

THE CITADEL
The Military College of South Carolina
171 Moultrie Street
Charleston, South Carolina 29409

MEMORANDUM
NUMBER 2-026

11 September 2014

SEXUAL HARASSMENT POLICY

1. PURPOSE

- A. The Citadel has zero tolerance for any form of sexual harassment or sexual violence. Sexual harassment is demeaning and degrading, and can have a negative impact on performance at work, in the classroom, and in the Corps of Cadets. All members of The Citadel community, guests, and visitors are entitled to a positive learning and working environment free of any type of sexual harassment, intimidation, or exploitation, and are expected to conduct themselves in a manner that does not infringe upon the rights of others.
- B. Where sexual harassment is found to have occurred, The Citadel will respond accordingly and take appropriate disciplinary action against those found to be responsible pursuant to this policy. Not all instances of sexual harassment will be deemed equally serious offenses, and The Citadel reserves the right to impose differing sanctions, ranging from oral warning to expulsion or termination, depending on the severity of the offense(s) and status (student or employee) of person.
- C. The purpose of this memorandum is to define and establish policies on sexual harassment, to establish procedures for reporting and investigating sexual harassment complaints, and to provide recourse for those individuals whose rights have been violated.

2. REFERENCES

- A. Equal Employment Opportunity Commission (EEOC) [Guidelines on Sexual Harassment in the Workplace](#)
- B. [Title VII of the Civil Rights Act of 1964](#)
- C. Office for Civil Rights, U.S. Department of Education; [Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties](#), dated 13 March 1997
- D. Title IX of the Education Amendments of 1972, [20 USC § 1681, et. seq.](#)
- E. Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, [20 USC §1092\(f\)](#), [34 CFR § 668.46](#) and [668.41](#)

- F. Family Educational Rights and Privacy Act, [20 USC § 1232g](#)
- G. South Carolina Human Affairs Law, [S.C. Code Ann. §1-13-10 et. seq.](#)
- H. Violence Against Women Reauthorization Act (VAWA) of 2013, [42 USC §13701](#)

3. DEFINITIONS

- A. Sexual Harassment (general definition): Unwelcome conduct of a sexual nature. Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Harassment may occur in person, in writing, and/or through electronic means. Sexual harassment may consist of repeated behaviors or arise from a single incident if sufficiently severe. Harassment of women by men, harassment of men by women, and harassment between persons of the same sex may all constitute sexual harassment.

Verbal, non-verbal, or physical conduct can constitute sexual harassment when:

1. It is implicitly or explicitly suggested that submission to or rejection of the conduct will be a factor in academic or employment decisions or evaluations, military or leadership positions, or participation in a Citadel activity (Quid Pro Quo or tangible employment or educational action); and/or
 2. It does not implicitly or explicitly suggest that submission to or rejection of the conduct will be a factor in an academic or employment decision, but is sufficiently serious to deny or limit an individual's ability to participate in or benefit from The Citadel's program, and is both subjectively offensive to the alleged victim and objectively intolerable to a reasonable person. (Hostile Environment).
- B. Quid Pro Quo or tangible employment or educational action Sexual Harassment: This type of sexual harassment occurs when the terms or conditions of employment, educational benefits, academic grades or opportunities, living environment or participation in a college activity is conditioned upon, either explicitly or implicitly, submission to or rejection of unwelcome sexual advances or requests for sexual favors, or such submission or rejection is a factor in decisions affecting that individual's employment, education, living environment, or participation in a college program or activity. Generally, perpetrators will be agents or employees with some authority from the college.
 - C. Hostile Environment Sexual Harassment: A situation in which sexually harassing conduct creates an uncomfortable, intimidating and/or demeaning atmosphere and is sufficiently severe, persistent, or pervasive that it limits a person's ability to work or participate in and/or benefit from an educational program or activity.

1. Hostile environment sexual harassment does not depend on a difference in power; frequently, hostile environment also is found in peer-to-peer harassment.
 2. Hostile environment sexual harassment includes sex or gender-based discrimination, such as physical threats or verbal abuse, which is demeaning or intimidating.
- D. Unwelcome Conduct: Conduct that is not requested and is regarded as undesirable and offensive. Acquiescence in conduct does not render it “welcome,” though active participation in conduct without indication of objection generally will not support a finding that such conduct is unwelcome.
- E. Affirmative Consent: An active decision to willingly engage in mutually acceptable sexual activity given by clear actions or words. It is an informed decision made freely and actively by all parties who are legally able to consent.
- F. Retaliation: Taking harmful or negative action or withholding a positive action to get revenge against an alleged victim, complainant and/or witness who provides information regarding an alleged sexual harassment incident.

4. POLICY

- A. Sexual harassment is prohibited. **THE CITADEL DOES NOT TOLERATE SEXUAL HARASSMENT BY ANY PERSON AFFILIATED WITH THE CITADEL.** This prohibition applies to any on- or off-campus harassment, including harassment at Citadel athletic events, internships, and other Citadel sponsored events and programs. The Citadel also will not tolerate the harassment of its cadets, other students, or members of the faculty or staff by non-Citadel personnel in programs sponsored or supported by The Citadel.
1. A hostile environment can be created by anyone involved in a college program or activity (e.g., administrators, faculty members, students, and even campus guests). Mere offensiveness is not enough to create a hostile environment. Although repeated incidents increase the likelihood that harassment has created a hostile environment, a serious incident, such as a sexual assault, even if isolated, can be sufficient.
 2. In determining whether harassment has created a hostile environment, consideration will be made not only as to whether the conduct was unwelcome to the person who feels harassed, but also whether a reasonable person in a similar situation would have perceived the conduct as objectively offensive. Also, the following factors will be considered:
 - a. The degree to which the conduct affected one or more students’ education or individual’s employment;
 - b. The nature, scope, frequency, duration, and location of incident or incidents;

- c. The identity, number, and relationships of persons involved; and
 - d. The nature of higher education.
3. Examples of sexual harassment may include, but are not limited to the following:
- a. Sexual assault;
 - b. Domestic violence;
 - c. Dating violence;
 - d. Threats or insinuations that lead the victim reasonably to believe that submitting to or denying sexual favors will affect his or her reputation, education, employment, advancement, or standing within The Citadel community;
 - e. Persistent, unwelcome flirtation, requests for dates, advances, propositions, or demands of a sexual nature that are not mutually agreeable to both parties;
 - f. Stalking;
 - g. Lewd or sexually suggestive comments, jokes, or innuendoes;
 - h. Sexually suggestive gestures or looks, including winking, throwing kisses, making cat calls, licking lips, whistling, looking a person up and down (elevator eyes), etc.;
 - i. Commenting about or inappropriately touching, fondling, patting, pinching, or deliberate brushing against a person's body (involving body parts other than genitalia; if any form of touching involves genitalia, this constitutes sexual assault);
 - j. Asking or commenting about a person's sexuality or spreading rumors about a person's sexual activities;
 - k. Creating a sexually demeaning atmosphere by, among other actions, displaying, distributing, or sharing sexually obscene messages, sexually explicit drawings, posters or pictures, and/or writing graffiti of a sexual nature;
 - l. Sending sexually obscene messages or spreading rumors by computer, email, phone and/or on social networking sites;
 - m. Performing sexual gestures or touching oneself sexually in front of others or publicly exposing one's own parts or those of another; and

- n. Intentionally cornering or blocking another's passage or other intimidating type of behavior.

4. Consensual Relationships

- a. Sexual and/or romantic relationships must be consensual at all times.¹ Engaging in sexual activity with an individual unable to affirmatively consent due to age, disability, or intoxication is prohibited. Being intoxicated or under the influence of an impairing substance does not diminish one's responsibility to obtain consent. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even where both parties have consented previously to a relationship, this past consent is not a defense to subsequent unwelcome conduct.
- b. In the college setting, teachers and authority figures serve many roles, including counselor, mentor, advisor, and scholarly guide; their influence and authority extends far beyond the classroom. Accordingly, The Citadel prohibits amorous/romantic relationships between any student and any individual with professional responsibility for that student (e.g., faculty, staff, or a member of the cadet's chain of command), even where consensual.

B. Reporting Sexual Harassment

1. **All members of The Citadel community are strongly encouraged to promptly report all experienced or observed incidents of sexual harassment.** (See [Annex A](#): Sexual Harassment Complaint Form).
 - a. Individuals who believe themselves to be victims of sexual harassment are strongly encouraged to report information of sexual harassment to officials listed below.
 - b. Individuals who have knowledge of alleged sexual harassment of others should report it to the appropriate official listed below in a timely manner (usually 24 hours).
2. Supervisors, managers, and other designated employees are required to report incidents of sexual harassment which are brought to their attention to Janet Shealy, Director of Cadet Advocacy, Response, and Education (CARE) for alleged sexual harassment by students and John Gedney, Title IX Coordinator, for alleged sexual harassment by faculty/staff (Contact information included in paragraph B.6.a & d). Among other benefits, this policy enables The Citadel to learn about or confirm a pattern of harassment based on claims by different students that they were harassed by the same individual. Reports should only

¹ This policy addresses sexual harassment. [Memorandum 2-025](#) addresses and prohibits acts of sexual violence. The Citadel also prohibits any sexual activity by cadets on campus. The rules and regulations addressing that conduct are contained in the [Blue Book](#).

include the name of the alleged victim(s) with their permission, unless there is a known or perceived threat of harm.

3. Under guidelines issued by the Office of Civil Rights of the U.S. Department of Education, once an authorized officer of The Citadel has notice of possible sexual harassment of students – whether carried out by employees, other students or third parties – The Citadel must take immediate and appropriate action to investigate or otherwise determine what has occurred, take steps reasonably calculated to end any harassment, eliminate a hostile environment if one has been created, and take reasonable steps to prevent such harassment from occurring again. These steps are The Citadel’s responsibility whether or not the student who was harassed makes a complaint or otherwise asks The Citadel to take action.
4. The scope of The Citadel’s reasonable response to such notice may be impacted by a student’s request for confidentiality or a request that The Citadel take no action regarding the alleged harassment. The Director of Cadet Advocacy, Response, and Education (CARE) and/or the Title IX Coordinator, or designee, will discuss confidentiality standards and concerns with the student initially. The student will be informed that:
 - a. The request for confidentiality may limit The Citadel’s ability to respond; Title IX prohibits retaliation and, if the student is afraid of reprisals from the alleged harasser, The Citadel will take steps to prevent retaliation and will take strong responsive actions if retaliation occurs.
 - b. If a student continues to ask that his or her name not be revealed, The Citadel will take reasonable steps to investigate the complaint consistent with that request, so long as doing so does not preclude The Citadel from responding effectively to the harassment and/or preventing further occurrences. The Citadel will evaluate the confidentiality request in the context of its responsibility to provide a safe and nondiscriminatory environment for all students. The factors The Citadel will consider in this regard include the seriousness of the alleged harassment, whether there have been other complaints or reports of harassment against the alleged harasser, and the rights of the accused individual to receive information about the allegations if the information is maintained as an “educational record” under FERPA.
 - c. If a student requests to have his or her name withheld, The Citadel’s efforts to stop the harassment may involve indirect efforts such as sexual harassment training and other steps aimed at preventing its recurrence, without initiating formal action against the alleged harasser or revealing the identity of the complainant. Students will be informed of the decision The Citadel makes and actions The Citadel decides to take.

5. Complaint Procedure. The following are the primary methods for handling sexual harassment at The Citadel. Reports should be made as soon as possible; the earlier the report, the easier it is to investigate and take appropriate remedial action.
 - a. Informal Complaints. The informal process allows individuals to act on concerns of sexual harassment and to resolve the matter promptly by addressing the issue(s) with the alleged harasser. (See [Annex B](#))
 - b. Formal Complaints. The filing of a written complaint is required for the matter to be formally investigated and a determination made as to whether a violation of this policy has occurred. (See [Annex C](#))
 - c. Formal charges under federal and/or state laws.
6. Officials to Receive Reports of Sexual Harassment:
 - a. Cadets and all other students report to:

Janet Shealy, Director of CARE
Thompson Hall, Room 105
janet.shealy@citadel.edu and/or CARE@citadel.edu
Office phone: (843) 953-7277
Cell phone (24/7): (843) 425-1315

The Director of CARE is the primary point of contact for The Citadel and community at large to coordinate student sexual harassment victim care. Her office provides alleged victims with information regarding reporting options and support throughout the process.

- b. Cadets also may report to:
 - 1) an appropriate person upward in the chain of command;
 - 2) a cadet Human Affairs member;
 - 3) a Cadet Religious Officer;
 - 4) a TAC Officer;
 - 5) the Assistant Director of CARE, (843) 953-0533;
 - 6) an Assistant Commandant;
 - 7) the Commandant of Cadets;
 - 8) an Ombudsperson;
 - 9) the Title IX Coordinator, (843) 953-6881;

- 10) the Equal Employment / Diversity Manager / Deputy Title IX Coordinator, (843) 953-6989;
- 11) a member of The Citadel Faculty or Staff;
- 12) a Public Safety Officer, (843) 953-5114; or
- 13) this report may also be made anonymously using the campus hotline at (855) 280-8357 (toll free) or online at www.citadel.ethicspoint.com.

If any of these individuals receives a report of sexual harassment, the Director of CARE will be notified of the incident, who will in turn notify the Title IX Coordinator.

Please be aware that due to confidentiality protections, reporting to chaplains, counselors, and/or ombudspersons does not initiate any kind of formal or informal investigation, report, or proceeding.

c. Non-cadet students also may report to:

- 1) the Citadel Graduate College Marketing, Recruiting Coordinator, Deputy Title IX Coordinator, (843) 953-4805;
- 2) the Associate Provost for Academic Affairs, (843) 953-5155;
- 3) the Dean of the Graduate College, (843) 953-2072;
- 4) the Title IX Coordinator, (843) 953-6881;
- 5) the Equal Employment / Diversity Manager / Deputy Title IX Coordinator, (843) 953-6989;
- 6) a member of The Citadel Faculty or Staff;
- 7) a Public Safety Officer, (843) 953-5114; or
- 8) this report may also be made anonymously using the campus hotline at (855) 280-8357 (toll free) or online at www.citadel.ethicspoint.com.

If any of these individuals receives a report of sexual harassment, the Director of CARE will be notified of the incident, who will in turn notify the Title IX Coordinator.

Please be aware that due to confidentiality protections, reporting to chaplains, counselors, and/or ombudspersons does not initiate any kind of formal or informal investigation, report, or proceeding.

d. Employees report to:

John Gedney, Title IX Coordinator
Bond Hall, Room 159
john.gedney@citadel.edu and/or TitleIX@citadel.edu
Office phone: (843) 953-6881
Cell phone (24/7): (843) 276-9141

The Title IX Coordinator is the primary point of contact for The Citadel Faculty and Staff to coordinate sexual harassment victim care. The office provides alleged victims with information regarding reporting options and support throughout the process.

e. Employees may also report to:

- 1) an immediate supervisor and/or an appropriate person upward in the chain of command;
- 2) the Equal Employment / Diversity Manager / Deputy Title IX Coordinator, (843) 953-6989;
- 3) the Director of Human Resources, (843) 953-6992;
- 4) a Public Safety Officer, (843) 953-5114; or
- 5) this report may also be made anonymously using the campus hotline at (855) 280-8357 (toll free) or online at www.citadel.ethicspoint.com.

If any of these individuals receives a report of sexual harassment, the Title IX Coordinator will be notified of the incident.

Please be aware that due to confidentiality protections, reporting to chaplains, counselors, and/or ombudspersons does not initiate any kind of formal or informal investigation, report, or proceeding.

f. Guidelines for conducting an interview with a complainant are provided at [Annex D](#).

C. Protection Against Retaliation. Retaliation is prohibited and shall be considered a serious violation of this policy. Retaliation can subject the offender to sanctions independent of the sexual harassment allegation.

Examples of retaliation include but are not limited to:

1. Threats or bribes;
2. Unfair grading;
3. Unfair evaluations;
4. Unfair assignments, or unfair removing of authority or assignments (e.g. cadet rank);
5. Withholding information or making it difficult to obtain in a timely manner;
6. Failure to inform the person about important events such as meetings or changes in policies;
7. Ridicule (public or private, physical, verbal, or via electronic means);
8. Refusal to meet with a person even though that person has a right to a meeting; and
9. Further harassment or intimidation of any nature.

D. False Reports. Intentionally making a false report or providing false information is grounds for discipline. However, a complaint that cannot be substantiated simply because of a lack of evidence shall not necessarily be considered a false complaint. The determination of a false report will be made at the Vice President staff level, in consultation with the Title IX Coordinator or The Director of the Cadet Advocacy, Response, and Education (CARE), and other appropriate officials.

E. Confidentiality. The Citadel will take reasonable steps to maintain the confidentiality of the victim, the reporting party, and/or any third party individuals affected by the harassment. As prescribed in Section B.4), above, The Citadel will conduct investigations or otherwise handle a complaint in as confidential a manner as practical; information will be made available only to those persons with a need to know in order to investigate and resolve the matter (including school officials, witnesses, and those responsible for the investigative and disciplinary processes).

F. Maintaining Records

1. All complaints of sexual harassment will be recorded once they are reported to The Citadel. The records will remain confidential and will be kept in a secured, locked file.
2. The records will be maintained in the following locations:
 - a. Records on students will be maintained by the Director of CARE, and copies will be provided to the Title IX Coordinator.

- b. Records on faculty and staff will be kept by the Title IX Coordinator.
3. The information may be used in subsequent complaints against the same person to assess whether a pattern of harassment exists.
4. Before the complaint is stored, the custodian will ensure that the complaint has been fully addressed.
5. Records will be maintained for the time period required by institutional policy depending on the type of person involved (cadet, faculty, or staff).
6. A report will be provided to the President on a semi-annual basis.

G. Prevention Program

1. The Citadel makes the following available to each cadet, CGC student, faculty, and employee:
 - a. The Citadel's policies on sexual harassment;
 - b. Information designed to reduce the risk of sexual harassment;
 - c. Guidelines which detail the range of formal and informal options for addressing sexual harassment; and
 - d. Data on the prevalence of sexual harassment at The Citadel, in the local area and nationally.
2. The Citadel presents educational programs concerning sexual harassment to all members of The Citadel community.

Example programs are as follows:

- a. Educational classes covering definitions, laws, policies, responsibilities, reporting options, safe and positive options for bystander intervention, recognition of signs of harassing behaviors, and support options;
- b. Guest speakers, seminars, and/or discussion panels; and
- c. Awareness campaigns.

H. Training Requirements

1. Cadets will receive mandatory training annually addressing sexual harassment.
2. New faculty and staff will attend initial training on Title IX during their new employee or faculty orientation session. Sustainment training will be held according to requirements set forth by the Director of Human Resources for members of the staff and by the Provost for the faculty. Faculty, staff, and non-

cadet students may also attend certain cadet programs by contacting the Director of Cadet Advocacy, Response, and Education (CARE) at (843) 953-7277 or (843) 425-1315 (24/7) for information.

3. Investigators in formal sexual harassment complaints will receive detailed instruction on the techniques and procedures to be used in conducting the investigation.
4. Hyperlinks to this policy and the Sexual Violence Prevention and Response policy will be printed on The Citadel Desktop Emergency Reference Guide, which will be maintained by each cadet on his/her desk and is an inspection item during Saturday Morning Inspections.
5. References and the website location for this policy will be provided to new faculty and staff during New Employee and New Faculty Orientation.

5. COMPLIANCE

Individuals who violate this policy may be subject to disciplinary sanctions, as well as civil and/or criminal penalties. The purpose of the sanctions will be reasonably calculated to end the sexual harassment, discipline the harasser, and prevent recurrence of incidents. Potential sanctions include, but are not limited to, any one or more of the following:

- A. Written letter of reprimand;
- B. Apology to the victim if victim requests;
- C. Change of job, barracks, or class assignment (as appropriate);
- D. Attendance at a sexual harassment training and/or counseling;
- E. Community service;
- F. Prohibition from holding rank or participating in specific student activities; including sports for a specified time (cadets only);
- G. Tours or confinements (cadets only);
- H. Suspension;
- I. Dismissal or expulsion (students only); and
- J. Termination (employees only).

6. NOTES

- A. Dates of official enactment and amendments:**

Approved by the Executive Assistant to the President on 11 September 2014

B. Responsible Department:

Office of the President

C. Responsible Officials:

Title IX Coordinator

Equal Employment / Diversity Manager / Deputy Title IX Coordinator

Director of Cadet Advocacy, Response, and Education (CARE)

D. Cross References:

[Memorandum 2-025](#), Sexual Violence Prevention and Response

7. RESCISSION

Memorandum Number 51, dated 30 June 2000, is rescinded.

Memorandum Number 2-26, dated 10 January 2012, is rescinded.

8. REVIEW

Review this policy on an annual basis.

FOR THE PRESIDENT:

OFFICIAL

//signed, TWS, 11 September 2014//
TAYLOR W. SKARDON
Captain, US Navy, Retired
Executive Assistant to the President

Attachments:

[Annex A](#): Sexual Harassment Reporting Form

[Annex B](#): Informal Complaints

[Annex C](#): Formal Complaints

[Annex D](#): Guidelines for Conducting an Interview with a Complainant

ANNEX A

| THE CITADEL | |
|--|---|
| FORMAL SEXUAL HARASSMENT COMPLAINT FORM | |
| Employee/Student Name: | Department/Activity: |
| Position Title: | Name of Immediate Supervisor: |
| STATEMENT OF COMPLAINT (Be specific. Please read the policy statement on sexual harassment before completing this section.) | |
| Name of Person(s) Accused of Wrongdoing: | Date and Time of Incident (Indicate AM/PM): |
| Name(s) of Witnesses: | |
| Description of Incident (Describe actions of all person(s) involved, including yourself. Use additional sheets if required.) | |
| Adjustment Requested (Use additional sheets if required.) | |
| _____ Employee/Student Signature | _____ Date |
| COMPLAINT SUBMITTED TO: (Check One) | |
| _____ Director Human Resources/Personnel | _____ (Name) |
| _____ Supervisor/Other | _____ (Name) |
| _____ Director Human Resources/Personnel, Supervisor, or other signature | _____ Date |

ANNEX B

INFORMAL COMPLAINTS - Student

Informal procedures are optional and voluntary on the part of the alleged victim. The purpose of the informal complaint process is to stop the offending behavior and/or resolve the matter promptly at the lowest possible level. The informal complaint process is not intended to determine culpability or intent. No disciplinary action is taken in resolving informal complaints.

There is no requirement that individuals use informal procedures before filing a formal complaint, nor that the informal complaint be put into writing. In addition, the individual is free to discontinue the informal procedure, file a formal complaint with The Citadel, and/or file charges under federal or state law at any time of his/her choosing.

Persons who feel they may have been subjected to sexual harassment are strongly encouraged to seek advice and/or assistance from the Director of the Cadet Advocacy, Response, and Education (CARE) Program (students), the Title IX Coordinator (faculty/staff), or any other official designated to receive reports under this policy.

Some informal actions that may be appropriate include:

1. Tell the offender that the behavior is unwelcome and must stop.
2. Ask a third party to speak with the alleged offender regarding the situation on your behalf.
3. Arrange a moderated discussion with the alleged harasser and a neutral third party to explain the victim's feelings and The Citadel's policy. In situations where the victim wants to meet with the harasser to discuss his or her feelings, a third party provides a safe and controlled environment in which this can occur. *The names of trained, on-campus mediators can be obtained by contacting the Director of Human Resources.*

Possible results of an informal process include:

1. An apology to the complainant(s) by the accused;
2. Assisting the accused to better understand the effects of his/her conduct and ways in which this behavior could be changed;
3. Participation by the accused in sexual harassment training sessions, counseling workshops or other interventions or actions aimed at ending the harassing behavior; and/or
4. Where the complaint cannot be resolved through informal methods, file a formal complaint.

ANNEX B

INFORMAL SEXUAL HARASSMENT COMPLAINT FORM

Cadet CGC Student Veteran Student Day Student

Name _____

Class _____

Company _____

STATEMENT OF COMPLAINT (Be specific. Please read the policy statement on sexual harassment before completing this section.)

Date of Incident _____

Name of Person(s) Accused of Wrongdoing _____

Names(s) of Witnesses _____

Description of Incident (Describe actions of all person[s] involved, including yourself.)
(Use additional sheets if required.)

Individuals who may be contacted in regards to this situation:

At this time, I have chosen the informal sexual harassment process versus the formal, disciplinary process of reporting. I understand that I may choose to change my mind.

Signature _____

Date _____ Time _____ AM/PM

COMPLAINT SUBMITTED TO: (Check one)

_____ Director of CARE / Title IX Coordinator _____
(Name)

_____ Other _____
(Name)

ANNEX B

INFORMAL COMPLAINTS – Faculty/Staff

Informal procedures are optional and voluntary on the part of the alleged victim. The purpose of the informal complaint process is to stop the offending behavior and/or resolve the matter promptly at the lowest possible level. The informal complaint process is not intended to determine culpability or intent. No disciplinary action is taken in resolving informal complaints.

There is no requirement that individuals use informal procedures before filing a formal complaint, nor that the informal complaint be put into writing. In addition, the individual is free to discontinue the informal procedure, file a formal complaint with The Citadel, and/or file charges under federal or state law at any time of his/her choosing.

Persons who feel they may have been subjected to sexual harassment are strongly encouraged to seek advice and/or assistance from the Director of the Cadet Advocacy, Response, and Education (CARE) Program (students), the Title IX Coordinator (faculty/staff), or any other official designated to receive reports under this policy.

Some informal actions that may be appropriate include:

1. Tell the offender that the behavior is unwelcome and must stop.
2. Ask a third party to speak with the alleged offender regarding the situation on your behalf.
3. Arrange a moderated discussion with the alleged harasser and a neutral third party to explain the victim's feelings and The Citadel's policy. In situations where the victim wants to meet with the harasser to discuss his or her feelings, a third party provides a safe and controlled environment in which this can occur. *The names of trained, on-campus mediators can be obtained by contacting the Director of Human Resources.*

Possible results of an informal process include:

1. An apology to the complainant(s) by the accused;
2. Assisting the accused to better understand the effects of his/her conduct and ways in which this behavior could be changed;
3. Participation by the accused in sexual harassment training sessions, counseling workshops or other interventions or actions aimed at ending the harassing behavior; and/or
4. Where the complaint cannot be resolved through informal methods, file a formal complaint.

ANNEX B

INFORMAL SEXUAL HARASSMENT COMPLAINT FORM

Faculty Staff

Name _____

Department _____

STATEMENT OF COMPLAINT (Be specific. Please read the policy statement on sexual harassment before completing this section.)

Date of Incident _____

Name of Person(s) Accused of Wrongdoing _____

Names(s) of Witnesses _____

Description of Incident (Describe actions of all person[s] involved, including yourself.)
(Use additional sheets if required.)

Individuals who may be contacted in regards to this situation:

At this time, I have chosen the informal sexual harassment process versus the formal, disciplinary process of reporting. I understand that I may choose to change my mind.

Signature _____

Date _____ Time _____ AM/PM

COMPLAINT SUBMITTED TO: (Check one)

_____ Director of CARE / Title IX Coordinator _____
(Name)

_____ Other _____
(Name)

ANNEX B

Incident Report Resource Checklist for Sexual Harassment

Date of Meeting: _____

Name of Reporter: _____

- Sexual Harassment Policy
 - Discussed definitions
 - Discussed reporting options
 - Formal
 - Informal
 - Discussed investigation process (if formal)
 - Discussed roles
 - Discussed fairness and impartiality

- Resource options offered (if appropriate)
 - Ombudsperson
 - Counseling Center
 - Chaplain
 - Change in BN
 - Change in classes
 - No-Contact Order
 - Change in mess

- Discussed protection from retaliation

Report option chosen:

_____ **Formal** _____ **Informal**

ANNEX C

FORMAL COMPLAINT PROCEDURES

The purpose of the formal complaint procedure is to determine if the accused violated The Citadel's Sexual Harassment Policy, and, if so, to provide sanctions to stop the harassment.

1. Formal Procedures Are Used When:
 - A. The complainant(s) requests it, because informal procedures are inappropriate or unsuccessful, or because the person does not want to use informal procedures;
 - B. The Citadel files its own charges in accordance with state and federal law.
2. Formal Complaint Procedure:
 - A. The formal process is initiated by filing a written complaint (see form at [Annex A](#)) with one of the officials designated to receive reports under this policy. The report should describe what happened in as much detail as possible, including names of witnesses. Individuals needing help in completing this form should contact the Director of the Cadet Advocacy, Response, and Education (CARE) Program (students), a supervisor, the Title IX Coordinator (faculty/staff), or an Ombudsperson.
 - B. Persons receiving the written complaint will forward the report to the Director of CARE (students) or Title IX Coordinator (faculty/staff).
 - C. Investigating officials will conduct full, impartial, and timely investigations. Ordinarily, an administrative investigation will include a review of statements obtained from either party, interviews with both parties, interviews with witnesses as appropriate and review of relevant documentary evidence. The formal procedure should conclude within 30 days of the date of filing or within 60 days of the filing date on appeal.
 1. Investigations of allegations involving **a cadet** will be conducted through the use of a Commandant's Board or Hearing. The procedures outlined in the [Blue Book](#) and [White Book](#) will be followed for due process procedures. The results of the hearing or board will be forwarded to the Commandant of Cadets. Recommendations of suspension, dismissal, or expulsion will be forwarded through the Commandant of Cadets to the President for final action.
 2. Investigations of allegations involving a Citadel Graduate College student will follow the disciplinary process prescribed in [Memorandum 7](#), Regulations for Non-Cadet Students and Cadets in Day Student Status for Fall and Spring Semesters and All Students for Maymester

and Summer School and Barracks Regulations for Maymester and Summer School. The results of the hearing or board will be forwarded to the Dean of the Citadel Graduate College. Recommendations of suspension, dismissal, or expulsion will be forwarded to the President for final action.

3. Investigations of allegations involving **a member of the faculty or staff** will be conducted in a confidential manner by The Citadel Equal Employment Opportunity / Diversity Advisory Committee, which is a three-person panel appointed by either a vice president or the President who directs the investigation. The investigation will include the questioning of the accused to afford him/her the opportunity to formally respond to the allegations made by the complainant(s). Any witnesses also will be questioned. The Advisory Committee will collect, record, and safeguard all information and/or evidence relative to the incident and report findings through the appropriate vice president to the President for final disposition.
 - D. In all cases, investigating officials will provide due process to the accused; both parties will be able to present witnesses and evidence; and both parties will have equal access to the statements of the other party.
 - E. Appeal procedures are as stated in College Regulations, the Faculty Manual, and Human Resources Policies and Procedures depending on whether the accused is a student or member of the faculty or staff. **The complainant and the accused have the same rights of appeal.**
 - F. Hearings and boards are administrative in nature, therefore there is no right to legal representation. However, individuals who are charged, file a complaint, or are witnesses in a pending action, may retain legal counsel, who may advise the individual during the hearing but may not actively participate in the hearing.
 - G. A copy of all completed formal investigations of sexual harassment will be forwarded to the Director of CARE and/or Title IX Coordinator for filing and reporting.
3. Complainants may also file charges with local law enforcement authorities, including Citadel Public Safety, the Charleston Police Department, and the Ninth Circuit Solicitor. Citadel officials will assist complainants in their contacts with the police department or the Solicitor, but will not provide an attorney or legal advice. The Citadel will not delay an investigation of an allegation of sexual harassment solely because civilian law enforcement authorities are conducting an investigation.

ANNEX C

Incident Report Resource Checklist for Sexual Harassment

Date of Meeting: _____

Name of Reporter: _____

- Sexual Harassment Policy
 - Discussed definitions
 - Discussed reporting options
 - Formal
 - Informal
 - Discussed investigation process (if formal)
 - Discussed roles
 - Discussed fairness and impartiality

- Resource options offered (if appropriate)
 - Ombudsperson
 - Counseling Center
 - Chaplain
 - Change in BN
 - Change in classes
 - No-Contact Order
 - Change in mess

- Discussed protection from retaliation

Report option chosen:

_____ **Formal** _____ **Informal**

ANNEX D

GUIDELINES FOR CONDUCTING AN INTERVIEW WITH A COMPLAINANT

The purpose of the interview is to determine the issue(s) raised by the complainant and his/her desired outcome. The more serious the allegation(s) the more likely formal procedures may be appropriate.

The complainant is likely to be upset, embarrassed, or angry. The interview should help the complainant regain a sense of control. Foremost on the minds of virtually all persons reporting sexual harassment is to stop it.

Those in authority, such as members of the chain of command, faculty, or staff, should seek to help the victim and end the behavior.

The person receiving the complaint should follow these steps:

1. Determine whether you are prepared to assist the individual with the complaint. If you have not received training in handling complaints of this nature, or simply don't feel comfortable, then you should refer the complainant(s) to someone who has completed the training. If you refer the complainant, make the appointment yourself and offer to accompany him/her to the appointment. If the individual prefers to discuss the situation with you, ask permission of the complainant to speak to the Director of the Cadet Advocacy, Response, and Education (CARE) Program (students) for guidance or Title IX Coordinator (faculty/staff).
2. If you sense hesitation from the reporter, ask if he/she is concerned about retaliation or confidentiality. If so, reassure him/her as to The Citadel's policies on these issues but do not give an unqualified promise of confidentiality.
3. Maintain neutrality, but acknowledge your empathy with the person's situation. Use expressions such as, "This may be hard for you to talk about," or "I know this may not be easy for you."
4. Ask what the individual would like to have happen. Assuming his/her desire is reasonable, offer assistance and support.
5. Be prepared for the complainant to say that he/she does not want you to do anything about the harasser; the complainant may just want to talk to somebody about the behavior. Reassure the complainant that you will work to help determine the best options for addressing his/her concerns. (Describe both formal and informal options.)
6. If the complainant decides to handle the matter through informal complaint procedures, offer to meet with him/her again to gauge if the behavior has stopped or if more help is needed.

7. Urge the complainant to write down as much detail as possible, including when the incident occurred, a description of what happened, how they responded, how they have been affected by the behavior, and the names of witnesses.
8. Assure the complainant that designated officers are available to provide support and advice. Suggest that he/she talk to the Director of CARE, a chaplain, a counselor, or a trained administrator and provide the appropriate names and phone numbers of those available to assist them further.
9. Provide persons reporting harassment a link to The Citadel's Sexual Harassment Policy.
10. Briefly summarize what you talked about and what the next steps are.
11. Decide what should be done if the harassment does not stop.
12. Make a written record of the conversation(s) and report the incident to the Director of CARE, if complaint involves a student, or the Title IX Coordinator, if complaint involves a member of the faculty or staff. Do not reveal the identity of the complainant unless he/she has given you permission to do so.