

<b>Policy Number</b>	604.000
<b>Policy Title</b>	TITLE IX
<b>Responsible Officer</b>	Provost
<b>Responsible Offices</b>	Provost; Student Life
<b>Summary</b>	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.
<b>Definitions</b>	See in document body
<b>Approving Body</b>	The Academic Council; The Administrative Council
<b>Approval Date</b>	3/4/2016 10/02/2017; 10/09/2017
<b>Last Revision</b>	4/26/2017
<b>Re-evaluation Date</b>	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.
<b>Departmental Impact</b>	All departments of the University

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

### Policy Statement

CIU’s compliance with the U.S. Department of Education’s requirement that institutions have a written policy to address all Title IX violations, including sexual assault and sexual harassment.

### **Biblical Foundation for the 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).

### **Definitions:**

*Title IX:* Title IX of the Education Amendments of 1972 protects people from discrimination based on sex, in educational programs or activities which receive Federal financial assistance. Further, Title IX forbids sex discrimination in all university services and programs. More specifically, Title IX covers sexual harassment and sexual assault as a form of sex discrimination. Sexual harassment, which includes acts of sexual assault/violence such as rape, sexual battery or sexual coercion, along with stalking, is a form of gender-based discrimination prohibited by Title IX. *See additional definitions under the Campus SaVE Act Policy.*

*Sexual harassment:* Sexual harassment refers to unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when this conduct explicitly or implicitly affects an individual’s well-being, unreasonably interferes with an individual’s living, educational or work performance, or creates an intimidating, hostile, or offensive environment.

*Sexual assault:* Sexual assault refers to a range of behaviors, including but not limited to, a completed nonconsensual sex act (e.g., rape), an attempted nonconsensual sex act, and/or abusive sexual contact (i.e., unwanted touching). Sexual assault includes any sexual act or behavior that is perpetrated when someone does not or cannot consent. Lack of consent may be inferred when a perpetrator uses force, harassment, threat of force, threat of adverse personnel or disciplinary action, or other coercion, or when the victim is asleep, incapacitated, unconscious, or physically or legally incapable of consent.

*Stalking:* Stalking refers to harassing, unwanted or threatening conduct that causes a victim to reasonably fear for his or her safety or the safety of a family member. Stalking conduct can include, but is not limited to: following or spying on a person; appearing uninvited and unwanted at a person’s residence or work; waiting at places in order to make unwanted contact with a person or to monitor a person; leaving undesired items (e.g., presents or flowers) for a person; and posting information or spreading rumors about a person on the Internet, in a public place, or by word of mouth. It also includes “cyberstalking”: following a person’s Internet activity with malicious intent, hacking into someone’s email, making anonymous contact with

someone over the Internet or by email, or otherwise using technology to make unwanted contact. Stalking may occur through use of technology including, but not limited to, e-mail, voice-mail, text messaging, and use of GPS and social networking sites.

***CIU Response to Title IX Complaints/Violations:***

Sexual harassment, sexual assault/violence, stalking and relationship violence have a profound impact on a victim's academic, social, working, and personal life, and negatively affects victims' friends and families, other students, co-workers, and members of the university community. Columbia International University (hereafter, "CIU") does not and will not tolerate sex discrimination. Prohibited sex discrimination includes all forms of sexual harassment or sexual violence (as defined above). CIU will pursue the perpetrators of such acts to the fullest extent possible. Further, CIU is committed to supporting victims through the appropriate provision of safety and support services; providing resources to assist all members of the CIU community—including students, faculty and staff.

***CIU Title IX Coordinator(s):***

CIU has appointed a Title IX Coordinator and three Deputy Coordinators to oversee CIU's response to Title IX complaints, to develop training and education programs/materials for students, faculty and staff, as well as to monitor the effectiveness of CIU's Title IX compliance efforts. See the CIU Student Handbook for contact information:

<http://www.ciu.edu/sites/default/files/flipbook/student-handbook-2017-18-ug/index.html#56>

***Reporting of Sexual Harassment, Sexual Assault and Stalking:***

CIU encourages reporting of all incidents of sex discrimination, including sexual harassment, sexual assault and stalking to both CIU security and to law enforcement authorities. CIU respects that the victim (complainant) is the one who must decide whether to report or not to report. Advocates are available to inform victims of the reporting procedures and offer appropriate referrals. Victims who choose to pursue the reporting process have the right to assistance or consultation of an advocate. CIU offers services to victims even if they choose not to report the incidents. The Student Life Office provides services and information for victims in a safe, supportive and confidential 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.

In certain instances, CIU may need to report an incident to law enforcement authorities. Such circumstances include any incidents that warrant the undertaking of additional safety and security measures for the protection of the victim and the campus community or other situations in which there is clear and imminent danger and when a weapon may be involved. However, it is crucial in these circumstances to consult with supervisory staff and/or Student Life personnel, since reporting may compromise the safety of the victim. Personal safety concerns are often very important for victims. Crisis intervention and victim safety concerns will take precedence. CIU will not tolerate any form of retaliation toward a person reporting a violation.

***Complainant's (Victim's) Safety and Rights:***

CIU community members (students, faculty and staff) have the right to live free of behaviors that interfere with attaining their educational and/or professional goals. Community members who report sexual harassment, sexual assault, or stalking have the right to the following:

- Treatment with dignity and respect, without biased attitudes or judgments
- Not having past and irrelevant conduct discussed during any resulting proceedings
- Changes in academic, professional and/or living situations, if possible and/or necessary
- All support services regardless of the choice to file a school or criminal complaint
- Submission of a written report of the incident and a victim-impact statement
- Having a person of choice, including legal counsel or an advocate, present throughout the proceedings
- Contact with local law enforcement to pursue a potential criminal investigation
- Having one's identity protected

Further accommodations may include:

- No-contact order
- Services of a student victim advocate
- Witness impact statement
- Change in an academic schedule, if possible and/or necessary

- Provision of alternative housing opportunities
- The imposition of an interim suspension of the accused
- The provision of resources for medical and/or psychological support

For assistance obtaining these safety accommodations, please contact the Student Life Office.

***Rights of the Accused:***

CIU community members (students, faculty and staff) accused of sexual harassment, sexual assault, or stalking behaviors have rights on this campus. These include the following:

- The right to know the nature and source of the evidence used in the hearing process
- The right to present witnesses and material evidence relevant to the case
- The right to an advocate or attorney to aid in the preparation and presentation of the case
- 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

**Rationale**

Mandated by the United States Department of Education.

**Policy Procedures**

***Investigative Process:***

CIU's Title IX Coordinator and/or Deputy Coordinator and/or designee will ensure that all reports of alleged sex discrimination (harassment, assault, stalking) are immediately investigated in a thorough and appropriate manner. All investigations will be completed within 60-days of the start of any investigation unless unexpected issues prevent a timely investigation. The Title IX Coordinator shall review all reported incidents and appoint an Investigator for each incident meriting further review. The process will proceed as follows:

- 1) Incident is reported to the Title IX Coordinator (regardless of where it is initially reported, it must be reported to the Title IX Coordinator).
- 2) Title IX Coordinator will determine whether there is a potential Title IX policy violation at hand and, if so, will turn the matter over to an Investigator for full review.
- 3) The Investigator will interview the complainant (alleged victim), the accused and any witnesses. (The complainant and the accused may each invite an advocate/advisor to all interviews. The guest is solely present to advise and may not ask investigative questions).
- 4) The Investigator will gather any pertinent evidentiary materials and prepare a report detailing the content of the interviews and the evidentiary materials collected.
- 5) Directly and promptly following the conclusion of the investigation, the Title IX Coordinator or designee will provide the report to an impartial hearing board to determine, based on the investigation report, whether credible evidence exists to believe that a Title IX policy violation occurred.
- 6) The hearing board (comprised of three CIU faculty and/or staff members) will review the report and conclusions drawn from the report to determine the occurrence of a Title IX policy violation. Findings and unresolved issues will be reported to the Title IX Coordinator.
- 7) The Title IX Coordinator or designee may direct additional investigation if he/she determines such investigation is necessary or desirable.
- 8) If credible evidence of a Title IX policy violation exists, the matter will be processed as set forth under the *Disciplinary Process* heading of this policy (below). The hearing board, in consultation with the Title IX Coordinator, will determine appropriate institutional sanctions and other necessary steps to conclude the matter with all parties involved.
- 9) If credible evidence of a Title IX policy violation does not exist, the matter will be concluded as to the accused person. However, CIU may, through the Title IX Coordinator, still consider whether other forms of remedial or community-based steps are appropriate to educate the community or reduce the risk of future Title IX violations.

***Confidentiality:***

From the time a report is made, the accused individual, the complainant (alleged victim), any witnesses who are interviewed in the investigation and all other parties to the investigation or procedures will be notified of CIU's expectation of

confidentiality and privacy. CIU will make all reasonable efforts to maintain the confidentiality and privacy of the parties involved in investigations of alleged sex discrimination.

***Complainant Participation:***

The Title IX Coordinator or designee will, before a hearing is conducted, determine whether the complainant (alleged victim) is willing to participate in a hearing. A complainant's request that reports of a Title IX policy violation remain confidential will be considered in determining an appropriate response; however, such requests will be considered in the dual contexts of CIU's legal obligation to ensure a learning and working environment free from Title IX policy violations and the due process rights of the accused person to be informed of the allegations and their source. Some level of disclosure may be necessary to ensure a complete and fair investigation, although CIU will comply with requests for confidentiality to the extent possible. If the complainant requests confidentiality or asks that a complaint not be pursued, CIU will inform the complainant that its ability to respond consistent with the request would be limited, and that retaliation is prohibited and that CIU will take steps to prevent retaliation and to respond if it occurs. Even if the complainant declines to participate in the investigation, CIU will take reasonable steps to investigate and respond to the situation, consistent with its obligation to the entire CIU community.

***No-Contact Directives:***

CIU's Title IX Coordinator or designee may also direct those involved in an alleged incident 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 is designed to maintain civility and avoid potential escalating tensions.

***Notification of Law Enforcement:***

The Title IX Coordinator or designee shall determine whether local law enforcement or other authorities should be notified. (The Title IX Coordinator will notify of the right to contact local law enforcement at the initial stages of the report/complaint). CIU will continue to provide ongoing support for a complainant when law enforcement is notified.

***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 accused may pose a threat to the well-being of the CIU community or to the accused himself/herself. Such sanctions are appropriate and should 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.

***Standard of Proof:***

The standard for determining the culpability of the accused for a Title IX policy violation will be a preponderance of the evidence. This means the determination shall be made based on whether it is more likely than not that the accused violated an aspect of the CIU Title IX policy.

***Disciplinary Process:***

Disciplinary sanctions for violations of this policy and/or of the student code of conduct will be imposed in accordance with applicable Student Life policies as found in the student handbook (pgs. 50ff. in the 2017-18 edition).

<http://www.ciu.edu/sites/default/files/flipbook/student-handbook-2017-18-ug/index.html#50>

As applicable, accused parties should refer to CIU's Student Handbook for more information on their rights, resolution of disciplinary charges, disciplinary procedures and responsibilities.

The accused individual may accept responsibility for violating the Title IX policy and receive administratively-imposed disciplinary sanctions without a formal hearing. The accused and the complainant will be informed of the sanctions.

***Appeal Process:***

An appeal may be filed by either the complainant or the accused in accordance with the appeal process stated in the CIU Student Handbook. The appeal must be received within five business days of the conclusion of the investigation (the date sanctions are imposed).

The appeal is not a rehearing of the entire investigative process but is an opportunity for the report to be reviewed to validate the conclusion reached by the hearing board.

### **Campus SaVE Act Policy:**

The Campus SaVE (Campus Sexual Violence Elimination) Act is an amendment to the guidelines of the Clery Act. Title IX is a federal law prohibiting sexual discrimination in higher education but the items within the SaVE Act overlap and complement Title IX. CIU will publish annual crime statistics as part of a process to ensure CIU is proactive in providing a campus that is safe and free from additional forms of sexual discrimination and/or violence. There are four main areas prohibited under the Campus SaVE Act, and a violation within one of these categories will result in prompt and direct attention from the CIU administration. Anyone who believes they have been a victim in any of these areas, or anyone who believes they have witness an act described below should report the incident to a member of the Student Life Department (or any CIU employee) at the earliest opportunity.

**Sexual Assault:** an offense meeting one of the following definitions:

**Rape:** the penetration, no matter how slight, of a person's private body parts with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

**Fondling:** the touching of private body 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 due to age or any temporary or permanent mental incapacity.

**Incest:** sexual intercourse between people who are related to each other within the degrees where marriage is prohibited by law.

**Statutory Rape:** sexual intercourse with a person who is under the statutory age of consent (age 16 in South Carolina).

**Dating Violence:** when someone you are in a romantic/intimate relationship with kicks, slaps, hits, or shoves you, these are some physical instances of dating violence.

If that person keeps you away from friends and family, shames you, calls you names, bullies, or publically embarrasses you on purpose, these are **psychological and emotional** examples of abuse/violence.

**Domestic Violence:** (see examples above) can be committed by: a current or former spouse/partner; a person with whom you share a child; or a person against an adult or youth victim who is protected from that person's acts. Most abusive relationships are characterized by possessive and controlling behaviors.

**Stalking:** when someone engages in a course of conduct directed at a specific person that causes that person to fear for his/her safety of the safety of others. Behaviors may include:

- Threats to harm you, family or friends
- Showing up or driving by where you are
- Following you
- Monitoring your phone or computer use
- Using technology to track you
- Damaging your home or property
- Spreading rumors about you online, in public, or by word of mouth
- Digging for information about you
- Sending unwanted gifts, notes, texts, phone calls, or emails (two or more unwanted text messages, e-mails, etc. that cause fear is considered stalking).

### **Bystander Intervention:**

All students, faculty and staff should learn to recognize troublesome situations and intervene in a simple and safe manner, including:

- Provide a distraction that interrupts an action
- Directly engage one or more parties involved
- Get Campus Security involved
- Get a friend to assist in helping
- Ask the person in a potentially dangerous situation if he/she is okay and/or wants to leave
- Make sure a person gets home safely

All students, faculty and staff should learn to be proactive bystanders:

- Speak up when you overhear bragging, jokes, or stories glorifying sexual violence
- Treat people with respect (2<sup>nd</sup> greatest command)
- Watch out for your friends at parties – don't go to those kind of parties!
- Educate yourselves and your friends
- Talk to and challenge friends about confronting sexual and relational violence.
- Be a knowledgeable resource for survivors.

**CIU Response:** At the report of any incident falling into the category of sexual assault, dating violence, domestic violence, or stalking, CIU will seek to:

- Stop the activity and provide any care and attention necessary for the accuser and the accused,
- Prevent any ongoing behaviors with a balance between confidentiality and CIU's obligation to provide a safe and nondiscriminatory environment, and coordinate with local law enforcement (when applicable), and
- Remedy the situation by determining the proper investigative and disciplinary process, and a long-term, campus related response.

**Disciplinary Process and Appeals:** The investigative, disciplinary, and appeal process will follow as described in the Title IX Policy and in the CIU Student Handbook.

#### **Hyperlinks**

[www.ciu.edu/policy](http://www.ciu.edu/policy)