

THE CITADEL
The Military College of South Carolina
171 Moultrie Street
Charleston, SC 29404

MEMORANDUM
NUMBER 2-025

8 April 2019

SEXUAL VIOLENCE PREVENTION AND RESPONSE POLICY

1. PURPOSE

- A. The Citadel prohibits sexual violence. This unlawful act and the abuse of power, coercion, intimidation, and lack of respect it represents is the antithesis of The Citadel's mission. Rape, including but not limited to "date rape" or "acquaintance rape," and other forms of sexual violence are illegal, regardless of the relationship between the perpetrator and victim. THE CITADEL WILL DISCIPLINE ANY CITADEL CADET, STUDENT, OR EMPLOYEE WHO IS FOUND TO HAVE COMMITTED SEXUAL VIOLENCE.
- B. Preventive education is critical to reducing the likelihood of sexual violence on campus. It is also an integral component of the development of principled leaders. Thus, The Citadel is committed to presenting a strong, ongoing sexual violence prevention program in an effort to educate all members of The Citadel Community.
- C. The purpose of this Memorandum is to provide The Citadel's definition of sexual violence, outline The Citadel's policies concerning sexual violence prevention, and identify the procedures individuals should follow to report sexual violence.
- D. IN ALL CASES/COMPLAINTS, THE PARTIES' MOTIVES ARE NOT TO BE PREJUDGED AND PERSONS ACCUSED OF SEXUAL ASSAULT OR OTHER WRONGDOING ARE NOT TO BE PLACED ABOVE SUSPICION. All PARTIES will be treated with fairness, respect, and dignity, and will be protected from intimidation, harassment, and abuse.

2. REFERENCE

- A. Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, [20 USC §1092\(f\)](#), [34 CFR § 668.46](#) and [668.41](#)
- B. Family Educational Rights and Privacy Act, [20 USC § 1232g](#)
- C. Title IX of the Education Amendments of 1972, [20 USC § 1681, et. seq.](#)
- D. [S.C. Code 16-3-651, et. seq.](#)
- E. Violence Against Women Reauthorization Act (VAWA) of 2013, [42 USC §13701](#)

3. DEFINITIONS

- A. **Sexual Violence** is defined as any non-consensual physical conduct of a sexual nature. Sexual violence is often committed by someone the victim knows, such as a friend, an acquaintance, or even an intimate partner. Sexual violence encompasses a broad range of behaviors including, but not limited to:
1. Non-Consensual Sexual Intercourse: Any sexual penetration (anal, oral, or vaginal) however slight, with any body part or any object, without affirmative consent. This act is commonly referred to as rape.
 2. Non-consensual Sexual Contact: Touching of someone's intimate body parts such as genitalia, groin, breast, buttocks, or any clothing covering them; touching a person with one's own intimate body parts, or any clothing covering them; or compelling another to touch one's intimate body parts, or any clothing covering them; without affirmative consent. These acts are commonly referred to as sexual assault.
 3. Sexual Exploitation: Taking non-consensual sexual advantage of another for one's personal or third-party benefit that does not otherwise constitute rape or sexual assault. Sexual exploitation encompasses a wide range of behaviors which include, but are not limited to:
 - a. Inducing incapacitation with the intent to rape or sexually assault;
 - b. Allowing others to observe a personal act of consensual sex without knowledge or consent of the partner;
 - c. Non-consensual electronic recording, photographing, or transmitting intimate or sexual utterances, sounds or images of another person;
 - d. Voyeurism (Peeping-Tom activity);
 - e. Knowingly transmitting an STI/STD or HIV to another student; or
 - f. Prostituting another person (i.e., personally gaining money, privilege, or power from the sexual activities of another person).
- B. **Affirmative Consent** is an affirmative decision to 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.
1. A person cannot legally consent to sex if he or she
 - a. is under the age of sixteen (16) (in the State of South Carolina);
 - b. has a mental disorder or developmental or physical disability that renders him or her incapable of giving consent;

- c. is not conscious or is asleep;
 - d. is incapacitated from alcohol or other drugs, and this condition is known or reasonably should be known to the accused; or
 - e. is induced to engage in sexual activity by the other person's
 - 1) physical coercion;
 - 2) abuse of position of power, trust or authority; and/or
 - 3) use of artificial means (i.e., drugs such as Rohypnol).
2. Affirmative consent can be revoked. Thus, a person who initially consents to sexual activity may subsequently express by words or any other behavior, at any time, a lack of agreement to continue engaging in sexual activity.
- C. 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 violence incident.

4. POLICY

- A. Applicability of Policy. This policy applies to any allegation of sexual violence made by or against a student or an employee of the college or a third party, regardless of where the alleged sexual violence occurred, if the conduct giving rise to the complaint is related to the college's academic, educational, athletic, or extracurricular programs or activities. The college's disciplinary authority, however, may not extend to third parties who are not students or employees of the college. Additionally, although there is no geographical limitation to invoking this policy, sexual violence that is alleged to have occurred at a significant distance from the college and/or outside of college property may be more difficult for the college to investigate.
- B. Prohibited Conduct¹. Sexual violence is prohibited. Any sexual act must be consented to by all parties involved. An individual may object to sexual acts verbally or non-verbally, such as through physical resistance, body language, et cetera. It is incumbent upon each participant to either obtain or give consent prior to any sexual activity. If at any time during the sexual interaction any confusion or ambiguity should arise on the issue of consent, it is incumbent upon each individual involved in the activity to stop and clarify verbally the other's willingness to continue. Furthermore, a current or previous relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity. Being intoxicated or under the influence of an impairing substance does not diminish one's responsibility to obtain consent.

¹ This policy addresses 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](#).

C. Reporting Sexual Violence.

1. **All members of The Citadel community are strongly encouraged to promptly report all experienced or observed incidents of sexual violence.** Prompt reporting of such incidents makes investigation of the incident more effective and enhances the ability of The Citadel to investigate and take action on a complaint.
2. If the victim is a cadet or student, reports of incidents of sexual violence should be made to the Director of Campus Advocacy, Response, and Education (CARE), Janet Shealy, (843) 953-7277 (office phone), (843) 425-1315 (24/7 cell), janet.shealy@citadel.edu or CARE@citadel.edu. This report may also be made anonymously using the campus hotline at (855) 280-8357 (toll free) or online at www.citadel.ethicspoint.com.
3. Non-cadet students may also report to the Deputy Title IX Coordinator, Caroline Schlatt, (843) 953-0523 (office phone) or cschlatt@citadel.edu. This report may also be made anonymously using the campus hotline at (855) 280-8357 (toll free) or online at www.citadel.ethicspoint.com.
4. If the victim is any other member of The Citadel campus community, reports of incidents of sexual violence should be made to the Title IX Coordinator, Tangela Smalls, (843) 953-6881 (office phone), tangela.smalls@citadel.edu or Deputy Title IX Coordinator, Shawn Edwards, (843) 953-6989 (office phone), shawn.edwards@citadel.edu or TitleIX@citadel.edu. This report may also be made anonymously using the campus hotline at (855) 280-8357 (toll free) or online at www.citadel.ethicspoint.com.
5. Victims of incidents of sexual violence may alternatively make reports to one or more of the officials in [Annex A](#), Paragraph 1.A, or to one or more of those individuals identified in The Citadel Crisis Resource Directory, which is maintained by each cadet on his/her desk, or [The Citadel Emergency Contact Information and Procedures](#). Detailed guidance for persons who have been sexually assaulted is available at [Annex A](#).
6. Pursuant to Title IX, all “responsible employees” must report all experienced or observed incidents of sexual violence. A “responsible employee” is someone who has the authority to take action to redress the misconduct, who has the duty to report to appropriate school officials sexual misconduct or any other misconduct by students or employees, or an individual who a student could reasonably believe has this authority or responsibility.
7. Individuals who acquire knowledge of an incident of sexual violence but who are neither victims nor eye-witnesses to such incidents are encouraged to report these incidents to Janet Shealy, Tangela Smalls or the officials identified below. This report may also be made anonymously using the campus hotline at (855) 280-8357 (toll free) or online at www.citadel.ethicspoint.com.

8. Criminal and Civil Actions. Sexual violence is a violation of the law. Victims, therefore, may have certain legal rights with regard to criminal and civil action. Victims are strongly encouraged to report incidents of sexual violence to law enforcement authorities, which may include Citadel Public Safety, the Charleston Police Department, the Ninth Circuit Solicitor, or law enforcement in the area where the incident occurred. Victims may pursue criminal or civil complaints, pursue Citadel disciplinary processes, or pursue all processes simultaneously. Citadel officials will assist complainants in their contacts with the police department and the Solicitor. These procedures can often be complex and time-consuming. The Citadel will not provide an attorney or legal advice to victims, so victims may wish to consult a private attorney. The Citadel will not delay its investigation of an allegation of sexual violence solely because civilian law enforcement authorities are conducting an investigation.
9. 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 Equal Employment / Diversity Manager / Deputy Title IX Coordinator, or The Director of the Campus Advocacy, Response, and Education (CARE), and other appropriate officials. The false determination decision will be reported to the President.

D. The Citadel's Initial Response.

Following initial medical procedures (if needed and/or wanted) and attention to the emotional wellbeing of a complainant, the Director of CARE (for students only), Title IX Coordinator, or other appropriate Citadel official, will review appropriate Citadel services and legal options with the complainant. These include:

1. Medical Assistance: The Infirmary (for cadets only), the MUSC emergency room, and private physicians are available to provide medical treatment after an incident of sexual violence. The Director of CARE (for students only), Title IX Coordinator, or other appropriate Citadel official will be in the best position to monitor the situation and inform the complainant accordingly.
2. Counseling and Psychological Services: The staff of the Counseling Center is prepared to assist cadet and all student (including CGC students) sexual violence complainants in dealing with the emotional aftermath of such an experience. Complainants can discuss their concerns in an atmosphere of privacy and confidentiality to the extent allowed by the law. Off-campus counseling resources also may be considered. Employees who request counseling will be referred to the Employee Assistance Program. The cadet, student, or employee is responsible for the payment of off-campus services.

The Citadel will continue to provide these services, including during the pendency of a criminal investigation, until a complainant separates from The

Citadel or requests The Citadel to cease providing these services, whichever occurs first. In addition, these services are equally available to accused students and witnesses.

E. Administrative Investigations.

1. Sexual violence is a violation of Citadel policy. The Citadel will inform and obtain consent from the complainant before beginning an investigation.
2. A formal complaint will be promptly, thoroughly, and impartially investigated by a Citadel official. Detailed guidelines on filing a complaint are contained in [Annex B](#).
3. Ordinarily, an investigation will include a review of statements obtained from all parties, interviews with all parties, interviews with witnesses as appropriate, and review of relevant documentary evidence. If the investigation reveals there is good reason to proceed, The Citadel will follow the disciplinary process prescribed in the [Blue Book](#) for cadets during the academic year, [Memorandum 7](#) for all other students — including cadets in day-student status, and Citadel employee regulations and policies for Citadel employees. Senior Citadel officials will also determine, consistent with South Carolina law and the victim's consent, whether appropriate law enforcement or other authorities should be notified. Most investigations would be expected to be completed within 60 days from the date of the original complaint.
4. If the complainant requests confidentiality or asks that the complaint not be pursued, The Citadel will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or the request not to pursue an investigation. If the complainant insists that his or her name or other identifiable information not be disclosed to the alleged perpetrator, the complainant will be informed that The Citadel's ability to respond may be limited. The complainant will also be reminded that Title IX prohibits retaliation and that Citadel officials will not only take steps to prevent retaliation but will also take strong responsive action if it occurs.
5. After all such advice, if the complainant continues to ask that his or her name or other identifiable information not be revealed, The Citadel will evaluate that request in the context of its responsibility to provide a safe and nondiscriminatory environment for all students and employees. This includes considering such factors as: the seriousness of the alleged incident, the complainant's age, whether there have been other harassment complaints against the same individual, and the alleged perpetrator's right to receive information about the allegations if the information is maintained as an "educational record" under FERPA.

F. Resolution of Complaint.

1. If the complainant is a student but the alleged perpetrator is not a Citadel student or employee, the Office of the Dean of The Citadel Graduate College or the Office of the Commandant, as appropriate, will provide the complainant support and guidance through the criminal complaint process, as requested. Citadel resources are available to complainants regardless of the status of the alleged perpetrator, The Citadel will also provide assistance in pursuing an internal complaint process where the alleged perpetrator is not a student but is employed by The Citadel.
2. If the alleged perpetrator is a cadet, the complaint will be addressed pursuant to the [Blue Book](#). If the alleged perpetrator is a non-cadet student or a cadet with day-student status, the complaint will be addressed pursuant to [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, as appropriate. Mediation to resolve a complaint of sexual violence is only an option for victims who are members of the South Carolina Corps of Cadets².
3. In any proceeding addressing allegations of sexual violence, the following provisions will also apply:
 - a. Both parties will be able to present witnesses and evidence;
 - b. Both parties will have equal access to the statements of the other party;
 - c. Both parties are entitled to the same opportunities to have advisors or representatives present during the disciplinary proceeding;
 - d. Neither party will be allowed to directly question or cross examine the other;
 - e. Both parties will have the opportunity to appeal;
 - f. A decision will be based on a preponderance of the evidence, i.e. that the evidence shows that it is more likely than not that the alleged behavior occurred. Preponderance of the evidence is the standard under Title IX of the Education Amendments of 1972; and

² The U.S. Department of Education's Office of Civil Rights withdrew the statements of policy and guidance reflected in the Dear Colleague Letter, April 4, 2011. The revised guidance is available at: <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-title-ix-201709.pdf>. The Citadel, at the recommendation of experts appointed during the U.S. District Court's supervision of the school's transition to coeducation, and with the District Court's approval, adopted an informal complaint process. The Citadel only provides this process to members of the South Carolina Corps of Cadets, as an alternative to a cadet's option to not reporting an assault. Cadets are strongly encouraged to follow the formal complaint process.

- g. Both parties will be notified simultaneously in writing about the outcome of both the complaint and any appeal, whether sexual violence was found to have occurred or not. Such notice is in accordance with the Jeanne Clery Campus Crime Security Act and is not a violation of the Family Educational Rights and Privacy Act.
- 4. Protection Against Retaliation. Retaliation is prohibited and shall be considered a serious violation of Citadel policy. Retaliation can subject the offender, as well as any third-parties found to have committed retaliation, to sanctions independent of the sexual violence allegation. Examples of retaliation include but are not limited to: threats or bribes, unfair grading, unfair evaluations, unfair assignments, unfairly removing authority or assignments, withholding information or making it difficult to obtain information in a timely manner, failure to inform the person about important events such as meetings or changes in policies, ridicule (public or private), refusal to meet with a person even though that person has a right to a meeting, or further harassment or intimidation of any kind.
 - 5. Upon request during the pendency of any complaint, or should the alleged perpetrator be found responsible for the alleged sexual violence, The Citadel, where possible and for the welfare of the complainant, will make adjustments in such conditions as housing assignments, class schedules, extra-curricular activities, and enrollment, and will otherwise take action to limit contact between the parties. The Citadel will also take steps to prevent reoccurrence of any sexual violence or sexual harassment and to correct its discriminatory effects on the complainant and others if appropriate.
 - 6. Jurisdiction.
 - a. While there is no time limit for filing a complaint. The Citadel retains jurisdiction over individuals only so long as they remain enrolled or employed by The Citadel.
 - b. As long as sexual violence complainants remain enrolled as Citadel students, there is no time limitation for complainants to report complaints, to include subsequent problems related to a complaint. Complainants may also receive services from The Citadel as long as they are enrolled.

G. Maintaining Records.

- 1. All complaints of sexual violence which are reported to The Citadel will be recorded. 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 cadets and all other 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 or violence 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).

H. Support Program.

1. The Citadel strongly urges student survivors of sexual violence to use the services of the Director of CARE, who provides support and guidance to survivors of sexual violence. The Director of CARE maintains a 24-hour cell phone ((843) 425-1315) to respond to allegations of sexual violence, and to provide referral information and support regarding both on and off campus counseling and medical and support services.

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

2. Cadets also may report to:
 - a. an appropriate person upward in the chain of command;
 - b. a cadet Human Affairs member;
 - c. a TAC Officer;
 - d. Mary Ellen Huddleston, Director of Intramural Athletic Programs, (843) 953-7955;
 - e. Kathy Kroupa, Senior Women's Administrator and Deputy Title IX Coordinator, (843) 953-6604;
 - f. CAPT Geno Paluso, Commandant of Cadets, (843) 953-5003;
 - g. Tangela Smalls, Title IX Coordinator, (843) 953-6881;
 - h. Shawn Edwards, Equal Employment / Diversity Manager / Deputy Title IX Coordinator, (843) 953-6989;
 - i. a member of The Citadel Faculty or Staff;

- j. a Public Safety Officer, (843) 953-5114; or
- k. 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 violence, 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.

3. Other students also may report to:

- a. Caroline Schlatt, Citadel Graduate College Assistant Director of Enrollment Management, Deputy Title IX Coordinator, (843) 953-0523, cschlatt@citadel.edu, Bond Hall Room 101 (CGC Main Office);
- b. the Equal Employment / Diversity Manager / Deputy Title IX Coordinator;
- c. a member of The Citadel Graduate College Faculty or Staff;
- d. a Public Safety Officer, (843) 953-5114; or
- e. 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 violence, 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.

4. The Citadel strongly urges employees to report to:

Tangela Smalls, Title IX Coordinator
Bond Hall, Room 310
Tangela.smalls@citadel.edu and/or TitleIX@citadel.edu
Office phone: (843) 953-6881

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

5. Employees may also report to:
 - a. an immediate supervisor and/or an appropriate person upward in the chain of command,
 - b. the Director of Human Resources, (843) 953-6922,
 - c. a Public Safety Officer, (843) 953-5114, or
 - d. 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 violence, 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.

6. Any member of The Citadel community may have first contact with a victim of sexual violence. Thus, all members of The Citadel community should be familiar with the “Do’s and Don’ts In Supporting a Sexual Assault Victim” ([Annex C](#)), as well as the “Protocol for Responding to Sexual Violence” ([Annex D, Appendix 1](#)). These documents are available online and from the Director of CARE, the Title IX Coordinator, or the Equal Employment / Diversity Manager / Deputy Title IX Coordinator. Also, all cadets must display The Citadel Crisis Resource Directory on their desks, available in print and online on the website of the Director of CARE.
7. First contacts, while acting in accordance with the victim’s desires, should encourage reporting to the officials listed above, since only these Citadel community members are designated to receive a report on behalf of the college. These officials are also identified in [Annex A](#). At a minimum, the first contact is encouraged to consult the officials listed on both the preceding page and in [Annex A](#) for guidance. Due to confidentiality protections, reporting to chaplains; counselors, (843) 953-6799; and/or ombudspersons does not initiate any type of formal or informal investigation, report, or proceeding.
8. Off campus resources include the Charleston Police Department, 911; “People Against Rape”, (843) 745-0144 (24/7); and The RAPE CRISIS CENTER at MUSC, (843) 792-9127. The MUSC Rape Crisis Clinic conducts exams, tests, and provides treatment.
9. The Citadel Infirmary, (843) 953-5447, provides triage health services to cadet victims.
10. Human Affairs Teams, supported by the Director of CARE and the Assistant Commandant for Personnel and Logistics, are trained to offer support and

guidance in the case of a sexual offense. Model guidelines for supporting sexual violence survivors are contained in [Annex C](#).

I. 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 and sexual violence;
 - b. Information designed to reduce the risk of sexual violence;
 - c. Guidelines which detail the range of formal and informal options for addressing sexual violence; and
 - d. Data on the prevalence of these crimes at The Citadel, in the local area and nationally.
2. The Citadel presents educational programs concerning sexual violence to all members of The Citadel community.
 - a. Mandatory programs for cadets are detailed in the annual Plan of Instruction (POI) for the Corps of Cadets. Example programs are as follows:
 - 1) Educational classes covering definitions, laws, policies, responsibilities, reporting options, safe and positive options for bystander intervention, recognition of signs of abusive behavior and how to reduce the potential of attacks, and support options;
 - 2) Guest speakers, seminars, and/or discussion panels ;
 - 3) Awareness campaigns; and
 - 4) Educational classes on drug and alcohol abuse and the close relationship between substance use and sexual violence.
 - b. CGC students, faculty, and staff are provided similar training at orientation and annual Title IX training. Faculty, staff, and non-cadet students may also attend certain cadet programs by contacting the Director of Campus Advocacy, Response, and Education (CARE), (843) 953-7277 or (843) 425-1315 (24/7) for information.
3. The Citadel recognizes that sexual violence is a problem on college and university campuses. The Citadel provides training and literature that focuses on assisting individuals who have been victimized by these actions. This program includes:

- a. a written protocol describing exact procedures for handling sexual violence cases (this policy),
- b. written guidelines for seeking immediate medical and/or mental health care (this policy),
- c. procedures for coordinating the activities of campus and local law enforcement agencies (this policy), and
- d. literature which details information about sexual violence and the options for addressing sexual violence in both a formal and informal manner.

This program will be detailed and published annually both online and in print as a part of The Citadel's Campus Security Report.

4. The Citadel has established the positions of Director of Campus Advocacy, Response, and Education (CARE); Title IX Coordinator; and Equal Employment / Diversity Manager / Deputy Title IX Coordinator which have the following responsibilities:
 - a. Conduct an annual review of this policy and recommend changes as required,
 - b. Review contents of annual education program on sexual violence and recommend changes as required,
 - c. Review annual statistics of sexual violence on campus and in the local area to discuss trends and lessons learned,
 - d. Discuss the latest educational material and issues related to sexual violence, and
 - e. Receive and review questions on any recommended changes to this policy.

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 violence, discipline the perpetrator, 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. Change of job, barracks, or class assignment (as appropriate);
- C. Mandatory attendance at a sexual violence training, counseling, and/or alcohol abuse prevention program;

- D. Community service;
- E. Prohibition from holding rank (cadets only) or participating in specific student activities, including sports;
- F. Tours or confinements (cadets only);
- G. Suspension;
- H. Dismissal or expulsion (students only); and
- I. Termination (employees only).

Inquiries concerning the application of Title IX may be referred to Tangela Smalls, Title IX Coordinator, Bond Hall, Room 310, (843) 953-6881, tangela.smalls@citadel.edu; or to the Office of Civil Rights, United States Department of Education, 400 Maryland Avenue, SW, Washington, DC, 20202-1100, (800) 421-3481, ocr@ed.gov.

6. NOTES

A. Dates of official enactment and amendments:

Approved by the Executive Assistant to the President on 8 April 2019.

Non-substantive changes on 8 April 2019 include: updating contact information such as names, phone numbers, and email addresses.

B. Responsible Department:

Office of the President

C. Responsible Officials:

Interim Title IX Coordinator / Equal Employment / Diversity Manager

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

D. Cross References:

[Memorandum 2-026](#), Sexual Harassment

[Notice of Sexual Harassment and Nondiscrimination](#)

7. RESCISSION

Memorandum 2-025, dated 11 September 2014, is rescinded.

Memorandum Number 4, dated 15 August 2005, is rescinded.

Memorandum Number 2-25, dated 11 January 2012, is rescinded.

8. REVIEW

Review this policy on an annual basis.

FOR THE PRESIDENT:

OFFICIAL

//Signed, WAL, 8 April 2019//
WILLIAM A. LIND
Commander, US Navy, Retired
Executive Assistant to the President

Attachments:

[Annex A](#), "Immediate Guidelines in the Event You are Sexually Assaulted"

[Annex B](#), "Filing a Sexual Assault Complaint"

[Annex C](#), "DO's and DON'T's in Supporting a Sexual Assault Victim"

[Annex D](#), "Follow-up Responsibilities in the Aftermath of Sexual Assault"

[Appendix 1](#): "Protocol for Responding to Sexual Assault, Responsibilities of the Initial Contact Person – All Cadets, Students, Staff and Faculty"

[Appendix 2](#): "Protocol for Responding to Sexual Assault, Responsibilities of the Sexual Assault Response Coordinator (Director of CARE or SAVA)"

[Appendix 3](#): "Confidential Sexual Assault Report Form"

[Annex E](#), "Sexual Assault Incident Report Form"

ANNEX A

IMMEDIATE GUIDELINES IN THE EVENT YOU ARE SEXUALLY ASSAULTED

1. **DO NOT SHOWER, BATHE, WASH, CHANGE YOUR CLOTHES, DOUCHE, OR BRUSH YOUR TEETH. GO TO A SAFE PLACE, NOTIFY SOMEONE IMMEDIATELY, AND SEEK HELP.** The purpose of notifying someone immediately is for you to receive information regarding the options available to you after you have been sexually assaulted. Options include, but are not limited to, seeking medical care, seeking psychological assistance, requesting informal resolution, filing a formal complaint, and/or contacting Public Safety and/or law enforcement in the jurisdiction where the assault occurred. It may be helpful if a friend or someone you trust accompanies you when you notify one of the resources listed below. You are strongly urged to go to The Citadel Infirmary immediately after the incident. They have procedures in place to have you seen and evaluated promptly by the Medical University of South Carolina Rape Crisis Clinic. Medical decisions need to be made as soon as possible regarding evaluation and/or treatment of potential sexually transmitted diseases (STDs), and whether to take the “morning after” birth control therapy. **Additionally, the exam includes evaluation for sexually transmitted diseases, as well as consultation/examination for other concerns.** Infirmary personnel (cadets only), MUSC medical professionals, and Citadel officials can help you decide your courses of action.
 - A. Recommended initial points of contact authorized to initiate either formal or informal inquiries include:
 1. Janet Shealy, Director of Campus Advocacy, Response, and Education (CARE), (843) 953-7277 (office) or (843) 425-1315 (24/7 cell);
 2. Tangela Smalls, Title IX Coordinator, (843) 953-6881 (office);
 3. Shawn Edwards, Equal Employment / Diversity Manager / Deputy Title IX Coordinator, (843) 953-6989 (office);
 4. Kathy Kroupa, Senior Women’s Administrator and Deputy Title IX Coordinator, (843) 953-6604;
 5. Caroline Schlatt, Citadel Graduate College, Assistant Director of Enrollment Management and Deputy Title IX Coordinator, 843-953-0523;
 6. The Citadel Infirmary, (843) 953-5447;
 7. The Citadel Public Safety, (843) 953-5114; or
 - a. Michelle Lomonaco, Assistant Director, Sports Medicine, (843) 953-2251;
 - b. COL Robert Pickering, Director of Multicultural and International Student Services, (843) 953-5096; or

- c. Mary Ellen Huddleston, Director of Intramural Athletic Programs, (843) 953-7955;
 - 8. Your Cadet Human Affairs Team Members.
- B. Additional resources for cadets to contact for assistance include:
- 1. the officer-in-charge (OC) in your battalion,
 - 2. your company or battalion TAC officer, or
 - 3. your cadet chain of command.
- C. Off-campus resources to contact for assistance include:
- 1. Charleston Police Department, 911;
 - 2. People Against Rape,” a local, non-profit community agency specializing in assisting victims of sexual assault, (843) 745-0144 (24/7); or
 - 3. RAPE CRISIS CENTER, Medical University of South Carolina Emergency Room (MUSC), (843) 792-9127.
- D. The following individuals are available to provide support. But be aware that due to confidentiality protections, reporting to them does *not* initiate any kind of formal or informal investigation, report, or proceeding.
- 1. The Citadel Counseling Center, (843) 953-6799,
 - 2. A Citadel Ombudsperson:

Colonel Robert P. Pickering, Jr. and/or Major Shamus D. Gillen may be contacted twenty-four (24) hours a day, seven (7) days a week.

 - a. COL Pickering's phone numbers are (843) 953-5096 (office); (843) 437-9645 (cell); and (843) 552-6771 (home); email robert.pickering@citadel.edu or ombud@citadel.edu; or visit Thompson Hall, Room 137, from 2:00 pm – 5:00 pm, Monday through Friday or by appointment.
 - b. Major Gillen’s phone numbers are (843) 953-4830 (office); (843) 743-9487 (cell); and (843) 478-0239 (personal cell); email shamus.gillen@citadel.edu or ombud@citadel.edu; or visit Bond Hall Admissions Office, Room 120, from 8:30 am – 5:00 pm, Monday through Friday or by appointment.
 - 3. The Citadel Chaplain to the Corps of Cadets, (843) 953-5049.
- 2. DO NOT STRAIGHTEN OR CLEAN UP THE SCENE OF THE SEXUAL ASSAULT AND DO NOT SHOWER, BATHE, DOUCHE, WASH, BRUSH YOUR TEETH OR CHANGE CLOTHES.** The purpose of this guideline is to maintain any physical

evidence of the sexual assault. If you choose to file a formal complaint or a criminal charge, physical evidence can support your complaint. If you clean up the scene of the sexual assault, or if you shower, bathe, douche, wash, or change clothes, you may destroy evidence needed to support a formal complaint or criminal charge. For example, physical evidence from your clothing, skin, or blood, hair samples on your body, clothing or fabric from the scene of the assault, evidence under your fingernails, semen stains on you, your clothing, or from the scene of the assault, etc. can all be preserved and noted in a police report. Similarly, physical evidence includes any injuries sustained during the assault including bruises, abrasions, swelling, teeth marks, and lacerations that can be documented in a medical chart. Formal documentation of evidence and injuries in a police or medical chart can be critical if you choose to file either a formal complaint or a criminal charge.

- 3. WITH THE ASSISTANCE OF A QUALIFIED PROFESSIONAL, DECIDE WHETHER YOU WISH TO NOTIFY THE POLICE.** A qualified professional may include a doctor, nurse, counselor, or ombudsperson, either at The Citadel or off-campus. The Citadel strongly encourages individuals to report crimes to the police. Keep in mind that reporting the crime does *not* require you to file criminal charges. Three key points include:
 - A. You may be in shock immediately after the assault and find it difficult to think clearly. Obtaining assistance with decision making from a qualified professional is important. Reporting to police and preserving evidence will allow you to file criminal charges later should you choose to file charges.
 - B. If you have a preference regarding the gender of the police officer you would like to speak with, state your preference clearly. Most police departments attempt to accommodate such requests to the greatest degree possible.
 - C. Even if you do not file criminal charges, information provided to the police may help protect others. Remember, many perpetrators of sexual assault will attempt to commit this crime repeatedly.
- 4. HOSPITAL INFORMATION:** You are encouraged to go to the Medical University Hospital emergency room within 120 hours of the assault and request a free Sexual Assault Forensic Exam (SAFE). If you wait beyond 120 hours after the sexual assault, evidence may no longer be available and could make prosecution, if desired at a later time, very difficult.

Some suggestions include:

- A. Take someone to wait with you, if possible.
- B. Take a change of clothes to wear after the medical evaluation, since the clothes worn during the assault will be taken, if you choose to request the collection of physical evidence. If you removed the clothes you were wearing at the time of the sexual assault, put them in a paper bag and bring them with you to the hospital.

5. **THE PHYSICAL EXAM AT THE HOSPITAL:** A sexual assault nurse examiner (SANE) will conduct the sexual assault forensic exam (SAFE), which includes the collection of DNA and other forensic evidence, and will assess and treat you for any injuries or illnesses that may have occurred due to the assault. **The sexual assault forensic exam will be conducted free of charge, whether or not you have health insurance.** Because sexual assault is a traumatic event and it is not easy to decide whether to pursue charges, you may request that the sexual assault forensic exam be conducted without providing any identifying information. The results will be stored with a case number for up to 12 months following the exam. While at Medical University Hospital, you may request to speak with a psychologist, counselor, social worker, or rape crisis advocate to help you begin to cope with the experience.

ANNEX B

FILING A SEXUAL ASSAULT COMPLAINT

1. INFORMAL COMPLAINT:

A. **Decide whether you wish to pursue informal mediation (Cadets only³).** You may choose to attempt to resolve your complaint through informal discussion about the behavior. Informal mediation usually involves a discussion with both the individual who is reporting the sexual assault and the individual(s) who is (are) the alleged perpetrator(s) of the assault, either alone or together, depending on the preference of the individual who is reporting the sexual assault. The discussions will include the following:

1. A verbal description of The Citadel's Sexual Violence Prevention and Response Policy;
2. A verbal description of all options available to the individual who is reporting the sexual assault, including a description of the process of filing a formal complaint and/or criminal charges;
3. Recommendations regarding how the alleged perpetrator can change his/her behavior specifically to discontinue any behavior which may involve sexual assault or harassment; and
4. Make recommendations regarding how the individual who is reporting the sexual assault can respond if the alleged perpetrator's behavior does not change following the informal mediation.

B. **Process of informal action.** A Citadel Ombudsperson, a cadet commander, TAC officer, or other official who is approached by an individual who has been sexually assaulted (or one behalf of this individual) is expected to:

1. respond sensitively to the complaint (*i.e., along the lines noted in the "Do's and Don'ts" in [Annex C](#)*);
2. describe the process of seeking formal and informal action and the process of filing criminal charges;

³ The U.S. Department of Education's Office of Civil Rights has determined that "in cases involving allegations of sexual assault, mediation is not appropriate even on a voluntary basis." Dear Colleague Letter, April 4, 2011, p.8, available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf> However, The Citadel, at the recommendation of experts appointed during the U.S. District Court's supervision of the school's transition to coeducation, and with the District Court's approval, adopted this informal complaint process. The Citadel only provides this process to members of the South Carolina Corps of Cadets, as an alternative to a cadet's option to not reporting an assault. Cadets are strongly encouraged to follow the formal complaint process.

3. provide information regarding all options available to the individual (*described in Annex A*); and
4. if requested by the individual who has been sexually assaulted, initiate formal or informal actions (described in this Annex B). In this case, the individual who has allegedly been sexually assaulted will be asked for permission to give his or her name to the person against whom the claim is being made.

NOTE: Anonymous complaints can only be pursued in general terms, and are less likely to effect a behavior change. The person against whom the complaint has been made will be advised of the nature of the complaint and be allowed to respond. He or she will also be advised of the procedure for handling formal complaints in the event one is made. The goal of this meeting is to determine whether a problem exists, to agree on steps to rectify any identified problems, and to agree to prevent the situation from recurring. Both the individual who has been sexually assaulted and the individual against whom the complaint has been made will be notified in writing of the outcome of the informal meeting.

2. FORMAL COMPLAINT: DECIDE WHETHER YOU WISH TO FILE A FORMAL COMPLAINT:

With Whom Do You File Complaint?

A.

If alleged Perpetrator is:	File complaint with:	Final action decided by:
Cadet	Director of Campus Advocacy, Response, and Education (CARE)	President
Non-cadet Student	Title IX Coordinator	President
Faculty Member	Title IX Coordinator	President
Citadel Employee (Non Faculty)	Title IX Coordinator	President
Contractor working at The Citadel	Title IX Coordinator	President

B. PROCESS OF FORMAL ACTION (CADETS). To initiate formal action, the individual who has been sexually assaulted consults with the Director of CARE, who facilitates notification of the office of the Commandant of Cadets and the Title IX Coordinator. An Assistant Commandant will initiate a formal investigation within 10 days of being notified of the complaint. Ordinarily, an administrative investigation will include a review of statements obtained from all parties, interviews with both parties, interviews with witnesses as appropriate and review of relevant documentary evidence. If the investigation suggests that the matter

should be further pursued, the matter will be referred to the Commandant (and law enforcement agencies, where indicated and with the consent of the victim, as appropriate) for formal disciplinary action, pursuant to the [Blue Book](#). In this way, The Citadel will fulfill its obligations to:

1. the complainant: to take the complaint seriously, to investigate the allegation thoroughly, and if it is substantiated, to take swift and effective action to initiate discipline and to prevent recurrence. In addition, the Assistant Commandant who is responsible for the initial investigation will verify that all options available have been reviewed with the complainant.
2. the accused: to protect the individual's due process rights.

NOTE: If the Commandant of Cadets decides not to pursue the matter, a written statement of the reasons will be given to the complainant and to the person against whom the complaint has been made. A copy will also be provided to the President and the Title IX Coordinator.

C. PROCESS OF FORMAL ACTION (FACULTY AND STAFF). To initiate formal action, the individual who has been sexually assaulted notifies the office of the Senior Vice President for Operations and Administration (SVPOA), if the alleged perpetrator is a member of The Citadel staff, or the Office of the Provost, if the alleged perpetrator is a member of The Citadel faculty. The SVPOA or Provost, as appropriate, will initiate a formal investigation within 10 days of being notified of the complaint and will notify the Title IX Coordinator. 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. If the investigation suggests that the matter should be further pursued, the matter will be referred for formal disciplinary action, pursuant to Human Resource policies and procedures, or the Faculty Manual, as appropriate. The person against whom the complaint has been made has the right to have the complaint investigated impartially, the right to respond to the complaint and make his or her case, including the right to call for statements from witnesses. In addition, the person appointed by the Provost and Dean of the College or the Senior Vice President for Operations and Administration to conduct the initial investigation will review resources for support, such as medical treatment and/or counseling services, for the person against whom the complaint has been made.

D. PROCESS OF FORMAL ACTION (NON-CADET). To initiate formal action, the individual who has been sexually assaulted notifies the office of the Dean of the Citadel Graduate College, if the alleged perpetrator is a member of The Citadel Graduate College. The Dean of the Citadel Graduate College will initiate a formal investigation within 10 days of being notified of the complaint and will notify the Title IX Coordinator. 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. If the investigation suggests that the matter should be further pursued,

the matter will be referred for formal disciplinary action, pursuant to procedures outlined 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.

- 3. COUNSELING/REHABILITATION:** Incidents of sexual violence will be considered gross misconduct on the part of the perpetrator and will be grounds for expulsion (for students) and termination of employment (for faculty and staff) from The Citadel. In rare circumstances, where the conduct is less serious, it may be sufficient for the perpetrator to receive other punishment (e.g., suspension, tours/confinements), to apologize, to promise not to re-offend, and to be warned about future conduct. Additionally:
 - A. Complainants will be protected against retaliation; allegations of retaliation will be investigated and dealt with under relevant disciplinary procedures. Student complainants are encouraged to visit the Counseling Center to receive information regarding counseling options available at the Counseling Center and with off-campus counselors.
 - B. The confidentiality of individuals involved in a formal complaint will be protected to the greatest possible degree; only those officials investigating, treating, or disciplining persons involved are generally considered to have a “need to know.”
 - C. If the complainant and the individual against whom the complaint has been made are in the same cadet company, the individual against whom the complaint has been made may be transferred to a different battalion. If the complainant desires to transfer, this request will also be considered.
 - D. Students only: The individual against whom the complaint has been made will be directed to the Counseling Center to receive information regarding counseling options available at the Counseling Center and with off-campus counselors.
 - E. The complainant will be offered information regarding available academic accommodations, including, among other options: assignment of the complainant or the accused to a different course section, a late withdrawal from a course, and/or options for medical discharge.
 - F. Faculty and staff may seek counseling assistance through The Citadel’s Employee Assistance Program (EAP).

ANNEX C

SUPPORTING SOMEONE WHO HAS BEEN THE VICTIM OF SEXUAL VIOLENCE OR RAPE

When someone tells you that he/she has been the victim of rape or sexual violence, your reactions can become a very important part of the healing process. There are many ways that you can help, including:

Immediately following a rape or act of sexual violence:

- **Be calm.**
- **Ensure his/her immediate safety.**
- **Help explore options and empower the person to make his/her own decisions.** Respect his/her decisions even if you think you would do things differently. This allows the person to regain some control and helps the healing process begin.

Help options include:

- Seeking medical attention at the infirmary or MUSC,
- Reporting the assault to Public Safety, CARE, and/or the police.
- **Stay close.** Offer to accompany him/her (for medical attention, to report to police, Public Safety, CARE, etc.).

Shortly after the assault:

- **Listen.** Let the person know you are there to listen whenever he/she is ready to talk, but don't push him/her to do so.
- **Reassure** the person that he/she *will* get through this.
- **Don't judge, minimize or dismiss** what's happened. It's not your role to question whether a sexual assault has occurred. The person is choosing to tell you because he/she is hoping for your support, not your disbelief and/or judgment.
- **Assure** the person that he/she is not to blame for the incident. You may need to do this more than once as the person tries to come to terms with the assault.
- **Reassure** the individual that you will be there no matter what.
- **Ensure that** the person knows that there is no right or wrong way to feel after a sexual assault. Reactions to an assault are wide-ranging – some people become depressed, others are angry or sad. Many of the emotions a rape victim experiences can be confusing to everyone involved, most especially to the victim.

- **Be patient.** Recovery takes time, and the person will need your support through the process.
- **Be trustworthy.** Don't tell anyone else about the assault without asking first.

Providing long-term support after a rape or sexual violence:

- **Ask how you can best help** the person who has been assaulted instead of assuming you know what he/she needs. Sometimes just being there is enough.
- **Empower the person to make decisions.** Rape and sexual violence take away an individual's power. Make sure that you don't compound that by expecting him/her to do things that he or she is not ready to do yet.
- **Expect many emotions.** Victims of sexual violence frequently experience emotional ups and downs, including anxiety, fear, sadness, humiliation, shame, guilt, anger, numbness, and/or confusion.
- **Suggest counseling.** It is frequently hard for a victim to take that step on his or her own.
- **Keep reminding** the person that he/she isn't to blame.
- **Don't speak for the individual** unless asked to do so. Allow him/her to speak for him/herself when asked questions.
- **Continue to be patient.** Recovery is a slow process.
- **Reassure** the individual that he/she will recover.

Take care of yourself while supporting someone else:

The effects of sexual violence can go far beyond the victim. While you are helping someone else, you might find yourself becoming emotional as well. Taking care of you is the best way to help someone else. Some self-help tips include:

- **Take time for yourself.** It can be physically and emotionally exhausting trying to help someone who has experienced sexual violence. Make sure that you take time and space for yourself so that you can be mentally available for the other person.
- **Don't expect to be the only support for the survivor.** Always remember that you are not an expert and aren't expected to be. The individual will need different types of support from different people to recover from the assault. You should not and cannot be the only person to support your friend as he or she recovers from a rape. If the problem is bigger than you, look for additional resources to help the assaulted individual and yourself. There are many resources on campus: The Counseling Center, CARE, the infirmary, Public Safety, and Ombudspersons.

- **Don't take things personally.** Sometimes the individual you are helping might push you away, get angry with you, or become frustrated. Remember that he/she is going through a difficult time and might lash out.
- **Get counseling if you find you are having difficulty coping.**

ANNEX D

FOLLOW-UP RESPONSIBILITIES IN THE AFTERMATH OF AN INCIDENT OF SEXUAL VIOLENCE

1. Case Management:

- A. The person charged with conducting the investigation will update the appropriate Vice President, (the Commandant, Provost and Dean of the College, or Senior Vice President for Operations and Administration) and the Title IX Coordinator, at least weekly as to the status of the investigation. This Vice President will keep the President and the Vice President for Communications and Marketing informed.
- B. The person charged with conducting the investigation will keep the complainant and the individual against whom the complaint has been made informed at least weekly as to the progress of the investigation.

2. Support for the Complainant and the individual against whom the complaint has been made:

The Director of CARE, or the Citadel official who serves as the case manager, will encourage the complainant and the alleged perpetrator to receive counseling to assist in coping with post-traumatic reactions to sexual violence. Counseling resources include:

- A. The Citadel Counseling Center, (843) 953-6799 (for students only).
- B. Off-campus private practice mental health professionals. This option must be paid for by the complainant and alleged perpetrator directly. For cadets, the Infirmary/Counseling Center will implement appropriate accommodations for off campus psychological assistance such as assisting with transportation off-campus, requesting special orders permitting travel off-campus, etc.
- C. Employee Assistance Program. The Citadel's Employee Assistance Program assists faculty and staff in dealing with issues that might adversely impact their work performance, health and well-being. Services are offered by SC Vocational Rehabilitation Department located at 4360 Dorchester Rd, Charleston, SC, phone (843) 740-1600.

3. Press Inquiries:

- A. All inquiries from media personnel will be directed to The Citadel Office of Communications and Marketing. No one from any other area or department should address sensitive topics of which they may have knowledge without the expressed written permission of the President of the College.
- B. A Communications and Marketing official will field media inquiries but will neither confirm nor deny reports which have yet to be substantiated.

- C. Reports that are substantiated (i.e., charges have been filed with local police, the accused admits guilt, or the investigation leads to disciplinary action) may be acknowledged by a Communications and Marketing official, in accordance with the Family Educational Rights and Privacy Act. Name(s) of the victim(s) will not be disclosed without the written permission of the individual(s).
- D. The Office of Communications and Marketing will prepare a general statement at the end of each academic year noting the numbers of formal complaints of sexual assault which were filed the preceding year. The statement will only list numbers of formal complaints investigated, the number of formal complaints substantiated, and the final outcome of each formal complaint. No names will be released as part of this report. THIS INFORMATION WILL BE RELEASED IN RESPONSE TO SPECIFIC MEDIA INQUIRIES.

4. Institutional Follow-up:

- A. Data about the occurrence of sexual assault among cadets will be collected and analyzed each year. The data will include both formal and informal complaints of sexual assault provided to the Assistant Commandant in the Commandant's Office, including those which were substantiated and unsubstantiated, as well as informal data from the annual social climate survey.
- B. Analysis of this data will seek to pinpoint potential areas for improvement in education, training, and/or discipline within the Corps of Cadets (e.g., cases are found to come disproportionately from one cadet company or one class), Citadel Graduate College students, the faculty and/or The Citadel staff.
- C. Nothing in this policy will prevent faculty, staff or students from exercising their legal rights.
- D. The Director of Campus Advocacy, Response, and Education (CARE) will collect all incident report forms and compile data on a regular basis (at least annually).
- E. Sex offenses (forcible and non-forcible) both on campus and off-campus, as defined in the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Act (The Clery Act) will be reported annually in The Citadel's Campus Safety Report. This report is published no later than 1 October of each year and is available online and in print at the offices of The Citadel Department of Public Safety, the Registrar, the Treasurer, and the Commandant of Cadets.
- F. All data collected above will be provided as a copy to the Title IX Coordinator and provided to the President on a semi-annual basis.

5. The protocol for individuals to follow in responding to a sexual assault are included at Appendices 1 and 2 to this Annex.

APPENDIX 1

PROTOCOL FOR RESPONDING TO SEXUAL ASSAULT

RESPONSIBILITIES OF THE INITIAL CONTACT PERSON – ALL CADETS, STUDENTS, STAFF AND FACULTY

In the event that an individual informs you that he/she has been sexually assaulted:

- Listen to the individual who has been assaulted and provide support to the individual.
- Inform the individual that the Director of CARE or Sexual Assault Victim Advocate (SAVA) can provide complete information regarding options for 1) medical treatment, 2) psychological counseling, 3) academic accommodations, 4) changing living arrangement, 5) seeking informal mediation, 6) filing formal discipline charges.
- Encourage the individual to speak with the Director of CARE or SAVA and offer to accompany the individual to the office of the Director of CARE.
- Encourage the individual to go to The Citadel Infirmary for medical treatment and offer to accompany the individual, or encourage the individual to go to MUSC for medical treatment.
- Encourage the individual to go to The Citadel Counseling Center for psychological counseling and offer to accompany the individual, or encourage the individual to contact a local counseling center or hotline for psychological counseling.
- Encourage the individual to go to The Citadel Department of Public Safety to file a report and offer to accompany the individual, or encourage the individual to contact the local police to file a report.
- Inform the individual that The Citadel has a Sexual Violence Policy which is available online and at 1) The Office of the Director of CARE, 2) The Office of The Citadel Graduate College and 3) or The Office of Human Resources.
- Advise and explain all options that exist for pursuing 1) informal mediation at The Citadel, 2) formal disciplinary charges at The Citadel, and 3) formal criminal charges with the police, and indicate that the Director of CARE or SAVA can provide specific information about each of these options.
- Ensure that the individual has a safe place to go after speaking with you.
- Contact the Director of CARE or a SAVA to file an anonymous report using the attached form.

APPENDIX 2

PROTOCOL FOR RESPONDING TO SEXUAL ASSAULT

RESPONSIBILITIES OF THE DIRECTOR OF CARE OR SAVA

In the event that an individual informs you that he/she has been sexually assaulted:

- Explain that conversations with the Director of CARE are confidential.⁴
- Explain that the role of the Director of CARE or SAVA is to 1) listen to the victim's concerns, 2) provide support, 3) explain the options and services available, and 4) assist him/her in evaluating which options and services are best for the victim.
- Ask the date and time of the sexual assault to determine if it is appropriate to discourage the individual from bathing, douching, changing clothes, or cleaning up the scene of the assault in the event that the individual chooses to go to the hospital or police for the collection of physical evidence in the sexual assault.
- Encourage the individual to go to The Citadel Infirmary ((843) 953-5447) or MUSC for medical treatment (cadets, CGC students, staff, faculty and visitors).
- Encourage students (cadets, CGC students) to go The Citadel Counseling Center ((843) 953-6779), or local counseling center.
- Explain options for seeking academic adjustments and accommodations such as rescheduling exams, seeking a late medical withdrawal from a class, and/or requesting a medical withdrawal from the college.
- Explain options for changing current living/working arrangements on campus.
- Describe options for pursuing: 1) informal mediation at The Citadel, 2) formal disciplinary charges at The Citadel, and 3) formal criminal charges with the Police.
- Encourage the individual to go to The Citadel Department of Public Safety ((843) 953-5114) to file a report.
- Encourage the individual to contact the local police to file a report.
- Provide the individual with a copy of the Sexual Assault Crisis Intervention Policy.
- Ensure the individual has a safe place to go after speaking with you.
- File an anonymous report of the sexual assault.

⁴ The Citadel's ability to respond to complaints of sexual violence when a victim requests confidentiality is limited. For a full explanation of these limitations, please see Section 4.E. of [Memorandum 2-025](#), Sexual Violence Prevention and Response Policy.

APPENDIX 3

THE CITADEL CONFIDENTIAL SEXUAL ASSAULT REPORT FORM

This form is for the purpose of collecting data to determine the number of incidents occurring within this community in order to comply with federal law and to develop appropriate resources.

Assault reported to (optional): _____ Date: _____

For classification purposes – Please classify the incident on the reverse side of this form, using the legal definition.

General descriptions of (attempted) rape/sexual assault, including information about whether the assault was reported to anyone.			Survivor Information				Assailant Information			
	Date:	Time: Day or Night	Male/ Female	Student Status (Fr., So., etc.)	Student/ Non- Student	Res./Non- Res.	Stranger or Acquaintance	# of Assailants	Student /Non- student	Res./Non- -Res.

Location of Incident: _____

DID THE INCIDENT OCCUR ON CITADEL-OWNED OR CONTROLLED PROPERTY? YES NO

DID THE INCIDENT OCCUR AT A CITADEL-SPONSORED ACTIVITY/EVENT? YES NO

WERE ANY OF THE PERSONS UNDER THE INFLUENCE OF ALCOHOL AT THE TIME OF THE INCIDENT?

SURVIVOR _____ ASSAILANT _____ OTHER _____

BOTH _____ NEITHER _____

INSTRUCTIONS:

1. This form is intended for use in cases of rape and/or sexual assault or attempted rape and/or sexual assault.
2. Do not complete this form in presence of the assault survivor.
3. Do not include the survivor's name or other identifying information (e.g. student identification number, address, phone number.) on this form
4. Record as much requested data as possible based on information volunteered or discussed. Do not pry for information, just list the information obtained in the conversation.
5. Complete this form even if the survivor indicates that he or she has spoken with another person on campus and even if you will be referring the survivor to another department.
6. Completed forms should be forwarded to the Director of Campus Advocacy, Response, and Education (CARE) (if the survivor is a cadet or student) or the Title IX Coordinator (for all others).

7. The Director of CARE or Title IX Coordinator, as appropriate, will insure that a copy of each report is delivered to The Citadel Public Safety.

DEFINITIONS FOR CLASSIFICATION PURPOSES:

(Check the correct classification of the incident you are reporting in the box in the left margin)

Sex Offenses-Forcible:

Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

A. Forcible Rape

- The carnal knowledge of a person, forcibly and/or against the person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth)

B. Forcible Sodomy

- Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

C. Sexual Assault With An Object

- The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental physical incapacity.

D. Forcible Fondling

- The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

Sex Offenses-Non-Forcible

Unlawful, non-forcible sexual intercourse

A. Incest

- Incest is non-forcible sexual intercourse between persons who are related to each other within the degree wherein marriage is prohibited by law.

B. Statutory Rape

- Statutory rape is non-forcible sexual intercourse with a person who is under the statutory age of consent.

Sex offenses definitions are taken from the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Program.

ANNEX E

THE CITADEL SEXUAL ASSAULT INCIDENT REPORT FORM

Date of Report _____ Name of Person Completing Form: _____(Optional)

ACCUSER INFORMATION

Are you the victim? ___ Yes ___ No

Is the reporter the victim? ___ Yes ___ No

Age of the victim (if known): _____

Accuser Residence:

Gender:

Date of Incident _____

____ Barracks

____ Female

____ On-Campus Housing

____ Male

____ Off-Campus Housing

Race/Ethnicity

Citadel Affiliation

Class: (if cadet)

___ White

___ Cadet

___ 1st Class

___ Black

___ Non-cadet Student

___ 2nd Class

___ Asian

___ Faculty

___ 3rd Class

___ Hispanic

___ Staff

___ 4th Class

___ Middle Eastern

___ Other

Company: _____

___ Native American

___ Other

SEXUAL VIOLENCE INFORMATION

Describe the Incident (Check all that Apply)

_____ Non-consensual sexual intercourse: Sexual penetration (vaginal, anal, or oral), however slight, with any body part or an object without affirmative consent.

_____ Non-Consensual sexual contact: Touching of genitalia, groin, breast, buttocks, or any clothing covering them; touching a person with one's own intimate body parts (with or without clothing covering them); or compelling another to touch one's intimate body parts (with or without clothing covering them) without affirmative consent.

_____ Sexual exploitation: Non-consensual sexual advantage of another for one's personal or third-party benefit that does not otherwise constitute rape or sexual assault.

_____ Attempts of any of the above (be specific): _____

Type of Coercion/Force Involved (Check all that apply)

_____ Verbal pressure, arguments, or disregarding victim's lack of consent

_____ Position of authority (professor, supervisor, employer, chain of command, etc.)

_____ Threat of physical force (threatened to hit, held down, or otherwise injured)

_____ Use of physical force (hit, held down, twisted arm, hurt, or otherwise injured)

_____ Presence of weapon - be specific: _____

_____ Victim/Survivor was significantly incapacitated by:

_____ alcohol _____ other drugs _____ sleep _____ disability _____ other

Alcohol was used by: _____ Victim _____ Assailant

Other drugs were used by: _____ Victim _____ Assailant

Location of Incident:

_____ Victim's Barracks

_____ Outdoors

_____ Vehicle

_____ Assailant's Barracks

_____ Work Place

_____ Parking lot

_____ Other Campus Facility

_____ Other

Describe the nature of the relationship between the alleged victim and the assailant(s) prior to the assault (check all that apply):

- | | | |
|--|---|--|
| <input type="checkbox"/> Stranger | <input type="checkbox"/> Study Partner | <input type="checkbox"/> Friend or Non-Romantic Acquaintance |
| <input type="checkbox"/> Relative | <input type="checkbox"/> Planned Date | <input type="checkbox"/> On-going Romantic Relationship |
| <input type="checkbox"/> Other | <input type="checkbox"/> Impromptu Date | <input type="checkbox"/> Faculty or Staff Member |
| <input type="checkbox"/> Upper Class Cadet | <input type="checkbox"/> Cadre Member | <input type="checkbox"/> Other Rank Holder |
| <input type="checkbox"/> Classmate | <input type="checkbox"/> Coworker | <input type="checkbox"/> Supervisor/Subordinate |

ASSAILANT INFORMATION

Gender: Male Female Unknown

Number of Assailants: _____

Residence: Barracks Off Campus On Campus

Race/Ethnicity:	Citadel Affiliation:	Class: (student)
<input type="checkbox"/> White	<input type="checkbox"/> Cadet	<input type="checkbox"/> 1st Class
<input type="checkbox"/> Black	<input type="checkbox"/> Non-cadet Student	<input type="checkbox"/> 2nd Class
<input type="checkbox"/> Asian	<input type="checkbox"/> Faculty	<input type="checkbox"/> 3rd Class
<input type="checkbox"/> Hispanic	<input type="checkbox"/> Staff	<input type="checkbox"/> 4th Class
<input type="checkbox"/> Middle Eastern	<input type="checkbox"/> Other	<input type="checkbox"/> Company
<input type="checkbox"/> Native American		
<input type="checkbox"/> Other		

CONTACTS AND SERVICES

Complainant/Victim has reported assault to:

<input type="checkbox"/> Director of CARE	<input type="checkbox"/> Chain of Command	<input type="checkbox"/> TAC Officer
<input type="checkbox"/> Campus Police	<input type="checkbox"/> Counseling Center	<input type="checkbox"/> Commandant of Cadets
<input type="checkbox"/> Local Police	<input type="checkbox"/> Staff Member	<input type="checkbox"/> Local Hospital
<input type="checkbox"/> Faculty	<input type="checkbox"/> Dean	<input type="checkbox"/> Infirmary
<input type="checkbox"/> Clergy	<input type="checkbox"/> Off Campus Medical Facility	<input type="checkbox"/> Equal Employment Officer
<input type="checkbox"/> Other		

TYPE OF REPORT:

Formal Informal

This situation may be discussed with: _____

Signature: _____

Incident Report Resource Checklist for Sexual Violence

Date of meeting: _____

Name of Reporter: _____ (if a formal report)

INFORMATION/FORMS GIVEN AND/OR DISCUSSED:

- Sexual Violence Policy
 - Discussed definitions
 - Discussed reporting options
 - Formal
 - Informal
 - Discussed investigation process
 - Discussed roles
 - Discussed fairness and impartiality

- Resource options offered (if appropriate)
 - Infirmary
 - MUSC
 - Ombudsperson
 - Counseling Center
 - Chaplain
 - Citadel Police
 - Police in jurisdiction or incident
 - Change in BN
 - Change in classes
 - No-Contact Order
 - Change in mess
 - Protection from Retaliation

Report option chosen:

_____ Formal _____ Informal