

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

MEMORANDUM
NUMBER 6-507

9 April 2019

TITLE IX COUNCIL

1. PURPOSE:

The Citadel promotes gender equity, and strives to be a college free of sexual discrimination, harassment, and violence. Title IX of the Education Amendments of 1972, provides that, *"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance."* This policy establishes The Citadel's Title IX Council for administration of programs to prevent, respond to, investigate, adjudicate, and resolve sexual offenses and comply with Title IX.

2. REFERENCE:

[Title IX of the Education Amendments of 1972, Title 20, U.S.C. Sections 1681-1688](#)

[United States Department of Education, Office of Civil Rights, Dear Colleague Letter, dated April 4, 2011](#)

[United States Department of Education, Office of Civil Rights, Dear Colleague Letter, dated April 24, 2015](#)

[United States Department of Education, Office of Civil Rights, Dear Colleague Letter, dated May 13, 2016](#)

3. DEFINITIONS

Applicable definitions are contained in referenced and cross reference documents.

4. POLICY

A. Title IX Council.

The Title IX Council is responsible for overseeing the college's compliance with Title IX of the Education Amendments of 1972. Title IX prohibits discrimination on the basis of sex in federally funded education programs and activities. Thus, the Council is responsible for overseeing all matters related to sexual discrimination against students and employees of The Citadel, including the processing of complaints of sex discrimination, including sexual and gender-based harassment,

assault and violence. The President appoints members to this committee on the recommendation of the Title IX Coordinator.

B. Membership.

1. The Title IX Coordinator chairs the council, and three Deputy Title IX Coordinators, appointed from the Athletics, Human Resources, and Academic Affairs, serve as the primary members. The Title IX Coordinator is appointed by the President of The Citadel. Deputy coordinators serve up to three years on staggered terms. Deputy coordinators may be reappointed at the discretion of their respective Vice President.
2. Advisors to the council are the Provost, Senior Vice President for Operations and Administration, Chief of Staff to the Commandant, Chief Compliance Officer, Director of Campus Advocacy Response & Education (CARE), Human Resources Director, and Public Safety.
3. The General Counsel shall serve as counsel to the Title IX Council.
4. See [Annex A](#) for The Citadel Title IX Program Composition and Campus Reporting Protocol.

C. Meetings.

1. The Title IX Council will meet quarterly.
2. A Title IX Council meeting can also be called on immediate or short notice on an as-needed basis if warranted.

D. Function and responsibilities.

1. The development of policies and procedures to prohibit and prevent sexual discrimination and the policies and procedures to follow when allegations of sexual discrimination are made.
2. The development of education, training, and orientation materials and delivery methods to ensure students and employees are made aware of The Citadel's commitment to Title IX of policies and procedures regarding Title IX.
3. The development of education, training, and orientation materials and delivery methods to ensure students and employees are made aware of avenues of reporting either as a victim of discrimination or as a witness thereof.
4. The oversight of investigations of complaints of sexual discrimination, violence, harassment, and other forms of sexual misconduct.
5. The review of complaints and investigation in order to identify patterns or systematic problems that might otherwise go unnoticed.

6. The protection and safety of those reporting violations.
7. The accurate and timely reporting of incidents required by the Clery Act.
8. Attendance at training events and the provision of appropriate training for deputy coordinators and other members of the Title IX compliance team
9. The President, Provost, Vice Presidents, Commandant, Athletic Director, and other college executives may request advisory or investigative services on actual or potential Title IX matters via the Council, as well as additional duties and responsibilities as directed by Citadel senior administrators.

E. Incident Response.

1. **Any student**, who has concerns about sexual discrimination, including any concerns pertaining to sexual misconduct, is encouraged to seek assistance from CARE. The student may also choose to seek assistance from Title IX Coordinators, Public Safety, or any trusted college faculty or staff member. **Faculty and staff** concerned about sexual discrimination, harassment, violence, or misconduct may seek assistance from Title IX Coordinators, Human Resources, Public Safety or a trusted college official. CARE and Title IX Coordinators can provide information about resources for assistance and about options for addressing concerns. Those options may vary depending on the nature of the complaint, whether the complainant is a student, faculty or staff member, the wishes of the complainant regarding confidentiality, and whether the complainant prefers to proceed formally or informally.
2. Allegations of sexual and gender-based harassment, assault and violence should be reported pursuant to The Citadel's policies on [Sexual Harassment](#) and [Sexual Violence Prevention & Response](#) policies, Memorandums 2-026 and 2-025 respectively. All employees, other than non-professional counselors or advocates and those employees legally regarded as confidential resources, are expected to promptly report to The Citadel sexual and gender-based harassment, assault and violence that they observe or learn about.

F. Training.

1. Annual live and/or online training for employees and students can include, but will not necessarily be limited to, the following topics:
 - a. What constitutes sexual discrimination, harassment or violence,
 - b. Policies/code governing such conduct,
 - c. Correlation between alcohol, drugs, and sexual misconduct,
 - d. Responding to those who have experienced a sexual offense,

- e. Preservation of evidence,
 - f. Encouragement/responsibility to report offenses & reporting channels,
 - g. Confidentiality versus public safety,
 - h. Grievance procedures,
 - i. Protections against retaliation, and
 - j. Preventative roles, bystander intervention, and alumni.
2. Additional live and/or online annual training will be provided to college officials who have responsibilities in the Title IX program to develop specialized skills enabling those officials to fairly and appropriately receive, investigate, or resolve reports of sexual or gender based harassment, assault or violence, or counsel or advocate on behalf of individuals involved in such reports, Such training may include, but will not necessarily be limited to, instruction on how to:
- a. Determine during actual cases whether questioned sexual conduct is sufficiently serious to limit or deny a Citadel person's ability to participate in or benefit from a Citadel educational program or activity,
 - b. Take prompt and effective steps during actual cases reasonably calculated to end sexual discrimination, harassment, or violence that creates a hostile environment, and
 - c. Serve as an informative and fair counselor(s) and advocate(s) for both complainants and respondents.

G. Reporting, Documentation, Trend Analysis, and Annual Report.

- 1. The Provost, vice president level advisors, and General Counsel have the discretion to immediately brief the President on any Title IX matters while maintaining the confidentiality of the complainant and respondent.
- 2. For formal investigations, The Senior Vice President for Operations and Administration will appoint an investigator(s) from the current list of personnel who have been formally trained in Title IX matters. The assigned investigator is responsible for documenting complainant, respondent, and witness testimony, collecting documentary evidence, and drafting the investigative report.
- 3. The Title IX Coordinator will oversee EthicsPoint entry of documentation regarding reported incidents, investigation, outcome, and remedial action.

4. The Title IX Council will analyze case statistics and traits to identify potential problems, threats, risks, and preventative measures for constant programmatic efforts towards gender equity and safety from sexual offenses.
5. The Title IX Coordinator will draft an annual report, coinciding with academic and fiscal year (July 1 through June 30). Content will include the state of affairs, statistics, significant case briefings, council status, funding/expenditures, and assessment and recommendations regarding the effectiveness of the program.

H. Confidentiality.

The Citadel will maintain the confidentiality of accusers and accused individuals and will evaluate any confidentiality requests, in the context of its responsibility to provide a safe and nondiscriminatory environment for all members of The Citadel community. Thus, in response to requests for confidentiality, The Citadel will consider the seriousness of the alleged harassment, the age of the individual harassed, 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 accuser and the allegations if a formal proceeding with sanctions may result.

5. COMPLIANCE:

Individuals having knowledge of threats or violent acts who fail to report that information to appropriate authorities and/or the Title IX Coordinators may be subject to discipline, up to and including termination from The Citadel. Students who fail to comply with a request for assessment and/or conditions of continued enrollment may be referred to the Commandant or Provost, as appropriate, and may face disciplinary action.

6. NOTES:

A. Dates of official enactment and amendments:

Approved by the Senior Vice President for Operations and Administration on 9 April 2019

B. Responsible Department:

Office of Institutional Compliance

C. Responsible Official:

Title IX Coordinator

D. Cross References:

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

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

[Notice of Sexual Harassment and Nondiscrimination](#)

[The Citadel Memorandum on Equal Opportunity](#)

7. RESCISSION

None

8. REVIEW

Review this policy on an annual basis.

FOR THE PRESIDENT

OFFICIAL

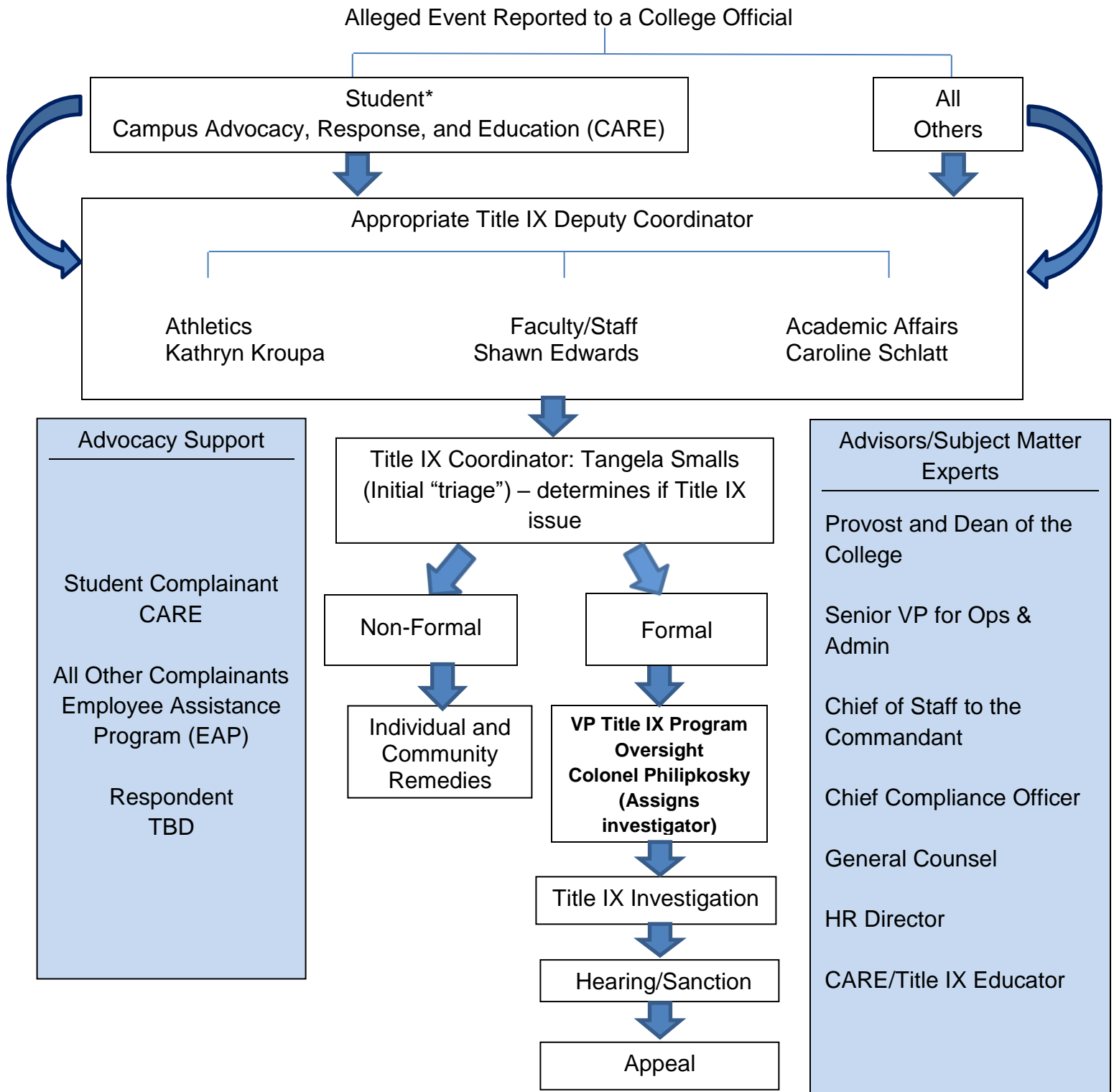
//Signed, TGP, 9 April 2019//
THOMAS G. PHILIPKOSKY
Colonel, USAF Retired
Senior Vice President for Operations and
Administration

Attachment

[Annex A](#), The Citadel Title IX Program Composition and Campus Reporting Protocol

Annex A

The Citadel Title IX Program Composition and Campus Reporting Protocol



*College official notified of alleged student event triggers contacting CARE for victim advocacy support; CARE notifies appropriate Deputy Title IX Coordinator and Title IX Coordinator; alleged event triggers Title IX Council Meeting if warranted by CARE and Title IX Coordinator.