

Policy Number	604.001
Policy Title	COLUMBIA INTERNATIONAL UNIVERSITY TITLE IX / SEXUAL MISCONDUCT, DATING VIOLENCE, AND STALKING POLICY
Responsible Officer	Provost
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Summary	This policy is in compliance to the federal government's requirement that all Higher Ed institutions receiving Title IV funds must ensure that no student suffers a deprivation of her or his access to educational opportunities on the basis of sex.
Definitions	See in Document Body
Approving Body	The Academic Council; The Administrative Council
Approval Date	03.04.2016 10.02.2017 (Academic); 10.09.2017 (Admin) 09.28.2018 (Academic); 09.21.2018 (Admin)
Last Revision	04.26.2017; 08.22.2018
Re-evaluation Date	The federal government is reissuing guidance that will require re-evaluation by CIU. No date has been given for when this guidance will be published.
Departmental Impact	All Departments of the University

Failure to follow the following policy may result in disciplinary action, including termination of employment.

Policy Statement

Columbia International University ("CIU" or the "University") is committed to providing programs, activities, and an educational and work environment free from sex discrimination and to fostering a community that promotes prompt reporting of all types of Sexual Misconduct and also timely and fair resolution of Sexual Misconduct complaints. To that end, the University has defined Sexual Misconduct broadly to include any unwelcome conduct of a sexual nature. The University will consider as policy violations Sexual Misconduct that is so severe, persistent, or pervasive as to create a hostile environment or deny or limit a student's ability to participate in or benefit from the school's programs or activities. As defined by this Policy, Sexual Misconduct includes the following:

1. Dating Violence;
2. Non-consensual Sexual Contact;
3. Non-consensual Sexual Penetration;
4. Sexual Exploitation;
5. Sexual Harassment;
6. Sexual Intimidation; and
7. Stalking.

Biblical Foundation for this Policy:

The body is not meant for sexual immorality, but for the Lord, and the Lord for the body...Flee from sexual immorality. Every other sin a person commits is outside the body, but the sexually immoral person sins against his own body. Or do you not know that your body is a temple of the Holy Spirit within you, whom you have from God? You are not your own, for you were bought with a price. So glorify God in your body (1 Cor. 6:13b, 18-20).

Applicability of this Policy:

This Policy applies to any allegation of Sexual Misconduct made by or against a student or an employee of the University or a third party*, regardless of the sex of any party and wherever the alleged Sexual Misconduct occurred, if the conduct giving rise to the allegation impacts the University's academic, educational, athletic, extracurricular, internship or practicum

programs or activities. If the University investigates a report of Sexual Misconduct that is alleged to have occurred during a time a different policy or version was in effect, the policy currently in place will govern the procedures utilized in investigating and adjudicating the report. In the case of allegations of Sexual Misconduct, unless otherwise stated, this Policy supersedes and applies in lieu of all other procedures and policies set forth in other University documents.

** While the University will address allegations involving third parties, as discussed more fully herein, the rights of and the University's obligations to and jurisdiction over third parties are likely to differ from the rights of and the University's obligations to and jurisdiction over students and employees of the University, and allegations involving third parties will be handled as deemed appropriate by the University's Title IX Coordinator in his or her discretion.*

Retaliation:

Retaliation against any person for filing, supporting, or providing information in good faith in connection with a complaint of Sexual Misconduct is strictly prohibited. Violations of this prohibition will be addressed through this Policy and / or other University disciplinary procedures, as deemed appropriate in the University's discretion. Any person who feels that he or she has been subjected to Retaliation should make a report to the Title IX Coordinator. The prohibition of Retaliation does not end with the resolution of the Complaint. Retaliation may be present even after a finding of "not responsible" on allegations of Sexual Misconduct.

Support Persons:

Both the Complainant and the Respondent may have one support person present to support and assist them throughout the investigation process (including, but not limited to, during related meetings, investigative interviews, and similar proceedings; for purposes of this section, "meetings"). The Complainant and the Respondent are not limited in their choice of support person; however, a person may not serve both as a support person and as a witness. Support persons may be friends, victim advocates, lawyers, or others. The Complainant and the Respondent may consult with their respective support persons during meetings, provided that such consultation is not disruptive. Support persons may not, however, have a speaking role during any meeting. In addition, the support person's attendance may be disallowed if such support person's presence would be obstructive or would otherwise warrant his or her removal. Absent accommodation for disability, the Complainant and the Respondent may not be accompanied by more than one support person or by other individuals during meetings.

CIU Title IX Coordinator(s):

CIU has appointed a Title IX Coordinator and three Deputy Title IX Coordinators to oversee CIU's response to Sexual Misconduct complaints; to develop training and educational programs and materials for students, faculty and staff; and to monitor the effectiveness of CIU's Title IX compliance efforts. See the CIU Student Handbook for relevant contact information: <http://www.ciu.edu/sites/default/files/flipbook/student-handbook-2018-19-ug/index.html#60>

Reporting of Sexual Misconduct:

If a CIU employee becomes aware of activity that may constitute Sexual Misconduct, that employee is required to report the activity to the University's Title IX Coordinator. CIU encourages all other members of the University community to promptly report any conduct that may constitute Sexual Harassment to the University's Title IX Coordinator.

In addition to reporting to the Title IX Coordinator, CIU encourages victims of Sexual Misconduct to report incidents of Sexual Misconduct to both CIU security and to law enforcement authorities; however, CIU offers services to victims even if they choose not to report an incident to law enforcement. The Student Life Office provides services and information for victims in a safe and supportive setting. In some circumstances, a victim may wish to seek an order of protection from a court of appropriate jurisdiction against the alleged perpetrator. Victims may also seek restriction of access to the University by non-students or non-employees in certain circumstances.

The Jessica Horton Act (South Carolina Code of Laws 59-154-10), obligates CIU to notify the South Carolina Law Enforcement Division (“SLED”) when it receives a report of criminal sexual assault on University property and also in the case of death on campus.

Additionally, in certain other instances, CIU may need to report an incident to law enforcement authorities. Such circumstances may include incidents that warrant the undertaking of additional safety and security measures for the protection of the victim and/or the campus community or other situations in which there is clear and imminent danger and/or when a weapon may be involved. However, it is crucial in these circumstances to consult with supervisory staff and/or Student Life personnel, as reporting may compromise the safety of the victim.

CIU will assist alleged victims of Sexual Misconduct throughout the notification process and will continue to provide support when any investigative action is taken by law enforcement. If an alleged victim waives their right to contact local law enforcement, they will be asked to sign a waiver of that right and to also acknowledge the obligation CIU may have to report the incident to local law enforcement.

Personal safety concerns are very important for victims and crisis intervention and victim safety concerns will take precedence. CIU will also not tolerate any form of retaliation toward a victim or a person reporting an incident.

Complainant’s Rights:

CIU community members who are alleged to be victims of Sexual Misconduct have the right to the following:

- Treatment with dignity and respect, without biased attitudes or judgments;
- Not having irrelevant past conduct discussed during any resulting proceedings;
- Changes in academic, professional and/or living situations, if possible and necessary;
- The right to name witnesses and present material evidence to the Title IX Investigator that would assist in the investigation;
- The right to obtain assistance from an advocate of their choice to aid in the preparation of a statement to be given to the Title IX investigator and to be present (in a non-speaking support role) during any meeting associated with the University’s investigation;
- Knowledge of the nature and source of the evidence used in the hearing process;
- Access to services from the counseling, health center or other campus service groups;
- Voluntary residence hall relocation, when available and if applicable;
- Consultation with a campus official on academic support services and referrals to community resources when appropriate and if applicable;
- Contact with local law enforcement to pursue a potential criminal investigation, if desired at any point.
- ***The rights set forth here apply primarily to Complainants who are students and employees of the University. As previously mentioned, while the University will address allegations involving third parties, the rights of and the University’s obligations to and jurisdiction over third parties are likely to differ from the rights of and the University’s obligations to and jurisdiction over students and employees of the University, and allegations involving third parties will be handled as deemed appropriate by the University’s Title IX Coordinator in his or her discretion.***

Respondent’s Rights:

CIU community members accused of Sexual Misconduct have the right to the following:

- Treatment with dignity and respect, without biased attitudes or judgments;
- Not having irrelevant past conduct discussed during any resulting proceedings;
- Changes in academic, professional and/or living situations, if possible and/or necessary;
- Written notice of the allegations constituting a potential violation of this Policy, including sufficient details and with sufficient time to prepare a response before any initial interview, once the University decides to open an

investigation. (Sufficient details include the identities of the parties involved, the specific aspect of the Policy allegedly violated, the precise conduct allegedly constituting the potential violation, and the date and location of the alleged incident.);

- Knowledge of the nature and source of the evidence used in the hearing process;
- The right to name witnesses and present material evidence to the Title IX Investigator that would assist in the investigation;
- The right to obtain assistance from an advocate of their choice to aid in the preparation of a statement to be given to the Title IX investigator and to be present (in a non-speaking support role) during any meeting associated with the University's investigation;
- Access to services from the counseling, health center or other campus service groups;
- Voluntary residence hall relocation, when available and if applicable;
- Consultation with a campus official on academic support services and referrals to community resources when appropriate and if applicable.
- ***The rights set forth here apply primarily to Respondents who are students and employees of the University. As previously mentioned, while the University will address allegations involving third parties, the rights of and the University's obligations to and jurisdiction over third parties are likely to differ from the rights of and the University's obligations to and jurisdiction over students and employees of the University, and allegations involving third parties will be handled as deemed appropriate by the University's Title IX Coordinator in his or her discretion.***

Investigative Process:

CIU's Title IX Coordinator, Deputy Coordinators and/or designee will ensure that all reports of alleged Sexual Misconduct are immediately investigated in a thorough and appropriate manner. The process will proceed as follows:

- 1) The Title IX Coordinator receives a report of a possible violation.
- 2) If the Title IX Coordinator concludes that the reported conduct could constitute a violation of this Policy, the Title IX Coordinator assigns a Title IX Investigator.
- 3) Per South Carolina law, if there is a report of a criminal sexual assault that occurred on University property, the Title IX Coordinator will communicate with the Chief of Security and the Chief of Security will report to SLED.
- 4) The Title IX Investigator contacts the Complainant to discuss proceeding with investigation. The Title IX Investigator also informs the Complainant of the right to make an independent report to law enforcement.
- 5) If the Complainant requests confidentiality or that no investigation take place, the Complainant will be informed that a full investigation and resolution will not be possible. CIU will take any and all necessary steps, however, to protect the safety of the CIU community. The Complainant also will be advised of CIU's obligation under South Carolina law to notify SLED when it receives a report of criminal sexual assault.
- 6) If the Title IX Coordinator or his designee deems it appropriate, the Title IX Coordinator will communicate with the Complainant and Respondent to see if mediation is possible. If mediation is not possible, not appropriate, or ineffective, the Title IX Investigator will interview the Complainant, the Respondent, and witnesses (or others with relevant information).
- 7) The Title IX Investigator will gather relevant evidentiary materials.
- 8) The Title IX Investigator will prepare an investigation report containing details of the interviews and evidence.
- 9) The Title IX Investigator will provide the investigation report to the Complainant and the Respondent and will advise them of their right to submit written statements to be included with the report. The written statements will be shared with each party.
- 10) Once the investigation report and any additional statements from the Complainant and/or the Respondent are received, the Title IX Coordinator will convene a Hearing Board composed of three CIU faculty and/or staff members who have received training on their role and responsibility in deciding whether a violation of this Policy has occurred.

- 11) The Respondent may, at any time prior to appointment of the Hearing Board, accept responsibility for violating this Policy and receive administratively-imposed disciplinary sanctions without a formal hearing. The Respondent and the Complainant will be informed of the sanctions.
- 12) The Hearing Board will review and discuss the investigation report and any written statements received from the Complainant and Respondent. Neither the Title IX Coordinator nor the Title IX Investigator will be present during the Hearing Board's deliberations.
- 13) The Hearing Board will make a determination regarding whether a preponderance of the evidence establishes that this Policy has been violated and report this and any other findings to the Title IX Coordinator. The Title IX Coordinator will inform the Complainant and the Respondent of the Hearing Board's determination.
- 14) If the Hearing Board determines that a preponderance of the evidence does not establish a violation of this Policy, the case will be closed, though CIU reserves the right to take actions necessary for the well-being of the parties involved and/or to address violations of CIU standards of behavior.
- 15) If the Hearing Board determines that a violation of this Policy has occurred, the Title IX Coordinator will inform the Complainant and Respondent of the Respondent's right to appeal the Hearing Board's decision in writing within five (5) business days.
- 16) If the Respondent indicates in writing a desire to appeal, the Title IX Coordinator will convene an Appeal Board composed of three CIU faculty and/or staff members trained in their responsibility to review the Hearing Board's action.
- 17) On appeal, the Title IX Coordinator may request additional investigation to clarify any issues raised by the Hearing Board. Such investigation will be assigned to the Title IX Investigator or another qualified person at the discretion of the Title IX Coordinator, in which case the Title IX Investigator or other qualified person will prepare a follow-up report containing details of any interviews or materials received.
- 18) The Title IX Coordinator will provide the Complainant and the Respondent with any Follow-Up Report and inform them of their right to each provide an additional written statement to the Appeal Board.
- 19) The Appeal Board will review and discuss the investigation report, any follow-up report and any written statements received from the Complainant and Respondent. Neither the Title IX Coordinator nor the Title IX Investigator will be present during the Appeal Board's deliberations.
- 20) The Appeal Board will make a determination regarding whether a preponderance of the evidence establishes that this Policy has been violated and report this and any other findings to the Title IX Coordinator. The Title IX Coordinator will inform the Complainant and the Respondent of the Appeal Board's determination.
- 21) If the Appeal Board reverses the decision of the Hearing Board and determines that there is not sufficient evidence of a violation of this Policy, the case will be closed, though CIU reserves the right to take actions necessary for the well-being of the parties and/or to address violations of CIU standards of behavior. No further appeal will be accepted.
- 22) If the Appeal Board upholds the decision of the Hearing Board and determines that a violation of this Policy has occurred, the Title IX Coordinator will inform the Complainant and the Respondent of the Appeal Board's determination. No further appeal will be accepted.
- 23) The Title IX Coordinator will consult with the original Hearing Board and determine appropriate institutional sanctions for the Respondent. No appeal of sanctions will be accepted.

Confidentiality:

CIU will make all reasonable efforts to maintain the confidentiality and privacy of the parties involved in investigations of Sexual Harassment, but information regarding allegations of Sexual Harassment will be shared among University employees and representatives as necessary under this Policy and/or as required by applicable law.

No-Contact Directives:

CIU's Title IX Coordinator or designee may also direct those involved in an alleged incident of Sexual Misconduct not to have contact with one another pending completion of the investigation concerning that incident. Such a directive is not a sanction or disciplinary outcome but rather is designed to maintain civility and avoid potential escalating tensions.

Interim Sanctions:

The Title IX Coordinator, in consultation with appropriate administrative leadership may impose interim sanctions (up to and including suspension) prior to the beginning of the disciplinary process. The interim sanction/suspension may be imposed in cases where the alleged action of the Respondent may pose a threat to the well-being of the CIU community or to the Respondent himself/herself. Such sanctions will be promptly imposed where needed to protect any member of the CIU community, including anyone connected with the matter, or to prevent recurrence or retaliation pending completion of the investigation. Following the imposition of an interim sanction, the opportunity for a hearing will be provided as expeditiously as possible.

Final Outcome Letter:

Within seven (7) business days following the conclusion of the hearing (and also any appeal), the Title IX Coordinator or designee will issue a written decision letter (the "Final Outcome Letter") concurrently to the Respondent and the Complainant.

For employee and third-party Respondents, the Final Outcome Letter will set forth (1) the name of the Respondent; (2) the violation(s) of this Policy for which the Respondent was found responsible or a statement that the Respondent was found not to have violated this Policy; (3) the sanctions imposed on the Respondent, if any; and (4) the rationale for the finding and the sanctions. Where appropriate, the Final Outcome Letter may set forth names of other individuals, such as a Complainant or witness, if such other individuals provide their written consent to such inclusion.

For student Respondents, the Final Outcome Letter will set forth (1) the name of the Respondent; (2) the violation(s) of this Policy for which the Respondent was found responsible or a statement that the Respondent was found not to have violated this Policy; (3) the rationale for the finding; and (4) the sanctions imposed on the Respondent, if any (setting forth only a description of the disciplinary action taken, the date of its imposition, its duration, and the rationale for such action) and, where appropriate, it may set forth the names of other individuals, such as a victim or witness, if such other individuals provide their written consent to such inclusion. For student Respondents alleged to have committed a violation or violations other than Intimate Partner Violence, Non-consensual Sexual Contact or Non-consensual Sexual Penetration, the University will redact, when appropriate, information about sanctions that do not directly relate to the Complainant, and the Respondent will not be notified of individual remedies provided or offered to the Complainant.

Definitions:

Complainant. A "Complainant" is an alleged victim of Sexual Misconduct who files a complaint under this Policy or on whose behalf a complaint is filed.

Consent. "Consent" is informed, freely and actively given, mutually understandable words or actions that indicate a willingness to participate in mutually agreed-upon sexual activity. Consent is mutually understandable when a reasonable person would consider the words or actions of the parties to have manifested a clear and unambiguous agreement between them to engage in certain conduct with each other. Consent cannot be gained by ignoring or acting in spite of the objections of another. Consent cannot be inferred from: silence, passivity, or lack of resistance alone; a current or previous dating or sexual relationship alone (or the existence of such a relationship with anyone else); attire; the buying of dinner or the spending of money on a date; or consent previously given (i.e., consenting to one sexual act does not imply consent to another sexual act). Consent is not effective if it is obtained through the use of physical force, violence, duress, deception, intimidation, coercion, or the threat, expressed or implied, of bodily injury. Whether a party used intimidation or coercion to obtain Consent will be determined by reference to the perception of a reasonable person found in the same or similar circumstances. Consent may never be given by: minors (even if the other participant did not know the minor's age); mentally disabled persons (if their disability was reasonably knowable to a sexual partner who is not mentally disabled); or persons who are incapacitated. The use of alcohol or drugs does not diminish one's responsibility to obtain Consent and does not excuse conduct that constitutes Sexual Misconduct under this Policy. If at any time during a sexual act any confusion or ambiguity is or should reasonably be apparent on the issue of consent, it is incumbent upon each individual involved in the activity to stop and clarify the other's willingness to continue and capacity to consent. Neither party should make

assumptions about the other's willingness to continue. *The behaviors presented in this definition are for clarity purposes. Those behaviors should not imply permission by the University for students to engage in any sexual behavior beyond that permitted in the CIU Student Handbook.*

Dating Violence. "Dating Violence," which is sometimes referred to as "Intimate Partner Violence," is actual or threatened physical violence, intimidation, or other forms of physical, emotional, or sexual abuse that would cause a reasonable person to fear harm to self or others and which is committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating Violence can be a single act or a pattern of behavior, includes behaviors that would be considered domestic violence or relationship abuse, and can take many forms. Examples include, but are not limited to, situations in which the following behaviors are directed toward a partner in a current or former intimate relationship: hitting, kicking, punching, strangling, or other physical violence; property damage; and threat of violence to one's self, one's partner, or the family members, friends, pets, or personal property of the partner.

Incapacitated. "Incapacitated" means lacking the physical and/or mental ability to make informed, rational judgments. A person may be Incapacitated for a variety of reasons, including but not limited to being asleep or unconscious, having consumed alcohol or taken drugs, or experiencing blackouts or flashbacks.

Non-consensual Sexual Contact. "Non-consensual Sexual Contact" is any physical contact with another person of a sexual nature without that person's Consent. The touching of a person's intimate parts (such as genitalia, groin, breast, buttocks or clothing covering same); touching a person with one's own intimate parts; or forcing a person to touch another's intimate parts constitutes Non-consensual Sexual Contact if it occurs without Consent.

Non-consensual Sexual Penetration. "Non-consensual Sexual Penetration" is the sexual penetration of any bodily opening with any object or body part without Consent.

Respondent. A "Respondent" is an individual accused of committing Sexual Misconduct under, and as defined by, this Policy.

Retaliation. "Retaliation" means any adverse action threatened or taken against a person because he or she has filed, supported, or provided information in connection with a complaint of Sexual Misconduct, including but not limited to direct and indirect intimidation, threats, and harassment. Retaliation does not include good faith actions lawfully pursued in response to a report of prohibited conduct.

Sexual Exploitation. "Sexual Exploitation" means any act of taking non-consensual, unjust, or abusive sexual advantage of another person for one's own advantage or benefit or to benefit or advantage anyone other than the person being exploited. Sexual Exploitation includes, but is not limited to: causing or attempting to cause another person to be incapacitated in order to gain a sexual advantage over such person; prostituting another person (i.e., personally gaining money, privilege, or power from the sexual activities of another); non-consensual videotaping, photographing, or audio-taping of sexual activity and / or distribution of private sexual activity of a person's intimate parts (including genitalia, groin, breast or buttocks) via media such as, but not limited to, the internet; exceeding the boundaries of Consent (e.g., allowing another person to observe consensual sex without the knowledge of or Consent from all participants); voyeurism; knowingly or recklessly transmitting a sexually transmitted disease (including HIV) to another individual; and sexually based stalking and / or bullying.

Sexual Harassment. "Sexual Harassment" is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, graphic or physical conduct of a sexual nature, including through social media or similar platforms, when either (i) or (ii) below applies:

- (i) Submission to, consent to or rejection of the behavior carries or is reasonably believed to carry consequences for the individual's education, employment, on-campus living environment, or participation in a University activity. (Examples of this type of sexual harassment include pressuring an individual to engage in sexual behavior for some educational or employment benefit, or making a real or perceived threat that rejecting sexual behavior will carry a negative educational or employment consequence for the individual.)
- (ii) The behavior is severe, persistent or pervasive and objectively offensive, such that it unreasonably limits or interferes with the individual's ability to participate in or benefit from the University's education, on-campus living, or employment programs or activities by creating an intimidating or hostile environment. Whether the conduct creates a hostile environment may depend on a variety of factors, including: the degree to which the conduct affected the education or employment of another person; the type, frequency and duration of the conduct; the relationship between the parties; the number of people involved; and the context in which the conduct occurred. The more severe the conduct, the less need there is to show a repeated pattern of conduct. (Examples of this type of sexual harassment include: persistent unwelcome efforts to develop a romantic or sexual relationship; unwelcome sexual advances or requests for sexual favors; unwelcome commentary about an individual's body or sexual activities; inappropriately touching an individual's body; unwelcome sexually-oriented teasing, joking, flirting, or lewd comments, innuendos or gestures; and verbal abuse of a sexual nature.) (The University reserves the right to address offensive conduct and/or unwanted conduct of a sexual nature that does not rise to the level of creating a hostile environment. Addressing such behaviors may not result in the imposition of discipline under University policy, but will be addressed through respectful confrontation, remedial actions, education and/or conflict resolution efforts.)

Sexual Intimidation. "Sexual Intimidation" includes but is not limited to threatening, expressly or impliedly, to commit a sexual act upon another person without his or her Consent; Stalking or cyber-Stalking, and engaging in indecent exposure (intentionally exposing one's sexual organs in public) with the intention of alarming, distressing, and/or offending others).

Sexual Misconduct. "Sexual Misconduct" means any unwelcome conduct of a sexual nature, including any conduct or act of a sexual nature perpetrated against an individual without Consent. Sexual Misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual Misconduct can be committed by people of any gender and it can occur between people of different genders or people of the same gender.

Stalking. "Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress. For purposes of this definition, "course of conduct" means two or more acts, including, but not limited to, acts in 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; and "substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Hyperlinks

www.ciu.edu/policy