



Annual Report to the Chancellor Fall 2025

Background and Summary

In the Fall of 2023, the University of South Carolina System transferred the role of addressing civil rights and Title IX issues from the Office of Civil Rights and Title IX in Columbia to each comprehensive University in the System. Prior to this directive, the University of South Carolina Upstate (Upstate) had an individual on campus charged with directing cases to Columbia for resolution. In 2024, Upstate created the position of Civil Rights and Title IX Coordinator and develop internal policies and processes to handle forms of discrimination, harassment, and sexual misconduct. The policy that provides direction to this office is CR1.00, Policy Against Discrimination, Harassment and Sexual Misconduct (the Policy) and its related process documents.

In September of 2024, Dr. Lyda Costello Kiser became the Civil Rights and Title IX Coordinator at Upstate. Dr. Kiser is assisted by three Deputy Coordinators – Dean of Students Nicholas Kehrwald, Director of Human Resources Dagmara Bruce, and Senior Associate Athletics Director Sara Gildersleeve Jones. There are also eighteen faculty and staff members who have been trained to serve as advisors to individuals (Complainants and Respondents) engaged in the Title IX processes per existing regulations.

The primary components of Civil Rights and Title IX functions are:

- Responding to incident reports and case management;
- Providing education and awareness for students, faculty, and staff;
- Supporting pregnant and parenting students;
- Managing and ensuring compliance with laws, regulations, and policies from the state and federal government; and,
- Provide data on incidence, prevalence, and trends related to violations of Upstate policy.

Summary of Data

In the 2024-2025 Academic Year, the Civil Rights and Title IX Office addressed the following issues:

3 unduplicated reports of Dating/Domestic Violence
3 unduplicated reports of Sexual Assault
3 unduplicated reports of Stalking
6 unduplicated reports of harassment and/or discrimination
8 new reports of pregnancy

The Coordinator worked with 12 students related to pregnancy/childbirth supports.

Responding to Incidents and Case Management

Most incidents are reported using the University's Maxient system, accessed through the institution's website. These can be through the actual sexual misconduct report form, RUOK form, or any other University form. Reports also come in through the Rapid Response system in Athletics, email, in-person meetings, and through the "SPEAK UP!" general complaint form that goes to the Office of Institutional Effectiveness and Compliance.

Upstate's policy and process does not require an individual who has experienced harm to implement a process, or to even respond to outreach from the Office of Civil Rights and Title IX, the Coordinator, or a deputy coordinator. The first meeting involves obtaining information from the individual, sharing the options for moving forward, and discussing supportive resources. An individual does not have to be engaged in a process to receive supports. Explanation of the process are shared through initial outreach and are available on the website at <https://uscupstate.edu/civil-rights-title-ix/title-ix/>.

The Office also participates in the efforts of the Department of Justice Campus Coordination Grant activities including revision of the VAWA-required written notice, training of Resident Assistants, revision of victim resources on the Upstate website, and participation at team and subcommittee meetings.

Providing Education and Awareness

The Coordinator provided 7 presentations to students, faculty and staff through in-course meetings, staff meetings, and clubs/organization meetings. The Coordinator was also present at SOAR (Student Orientation and Registration) programs throughout the summer for incoming students and their families.

The Office maintains an Instagram site (@titleixuscupstate) to share information on policy, process, resources, and educational posts for discrimination, harassment, sexual assault, dating/domestic violence, and stalking.

The Office supports and partners with Shatter the Silence, the student group created as part of the DOJ grant. This group conducts education and awareness programs on campus through events, tabling, and presentations.

All new staff receive training through Vector Solutions on promoting safety, reporting obligations, and how to handle suspected incidents of harassment, sexual assault, dating/domestic violence, and stalking. In AY 2025-26, all employees (including faculty) will be required to take a second training, "Creating Safe Communities: Taking Action," also through Vector Solutions.

Supporting Pregnant and Parenting Students

In AY 2023-24 there were 12 individuals assisted with supports for pregnant/parenting students. These included faculty communications, academic supports, and resource referrals. As a regional public university, it is expected that there will be students experiencing pregnancy, childbirth, and related complications. Services were also provided to one biological father. Because many students are not aware of the supports offered, a resource card was created with a QR code and placed throughout campus. (Front and back of card added below.)



Civil Rights & Title IX
UNIVERSITY OF SOUTH CAROLINA UPSTATE

Support for Pregnant Students

Title IX provides a variety of support for pregnant students - including academics, employment, and residential services



uscupstate.edu/titleix
titleix@uscupstate.edu
864-503-7193

Important Contacts

Upstate Student Health : 864-503-5191
Upstate Counseling: 864-503-5195
Civil Rights & Title IX: 864-503-7193

Or email:

titleix@uscupstate.edu

Managing and ensuring compliance with laws, regulations, and policies

At the beginning of AY 24-25, South Carolina was one of the states where an injunction was preventing implementation of the 2024 Rule for Title IX. The Rule was deemed by the courts to be invalid with the 2020 Rule reinstated. For Upstate, there was never a change to the 2024 Rule so no policy or process changes had been implemented.

To assist participants in the Title IX process, federal regulations require the University provide an advisor for any Complainant or Respondent. (Parties can also identify any individual of their choosing to fill this role.) The Office recruited Upstate faculty and staff to serve as advisors on an as-needed basis in Spring 2025. Eighteen individuals agreed to serve in this capacity and received training. The response of the University community indicates the belief of employees in the values of due process and support. Training and recruitment of advisors will be ongoing.

There were no additional state or federal laws or rulemaking that impacted the University's efforts related to Civil Rights and Title IX in AY 2024-25. However, a renewed focus on issues related to speech and expression in higher education is anticipated to create an increase in cases involving civil rights violations.

Also, there is no requirement in Upstate policy for an individual to report their experience to law enforcement. While there are legal expectations related to reports that involve a victim who is a child or vulnerable adult, this is not the case for reports received from a member of the University community. While the Violence Against Women Act requires the University to provide written information about their reporting options – including law enforcement and local domestic violence and sexual assault service organizations – it is the decision of the individual whether to report to or cooperate with law enforcement.

Provide data on incidence, prevalence, and trends related to violations of Upstate policy

Data on reports received reflects the classification chosen by the reporting party when they submit their report or the identification made by the Title IX Coordinator. Upstate’s policy addresses prohibited conduct and this conduct is not limited to incidents identified as violations of state or federal law. For example, **discrimination** includes disparate treatment discrimination and disparate impact discrimination that impacts an individual’s ability to access the University’s programs (academic, employment, athletic, housing, organization, and/or events). **Harassment** is a form of discrimination that includes hostile environment and *quid pro quo* harassment. Under the University’s policy, Title IX sexual harassment is conduct on the basis of sex that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University’s programs. **Sexual assault** includes non-consensual sexual contact, non-consensual sexual penetration (forcible rape, forcible sodomy, sexual assault with an object), incest, and statutory rape (intercourse with a person who is under the age of consent). **Dating/Domestic violence** is any act of violence or threat of violence committed by a person in a dating relationship or who is the spouse, former spouse, or intimate partner of the person who was harmed. **Stalking** is a course of conduct directed at a specific person that would cause a reasonable person to fear for their own safety or the safety of others or suffer substantial emotional distress. While there were no reports of sexual exploitation in AY 24-25, this is a policy violation that includes taking sexual advantage of another without consent, taking advantage of another’s sexuality, or extending the bounds of consensual sexual activity without the knowledge of the other individual.

The table below provides information on the number of reports received for the past five academic years at Upstate. While the numbers indicate a significant increase in reports, it is likely this is related to awareness of resources and reporting options through a variety of education and awareness activities. Specifically, the increases for AY 2023-24 and AY 2024-25 over previous years coincides with both the implementation of the DOJ Coordinated Community Response Grant and the establishment of an office specific to Upstate’s campus (rather than coordinated through Columbia). The grant work plan includes extensive education, training and awareness components while having coordination on campus with a Coordinator present promotes communication and reporting.

Table 1: Historical Report Data

<u>Academic Year</u>	<u>Harassment/Discrimination</u>	<u>Dating/Domestic Violence</u>	<u>Sexual Assault</u>	<u>Stalking</u>	<u>Pregnancy</u>	<u>Total # of Reports</u>
2020-21	0	0	1	0	0	1
2021-22	0	0	1	0	0	1
2022-23	0	0	1	0	3	4
2023-24	6	4	5	4	4	23
2024-25	4	3	3	3	8	21

For AY 2024-25, reports of harassment and/or discrimination were the most prevalent with 9 reports total of which 4 were based on sex, gender, or sexual orientation. There were 3 reports of sexual assault, 3 of dating/domestic violence and 3 reports of stalking. On the following page, *Chart 1* provides a visual representation of these reports, separating Title IX Sexual Harassment from other types of discrimination and/or harassment.

Chart 1: Report by type

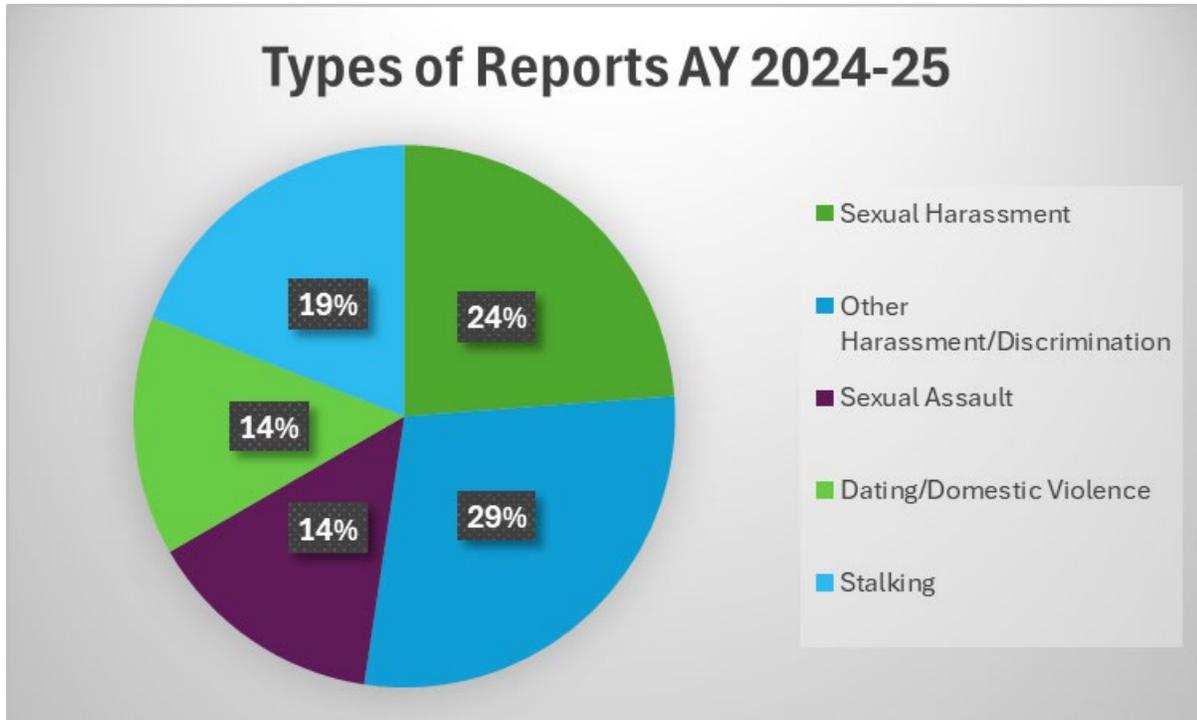


Chart 2 shows trends in how reports move through University processes for both AY 23-24 and AY 24-25. With reports where the person alleged to have violated policy is not a student, employee, or otherwise connected to the University there can be no formal or informal process. (Federal regulations describe this as the University “having control” over that individual.) However, the individual Complainants are provided all available support services as appropriate. This includes referral to local law enforcement and community-based resources in addition to Upstate Counseling Services, Health Services, Employee Assistance Services, and academic/housing/employment supports.

Additionally, not every person who has been harmed responds to Outreach from the Civil Rights and Title IX Coordinator. The Office makes three attempts to contact an individual, then terminates outreach. Since there are no time limits to begin a process, the individual can respond in the future. As long as they still are a student or employee they can receive supportive services and file a formal complaint to initiate a process.

For Title IX processes, only a case that meets the requirements of “severe, pervasive, and objectively offensive” where the Respondent (alleged) is a student or employee can move forward with a formal or informal process. This and the desire of the Complainant to only receive supportive services are the most frequent reason for the significant decrease in cases moving forward.

Finally, it should be noted that several sexual assault, stalking, and dating/domestic violence cases involve a Respondent who is not part of the University community. Given the demographics of Upstate students, this is not unusual. However of the sexual assaults that were reported to have occurred on campus, the alleged Respondent in both cases was a student from another institution of higher education attending a social event on Upstate’s campus.

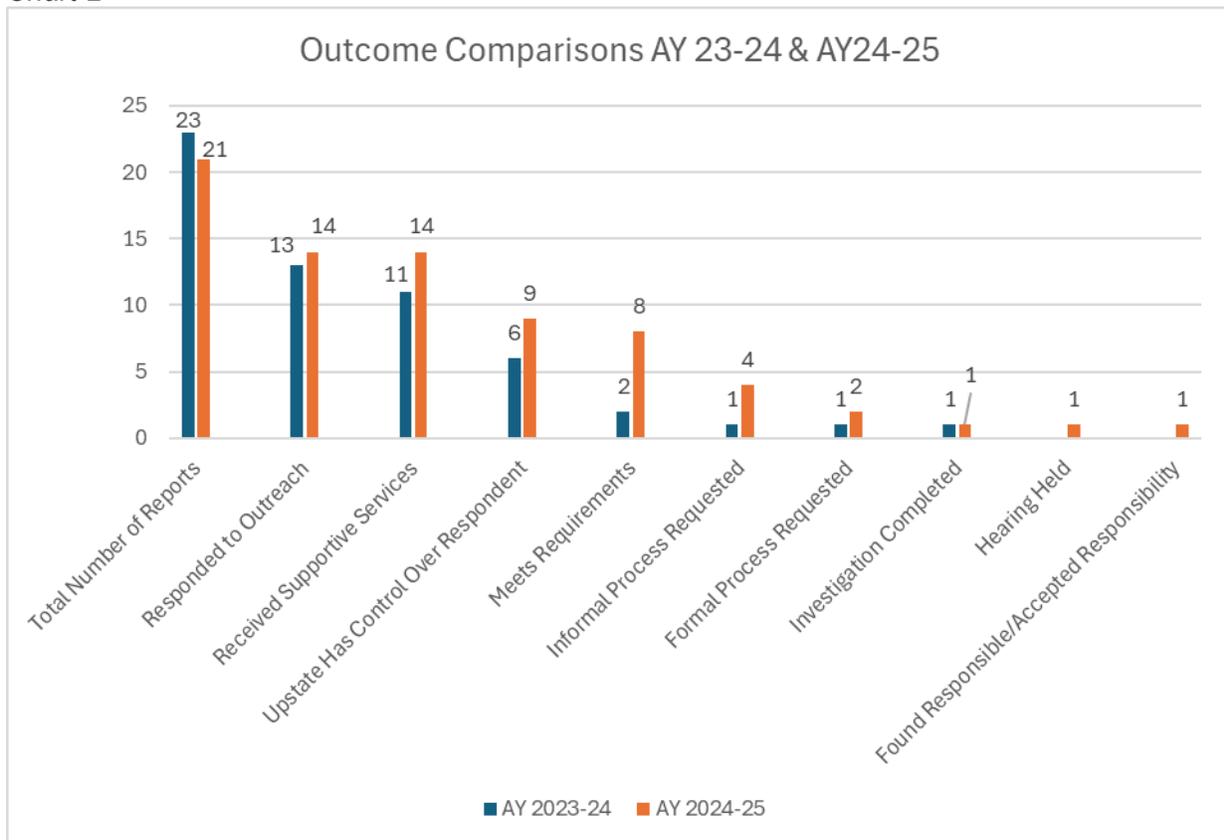
Table 2: Process Trajectory of Reports

<i>Type of Report</i>	<i>Total Reports</i>	<i>Responded to Outreach</i>	<i>Supportive Services</i>	<i>Upstate has control over Respondent</i>	<i>Meets Requirements</i>	<i>No Process Requested</i>	<i>Informal Process Requested</i>	<i>Formal Process Requested</i>	<i>Investigation Completed</i>	<i>Hearing Held</i>	<i>Found Responsible/ Accepted Responsibility</i>
Sexual Harassment	5	4	4	4	3	1	1	1	0	0	0
Other Harassment/Discrimination	6	3	3	3	3	2	0	1	0	0	0
Sexual Assault	3	3	3	0	0	0	0	0	0	0	0
Dating/Domestic Violence	3	2	2	2	2	1	1	1	1	1	1
Stalking	4	2	2	0	0	0	0	0	0	0	0
TOTALS	<u>21</u>	<u>14</u>	<u>14</u>	<u>9</u>	<u>8</u>	<u>4</u>	<u>2</u>	<u>3</u>	<u>1</u>	<u>1</u>	<u>1</u>

Chart 2 compares AY 2023-24 and AY 2024-25 in terms of processes and outcomes. In AY 2023-24, no cases went to hearing at the request of the Complainant, resulting in the dismissal of the complaint. This chart indicates how supportive services are the most desired assistance for those who have experienced harm through policy violations. The desire not to engage in a University process is comparable for both years, with only one case moving to a hearing and decision in AY 2024-25. Data for years prior to AY 2023-24 are not comparable because of limitations to information in the Maxient system and lack of access to records from Columbia.

In situations where the incident occurs off-campus and outside a University program, supports are still offered along with resources to community-based services and local law enforcement. If the off-campus incident involves a Respondent who is a student or employee, the Office will act or refer to another office within the institution under the appropriate policy.

Chart 2



Another tool utilized by the University in these situations is the issuance of a University No Contact Order (NCO). This order is non-disciplinary, applies to both parties, and a violation is treated as a violation of the student Code of Conduct or employee policies. In AY 2023-24, there were 6 NCOs issues in 3 separate cases. In AY 2024-25, there were 4 NCOs issued in 2 separate cases.

Training Received by Civil Rights & Title IX Coordinator AY 2024-25

The Civil Rights and Title IX Coordinator is required to receive a minimum of 40 hours of continuing education each year. For AY 24-25, the Coordinator received over 88 hours of continuing education, including:

- Association for Title IX Administrators (ATIXA) – Advisor Certification, Title VI

- Compliance Foundations Level I and II Certification, Title VI Investigator Certification
- Grand River Solutions – Title VI Investigator
- National Association of Student Personnel Administrators (NASPA – Establishing a Robust Advisor Program, Informal Resolution Certificate, Recognizing and Using AI
- W3CX -WAIO.1 Intro to Web Accessibility
- State University of New York Student Conduct Institute (SUNY SCI) – Hearing Officer Certificate, Title IX Coordinator Certificate, Investigator Certificate, Human Resources Certificate, Neurobiology of Sexual Assault, Emerging Issues in Digital Safety, Online Harassment
- Stetson University College of Law Center for Higher Education Law - Conference on Higher Education Law and Title IX Workshop

As part of annual training, the Coordinator read the book, *“On the Wrong Side: How Universities Protect Perpetrators and Betray Survivors of Sexual Violence”* (Bedera, 2024) and *“Missoula”* (Krakauer, 2015) which was read as part of the activities of the DOJ CCRT grant.

Goals for AY 2025-26

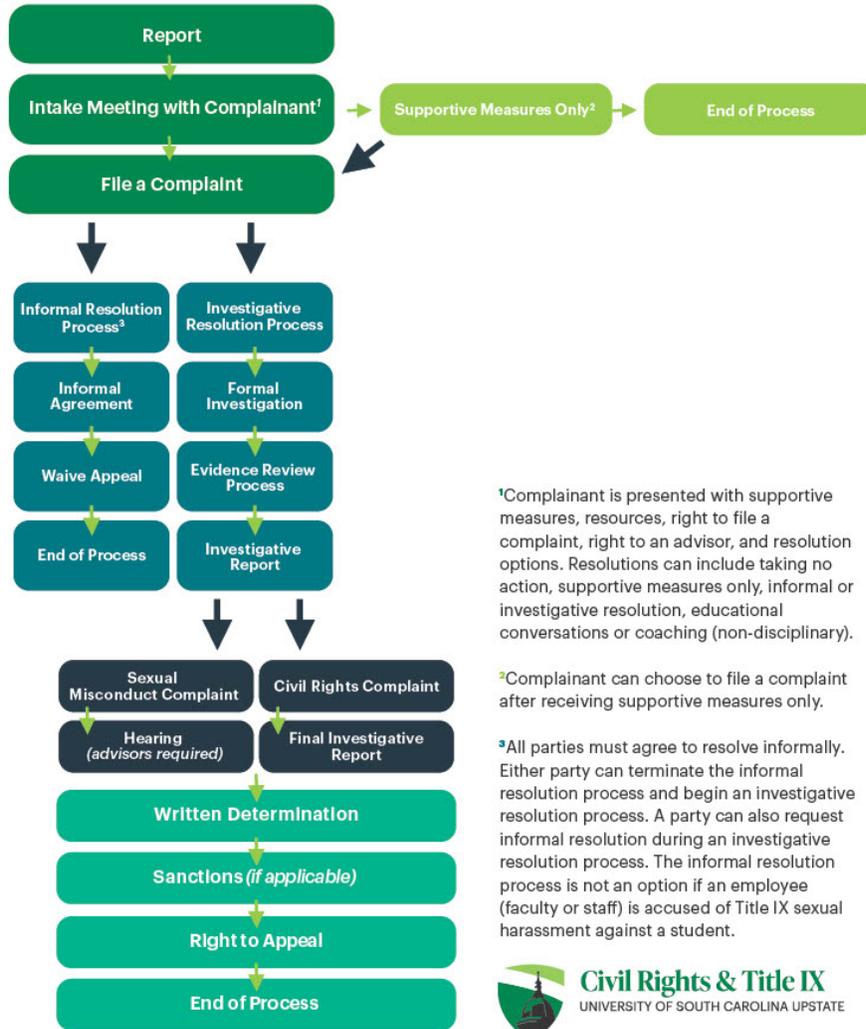
During the Summer, the Title IX functions at Upstate were part of an audit by Columbia that included all comprehensive institutions in the University of South Carolina system. The results of this audit have informed the following goals for the next Academic Year:

- 1) Implementation of an Annual Report to the University community ;
- 2) Review and updating of processes and procedures;
- 3) Implementation of mandatory annual training for all employees;
- 4) Implementation of required training for continuing students, not just incoming students.

Additionally, there will be an emphasis on promoting reporting and educating the University community on options, supports, and the importance of addressing discrimination, harassment, sexual assault, dating/domestic violence, and stalking.

If you have questions or would like more information about the work of the Office of Civil Rights and Title IX, contact Dr. Lyda Costello Kiser, lydak@uscupstate.edu or 864-503-7193.

Civil Rights & Title IX Process Flowchart



¹Complainant is presented with supportive measures, resources, right to file a complaint, right to an advisor, and resolution options. Resolutions can include taking no action, supportive measures only, informal or investigative resolution, educational conversations or coaching (non-disciplinary).

²Complainant can choose to file a complaint after receiving supportive measures only.

³All parties must agree to resolve informally. Either party can terminate the informal resolution process and begin an investigative resolution process. A party can also request informal resolution during an investigative resolution process. The informal resolution process is not an option if an employee (faculty or staff) is accused of Title IX sexual harassment against a student.

