

Title IX
Education and Resources
2022-2023

SEXUAL VIOLENCE, DOMESTIC OR DATING VOILENCE AND STALKING (VAWA)



THE CITADEL

Violence Against Women's Act (VAWA) Policy Statements

The Citadel prohibits the offense of domestic violence, dating violence, sexual assault, and stalking (as defined by the Clery Act) and reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the college community. Toward that end, The Citadel 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 campus or off campus when reported to a college official.

The term "misconduct violations", as used in this handbook and the college policy, refers to sexual harassment (including sexual assault, domestic violence, dating violence, and stalking), sexual exploitation, and retaliation. A brief overview of misconduct violations is found within this handbook. More extensive definitions of these terms and related terms can be found at <https://www.citadel.edu/root/title-ix>.

If you have any questions about the material in this brochure, feel free to contact the Citadel Title IX Coordinator, Valerie Mercado, at (843) 953-6881 or vmercado@citadel.edu.

Definitions of Misconduct Violations

Sexual Harassment

- i. Sexual Harassment is unwelcome, sexual, sex-based, and/or gender-based verbal, written, online, and/or physical conduct.

Examples of Sexual Harassment may include, but are not limited to:

An employee of The Citadel conditioning the provision of an aid, benefit, or service of the college on an individual's participation in unwelcome sexual conduct;

Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to The Citadel's education program or activity;

- Persistent, unwelcome flirtation, requests for dates, advances, propositions, or demands of a sexual nature that are not mutually agreeable to both parties;
- Calling a person derogatory names based on stereotypical notions of how a person of a given sex or sexual identity should look, speak, or act;
- Sending sexually explicit emails, text messages, or social media posts;

- Commenting about or inappropriately touching, fondling, patting, pinching, or deliberate brushing against a person’s body (involving body parts other than the genitalia; if any form of touching involves genitalia, this constitutes sexual assault); and
- Hostile environment harassment, sexual assault, intimate partner violence, stalking, and sexual exploitations (see definitions below)

Domestic Violence:

- i. A Felony or misdemeanor crime of violence committed—
 - A) By a current or former spouse or intimate partner of the victim;
 - B) By a person with whom the victim shares a child in common;
 - C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 - D) 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
 - E) 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.
- ii. For the 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.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- i. The existence of such a relationship shall be 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.
- ii. For the purposes of this definition—
 - A) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

- B) Dating violence does not include acts covered under the definition of domestic violence.
- iii. For the 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.

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** 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 the 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 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:

- i. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to –
 - A) Fear for the person’s safety or the safety of other; or
 - B) Suffer substantial emotional distress.
- ii. For the purposes of this definition –
 - A) *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.
 - B) *Reasonable person* means a reasonable person under similar circumstances and with similar identifies to the victim.

- C) *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- iii. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

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

- **Domestic Violence:** Domestic violence is defined by South Carolina state law, S.C. Code Ann. § 16- 25-10, as the unlawful causing of “physical harm or injury to a person’s own household member” or the “offer or attempt to cause physical harm or injury to a person’s own household member with apparent present ability in circumstances reasonably creating fear or imminent peril.” A “household member” includes a spouse, a former spouse, persons who have a child in common, co-habitants involved during a romantic relationship or those who formerly cohabitated during a romantic relationship.
- **Dating Violence:** Dating violence is not a specific criminal violation in and of itself in the State of South Carolina and conduct that constitutes dating violence is covered under other statutes.
- **Sexual Assault:** The state of South Carolina defines sexual assault as follows: The state of South Carolina does not have a definition of sexual assault. However, the following offenses constitute the underlying offenses of rape, fondling, incest, and statutory rape under South Carolina law.

S.C. Code Ann. . §16-3-600 and §16-3-652 to 655; see also id. § 16-3-600, 16-3-651 (definitions)

- **SECTION 16-3-652.** Criminal sexual conduct in the first degree
 1. 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.
 - 2. Criminal sexual conduct in the first degree is a felony punishable by imprisonment for not more than thirty years, according to the discretion of the court.
- **SECTION 16-3-654** Criminal Sexual conduct in the second degree
 - 1. A person is guilty of criminal sexual conduct in the third 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 force or coercion to accomplish the sexual battery in the absence of aggravating circumstances.
 - b) The actor knows or has reason to know that the victim is mentally defective, mentally incapacitated, or physically helpless and aggravated force or aggravated coercion was not used to accomplish sexual battery.
 - 2. Criminal sexual conduct in the third degree is a felony punishable by imprisonment for not more than ten years, according to the discretion of the court
- **Section 16-3-655** Criminal sexual conduct with a minor; aggravating and mitigating circumstances; penalties; repeat offenders.
 - 1. A person is guilty of criminal sexual conduct with a minor in the first degree if:
 - a) the actor engages in sexual battery with a victim who is less than eleven years of age; or
 - b) the actor engages in sexual battery with a victim who is less than sixteen years of age and the actor has previously been convicted of, pled guilty or nolo contendere to, or adjudicated delinquent for an offense listed in Section 23-3-430(C) or has been ordered to be included in the sex offender registry pursuant to Section 23-3-430(D).
 - 2. A person is guilty of criminal sexual conduct with a minor in the second degree if:
 - a) the actor engages in sexual battery with a victim who is fourteen years of age or less but who is at least eleven years of age; or the actor engages in sexual battery with a victim who is fourteen years of age or less but who is at least eleven years of age; or

- b) the actor engages in sexual battery with a victim who is at least fourteen years of age but who is less than sixteen years of age and the actor is in a position of familial, custodial, or official authority to coerce the victim to submit or is older than the victim. However, a person may not be convicted of a violation of the provisions of this item if he is eighteen years of age or less when he engages in consensual sexual conduct with another person who is at least fourteen years of age.
3. A person is guilty of criminal sexual conduct with a minor in the third degree if the actor is over fourteen years of age and the actor willfully and lewdly commits or attempts to commit a lewd or lascivious act upon or with the body, or its parts, of a child under sixteen years of age, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the actor or the child. However, a person may not be convicted of a violation of the provisions of this subsection if the person is eighteen years of age or less when the person engages in consensual lewd or lascivious conduct with another person who is at least fourteen years of age.
- **Stalking:** South Carolina law, S.C. Code Ann. § 16-3-1700, prohibits stalking which is defined as a “pattern of words, whether verbal written, or electronic, or a pattern” of “two or more acts occurring over a period of time, however short, evidencing a continuity of purpose” that “serves no legitimate purpose and is intended to cause and does cause a targeted person and would cause a reasonable person in the targeted person’s position to fear” either “(1) death of the person or a member of his family; (2) 27 assault upon the person or a member of his family; (3) bodily injury to the person or a member of his family; (4) criminal sexual contact on the person or a member of his family; (5) kidnapping of the person or a member of his family; or (6) damage to the property of the person or a member of his family.”
 - **Consent:** The state of South Carolina does not have a definition of consent, in relation to sexual activity.
 - **The Citadel Defines consent** in institutional policies as voluntary, informed, uncoerced agreement through words and/or actions freely given, which a reasonable person would interpret as a willingness to participate in mutually agreed-upon sexual acts.

How to Be an Active Bystander

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.”¹

We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list² of some ways to be an active bystander. Further information regarding bystander intervention may be found. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

1. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
2. Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
3. Speak up when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

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)

1. **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation
2. Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
3. **Walk with purpose**. Even if you do not know where you are going, act like you do
4. **Trust your instincts**. If a situation or location feels unsafe or uncomfortable, it probably is not the best place to be.
5. **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable

6. **Make sure your cell phone is with you** and charged and that you have transportation money.
7. **Do not allow yourself to be isolated** with someone you do not trust or someone you do not know.
8. **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
9. **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.
10. **Trust your instincts.** If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
11. **Do not leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you have left your drink alone, just get a new one.
12. **Do not accept drinks from people you do not 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, do not drink from the punch bowls or other large, common open containers.
13. **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 have had, or is acting out of character, get him or her to a safe place immediately.
14. **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).** Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
15. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
 - a. **Remember that being in this situation is not your fault.** You did not do anything wrong; it is the person who is making you uncomfortable that is to blame.
 - b. **Be true to yourself.** Do not feel obligated to do anything you do not 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.

- c. **Have a code word with your friends or family** so that if you do not feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
 - d. **Lie.** If you do not 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 that you need to be, etc.
16. **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
17. **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

Programs to Prevent Domestic Violence, Dating Violence, Sexual Assault and Stalking

The College engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that:

- A. Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- B. Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and that includes

- A. A statement that the institution prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking (as defined by the Clery Act);
- B. The definitions of domestic violence, dating violence, sexual assault and stalking according to any applicable definitions of these terms for the State of South Carolina;
- C. What behavior and actions constitute consent, in reference to sexual activity, in the State of South Carolina;

- D. The institution's definition of consent and the purposes for which that definition is used.
- E. 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 institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;
- F. 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.
- G. Information regarding:
 - a. procedures victims should follow if a crime of domestic violence, dating violence, sexual assault and stalking occurs (as described in "Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs" elsewhere in this document)
 - b. how the institution will protect the confidentiality of victims and other necessary parties (as described in "Assistance for Victims: Rights and Options" elsewhere in this document);
 - c. existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community (as described in "Assistance for Victims: Rights and Options" elsewhere in this document); and
 - d. options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures (as described in "Assistance for Victims: Rights and Options" elsewhere in this document);
 - e. procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking (as described in "Adjudication of Violations" elsewhere in this document);

Primary Prevention and Awareness Programs

The Citadel provides primary prevention and awareness programs to all incoming students and employees that involves the distribution of educational materials to new students, participating in and presenting information and materials during new student and employee orientations, providing programs by invitation at staff meetings or academic programs, and directing incoming first-year students to take online courses, facilitated by EVERFI, related to sexual harassment, sexual violence, and other forms of sexual misconduct awareness and education.

The primary prevention and awareness programming includes Clery definitions of dating violence, domestic violence sexual assault, stalking and consent; and it also includes the local definitions of these terms according to statute and / or policy and the purpose and process for applying these terms. The primary prevention and awareness programming specifically advises all incoming students and employees that The Citadel prohibits dating or domestic violence, sexual assault, and stalking.

Additionally, The Citadel's primary prevention and awareness programming provides an understanding of safe and positive options for bystander intervention as well as risk reduction information. Finally, the primary prevention and awareness programming provides an awareness of the procedures The Citadel will undertake when one of these crimes is reported, inclusive of the College's disciplinary process in response to an allegation of related policy violation(s).

Ongoing Prevention and Awareness Campaigns

Ongoing prevention and awareness campaigns includes mandatory training of professional staff and student leaders through a coordinated effort of Title IX Coordinator, the Director of CARE, and Human Resources staff; EVERFI Sexual Harassment/Sexual Violence continued education, StepUp! Bystander Intervention programming; programming specific to developing healthy relationships; and Office of the Commandant and Academic Affairs training specific to the adjudication of student conduct cases addressing allegations related to sexual misconduct.

The following are some specific examples of annual programs currently offered by The Citadel.

Online Education

EVERFI provides student and employee education about sexual, domestic, and dating violence, consent, stalking, healthy and unhealthy relationships, bystander intervention and other resources.

StepUp! Bystander Intervention Training

Through the adoption of the Step It Up! Bystander curriculum, we address the goals of improving awareness of sexual violence and prevention training, increase mechanisms and capacities for reporting and improve The Citadel's institutional response to sexual harassment training.

StepUp! takes a multi-faceted approach to violence prevention that goes beyond reactively addressing imminently high- risk situations by creating a culture that is intolerant of sexual harassment and sexual violence. Through a change in the culture we will reduce barriers that currently prevent survivors of sexual harassment and sexual violence from reporting and / or accessing services.

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

After an incident of sexual assault, dating violence or domestic violence, the victim should consider seeking medical attention as soon as possible at any local hospital. In South Carolina, evidence may be collected even if you chose not to make a report to law enforcement.³ It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do 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, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs, or other copies of documents, if they have any, that would be useful to College adjudicators/investigators or police.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with Campus Public Safety or other law enforcement to preserve evidence in the event that the victim decides to report the incident to law enforcement or the College at a later date to assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order.

Involvement of Law Enforcement and Campus Authorities

Although the college strongly encourages all members of its community to report violations of this policy to law enforcement (including on campus law enforcement and/or local police), 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 College will assist any victim with notifying law enforcement if the victim so desires. To contact **The Citadel's Department of Public Safety**, which is a sworn law enforcement agency, please use the following contact information:

EMERGENCIES

ON CAMPUS: Dial 8-1-1

OFF CAMPUS: Dial 9-1-1

TELEPHONE: Dial (843) 953-5114

EMAIL: PSAF@citadel.edu

MAIL: The Citadel Department of Public Safety

171 Moultrie Street

Charleston, South Carolina 29409

Reporting Incidents of Domestic Violence, Dating Violence, Sexual Assault and Stalking

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Coordinator or Deputy Coordinators, by calling, writing, or coming into the office to report in person using the contact information provided below, and Campus Public Safety (if the victim so desires.) Reports of all domestic violence, dating violence, sexual assault and stalking made to Campus Public Safety will automatically be referred to the Title IX Coordinator for investigation regardless of if the complainant chooses to pursue criminal charges.

*Under the Violence against Women and Department of Justice Reauthorization Act of 2005, starting in 2009, states must certify that they do not "require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both."

Title IX Coordinator and Deputy Title IX Coordinators:

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

The College 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, student financial aid and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as changes to housing, academic, protective orders, transportation and working situations, if reasonably available. The College will make such accommodations or protective measures, if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to Campus Public Safety or local law enforcement. Students and employees should contact the Title IX Coordinator for assistance using the contact information previously provided.

If a report of domestic violence, dating violence, sexual assault or stalking is reported to the College, below are the procedures that the College will follow:

Incident Being Reported	Procedures The Citadel Will Follow
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Sexual Assault,
Dating
Violence,
Domestic
Violence and
Stalking

1. Depending on when reported (immediate vs delayed report), institution will provide complainant with access to medical care, if applicable
2. Institution will assess immediate safety needs of complainant
3. Institution will provide written information to complainant on how to preserve evidence
4. Institution will assist complainant with contacting police if complainant requests and provide the complainant with contact information for police department
5. Institution will assess need to implement interim or long-term protective measures, if appropriate and provide each party, if Citadel members, with information regarding other supportive measures, if applicable
6. Institution will provide the victim with a written explanation of the victim’s rights and options (as well as information regarding supportive measures available to the parties, if applicable)
7. Institution will provide a “No trespass” directive to accused party if deemed appropriate
8. Institution will provide assistance on how to apply for Protective Order
9. Institution will provide a copy of the institutional policy applicable to the status of the respondent for incidents alleging sexual assault, dating violence, domestic violence and stalking to the complainant and inform the complainant regarding timeframes for inquiry, investigation, and resolution. The Title IX Coordinator is the person to whom anyone may report, however, if the complaint does not meet the jurisdictional requirements for Title IX, it will be referred to the policy administrator who is responsible for the intake, investigation, and resolution of such complaints. Complete information regarding all major timeframes of The Citadel’s procedures may be located further in this document. If anyone has questions regarding which policy is applicable, they may always contact the Title IX Coordinator to inquire

Assistance for Victims: Rights & Options

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the college will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options. Such written information will include:

- the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred;
- information about how the institution will protect the confidentiality of victims and other necessary parties;
- a statement that the institution will provide written notification to students and employees about victim services within the institution and in the community;
- a statement regarding the institution’s provisions about options for, available assistance in, and how to request accommodations and protective measures; and
- an explanation of the procedures for institutional disciplinary action

Rights of Victims and the Institution's Responsibilities for Orders of Protection, "No Contact" Orders, Restraining Orders, or Similar Lawful Orders Issued by a Criminal, Civil, or Tribal Court or by the Institution

The Citadel complies with South Carolina law in recognizing orders of protection and restraining orders (and any other order deemed lawful under South Carolina law) and any employee or student who obtains an order of protection should provide a copy to Public Safety. That person may then meet with Public Safety and the Title IX Coordinator to develop a Safety Action Plan, which is a plan for Public Safety and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to escorts while on campus, special parking arrangements, providing a temporary cellphone, changing classroom location, or allowing a student or employee to complete assignments or to work from home, etc. The Citadel cannot apply for a legal (court ordered) order of protection, no contact order, or restraining order for a victim from the applicable jurisdiction(s) however, the College can issue no contact campus directives that if violated, would constitute a violation of college policy.

In South Carolina, there are two types of protection from abuse orders you can seek. We will start first with Orders of Protection, which apply when the abuse is being perpetrated by a person related to you. Restraining orders are different and can be obtained against persons not related to you for acts like stalking as further explained over the following pages.

Overview of How to File for an Order of Protection in the State of South Carolina-File In Family Court for these Orders:

Who can file?

South Carolina law says that you can **file for an Order of Protection if you have been a victim of abuse**. "Abuse," under this law, means either: 1. physical harm, 2. bodily injury, 3. assault or the threat of physical harm, or 4. a sexual criminal offense **committed by a family or household member**.

To file for an Order of Protection in family court, the person who caused the abuses has to be related to you in one of these ways:

1. your husband or wife or former husband or wife
2. the mother or father of your child(ren), or
3. a person of the opposite sex with whom you live or used to live.

If you do not fit in one of these categories and have experienced some kind of abuse, you may need to file for a **restraining order** in magistrate's court.

What can an Order of Protection give you?

The Order, if granted by the Judge, can give you the following relief on a temporary basis (6 months to 1 year):

1. Restrain the abuser from abusing you, threatening to abuse you or bothering you in any way.
2. Restrain the abuser from contacting you or communicating with you, coming to your home, work, school, or other place that the judge writes in the order.
3. Grant you custody of any children you have with the abuser.
4. Grant visitation with the children: either giving reasonable visitation or denying visitation.
5. Require the abuser to pay child support for any children you have together.
6. Require the abuse to pay spousal support or alimony if you are married to the abuser.
7. Grant you possession of the home you live or lived in.
8. Restrain the abuser or both of you from transferring or destroying any property that might belong to the other person or that may be marital property.
9. Allow you or the other person to get their personal property and restrict either or both people from destroying personal property. The order can also include that either person will have police assistance in getting their personal property.
10. Award attorney's fees to either person if they had to use an attorney in the Order of Protection case.
11. Grant you any other relief that you have asked for in your petition - e.g. possession of a specific car, a pet, or any other specific requests you have that are not included in the list above.

*This list includes things that are possible. The judge is in control of what relief is actually given. This means that you may or may not be given all the relief you have asked for.

When should you file your petition?

The sooner you file your Petition, the better. You should file the Petition for Order of Protection as soon as possible after the abuse has happened; if you feel you need the protection. Some judges may tell you that if you wait to file for an Order of Protection, you are not in fear of the abuser or do not need the protection. The sooner you file your Petition after something has happened, the sooner you will have your hearing and may be issued an Order of Protection.

Where do you file the Petition?

You will file your Petition at the Clerk of Court (family court) in the county:

1. Where the abuse happened; or
2. Where the abuser lives (unless the person is out of state); or
3. Where you last lived with the abuser

You can also file the Petition where you live or where you are sheltered, but if the abuser lives in another county and your county is not found in the list above (1-3), then you will also have to fill out another form that moves your case to the county where the abuser lives. The clerk would then transfer the case and the hearing would be held in the other county.

The College may issue an institutional no contact order if deemed appropriate or at the request of the victim or accused. If the College receives a report that such an institutional no contact order has been violated, the College will initiate disciplinary proceedings appropriate to the status of the accused (student, employee, etc.) and will impose sanctions if the accused is found responsible for violating the no contact order.

Restraining Orders – Harassment, Stalking, or Non-Familial (Non-Domestic) Abuse

If you are not in immediate danger, but believe yourself to need protection, you can apply for a restraining order. Restraining Orders may be obtained from a Magistrates' Court. You should contact the Magistrate for the area in which the offender lives. For a complete list of Magistrates' Courts and their locations visit:

www.charlestoncounty.org/departments/magistrates-summary-courts/locations.php

Magistrates deal with cases of harassment, stalking, or abuse by a person who is not a member of your family. However, if you are uncertain whether or not your situation is "domestic" (for instance, a boyfriend/girlfriend situation, like dating violence, or a situation involving persons who cohabit or share community property) you should check with Family Court or Magistrates' Courts for information on where you can file your case. You may also always call 9-1-1 in an emergency or if you feel you are in immediate danger and the police can help explain the process for obtaining the various types of orders.

Cases for Restraining Orders must involve at least 2 incidents of harassment, stalking, or other threatening situations. There is no filing fee. You will also be asked to fill out a complaint and motion. A hearing date will be set for 5 to 15 days from the date you file your paperwork in the Magistrates' Court. This gives the court time to arrange for the papers to be served on the person named as the Defendant. Complaints will be served by a Sheriff's Deputy or a constable. The defendant must be served before the hearing can take place. A Magistrates' Restraining Order is good for a period of one year from the date of the hearing. These restraining orders can be renewed after the six-month period, but you will need to request another hearing from the court in order for this renewal to be granted. If an immediate restraining order is required it can be issued and remain valid until the time of the "show cause" hearing.

A violation of either a restraining order or a temporary restraining order is a criminal offense, and if such an order is violated, you can contact the Magistrates' Court and request that the Magistrate issue an arrest warrant.

If you are the victim of domestic violence, or believe yourself to be at risk:

If you are not in immediate danger but believe yourself to need protection and the offender is either a member of your family or someone with which you cohabit, you may wish to file a Domestic Abuse case. Cases involving Domestic Abuse are filed in Family Court (see section on Orders of Protection above.)

Suspected Abuse of Others

If you are witness to a crime, you should call 9-1-1 or contact your local law enforcement agency. If you have not actually witnessed a crime but have good reason to suspect that a child or adult has been the victim of abuse or neglect, you may wish to contact the South Carolina Department of Social Services. DSS has local offices in Charleston; the number for DSS Protective Services is (843) 953-9422.

Accommodations and Protective Measures Available for Victims

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, The Citadel will provide written notification to students and employees about accommodations available to them, including academic, living, transportation, protective orders 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). For complaints that are deemed "Title IX", both the complainant and respondent will be afforded supportive measures, as applicable.

At the victim's request, and to the extent of the victim's cooperation and consent, college offices will work cooperatively to assist the victim in obtaining accommodations. If reasonably available, a victim may be offered changes to academic, living, working, protective measures or transportation situations regardless of whether the victim chooses to report the crime to Public Safety or local law enforcement. To request changes to academic, living, transportation and/or working situations or protective measures, a victim should contact the Title IX Coordinator. If the victim wishes to receive assistance in requesting these accommodations, she or he should contact the Title IX Coordinator or any Deputy Title IX Coordinator or the AC-D (cadets) or Human Resources (employees).

On and Off Campus Services for Victims

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, The Citadel 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. These resources include the following:

On Campus:

Counseling and Mental Health – The Citadel Counseling Center

Psychotherapy and Counseling Services
203 Richardson Avenue
Charleston, SC 29409
Phone (843) 953-6799

<https://www.citadel.edu/root/counselingcenter-services>

Health – The Citadel Infirmary

Sick call, acute care clinic, general medicine clinic, women’s clinic, sports medicine clinic, orthopedic clinic, immunizations/vaccinations, pharmacy, laboratory, x-ray, ECG.

9 Hammond Avenue

Charleston, SC 29409

(843) 953- 6847/827

<https://www.citadel.edu/root/infirmary-home>

Victim Advocacy – Campus Advocacy, Response, and Education (CARE)

Victim support, resources, consultation, and advisement. Education programs centered around sexual misconduct prevention and response.

Director of CARE – Director of Prevention Education/Campus Advocate – Dr. Ashley N. Gilmore

Mark Clark Hall, Rm 215

(843) 953-7277 / (706) 358-6192

agilmore@citadel.edu

<https://www.citadel.edu/root/care>

Visa and Immigration Assistance – Robert Pickering, Director of International Student Services

Thompson Hall, Room 136

(843) 953-5096

Robert.pickering@citadel.edu

<https://www.citadel.edu/root/miss>

Student Financial Aid – Office of Financial Aid and Scholarships

Bond Hall, Room 138

(843) 953-5187

financialaid@citadel.edu

<https://www.citadel.edu/root/contact-financial-aid>

Off Campus:

Health/Mental Health – Medical University of South Carolina (MUSC)

Triage, medical treatment, assessment.

171 Ashley Ave, Charleston, SC 29425

(843) 792-3826

www.muschealth.org

Victim Advocacy – TRI-County S.P.E.A.K.S

Free confidential services to adult survivors of sexual assault. 24-hour hotline, hospital accompaniment during Sexual Assault Forensic Exams (SAFE), police and law enforcement accompaniment, court accompaniment, follow-up services, trauma-informed counseling, as well as support groups

(843) 745-0144

<https://tricountyspeaks.org>

City of Charleston Police Department Victim’s Advocates

Support, resources, and information related to criminal charges

Catrice Smalls, Victim Advocate (843) 720-2425

Chelsea Hagan, Child Advocate (843) 720-3031

Vera Witt, Spanish Speaking Advocate (843) 720-3032

Joshua Williamson, Elder Advocate (843) 720-2534

Rape, Abuse, and Incest National Network-National Hotline/Website for Abuse Victims

<http://www.rainn.org>

Legal Assistance – South Carolina Legal Services

If you want to apply for their services, call the intake office at 1-(888) 346-5592), or contact the Executive director, Andrea Loney, email her at andrealoney@sclegal.org.

Contact the South Carolina Department of Crime Victim Compensation (DCVC) (If you need legal assistance and financial support due to crime victimization)

Phone: (803) 734-1900

Fax: (803) 734-1708

Toll Free: 1-800-220-5370 (Crime Victims Only, Please)

Hours: 8:30am-5:00pm Monday-Friday

E-mail: dcvc@scag.gov

Financial Aid/Assistance – Students may contact the U.S. Department of Education with questions regarding Federal Financial Aid Programs using the information immediately below.

- **Federal Student Aid Information Center**
 - Information about federal student aid programs

- Help with completing the Free Application for Federal Student Aid
- General information about your current federal student loans
- **1-800-4FED-AID (1-800-433-3243)**
- **TTY: 1-800-730-8913**
- Spanish speakers are available (se habla Español)

- **Defaulted Loans**
 - Borrowers whose loans are in default
 - Debt collection services
 - **1-800-621-3115** or www2.ed.gov/about/contacts/gen/index.html?src=ft#frs

- **Loan Consolidation**
 - Questions about loan consolidation before you apply
 - **1-800-557-7394**
 - **TTY: 1-800-557-7395**
 - <https://studentaid.gov/help-center/contact>