a residents apartment. No official paperwork is expected to be completed for day guests; overnight guests should complete overnight guest forms in Housing office (see B).

B. Overnight Visitation

Prior to the guest's arrival the host must notify and get signed approval from his or her roommates to have a guest stay in the suite/apartment overnight.

- Failure to gain **ALL** roommates' signed approval prior to registering a guest will result in the guest being asked to leave and referral of the host for disciplinary action. In addition, a resident's visitation privileges may be suspended.
- Guest may not exceed 48 hours (2 nights) consecutively staying overnight on campus.
- Non-Resident Guests are prohibited from overnight visitation during the first and last two weeks of each semester in the Tree Houses.
- Also, guests may not stay more than 2 nights by changing hosts.

C. Restrictions

1. The hosting resident will be responsible for the conduct of his/her guest(s) at all times and must be present with the guest(s) at all times. Guests and hosts alike are responsible for knowing and abiding by all regulations and either or both may be subject to disciplinary action for violations.

2. Each suite/apartment should determine acceptable or unacceptable visitation privileges in their roommate agreement at the beginning of each semester.
3. Cohabitation is strictly prohibited within all three residential areas. This includes, but is not limited to a guest keeping clothing and other personal belongings in the room. Residents found in violation of cohabitation may be subject to removal from on-campus housing.
4. Guests under the age of 16 are not permitted in the residential community without written permission of the Assistant Director for that particular area or without a parent/guardian present. No one under the age of 16 is allowed to stay overnight in the residence hall. Request must be received in writing 72 hours prior to the desired visitation dates,
 - a. Guests who are of the ages of 16-18 must:
 - i. Have a parent or guardian to accompany them in the residence hall environment. This individual will provide their identification to represent themselves and this individual.
5. No babysitting is allowed in the residence halls.
6. Residents who are parents and have their children visiting the residence hall will need prior approval from their roommate and an Assistant Director of their community.

The guest limit of 2 guests per person with a total of guests per suite is still in effect:

1. Complete the "Underage Guest Form" which can be picked up at the Housing and Residential Life office
2. Additional regulations may be implemented and residents will be advised of additions or changes.
3. Visitation privileges in no way alter other residence hall regulations, including quiet hours.
4. This policy is not intended for the safety and security of any residents, but is designed to address the privacy of roommates.
5. If the guest is above the age of 16 and does NOT have a valid form of ID, they are not allowed in the residential area.

Training of Residence Hall Staff

The Director of Public Safety and Fire Safety Officer provide annual security and life safety training. This training minimally includes: introduction of officers, description of services offered, instruction on fire safety hazards, fire extinguisher training, building evacuation, instruction on the emergency operations plan and SpartAlert, the University's emergency notification system, Clery Act, Residential Advisors (R.A.'s) as Campus Security Authorities (CSA), Title IX awareness training, and general information on requesting emergency assistance from University Police.

In addition, Residential Professional Staff provide the following training to Resident Assistants on a yearly basis:

- **RA Training** - August 1-8: Mandatory, Yearly
- **Behind Closed Doors** - Acting out scenarios Resident Advisers may experience while on duty including alcohol related and drug related situations- This was not held in 2020 due to COVID social distancing.
- **Crisis Response** - Resident Advisers are trained how to respond to various situations including alcohol and drug related incidents.
- **Safety Week** - September 14th-18th: Voluntary, Yearly - A week focused on safety including alcohol and drug related education. This is a collaborative event with University Police, Health Services, Counseling Services, and Dean of Students Office.
- **Homecoming Email** - Prior to homecoming in January/February: Yearly - An email goes out to all residents prior to Homecoming about general safety, visitation, and alcohol and drug policy reminders
- **Mocktails** - October: Voluntary, not on a regular schedule: An RA event to talk to residents about alcohol education, strength of drinks, and various facts related to alcohol education

Weapons Policy

USC Upstate Police Officers are armed and carry batons, pepper spray and handcuffs. Select officers are also Taser certified and carry Tasers. South Carolina state law prohibits the possession or use of firearms on campus. However persons possessing a current, valid Concealed Weapons Permit (CWP) are by law authorized to keep a weapon in their vehicle while on campus. However, the vehicle must be locked while unattended, and the firearm must be kept in a locked trunk, console or glove box while on campus.

Community Complaints/Feedback

The USC Upstate Department of Public Safety encourages members of our campus community to bring forward legitimate grievances regarding misconduct by employees. Any member of the Department will receive complaints courteously, and handled professionally. All complaints will be investigated by the Chief of Police or his/her designee. Additionally, the Department occasionally conducts community surveys to receive feedback regarding its operations and services.

The Director of Public Safety uses this feedback as part of the Department's strategic planning process. Students are an integral part of the Department's operations.

Emergency Medical Response Procedures

Students, faculty, staff, and guests should report any emergency medical situation to the Department of Public Safety immediately at (864) 503-7777 or to the Spartanburg County Communications Center at **911**. All Patrol Officers are certified emergency first responders trained in First Aid, CPR and AED.

Annual Fire Safety Report University of South Carolina Upstate (Includes calendar years (CYs) 2018, 2019, 2020)

Annual Fire Safety Report

HEA Section 668.41 Reporting Requirements

The Institutional Fire Safety Act is a federal law applicable to all Title IV colleges and universities. Each eligible institution participating in any program under this title that maintains on-campus student housing facilities shall on an annual basis, publish a fire safety report which contains, at a minimum, fire safety information with respect to campus fire safety practices and standards of the institution. This report shall be made available to students, prospective students, employees and prospective employees. Specifically this report shall include:

- (1.) Fire Statistics: Institutions must report statistics for each on-campus housing facility for the three most recent calendar years for which data are available, concerning:
 - The number of fires and cause of each fire;
 - The number of injuries related to a fire that resulted in treatment at a medical facility, including an on-campus health center;
 - The number of deaths related to a fire;
 - The value of property damage caused by the fire.
- (2.) A description of each on-campus student housing facility fire safety and sprinkler system, including the type, age, design, area covered, activation sensitivity, and other pertinent information.
- (3.) The number of regular mandatory supervised fire drills.
- (4.) The policies or rules on portable electrical appliances, smoking and open flames (such as candles) in a student housing facility.
- (5.) The procedures for evacuation in the case of a fire.
- (6.) A list of the titles of each person or organization to which students and employees should report a fire.
- (7.) The policies regarding fire safety education and training programs provided to students, faculty and staff.
- (8.) Plans for future improvements in fire safety, if applicable.

USC Upstate is required to submit a copy of this report to the Secretary of Health and Education annually. Additionally, USC Upstate maintains a fire log of any fire that occurs in an on-campus student housing facility. The log includes the nature, time, date and general location of each fire.

2018-2020 Fire Statistics
University of South Carolina Upstate

Villas	2018	2019	2020
Number of Fires	1	0	0
Cause of Fires	Cooking Fire	0	0
Number of Injuries	0	0	0
Number of Deaths	0	0	0
Value of Property Damage	0	0	0

2018-2020 Fire Statistics
University of South Carolina Upstate

Palmetto House	2018	2019	2020
Number of Fires	0	0	0
Cause of Fires	0	0	0
Number of Injuries	0	0	0
Number of Deaths	0	0	0
Value of Property Damage	0	0	0
Magnolia House	2018	2019	2020
Number of Fires	0	0	0
Cause of Fires	0	0	0
Number of Injuries	0	0	0
Number of Deaths	0	0	0
Value of Property Damage	0	0	0

Student Responsibilities

It is important to become familiar with your surroundings. The North Spartanburg Fire Department and University Police would like you to review the following safety tips to assist you in preparing for a fire.

Plan Ahead:

- Have a flashlight with you.
- Read the fire evacuation plan carefully. If one is not posted in your room request one from the HRL.
- Count the number of doors between your room and the exits. This will assist you in case of an emergency evacuation.
- Locate the fire alarms on your floor.

Life Safety Tips:

- If the fire is in your room, get out quickly. Close the door, sound the alarm and notify University Police.
- Always use a stairwell, never an elevator. The elevator could stop at the floor of the fire
- If the fire is not in your room, leave if it is safe to do so. Be sure to take your room key with you in case fire blocks your escape and you need to re-enter your room.
- To check the hallway for fire, touch the door with the back of your hand to test the temperature. If the door is cool, get low to the floor, brace your shoulder against the door and open it slowly. Be ready to close it quickly if there are flames on the other side. Crawl low in the smoke to the nearest exit; the freshest air is near the floor.
- If your room door is hot, do not open it. Instead, seal the door with wet towels or sheets. Turn off fans and air conditioners. Call the University Police to give your location.
- Signal from your window

University Housing Responsibilities

It is incumbent upon the staff of Housing and Residential Life to provide as safe of an environment as possible for the students in their stay at USC Upstate. Thus, the following tasks will be performed each year and documented by Housing and Residential Life staff and/or the Department of Public Safety.

- Fire safety education is provided for all residential students by Housing and Residential Life Staff, USC Upstate Department of Public Safety and North Spartanburg Fire Department.
- Fire extinguisher training is presented to all RA's by USC Upstate Department of Public Safety and North Spartanburg Fire Department.
- A minimum of two fire drills are conducted each semester in the Palmetto House, Magnolia House and Villas.
- Smoke detectors are placed in each bedroom within campus student housing and common living space of each dorm room.
- Smoke detectors and fire extinguishers are inspected by Housing and Residential Life staff three times a semester.
- Fire escape routes and other important information are posted on the back of each bedroom and exit door.
- The Director of Housing and Chief of Police will reassess all procedures updating as necessary and appropriate.

Residence Hall Fire Procedures Prevention and Response (Magnolia House and Palmetto House)

In the event of a fire, sound the fire alarm immediately and exit the building via the safest route. Call **911** immediately. Provide important details including possible breaks in gas or electrical lines or other special hazards.

Evacuate the building according to the following procedures and escape plan:

- Everyone should walk out of the designated exit in a quiet orderly manner. RA's will check their respective halls and be the last individual to leave.
- Do not close windows.
- No one should enter the building when the alarm sounds.
- Students, staff and visitors will evacuate to the Palmetto House parking lot.

- University Public Safety will designate alternate sites if the need arises. Everyone must remain out of any driveway or other hard surfaced area close to the building. University Public Safety will be designated to meet first responders with a master key. Access roads will be kept open for emergency vehicles.
- University Public Safety will have a designated individual or group of individuals to ensure that all access roads are open.
- Students and staff members will be allowed to return to the building by the head housing officer at the scene only upon recommendation of the Fire Department and University Public Safety.
- The Campus Fire Marshal will designate evacuation routes for all buildings. Each building will also have an alternate evacuation route.
- All media inquiries should be forwarded to the Assistant Vice-Chancellor of University Communications at 503-5210.

Fire Procedures Prevention and Response (Villas)

If the fire is in your room, get out quickly. Close the door, sound the alarm by yelling "FIRE", knock on other doors as you exit and notify University Public Safety. If the fire is not in your room, leave if it is safe to do so. Be sure to take your room key with you in case fire blocks your escape and you need to re-enter your room. To check for fire, touch the door with the back of your hand to test the temperature. If the door is cool, get low to the floor, brace your shoulder against the door and open it slowly. Be ready to close it quickly if there are flames on the other side. Crawl low in the smoke to the nearest exit; the freshest air is near the floor. If your room door is hot, do not open it. Instead, seal the door with wet towels or sheets. Turn off fans and air conditioners if possible. Call University Public Safety at **911** to give your location. Signal from your window.

Building Fire Evacuation Drills

Fire/emergency evacuation drills are conducted each semester in residence halls, and annually in academic and administrative buildings. Residence Hall Emergency Evacuation Drills are conducted twice each semester; once during daylight hours and once during nighttime hours. Drills are conducted to familiarize occupants with emergency egress from a building and to establish conduct of the drill to a matter of routine. Drills will include suitable procedures, such as potential room-to-room checks to ensure all persons subject to the drill participate. Any person who fails to participate in a drill will be subject to disciplinary action by the appropriate authority. In the conduct of drills, emphasis shall be placed on orderly evacuation rather than speed. Participants shall be relocated to a designated Emergency Evacuation Area (EEA) in the Hodge parking Lot and remain at this location until an all clear signal is given by the Fire Marshal.

Who to Notify in The Event of a Fire

The following persons and/or organizations should be notified in the event of a fire:

- North Spartanburg Fire Department **911**
- University Public Safety **x7777**
(From campus telephones)
- University Public Safety (From cell phones) **503-7777**
- Campus Fire Marshall **503-5267**

Misuse of Fire Prevention and Control Equipment

It is unlawful for any person to tamper with, misuse, or destroy any fire prevention and control equipment including but not limited to, smoke detectors on the ceilings and walls of each apartment unit, fire alarm stations, evacuation notices, fire drill procedures, or fire extinguishers. Note: there is a \$200.00 fine per resident in the suite/apartment for each smoke detector found tampered with or disconnected.

If the battery dies in your smoke detector, contact your RA as soon as possible. Any resident alleged to have committed an act of improper use or abuse of fire prevention and control equipment will be subject to disciplinary action up to and including loss of housing privileges and/or criminal prosecution.

Prohibited Items Include, But Are Not Limited To the Following:

- No smoking, anywhere on campus
- Weapons (including bullets)
- Multi-plug outlets
- Candles (not even for decorative purposes)
- Incense
- Darts
- Open flame items
- Lava lamps
- Halogen lamps
- Oil lamps
- Pets, except fish.
- Grills, coffee makers, hotplates
- Slingshots
- Lights hung on walls such as Christmas lights, etc.
- Live Christmas trees
- Lava lamps, plastic shade lamps

General Housing Construction Information Regarding USC Upstate Student Housing

At USC Upstate the Magnolia House (constructed 2009), Villas (constructed 1985) and Palmetto House (constructed 2003) are owned by the University. All facilities are operated by the Department of Housing and Residential Life.

The Villas are comprised of eleven single story buildings with 44 two bedroom apartments. The Magnolia House is a four-story structure with a basement consisting of 24 one bedroom apartments and 64 two bedroom apartments. The Palmetto House is also a four-story structure with a basement consisting of 24 one bedroom apartments and 63 two bedroom apartments.

All buildings are protected with an integrated fire sprinkler system and smoke detection system. Smoke detectors are located in all bedrooms, hallways and living areas. Manual pull stations are located in each hallway as required by NFPA 72A. Notification devices are located in bedrooms, common living areas and hallways.

The life safety systems are monitored for fire department response by the University of South Carolina. Emergency fire response is provided by the North Spartanburg Fire Department. The primary responding station is 2621 New Cut Road, Spartanburg, SC.

Fire Safety Improvements and Upgrades

The USC Upstate Fire Marshall reviews the fire system in each apartment building at least annually and recommends or orders upgrades, repairs or revisions as needed.

Fire Log

The USC Upstate Department of Public Safety maintains a Fire Log that records any fire occurring in on-campus housing. The log includes the nature, cause, any injuries, property damage value, date, time and location of each fire.

The fire log entry or any supplemental entry shall be made within business days of the receipt of information. The fire log is available for public viewing during normal business hours.

Testing and Inspection of Fire Life Safety Systems

Testing and inspection of all fire systems is done in accordance with the National Fire Protection Association (NFPA 71 and 72), local ordinances and University policy.

2020-2021 Annual Security and Fire Safety Report – University of South Carolina Upstate – Department of Public Safety

Building Fire Life Safety Devices

Building	Smoke Detectors	Fire System (Sprinklers)	Fire Extinguishers	Monitoring System	CO Detector
Magnolia House	Y	Y	Y	Y	Y
Palmetto House	Y	Y	Y	Y	Y
Villas	Y	Y	Y	Y	Bldgs. 2-6 only Y

Building Fire Life Safety Devices

Building	Manual Stations	Horns	Strobes	Fire Drill Per Term
Magnolia House	Y	Y	Y	2
Palmetto House	Y	Y	Y	2
Villas	Y	Y	Y	2

Glossary of Terms

- Fire-any instance of open flame or other burning in a place not intended to contain the burning, or in an uncontrolled manner.
- Fire drill- a supervised practice of a mandatory evacuation of a building.
- Fire-related injury-any instance in which a person is injured requiring medical treatment as a result of a fire, including an injury sustained from a natural or accidental cause while involved in fire control, attempting to rescue, or escaping from the dangers of a fire.
- Fire related death-any instance in which a person is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting to rescue, or escaping from the dangers of a fire, or deaths occurring within one year of injuries sustained as a result of the fire.
- Fire safety system-any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire including:
 1. Sprinkler or other fire extinguishing systems.
 2. Fire detection devices.
 3. Smoke alarms.
 4. Audible devices that alert one to the presence of a fire such as horns, bells or strobe lights.
 5. Smoke control and reduction mechanisms.
 6. Fire doors and walls that reduce the spread of a fire.
 7. Initiating devices such as manual pull stations.
- Value of Property Damage-the estimated value of the loss of a structure and contents in terms of the cost of replacing the same.
- Replacement is like and kind and quantity, including; contents damaged by the fire and related damages caused by smoke damage.

Fire Investigations/Arson

Every fire that is not known to be accidental (such as a cooking fire) is investigated by a trained arson investigator from either the North Spartanburg Fire Department or Spartanburg County Sheriff’s Department. Fires determined through investigation to be willfully or maliciously set are classified as arsons for purposes of Clery reporting.

Table 1 –Crimes reported on the main USC Upstate campus – No non-campus buildings at main campus

Type of Offense	Year	On Campus	Residential Facility	Non-Campus	Public Property	Unfounded
Murder & Non-Negligent Homicide	2018	0	0	N/A	0	0
	2019	0	0	N/A	0	0
	2020	0	0	N/A	0	0
Manslaughter by Negligence	2018	0	0	N/A	0	0
	2019	0	0	N/A	0	0
	2020	0	0	N/A	0	0
Rape	2018	0	0	N/A	0	0
	2019	1	1	N/A	1	1
	2020	0	0	N/A	0	0
Fondling	2018	1	0	N/A	0	0
	2019	1	0	N/A	0	0
	2020	0	0	N/A	0	0
Incest	2018	0	0	N/A	0	0
	2019	0	0	N/A	0	0
	2020	0	0	N/A	0	0
Statutory Rape	2018	0	0	N/A	0	0
	2019	0	0	N/A	0	0
	2020	0	0	N/A	0	0
Robbery	2018	0	0	N/A	0	0
	2019	0	0	N/A	0	0
	2020	0	0	N/A	0	0
Aggravated Assault	2018	0	0	N/A	0	0
	2019	0	0	N/A	0	0
	2020	0	0	N/A	0	0
Burglary	2018	1	1	N/A	0	0
	2019	3	1	N/A	0	0
	2020	0	0	N/A	0	0
Motor Vehicle Theft	2018	0	0	N/A	0	0
	2019	2	0	N/A	0	1
	2020	0	0	N/A	1	0
Arson	2018	0	0	N/A	0	0
	2019	0	0	N/A	0	0
	2020	12	0	N/A	2	0
Dating Violence	2018	0	0	N/A	0	0
	2019	0	0	N/A	0	0
	2020	0	0	N/A	0	0
Domestic Violence	2018	1	1	N/A	0	0
	2019	0	0	N/A	0	0
	2020	0	0	N/A	0	0
Stalking	2018	0	0	N/A	0	0
	2019	2	0	N/A	0	0
	2020	0	0	N/A	0	0

Table 1—Arrests and Disciplinary Referrals reported on the Main USC Upstate Campus—No non-campus buildings

Other Offenses	Year	On Campus	Residential Facility	Non-Campus	Public Property	Unfounded
Arrests Only						
Liquor Law Violations	2018	4	4	N/A	4	0
	2019	0	0	N/A	1	0
	2020	0	0	N/A	0	0
Drug Law Violations	2018	60	10	N/A	0	0
	2019	4	1	N/A	3	0
	2020	0	0	N/A	0	0
Weapons Law Violations	2018	1	0	N/A	8	0
	2019	1	1	N/A	2	0
	2020	0	0	N/A	1	0
Disciplinary Referrals						
Liquor Law Violations	2018	50	40	N/A	0	0
	2019	31	15	N/A	0	0
	2020	16	15	N/A	0	0
Drug Law Violations	2018	62	36	N/A	11	0
	2019	6	5	N/A	0	0
	2020	13	4	N/A	0	0
Weapons Law Violations	2018	1	1	N/A	0	0
	2019	0	0	N/A	0	0
	2020	0	0	N/A	0	0

NOTE:

On-campus property is any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and is frequently used by students, and supports institutional purposes.

Residential Facility is any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution. These numbers are also included in the On-campus totals.

Non-campus property is any property owned or controlled by a student organization that is officially recognized by the institution or any property owned or controlled by an institution that is used for educational purposes, and is not within the same reasonably contiguous geographic area of the main institution.

Public property, including thoroughfares, streets, sidewalks, and parking facilities, that are within the campus, or immediately adjacent to and accessible from the campus.

Table 1 –Hate Crimes reported on the main USC Upstate campus – No non-campus buildings at USC Upstate main campus

Hate Offenses	Year	On Campus	Residential Facility	Non-Campus	Public Property	Unfounded
Murder & Non-Negligent Homicide	2018	0	0	N/A	0	0
	2019	0	0	N/A	0	0
	2020	0	0	N/A	0	0
Rape	2018	0	0	N/A	0	0
	2019	0	0	N/A	0	0
	2020	0	0	N/A	0	0
Fondling	2018	0	0	N/A	0	0
	2019	0	0	N/A	0	0
	2020	0	0	N/A	0	0
Incest	2018	0	0	N/A	0	0
	2019	0	0	N/A	0	0
	2020	0	0	N/A	0	0
Statutory Rape	2018	0	0	N/A	0	0
	2019	0	0	N/A	0	0
	2020	0	0	N/A	0	0
Robbery	2018	0	0	N/A	0	0
	2019	0	0	N/A	0	0
	2020	0	0	N/A	0	0
Aggravated Assault	2018	0	0	N/A	0	0
	2019	0	0	N/A	0	0
	2020	0	0	N/A	0	0
Burglary	2018	0	0	N/A	0	0
	2019	0	0	N/A	0	0
	2020	0	0	N/A	0	0
Motor Vehicle Theft	2018	0	0	N/A	0	0
	2019	0	0	N/A	0	0
	2020	0	0	N/A	0	0
Arson	2018	0	0	N/A	0	0
	2019	0	0	N/A	0	0
	2020	0	0	N/A	0	0
Simple Assault	2018	0	0	N/A	0	0
	2019	0	0	N/A	0	0
	2020	0	0	N/A	0	0
Larceny/Theft	2018	0	0	N/A	0	0
	2019	0	0	N/A	0	0
	2020	0	0	N/A	0	0
Intimidation	2018	0	0	N/A	0	0
	2019	0	0	N/A	0	0
	2020	0	0	N/A	0	0
Destruction/Damage/Vandalism	2018	0	0	N/A	0	0
	2019	0	0	N/A	0	0
	2020	0	0	N/A	0	0

Note: Hate crimes are defined as criminal offenses that also manifest evidence of prejudice based on race, religion, sexual orientation, gender, gender identity, national origin, disability, or ethnicity as prescribed by the Hate Crimes Act (28 U.S.C. 534).

Table 2 – Crimes reported on the USC Upstate Greenville Campus (UCG) – There are no residential or non-campus buildings

Type of Offense	Year	On Campus	Residential Facility	Non-Campus	Public Property	Unfounded
Murder & Non-Negligent Homicide	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Manslaughter by Negligence	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Rape	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Fondling	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Incest	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Statutory Rape	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Robbery	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Aggravated Assault	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	1	N/A	N/A	0	0
Burglary	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	1	0
	2020	0	N/A	N/A	0	0
Motor Vehicle Theft	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	1	N/A	N/A	0	0
Arson	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Dating Violence	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Domestic Violence	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Stalking	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0

Table 2-Arrests & Disciplinary Referrals USC Upstate Greenville campus (UCG)-No residential or non-campus buildings

Other Offenses	Year	On Campus	Residential Facility	Non-Campus	Public Property	Unfounded
Arrests Only						
Liquor Law Violations	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	1	0
Drug Law Violations	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	1	0
Weapons Law Violations	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Disciplinary Referrals						
Liquor Law Violations	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Drug Law Violations	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Weapons Law Violations	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0

Note:

On-campus property is any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and is frequently used by students, and supports institutional purposes.

Residential Facility is any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution. These numbers are also included in the On-campus totals.

Non-campus property is any property owned or controlled by a student organization that is officially recognized by the institution or any property owned or controlled by an institution that is used for educational purposes, and is not within the same reasonably contiguous geographic area of the main institution.

Public property, including thoroughfares, streets, sidewalks, and parking.

Table 2 – Hate Crimes reported on the USC Upstate Greenville campus (UCG)-There are no residential or non-campus buildings

Hate Offenses	Year	On Campus	Residential Facility	Non-Campus	Public Property	Unfounded
Murder & Non-Negligent Homicide	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Rape	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Fondling	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Incest	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Statutory Rape	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Robbery	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Aggravated Assault	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Burglary	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Motor Vehicle Theft	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Arson	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Simple Assault	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Larceny/Theft	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Intimidation	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Destruction/Damage/Vandalism	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0

NOTE: Hate crimes are defined as criminal offenses that also manifest evidence of prejudice based on race, religion, sexual orientation, gender, gender identity, national origin, disability, or ethnicity as prescribed by the Hate Crimes Act (28 U.S.C. 534).

Table 3 – Crimes reported at the George Dean Johnson Jr. College of Business and Economics-No residential or non-campus buildings

Type of Offense	Year	On Campus	Residential Facility	Non-Campus	Public Property	Unfounded
Murder & Non-Negligent Homicide	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Manslaughter by Negligence	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Rape	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Fondling	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Incest	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Statutory Rape	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Robbery	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Aggravated Assault	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Burglary	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Motor Vehicle Theft	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	3	0
	2020	0	N/A	N/A	0	0
Arson	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Dating Violence	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Domestic Violence	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Stalking	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0

Table 3—Arrests and Disciplinary Referrals George Dean Johnson Jr. College of Business and Economics-No residential or non-campus bldgs.

Other Offenses	Year	On Campus	Residential Facility	Non-Campus	Public Property	Unfounded
Arrests Only						
Liquor Law Violations	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Drug Law Violations	2018	0	N/A	N/A	3	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Weapons Law Violations	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Disciplinary Referrals						
Liquor Law Violations	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Drug Law Violations	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Weapons Law Violations	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0

Note:

On-campus property is any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and is frequently used by students, and supports institutional purposes.

Residential Facility is any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution. These numbers are also included in the On-campus totals.

Non-campus property is any property owned or controlled by a student organization that is officially recognized by the institution or any property owned or controlled by an institution that is used for educational purposes, and is not within the same reasonably contiguous geographic area of the main institution.

Public property, including thoroughfares, streets, sidewalks, and parking.

Table 3 – Hate Crimes reported at the George Dean Johnson Jr. College of Business and Economics – No residential or non-campus buildings

Hate Offenses	Year	On Campus	Residential Facility	Non-Campus	Public Property	Unfounded
Murder & Non-Negligent Homicide	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Rape	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Fondling	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Incest	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Statutory Rape	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Robbery	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Aggravated Assault	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Burglary	2018	0	N/A	N/A	0	0
	2018	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Motor Vehicle Theft	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Arson	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Simple Assault	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Larceny/Theft	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Intimidation	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0
Destruction/Damage/Vandalism	2018	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
	2020	0	N/A	N/A	0	0

Hate crimes are defined as criminal offenses that manifest evidence of prejudice based on religion, race, sexual orientation, gender, gender identity, national origin, disability, or ethnicity as prescribed by the Hate Crimes Act (28 U.S.C. 534).

Clery-Designated Crime Definitions

USC Upstate is required to report crime statistics as defined by the Clery Act for the following crimes if the crimes are reported and occur in geographic locations as defined above.

Unfounded Crime Report – According to Uniform Crime Report (UCR) guidelines, a reported offense can be cleared as unfounded by a sworn law enforcement authority “if the investigation shows that no offense occurred nor was attempted.” These cases thus remain as official crime reports and are included in the departmental statistics; however, they are explicitly labeled as “unfounded” cases within UCR reports on the various index crimes. According to UCR guidelines, the statistics on unfounded cases should include crime reports that are either: False or Baseless.

Murder/Non-Negligent Manslaughter – The killing of one human being by another.

Manslaughter by Negligence – The killing of another person through gross negligence.

The Federal definition (from VAWA) of **Sexual Assault**: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is “any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.”

- **Rape**: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This definition includes any gender of victim or perpetrator.
- **Fondling**: The touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest**: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape**: Non-forcible sexual intercourse with a person who is under the statutory age of consent.

Robbery – The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault – An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

Burglary – The unlawful entry of a structure to commit a felony or a theft.

Motor Vehicle Theft – The theft or attempted theft of a vehicle.

Arson – Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another.

Domestic Violence, Dating Violence, and Stalking Additions from the 2014 VAWA Negotiated Rulemaking Final Consensus Language:

The Federal definition (from VAWA) of **Domestic Violence**: a felony or misdemeanor crime 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 cohabiting 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 in which the crime of violence occurred; 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 in which the crime of violence occurred.

The Federal definition (from VAWA) of **Dating Violence**: the term "dating violence" means violence committed by a person:

- Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- The existence of such a relationship shall be determined based on the reporting party's statement with consideration of:
 - The length of the relationship;
 - The type of relationship;
 - The frequency of interaction between the persons involved in the relationship
- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse
- Dating violence does not include acts covered under the definition of domestic violence

The Federal definition (from VAWA) of **Stalking**: engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress

For the purposes of this definition:

- Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling

Hate Crimes – any of the above offenses, and any other crime involving bodily injury, reported to local police agencies or campus security authority that manifest evidence that the victim was intentionally selected because of the perpetrator's bias, or the perpetrator perceived the person to be in one of the protected group categories. Additionally, on August 14, 2008, the Clery Act was amended to include larceny/simple assault, intimidation, and destruction/damage/vandalism (except arson) as reportable categories of hate crimes.

These new reporting categories are only reported if motivated by bias as determined by one of the designated bias categories. The types of bias categories include: race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, and disability.

Hate Crime Definitions

To ensure uniformity in reporting nationwide, the following definitions have been adopted for use in hate crime reporting:

Bias – a preformed negative opinion or attitude toward a group of persons based on their race, religion, disability, sexual orientation, ethnicity, national origin.

Bias Crime – a criminal offense committed against a person or property that is motivated, in whole or in part, by the offender’s bias against a race, religion, disability, sexual orientation, gender, gender identity, ethnicity, national origin; also known as Hate Crime.

Note: Even if the offender was mistaken in their perception that the victim was a member of the group the offender was acting against, the offense is still a bias crime because the offender was motivated by bias against the group.

Uniform Crime Reporting (UCR)/National Incident-Based Reporting System (NIBRS)

Under the South Carolina Uniform Crime Reporting Act, USC Upstate is required to report crime statistics as defined by the Uniform Crime Reporting Program for the following crimes if the crimes are reported and occur on the property owned, controlled, leased, recognized or operated by the college.

The Uniform Crime Reporting (UCR) program divides offenses in to two groups, Part I and Part II crimes. Each month the USC Upstate Department of Public Safety (DPS) submits information on the number of Part I and Part II offenses known to DPS, and those offenses cleared by arrest or exceptional means, to the South Carolina Law Enforcement Division (SLED).

The Part I Offenses are:

Criminal Homicide –

- A. **Murder and Non-negligent manslaughter:** the willful (non-negligent) killing of one human being by another. Deaths caused by negligence, attempts to kill, assaults to kill, suicides, and accidental deaths are excluded. The program classifies justifiable homicides separately and limits the definition to:
 1. The killing of a felon by a law enforcement officer in the line of duty; or
 2. The killing of a felon, during the commission of a felony, by a private citizen.
- B. **Manslaughter by negligence:** the killing of another person through gross negligence. Traffic fatalities are excluded.

Rape – Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. Statutory offenses (no force used – victim under age of consent) are excluded.

Robbery – The taking or attempted taking of anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault – An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. Simple assaults are excluded.

Burglary (Breaking or Entering) – The unlawful entry or a structure to commit a felony or a theft. Attempted forcible entry is included.

Larceny – Theft (except Motor Vehicle Theft) – The unlawful taking, carrying, leading, or riding away of property from the possession of another. Examples are thefts of bicycles or automobile accessories, shoplifting, pocket-picking, or the stealing of any property or article that is not taken by force and violence or by fraud. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

Motor Vehicle Theft – The theft or attempted theft of a motor vehicle. A motor vehicle is self-propelled and runs on land surface and not on rails. Motorboats, construction equipment, airplanes, and farming equipment are specifically excluded from this category.

Arson – Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.