UPSTATE
University of South Carolina

2025-2026

Annual Security and Fire Safety Report

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UNIVERSITY OF SOUTH CAROLINA UPSTATE
2025-2026 ANNNUAL SECURITY AND FIRE SAFETY REPORT

The USC Upstate Department of Public Safety is responsible for law enforcement on and around campus, enforcement of university policies, and emergency response on campus. The Department's Mission is to embrace and maintain a safe, secure, and healthy campus environment where faculty, staff, students, and guests may flourish in the pursuit and support of academic excellence. This mission will be accomplished through proactive community-oriented policing and the effective, efficient, and responsible management of all available physical, technical, and human resources."

The Department of Public Safety is under the leadership of the Director of Public Safety who reports to the Vice Chancellor for Finance and Administration. Institutional Clery compliance is managed by the Director. The Assistant Chief of Police who reports to the Director of Public Safety is responsible for overseeing and managing police patrols, security, and parking operations. The Assistant Chief of Police is also responsible for in-service training, crime prevention services, community policing compliance, and field training.

The Department is staffed by nine full-time patrol officers and three part-time patrol officers including four sergeants who supervise each of the four patrol platoons. The Patrol Division operates 24 hours a day, seven days a week, while the Administrative Offices, including the Public Front Counter, are open 8:00 a.m. to 5 p.m. Monday-Friday save holidays. Officers patrol the campus in patrol vehicles, bicycles and by foot. Contract security officers provide additional support during large-scale campus events such as commencement and athletic events.

The Department also includes two Parking Officers who enforce the University's parking regulations while an Administrative Manager, and three student workers support front office and parking operations. There is also 4 Campus Safety Officers who provide security services for the campus and Library. Additionally, there is an Administrative Lieutenant responsible for investigations, CALEA management and oversight, SCIBRS, NCIC compliance and assisting the Director of Public Safety with Clery compliance. The Campus Fire Marshal is responsible for Fire and Life Safety.

Effective public safety services must include an effective community partnership with informed and engaged members of the campus population across all sectors and an understanding that safety is the responsibility of all, not just those formally charged with enforcing laws, policies, rules, and regulations. This includes looking out for one another, locking up valuables, never leaving valuables unattended and reporting suspicious activity or behavior. The Department of Public Safety provides leadership and expertise in this area and includes educational programming regarding safety, security and crime prevention, criminal investigations, preventative patrols, community-oriented policing (COP), fire safety and prevention.

All Public Safety Officers are state certified law enforcement officers with full powers of arrest with statewide jurisdiction. All are graduates of the South Carolina Criminal Justice Academy, receive a minimum of 30 hours in-service training annually and trained as emergency first responders.

This publication is intended to provide you with information on educational programs, safety practices, crime statistics, and policies regarding the reporting of emergencies on campus, safety, and security on campus. It is the primary objective of the Department of Public Safety to collaborate with members of the campus community in our collective efforts to continually enhance the safety of our academic environment so that faculty, staff, and students may flourish in the pursuit of academic excellence.

The University of South Carolina Upstate Policy for Reporting the Annual Disclosure of Crime Statistics

The Department of Public Safety prepares this report annually to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. The full text of this report can be located on our website at www.uscupstate.edu/campus-services/campus-police-and-parking/. Each year an e-mail notification is made to all faculty, staff, and enrolled students that advises of the availability of this report with the website address to access the report.

This report is prepared in cooperation with local law enforcement agencies surrounding our main campus and two satellite campus sites, the Dean of Students, Housing and Residential Life, Student Affairs and Campus Security Authorities (CSAs). Campus crime, arrest and referral statistics include those reported to the USC Upstate Department of Public Safety and designated campus officials known as Campus Security Authorities (CSA's) which include but are not necessarily limited to directors, deans, department heads, advisors to student groups and organizations, athletic coaches, Title IX Coordinator, and designated Housing and Residential Life employees. These include but are not limited to a member of the University Police Department, an individual who has responsibility for campus security but does not constitute a police or security department (for example, monitoring the entrance to a building), an individual or organization specified in the institution's security policy as an individual or organization to which students and employees should report criminal offenses, and an official of an institution who has significant responsibility for student or campus activities. Examples of such positions at USC Upstate include directors, deans, department heads, judicial affairs officers, advisors to students and student organizations, athletic coaches, the director of athletics and university police.

Prompt reporting to the local law enforcement agency by health care professionals (such as the Director of Health Services) is mandatory if the care provider suspects or reasonably suspects that the person seeking treatment has suffered wounds inflicted by a firearm or suffered assaultive or abusive conduct. Counseling Services informs their clients of the procedures to report crimes to University Public Safety in a voluntary or confidential manner should they feel it is in the best interest of the client. A procedure is in place to anonymously capture crime statistics disclosed confidentially during such a session. Each year, an e-mail is made to all enrolled students providing the web site address to access this report. Faculty/Staff receive similar notifications. Copies of this report may also be obtained at the University Police Department at 219 North Campus Blvd. Spartanburg, SC 29303. Prospective employees may obtain a copy from Human Resources at 800 University Way Spartanburg, SC 29303 Administration Room 301 or by calling (864) 503-5322.

Preparation of this report is the responsibility of the USC Upstate Department of Public Safety. For the main campus, reporting data includes crime reports from the USC Upstate Department of Public Safety, Spartanburg County Sheriff's Department and South Carolina Highway Patrol. It also includes crime reports from Campus Security Authorities, and crime reports and disciplinary actions from the Dean of Students and Director of Housing and Residential Life. For the George Dean Johnson Jr. College of Business and Economics, campus reporting data includes crime reports from the USC Upstate Department of Public Safety and City of Spartanburg Police Department. It also includes crime reports from Campus Security Authorities, and crime reports and disciplinary actions from the Dean of Students. Finally, for the

University Center Greenville campus, reporting data includes crime reports from the Greenville Tech Police Department and City of Greenville Police Department. It also includes crime reports from Campus Security Authorities, and disciplinary actions from the Dean of Students. Hard copies of this report are available to prospective employees in the Human Resources Office at the John C. Stockwell Administration Building at 800 University Way Room 310 Spartanburg, SC 29303. Hard copies for prospective students are available in the Admissions Office in the HEC building at 300 North Campus Blvd. room 2081.

These offenses must be reported according to their occurrence in the following location categories:

- The University of South Carolina Upstate Campuses
- The University of South Carolina Upstate residence halls (Magnolia House, Palmetto House, and Villas)
- Public Property Reasonably Contiguous to the Campuses
- Non-Campus Buildings
- More specifically, the law requires the reporting of violent crimes, burglary, arson, motor vehicle theft and a summary of arrests and disciplinary referrals for liquor law, drug abuse and weapons violations

- Murder & Non-Negligent Homicide
- Manslaughter by Negligence
- Dating Violence, Domestic Violence, Intimidation and Stalking
- Sex Offenses
    - Forcible (rape, sodomy, rape with a foreign object, fondling and sexual battery)
    - Non-Forcible (incest and statutory rape)
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Simple Assault
- Larceny/theft
- Destruction/Damage/Vandalism
- Hate Crimes (where evidence reflects victim selection based on actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, or disability)
- Arrests or persons referred for campus disciplinary action for liquor law violations, drug abuse violations and weapons possession.

In compliance with this law, the University of South Carolina Upstate Department of Public Safety has produced a pamphlet containing this information as well as other valuable safety and crime prevention information. This information is posted on the University of South Carolina Upstate Department of Public Safety Web site under *Campus Crime Statistics* located at www.uscupstate.edu/campus-services/campus-police-and-parking and available in print at:

The University of South Carolina Upstate
C/O Department of Public Safety
219 North Campus Blvd.
Spartanburg, SC 29303

Copies of the brochure will also be sent upon request by U.S. mail or electronic mail. If you have any questions, concerns, or comments, please contact the University of South Carolina Upstate Police Department at (864) 503-7777 or by electronic mail at universitypolice@uscupstate.edu.

General Procedures for Reporting Campus Emergencies and Crimes (USC Upstate Spartanburg Campus)

The University of South Carolina Upstate maintains a full-service 24-hour Department of Public Safety staffed by certified law enforcement officers fully accredited by the State of South Carolina. Police Officers patrol the campus in clearly marked vehicles, bicycles, electric carts, and foot patrol. For emergencies dial **911.** For non-emergencies, business, or general information the Department of Public Safety may be reached at any time by dialing Ext. 7777 from campus telephones or dialing (864) 503-7777 from a cellular or off-campus telephone. In the unlikely event of a campus-wide telephone system failure, the Department of Public Safety may be reached at (864) 503-9196. Magnolia House, Palmetto House, and Palmetto Villas residents may also report an emergency to any Housing and Residential Life Staff Member who in turn will notify University Police via radio or telephone.

The main campus is equipped with emergency phones at the entrance to most campus buildings as well as nine strategically located "blue light" call boxes. These call boxes are located as follows; Hodge Parking Lot, Smith Parking Lot, Health Education Building, building #9 at Palmetto Villas, building #6 at Palmetto Villas, Building #3, at the Villas, Academic Annex Parking Lot, Smith Parking Lot, and HPAC Parking Lot. These phones connect the caller directly to the Spartanburg County 911 Communications Center.

Students, faculty, staff, visitors, and all other members of the campus community are encouraged to contact the Department of Public Safety promptly, and to accurately report any crimes, medical emergency, fire, suspicious person, or circumstance by calling **911**. Dispatchers are available 24 hours a day to answer your call. In response to a call, UPD will take the required action, dispatching an officer or asking the victim to report to UPD to file an incident report. Reports involving student criminal activity or misconduct are forwarded to the Dean of Students Office for review and potential disciplinary action through the Judicial Affairs process. Incidents involving employees of the University will be forwarded to the appropriate department head, Human Resources, and/or Provost in the case of faculty.

Bystanders or witnesses to crimes, suspicious circumstances, fires, or medical emergencies are encouraged to report such incidents when the victim(s) is unable to make such a report. This encouragement is publicized on the Department of Public Safety web page and through the Student and Employee Handbook. These publications are made available to all students, faculty and staff members and may be accessed on-line at the University web site.

In the event of an emergency, The Department of Public Safety should be dialed immediately at **911**. Calls for any emergency service provider such as fire or emergency medical services (EMS) may be made from campus telephones by dialing **911** as well.

Support Services. Students may also contact Counseling Services (864) 503-5195 (Ext.5195) where staff members are trained to assist with victim support and/or individual counseling, or to make referrals to the appropriate member of Health Services, (Ext.5191), Spartanburg Regional Medical Center (864-560-6000) or other appropriate agencies as needed.

USC Upstate George Dean Johnson Jr. College of Business and Economics and University Center Greenville (UCG) Campus

The George Dean Johnson Jr. College of Business and Economics is located at 160 East St. John St. Spartanburg, SC 29306. All emergency responses at this campus are provided on a request for service basis. Law enforcement services are provided by the City of Spartanburg Police Department, fire services by the City of Spartanburg Fire Department and emergency medical services by Spartanburg County Emergency Medical Services. All emergency service providers may be reached by dialing **911**. Dispatchers are available 24 hours a day to answer your call. In response to a call, Spartanburg PD will take the required action, dispatching an officer or asking the victim to report to USC Upstate Police to file an incident report. Reports generated by Spartanburg City PD involving student criminal activity or misconduct are forwarded to University Police who in turn forward the information to the Dean of Students Office for review and potential disciplinary action through the Judicial Affairs process. Incidents involving employees of the University will be forwarded to the appropriate department head, Human Resources, and/or Provost in the case of faculty.

Students, faculty, staff, visitors, and all other members of the campus community are encouraged to contact the Department of Public Safety promptly, and to accurately report any crimes, medical emergency, fire, suspicious person, or circumstance by calling **911**. Bystanders or witnesses to crimes, suspicious circumstances, fires, or medical emergencies are encouraged to report such incidents when the victim(s) is unable to make such a report. This encouragement is publicized on the Department of Public Safety webpage, through articles in the campus newspaper, "The Carolinian" and through the Student and Employee Handbook. These publications are made available to all students, faculty and staff members and may be accessed on-line at the University web site.

The University of South Carolina Upstate Greenville campus is located at the University Center of Greenville, 225 South Pleasantburg Drive at McAllister Square, Greenville, SC 29606. In addition to USC Upstate, five other universities are partners in the University Center. These include Clemson University, Anderson University, Furman University, University of South Carolina Columbia, and Greenville Technical College. Law enforcement services are provided on this campus by the Greenville Technical College Police Department, City of Greenville Police Department, fire services by the City of Greenville Fire Department and emergency medical services (EMS) by Greenville County.

Students, faculty, staff, visitors, and all other members of the Greenville campus are encouraged to contact the Greenville Technical College Police Department promptly at (864) 250-8911 and accurately report any crimes, suspicious person, or circumstance. **911** may also be called to report a crime, fire, or medical emergency. Bystanders or witnesses to crimes, suspicious circumstances, fires, or medical emergencies are encouraged to report such incidents when the victim(s) is unable to make such a report.

In the event of an emergency, Greenville Tech Police should be called immediately at (864) 250-8911. Calls for any emergency service provider such as fire or emergency medical services, (EMS) may be made by dialing **911.** It is critical that the caller contact Greenville Tech Police immediately after direct contact has been made with emergency operators for Police Officers to direct outside responders to the exact location of the emergency. Dispatchers are available 24 hours a day to answer your call. In response to a call, Greenville Tech Police will take the required action, dispatching an officer or asking the victim to report to GVTPD to file an incident report. Reports involving student criminal activity or misconduct are forwarded to the Dean of Students Office for review and potential disciplinary action through the Judicial Affairs process. Incidents involving employees of the University will be forwarded to the appropriate department head, Human Resources, and/or Provost in the case of faculty.

Support Services. Students may also contact Counseling Services (864) 503-5195 (Ext. 5195) where staff members are trained to assist with victim support and/or individual counseling, or to make referrals to the appropriate member of Health Services, (864) 503-5191 (Ext. 5191), Greenville Regional Hospital (864) 455-6372 or other appropriate agencies as needed.

General Procedures for Confidential Reporting of Campus Emergencies and Crimes

University Police Officers, Counseling Services and all the aforementioned campus offices provide prompt, sensitive, and courteous service to any member of our community who may require assistance. Due to the nature and legal requirements of these duties, University Police and other campus officials must treat all reported crimes as official matters and investigate accordingly. Anyone desiring to discuss sensitive matters in a non-investigatory setting may contact Counseling Services, (Ext. 5195) or a Pastoral Counselor. All crimes, no matter how they are reported, must, by federal law, be documented and reported. The same federal law also mandates that confidentiality be strictly maintained.

Limited Voluntary Confidential Reporting

The University of South Carolina Upstate Department of Public Safety encourages anyone who is the victim or witness of any crime to report the incident promptly and accurately to the police. Because police reports are public records under state law, the Department of Public Safety cannot hold reports of crime in confidence. Confidential or limited confidential reports for purposes of inclusion in the annual disclosure of crime statistics can generally be made to other USC Upstate campus security authorities as listed under Reporting a Crime. Confidential reports may also be made to Crime Stoppers at 58-CRIME (864-582-7463) or a confidential crime reporting form at the USC Upstate Police Department website https://uscupstate.edu/student-experience/student-services-resources/public-safety/report-a-crime/

Confidential Reporting Procedures

As a result of the negotiated rulemaking process which followed the signing into law, the 1998 amendments to 20 U.S.C. Section 1092 (f), clarification was given to those considered to be campus security authorities. Campus “Pastoral Counselors” and Campus “Professional Counselors,” when acting as such are not considered to be a campus security authority and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged, if and when they deem appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.

Counselors are defined as:

Pastoral Counselor

An employee of an institution, who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.

Professional Counselor

An employee of the institution whose official responsibilities include providing psychological counseling to members of the institution's community and who is functioning within the scope of his or her license or certification.

Reporting of Criminal Offenses

To Report a Crime: Upstate Spartanburg Campus

Faculty, staff, students, and visitors are encouraged to report all criminal actions and suspicious activity, emergencies, or any other public safety related incidents occurring in the University's Clery geography to University Public Safety by dialing **911** for emergencies, 503-7777 for non-emergencies, or by using the emergency phones located at the entrance doors to most campus buildings, or one of nine strategically located blue light phones. Any suspicious activity or person seen in the parking lots or loitering around vehicles, inside buildings, or around the Residence Halls should be reported to the University Police Department. In addition, you may report a crime to the following:

Dean of Students	503-5107	Campus Life Center (CLC) 180 Gramling Dr. Room 220
Director of Health Services	503-5191	Health Services 995 University Way & 490 Hodge Dr. (Rampey)
Director of Housing & Residential Life	503-5422	Palmetto House 470 Hodge Dr. Room 031D
Director of Employee Relations	503-5354	Administration Bldg. 800 University Way Room 310
Title IX Coordinator	503-7193	Library Bldg. 150 Gramling Dr. Room 117B

For commuter students living in off-campus housing adjacent to the University, please call Spartanburg County Sheriff's Department for law enforcement services at **911**. The University of South Carolina Upstate and the Spartanburg County Sheriff's Department work closely together. University Police attend periodic meetings with local law enforcement agencies to exchange ideas and problems which may be of concern to the University community.

To Report a Crime: George Dean Johnson Jr. College of Business and Economics

Contact the Spartanburg City Police Department at **911** for emergencies, or non-emergencies at (864) 596-2035. Any suspicious activity or person seen in the parking lots or loitering around vehicles or inside buildings should be reported to the police department as well. In addition, you may report a crime to the following:

Dean of Students	503-5107	Campus Life Center 180 Gramling Dr. Room 220
Director of Health Services (Rampey Bldg.)	503-5191	Health Services Bldg. 995 University Way and 490 Hodge Dr.
Director of Employee Relations	503-5354	Administration Bldg. 800 University Way Room 310
Title IX Coordinator	503-7193	Library Bldg. 150 Gramling Dr. Room 117B

To Report a Crime: University Center Greenville (UCG) Campus

To report crimes at the Greenville campus, contact the Greenville Technical College Police Department at (864) 250-8911 for emergency and non-emergency services. Greenville Tech Police can also be reached at the following cell phone numbers: (864) 419-9972, 419-9966, 419-9929 or 419-9980.

Any suspicious activity or person seen in the parking lots or loitering around vehicles or inside buildings should be reported to the Police Department. In addition, you may report a crime to the following:

Executive Director Greenville Campus 552-4218 University Center Greenville (UCG) 225 S. Pleasantburg Dr. Suite 627

Dean of Students	503-5107	Campus Life Center 180 Gramling Dr. Room 220
Director of Health Service	503-5191	Health Services Bldg. 490 Hodge Dr. (Rampey Bldg.)
Director of Employee Relations	503-5354	Administration Bldg. 800 University Way Room 310
Title IX Coordinator	503-7193	Library Bldg. 150 Gramling Dr. Room 117B

Off-Campus Criminal Activity

If a USC Upstate student is involved in an off-campus criminal offense, the University Department of Public Safety is not typically involved with the investigations conducted by outside law enforcement agencies. Adjacent housing complexes such as Pinegate, Valley Falls, Auden Upstate, Upstate Co-Living and Campus Evolution are within the jurisdiction of the Spartanburg County Sheriff's Department.

Student Life maintains contact with recognized fraternity and sorority organizations through the efforts of the Greek Affairs Advisor. These organizations are located on campus. Neither the University of South Carolina Upstate nor any recognized fraternity or sorority organization operates any on or off-campus student organization facilities such as housing for these fraternity and sorority organizations. University Police members do not provide law enforcement services to off-campus Greek Life activities recognized by University Authority.

Crime Prevention, Fire Safety, and Safety Awareness Programming

The University of South Carolina Upstate offers a number of programs designed to inform students and employees about campus safety and security; procedures, practices, and the prevention of crime. A common theme of all awareness and crime prevention programs is to encourage students and employees to be responsible for their own safety and for the safety of others on campus. Crime prevention programs on personal safety and security are sponsored by various campus organizations throughout the year. These programs include general crime prevention and security awareness programs, such as safety education, programs, and discussions about topics such as alcohol abuse, drug abuse, sexual assault awareness and prevention, relationship violence awareness and prevention, stalking, bystander intervention, fire safety, emergency response and evacuation procedures, and theft prevention. University Public Safety, Housing and Residential Life, Student Life and the Title IX Coordinator participate in forums, panels, meetings, and programs in residence halls and fraternities/sororities to explain University security, campus safety, campus policies, and expectations related to student conduct and behavior and fire safety measures and procedures at USC Upstate.

These crime prevention and security awareness themes are additionally reviewed as part of Public Safety's community policing liaison program with athletes, first-year residents, and other key student groups and organizations. New employee orientation includes a tour of the University Police Department including an overview of safety and security procedures and the distribution of crime prevention and fire safety materials.

There are three DPS marquee crime prevention/safety awareness events that occur each year. In the fall semester, DPS, in cooperation with the North Spartanburg Fire Department Fire Marshal, conducts fire extinguisher use and fire prevention training for all Resident Assistants. The second marquee event is in the fall and entitled: "Campus Safety Day."

Additional safety awareness and crime prevention training/programming occurs at the end of each fire/evacuation drill, Rape Aggression Defense classes, during RA and CSA training, and during other special campus events and safety forums throughout the year. Listed below is a description of these programs:

Anti-Hazing Training: Twice a year at the beginning of the fall and spring semesters, the Office of Student Life conducts mandatory training for all registered student organizations such as sororities and fraternities and student leaders regarding the University's anti-hazing policy and expectations of FSL members.

Emergency and Safety Procedures Guide: Each employee is given a desktop Emergency Procedures guide detailing policies and procedures for a wide range of potential emergency situations such as fire, active shooter, bomb threat,

severe weather incidents, etc.

Bringing in the Bystander: USC Upstate's Division of Student Affairs provides Bringing in the Bystander workshops for sexual assault and dating/domestic violence prevention for all University 101 classes and to other student groups or classes upon request. Bringing in the Bystander is an evidence-based curriculum that teaches students how to recognize warning signs of violence and safely intervene to stop or prevent violence.

University 101 Classes: University 101 classes are mandated for all first-year students. In these classes, part of the curriculum includes the instructors and guest speakers from University Police discussing many crime prevention and security awareness procedures including residence hall security, personal safety, sexual assault, dating violence, stalking, cyber stalking, identity theft, vehicle safety, criminal scams, vehicle safety, drinking and driving, and more. These classes are offered under the Academic Affairs umbrella.

Title IX Training: Upon hiring at orientation, each new employee must complete an online Title IX training. This training addresses sexual discrimination on campus including sexual assault, stalking, dating violence. Also, all University employees must attend either an on-line or in class Title IX training. This training is comprehensive and on-going. These training courses are sponsored by the University Training Coordinator in the USC Upstate Business Affairs Office.

Active Shooter/Mitigating Workplace Violence Training: Each year the Department of Public Safety offers 4-6 training classes on Active Shooters and Mitigating Workplace Violence. These classes are open to all members of the community. The training is also available on the USC Upstate Department of Public Safety website.

Campus Security Authority Training (CSA's): Campus Security Authority training is open to all university employees and is offered on-line through the USC Upstate Training Office. This training includes the definition of CSA, CSA responsibilities, when to report, reporting options, what must be reported, CSA exclusions and CSA exemptions. This training is also available on-line at the Department of Public Safety website.

Campus Prevention Network/RespectEdu

Campus Prevention Network/RespectEdu through Vector Solutions LMS is a suite of interactive online alcohol and other drug and sexual assault prevention programs that engages undergraduate students in fostering healthy relationships and preparing them to recognize and respond to sexual assault and harassment when it occurs. Designed to prevent sexual assault, dating and domestic violence and stalking, Campus Prevention Network/RespectEdu helps our institution meet Title IX and Clery Act education mandates. At the beginning of each semester, all incoming students are requires to complete this online training. It is sponsored by the Division of Student Affairs.

Alcohol & Other Drugs:

AlcoholEdu for Alcohol & Other Drugs is a 60-minute, online course through Vector Solutions LMS assigned to all incoming students. Using a story-first approach to engage students in meaningful alcohol prevention education, this course centers authentic student-driven narratives to explore key topics such as supporting peers in recovery, understanding the short and long-term effects of alcohol and substance use, and the physical, mental, and emotional benefits of abstaining and/or reducing the use of these substances while in college. By blending narrative-driven instruction with interactive engagement, this course equips students with the tools to make positive choices and create a culture of awareness, intervention, and support. The responsibility of documenting student compliance with the *Campus Prevention Network/RespectEdu* and *AlcoholEdu* programs is the Division of Student Affairs. Since fall 2024, these modules have been required of all new students.

Guest Speakers: Each academic year the Dean of Students sponsors a guest speaker who meets and talks with students on such subjects as alcohol education, sexual assault and the law and Title IX.

Rape Aggression Defense (R.A.D.): Rape Aggression Defense System is a comprehensive course that includes awareness, prevention, risk reductions, avoidance, and hands-on self-defense training for class credit is offered once each semester while two to three public classes are offered to the general community each year. The Department of Public Safety sponsors this program.

Safety Awareness Brochures: An array of safety training brochures is also available free of charge at the Department of Public Safety. These include information on Restraining Orders, Rape Aggression Defense, Mitigating Workplace Violence, Electrical Safety, Fire Safety, and Tips for Solving Conflict without Violence.

Student and Parent Orientation: During student and parent orientations in July and August of each year, students and parents are informed of services offered by the University's Department of Public Safety. Lectures, videos, and Power Point presentations include strategies for maintaining personal safety, residence hall security, vehicle theft and theft of personal property from vehicles. This program is hosted by Admissions.

Crime Prevention Awareness Programs: Periodically during the academic year the Upstate Police Department, in cooperation with other University organizations and departments, present crime prevention awareness sessions on sexual assault (rape and acquaintance rape), Rohypnol abuse, theft, vandalism and educational sessions on personal safety and residence hall security. These lectures and training are held in university 101 classes. Residence halls and individual classes upon request.

Residential Student Briefings: At the beginning of each fall semester, the Chief of Police and/or the Dean of Students meet with residents of the Palmetto House, Magnolia House, and Villas to discuss Title IX and drug and alcohol policies related to criminal statutes and University policy.

Media: In addition to awareness classes, information is disseminated to students and employees through crime security alerts and articles in the University newspaper as needed and appropriate.

Tip: To enhance personal safety, (especially after an evening class), walk with friends or someone from class that you know well, or call the Department of Public Safety for an escort

Miscellaneous Personal Responsibility and Security Awareness Programs: The professional staff and Resident Assistants of Housing and Residential Life conduct personal responsibility security awareness programs each semester. With the assistance of the professional staff, each Resident Assistant is responsible for conducting at least ten such awareness programs each academic year for their respective floors of responsibility. In past years these have included Drunken Mario Cart, Think before You Drink, Consent Tie-Die, Spread the Love and bulletin board training on consent explained by using tea. However, these programs may change each semester depending on the programming choices of each Professional Staff and Resident Assistant employee. Additionally, each semester, the staff conducts eight community-wide programs selected from the following categories: leadership, identity, values, Experience Upstate, wellness, educational, life skills and large-scale socials.

Residents of each housing facility are also trained in fire safety and residence hall security at the beginning of each semester. Topics covered include fire safety policies and procedures, visitation, tailgating into residence halls, guest check-in procedures, lock down procedures and apartment and suite security.

Police Authority, Campus Safety Officer Authority and Jurisdiction `

Upstate Spartanburg Campus

As State Constables, University Police Officers possess state-wide police powers to apprehend and arrest anyone involved in illegal acts on campus and areas immediately adjacent to the campus. If minor offenses involving University rules and regulations are committed by a university student, the Department of Public Safety may also refer the individual to the Dean of Students or Director of Housing and Residential Life for judicial action. In addition, University Police may be called upon by the University Administration to conduct administrative investigations of a non-criminal nature. Major offenses such as rape, murder, aggravated assault, and robbery may be investigated jointly with the Spartanburg County Sheriff's Department and/or South Carolina law Enforcement Division (SLED). The prosecution of criminal cases, both felony and misdemeanor are conducted in Magistrate, General Sessions, or Federal Court within Spartanburg County. The Department of Public Safety works closely with Spartanburg County Sheriff's Department, Highway Patrol, and federal police agencies and has direct radio communications with the Spartanburg County Sheriff's Department, North Spartanburg County Fire Department, and the County **911** Emergency Dispatch Center. There is no written memorandum of understanding (MOU) between Spartanburg County Sheriff's Department and the USC Upstate Police Department.

Through coordination with local law enforcement agencies, any criminal activity engaged in by students at off-campus locations may be monitored and recorded. This information is provided to University Police who in turn provide this information to the Dean of Students.

By mutual agreement with state and federal agencies, the Department of Public Safety maintains an American Law Enforcement Network (ALEN). Through this system, police personnel can access the National Crime Information Computer System as well as the State of South Carolina criminal database system. These computer databases are used for accessing criminal history data, nationwide police records, driver/vehicle identification information, as well as other local, state, and federal law enforcement information.

Campus safety officers are not vested with police authority including powers of arrest. Their primary function is to observe and report criminal activity, suspected criminal activity and violations of university policy. These personnel are assigned to fixed posts at the Library and Campus Housing. One additional position is assigned to lock up campus building and classrooms. Their jurisdiction is limited to the campus boundaries.

George Dean Johnson Jr. College of Business and Economics

As municipal law enforcement officers, City of Spartanburg Police Officers possess police powers to apprehend and arrest anyone involved in illegal acts within the City of Spartanburg including a 3-mile radius outside the city limit. This includes the Johnson School of Business campus and areas immediately adjacent to the same. If minor offenses involving University rules and regulations are committed by a university student, University Police may refer the individual to the Dean of Students for judicial action. Spartanburg Police work closely with state and federal police agencies and have direct radio communications with EMS, the Spartanburg County Fire Department, and the County **911** Emergency Dispatch Center. Major offenses such as rape, murder, aggravated assault, and robbery may be investigated jointly with SLED. The prosecution of criminal cases, both felony and misdemeanor are conducted in Magistrate, General Sessions, or Federal Court within Spartanburg County. Through coordination with local law enforcement agencies, any criminal

activity engaged in by students at off-campus locations may be monitored and recorded. This information is provided to University Police who in turn provide this information to the Dean of Students.
By mutual agreement with state and federal agencies, the City of Spartanburg maintains an American Law Enforcement Network (ALEN). Through this system, police personnel can access the National Crime Information Computer System as well as the State of South Carolina criminal database system. These computer databases are used for accessing criminal history data, nationwide police records, driver/vehicle identification information, as well as other local, state, and federal law enforcement information.

University Center Greenville (UCG) Campus

As State Constables, Greenville Tech Police Officers possess state-wide police powers to apprehend and arrest anyone involved in illegal acts on the Greenville campus and areas immediately adjacent to the campus. If minor offenses involving University rules and regulations are committed by a university student, University of South Carolina Upstate Police or the Greenville Tech Police may also refer the individual to the Dean of Students for judicial action. Major offenses such as rape, murder, aggravated assault, and robbery may be investigated jointly with the City of Greenville Police Department and/or SLED. The prosecution of criminal cases, both felony and misdemeanor, are conducted in Magistrate, General Sessions, or Federal Court located within Greenville County. Greenville Tech Police work closely with local, state, and federal police agencies and have direct radio communications with the Greenville Police Department, Greenville County Fire Department, and the Greenville County **911** Emergency Dispatch Center.

Through coordination with local law enforcement agencies, any criminal activity engaged in by students at off-campus locations may be monitored and recorded. This information is provided to University Police who in turn provide this information to the Dean of Students.

By mutual agreement with state and federal agencies, the Greenville Tech Police Department maintains an American Law Enforcement Network (ALEN). Through this system, police personnel can access the National Crime Information Computer System as well as the State of South Carolina criminal database system. These computer databases are used for accessing criminal history data, nationwide police records, driver/vehicle identification information, as well as other local, state, and federal law enforcement information.

General Policy Information

Emergency vehicles

You are required to yield and pull over for any vehicle exhibiting flashing emergency lights, including University Police. Failure to do so may result in arrest, citation, and/or disciplinary action.

Identifying Yourself to Campus Officials

When requested to do so, you are required to properly identify yourself to any Campus Official, including Housing and Residential Life staff, Resident Assistants and University Police Officers.

Individual Responsibility

Every student and employee must bear an appropriate amount of responsibility for their own safety and security as well as their fellow students and co-workers. Finally, please observe the following guidelines:

- Report all crimes immediately. Prompt reporting may assist in apprehension and prevention of future crimes. Call **911**.
- Report all suspicious persons and circumstances. This may prevent crime from occurring. Call **911**.
- Lock your doors and windows, even if you will only be gone, "a little while." It does not take long for a thief to walk in, remove your personal property and walk out unnoticed.
- Do not prop open or try to compromise the security features of residence hall doors. If you find a door propped open, please close it. If it is not locked, notify an RA, the Housing and Residential Life office, or the Department of Public Safety immediately.
- Adequately secure any property left outside, such as bicycles.
- If you walk across campus late at night, consider going with a friend. We enjoy a very safe campus; however, crime can occur anywhere.

Littering and Vandalism

Please help keep your campus clean! Students who are found to be responsible for littering or vandalism in or around the campus will be charged for the cost of clean-up and/or repair. Flagrant incidents may also result in disciplinary action and/or arrest/citation.

Lost and Found

To check on lost items of personal property, or to turn in found items, please call the Department of Public Safety business line at (864) 503-7777.

Emergency Response and Evacuation Procedures Statement

The University's Incident Management Plan includes information about the Incident Management Team, University operating status parameters; incident priorities and performance expectations; shelter-in-place and evacuation guidelines; and local contingency and continuity planning requirements. University Departments are responsible for developing contingency plans and continuity of operations plans for their staff and areas of responsibility.

The University conducts numerous emergency response exercises each year, such as tabletop exercises, field exercises, and tests of the emergency notification systems on campus. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution.

USC Upstate Police officers and supervisors have received training in Incident Command and responding to critical incidents on campus. When a serious incident occurs that represents an immediate threat to the campus, the first responders to the scene are usually the USC Upstate Police, North Spartanburg Fire Department and Spartanburg County EMS. These agencies typically respond and work together to manage the incident. Depending on the nature of the incident, the Spartanburg County Sheriff's Office, USC Upstate departments and other local or federal agencies could also be involved in responding to the incident.

General information about the emergency response and evacuation procedures for USC Upstate are publicized each year as part of the institution's Clery Act compliance efforts and that information is available on the USC Upstate Police Department web site.

All members of the USC Upstate community are notified on an annual basis that they are required to notify the USC Upstate Police Department of any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of students and/or employees on campus. USCUPD has the responsibility of responding to, and summoning the necessary resources, to mitigate, investigate, and document any situation that may cause a significant emergency or dangerous situation. In addition, the USC Upstate Police Department has a responsibility to respond to such incidents to determine if the situation does in fact pose a threat to the community. If that is the case, Federal Law requires that the institution immediately notify the campus community or the appropriate segments of the community that may be affected by the situation. In the event of an emergency, members of the campus community may be advised to Shelter-In-Place, relocate to a Severe Weather Shelter Area (partial evacuation) evacuate open spaces, parking lots and athletic fields, evacuate a building or evacuate the campus entirely. Evacuations will be facilitated by members of the University Police Department, Building and Floor Coordinators and Faculty members.

Emergency Notifications

Recognizing the institution's responsibility to keep students, employees, and guests from harm's way, the University of South Carolina Upstate provides immediate notifications to the campus community when a significant emergency or other dangerous situation poses an imminent threat to the health and safety of our community has been confirmed by a university official, but typically from University Public Safety. Such notifications may include general safety information or specific instructions to lock down a building, evacuate, shelter-in-place or move to a severe weather shelter area. Emergency responses are provided by University Public Safety, Spartanburg EMS, and North Spartanburg Fire Department.

To ensure the integrity of this process, emergency notification systems are tested once each semester. Additionally, the University will work to provide safe, timely and effective building evacuations. To this end, one (1) evacuation drill is held each year in all academic and support services buildings while two (2) building evacuation drills are held each academic term in residence halls.

An emergency notification to our campus community is triggered by any event that is currently occurring and represents an emergency or dangerous situation posing an immediate threat to campus. After University Public Safety confirms a significant emergency or dangerous situation representing an immediate threat to the health or safety of students or employees occurring on campus or affecting campus, emergency notification procedures will be initiated immediately. University Public Safety will also determine how much information is appropriate to disseminate at different points in time.

To report an incident requiring an emergency notification, contact University Police immediately at either (864) 503-7777 or **911**. Depending on the type of emergency, the following departments/agencies will respond and oversee the emergency:

- Criminal Incidents — University Police (may be assisted by Spartanburg County Sheriff's Dept.)
- Building or Open Space Fires — North Spartanburg Fire Department
- Medical Emergencies — Spartanburg County Emergency Medical Services (EMS)
- Pandemics/Health Issues — South Carolina Department of Health and Environmental Control
- Building Facility Issues — USC Upstate Facilities Management Department
- Gas Leaks — Piedmont Gas

Hazardous Weather Incidents — Spartanburg County Office of Emergency Management

Some examples of an immediate threat may include:

- Building fire
- Active shooter
- Terrorist incident
- Bomb threat
- Explosion
- Gas leak
- Civil unrest or rioting
- Approaching tornado or other severe weather conditions
- Hazardous material spill

Notifications will be made by University Public Safety via the SpartAlert Emergency Notification System. These notifications will be made by text messages and email. Students and employees should take responsibility for regularly checking their text messages and email. Limited mass notifications via public address speakers connected to the fire alarm systems in the HPAC, Smith and Media buildings may also be activated by the Department of Public Safety on an as needed basis. The University's emergency notification system may also include the utilization of outdoor emergency notification loudspeakers, electronic message boards, flyers at building entrances and bulletin boards, and/or person to person notification of students, faculty, and staff by Building and Floor Coordinators, University Police, or other University personnel. Moreover, USC Upstate will, without delay, considering the safety of the community, determine the content of the notification and initiate the notification system, **unless** issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

The entire campus community will be notified when there is at least the potential that a very large segment of the community will be affected by a situation, or when a situation threatens the operation of the campus as a whole. Limited notifications may be made when only a small area or building is affected. These decisions are made by the Chief of Police or his/her designee and when needed with input from the Incident Management Team. In either regard, there will be a continuing assessment of the situation and additional segments of the campus community may be notified if a situation warrants such action.

Emergency notifications will be issued without delay and considering the safety of the community and determine the content of the notification by either the Chief of Police, Assistant Chief of Police, other police department official, or Associate Vice Chancellor for Strategic Marketing and Communications. The contents of the notification will be determined by an assessment of the threat by University Police including the nature and location of the threat, specific precautions to be taken and whether any weapons are involved in dangerous situations. Intelligence information for the alerts may be obtained from patrol officers, parking officers, safety officers, faculty, staff, students, or visitors of the University. Risk assessment will be assessed by the Incident Management Team and subject matter experts such as the Chief of Police, Assistant Chief of Police, Investigator, Resident State Fire Marshal, Director of Risk Management, or external public safety partners including law enforcement, fire, and EMS.

Notifications to the external community may be made to local media outlets (television, radio, newspaper) through University Communications. Reverse 911 notifications may be made to the adjacent community from the Spartanburg County 911 Center.

Parents or relatives of current students may also be notified via the SpartAlert Emergency Notification System if students choose to register their phone numbers with the SpartAlert system.

Messages may include directions to the campus community to:

- Lock down a building
- Shelter in place (remain in the location in which you are presently located)
- Relocate to a designated Severe Weather Shelter Area
- Evacuate a building
- Avoid coming to campus or a particular area on campus
- Clear athletic and recreational fields and seek shelter indoors
- Evacuate the entire campus

Emergency Notification Protocol

In the event a situation arises, either on or off campus, that in the judgment of the Chief of University Police constitutes an ongoing or continuing threat, a campus-wide "timely warning" will be issued. The warning will be issued through the University's SpartAlert Emergency notification system to faculty, staff and students through email and text messaging and on occasion through the campus' student newspaper, the Carolinian.

In the event of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees on campus a campus-wide Emergency Notification will immediately be issued upon confirmation of a significant emergency or dangerous situation.

Depending on the particular circumstance of the crime or other dangerous situation, especially in all situations that could pose an immediate threat to the community or individuals, the Department of Public Safety may also post a message on the University's network of electronic message boards and/or outdoor emergency notification speakers, flyers or posters posted in campus buildings, and a posting of information on the University web site at www.uscupstate.edu. Anyone with information warranting a timely warning or emergency notification should report the circumstances to University Police either by phone (864) 503-7777, or in person at the Department of Public Safety located at 219 North Campus Blvd. Spartanburg, SC 29303.

1. Confirm that there is a significant emergency or dangerous situation on campus requiring activation of the "*SpartAlert*" emergency notification system. This confirmation is determined by the Chief of Police or his/her designee from verified information received from multiple layers of information gathering including but not limited to Police Officers, University department and administrators, students, faculty, media, and external public safety partners.
2. Determine the appropriate segment(s) of the campus community to receive notification. If a significant emergency or dangerous situation is such that it could impact the entire campus community, all segments of the community will be notified. However, if the threat is limited to a building or area, such as flooding in a single structure, only persons in the affected area may be notified. On-going assessments of the event will be made, and additional segments of the community will be notified if the situation warrants such action.
3. Determine the content of the notification. The Chief of Police or his/her designee will confer with the Director of University Communications or her/his designee to determine what information will be included in the notification. The Chief of Police will give consideration as to how much information is appropriate to disseminate at different points in time.
4. Initiate the "*SpartAlert*" emergency notification system without delay, and considering the safety of the community, unless, in the professional judgment of the responsible authorities, such activation could compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. In most cases, first responders will be alerted to significant emergencies or dangerous situations prior to the community as a whole.

5. Methods of communicating a significant emergency or dangerous situation to our external stakeholders or larger community will be made by the Director of Communications and may include all or a part of the following:

    - Radio and/or Television Alerts
    - Reverse 911 Notification through Spartanburg 911 Center

6. Methods of communicating a significant emergency or dangerous situation to our internal stakeholders may include all or a part of the following:

    - Text message notification
    - Email notification
    - Public address notifications from fire alarm hallway speakers in HPAC, Smith and Media, and Rampey buildings only
    - Electronic message boards
    - Notification on University web page at www.uscupstate.edu
    - Person to person
    - Flyers and/or posters

Emergency Response and Evacuation

The University's Incident Management Plan includes information about Incident Response Teams, University operating status parameters, incident priorities and performance expectations, shelter-in-place and evacuation guidelines, and local contingency and continuity planning requirements. Depending on the extent and/or severity of the emergency, members of the campus community may be advised to Shelter-in-Place, relocate to a designated Severe Weather Shelter Area, evacuate a building, evacuate open spaces/athletic fields/parking lots, or evacuate campus entirely.

University departments are responsible for developing contingency plans and continuity of operations plans for their staff and areas of responsibility (Individual Building Action Plans). The University conducts a number of emergency response exercises each year such as tabletop exercises, field exercises, and tests of the emergency notification systems on campus. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution.

USC Upstate police officers and supervisors have received training in Incident Command and responding to critical incidents on campus. When a serious incident occurs that causes an immediate threat to campus, the first responders to the scene are usually USC Upstate police officers, Spartanburg EMS, and North Spartanburg Fire Department. Typically, these agencies respond and work together to manage the incident. Depending on the nature of the incident, other USC Upstate departments and other local or federal agencies could also be involved in responding to the incident.

Emergency Evacuation Glossary of Terms

- **Shelter-In Place Procedures-What it Means to "Shelter-in-Place" -** If an incident occurs and the buildings or areas around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors as leaving the area may expose you to that danger. Thus, to, "shelter-in-place" means to make a shelter of the building you are in, and with a few adjustments this location can be made even safer and more comfortable until it is safe to go outside.
- **Basic "Shelter-In-Place" Guidelines -** If an incident occurs and the building you are in is not damaged, stay inside until you are told it is safe to come out. If your building is damaged, take your personal belongings and follow the evacuation procedures for our building (close your door, proceed to the nearest exit, and use the

stairs instead of the elevators). Once you have evacuated, seek shelter quickly at the nearest University building. If police or fire department personnel are on the scene, follow their directions.

- **How You Will Know to "Shelter-In-Place"-** A shelter-in-place notification may come from several sources, including the SpartAlert notification system, Upstate Police, Housing Staff members, or other University employees.
- **How to "Shelter-in-Place"-** No matter where you are, the basic steps of sheltering-in-place will generally remain the same. Should the need ever arise, follow these steps unless otherwise instructed by on-scene emergency responders:

    1 If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of an emergency. If you are outdoors, proceed quickly into the nearest building or follow instructions from on scene first responders.
    2. Locate a room to shelter inside. The room should be an interior room at ground level either without windows or a minimal number of windows.
    3. Shut and lock all windows and close exterior doors.
    4. Turn off air conditioners, heaters, and fans.
    5. Close vents to ventilation systems if possible (University staff will turn off ventilation systems as quickly as possible).
    6. Make a list of people with you and ask someone to call in to USC Upstate Department of Public Safety so they know where you are sheltering.
    7. Turn on a radio or TV and listen for further instructions.
    8. Make yourself comfortable.

- **Partial Evacuation Procedures-What "Partial Evacuation" Means -** In case of severe weather such as a tornado or severe lightning storm, it is usually safer to stay indoors and partially evacuate to a "Severe Weather Shelter Area" located within the building you are in. These areas are readily identifiable by a green and white sign affixed to the wall reading, "Severe Weather Shelter Area." It is usually safer to stay in these areas as remaining in a classroom adjacent to an outer wall and/or glass windows may expose you to danger, especially if a tornado touches down.
- **Basic "Partial Evacuation" Guidelines** - If an incident occurs and the building you are in is not damaged, remain in the Severe Weather Shelter Area until you are told it is safe to come out.
- **How You Will Know to "Partially Evacuate"-** A "Partial Evacuation" notification may come from several sources, including the SpartAlert notification system, Upstate Police, Housing Staff members, or other University employees.
- **How to "Partially Evacuate"-** No matter where you are, the basic steps of partially evacuating will generally remain the same. Should the need ever arise, follow these steps unless otherwise instructed by on scene emergency responders:

    1. If you are inside, collect any personal belongings, emergency supplies and a telephone to be used in case of an emergency. Quickly and orderly move to the nearest "Severe Weather Shelter" area.
    2. If you are outdoors, proceed quickly and orderly into the nearest building and locate a "Severe Weather Shelter Area," or follow instructions from on scene first responders.
    3. Remain in the "Severe Weather Shelter" until it is safe to leave

How Do I Sign-Up for Emergency Notifications and Timely Warnings?

SpartAlert is a free "opt out" notification program. As such, faculty, staff, and students automatically have their phone numbers and email addresses uploaded into the SpartAlert Emergency Notification System. Standard text messaging

charges apply for emergency notifications and semi-annual tests. If you would like to opt out of this service, send an email indicating as much to helpdesk@uscupstate.edu. Students or employees may also elect to include parents or other close relatives' phone numbers as well. To sign up for SpartAlert,

Procedures for registering for SpartAlert notifications:

- Log into the VIP website at: myaccount.sc.edu
- Click on "Show Me Emergency Notification"
- Click on "Go to Update Form"
- Fill in the boxes for phone number and email notifications
- When completed click "Update."

Student procedures for registering for SpartAlert notifications:

- Log on to: myaccount.sc.edu
- Click on "Manage Emergency Notification Information"
- Enter your VIP number and Password and Click Login
- Click on "Update Form"
- Fill in boxes for phone numbers and email notifications
- When completed click "Update"

In responding to an emergency situation, the University may take all or part of the following actions to mitigate a dangerous situation. Activation of these resources will be the responsibility of the Department of Public Safety and Incident Management Team:

- Dispatch police officers and/or other emergency response personnel to the location of the emergency
- Contact Building and Floor Coordinators in each building assist with notifications to evacuate a building, shelter-in-place or relocate to a designated Severe Weather Shelter Area. In on-campus housing units, Resident Assistants and HRL professional staff will manage students with building evacuations, sheltering in place or relocation to severe weather shelter areas.
- Lock down residence halls
- Lock down campus buildings
- Direct students and employees to a safe location on or off campus
- Activate the Incident Management Team
- Call in off-duty Upstate Police Officers to respond to campus
- Divert traffic or close street(s)
- Evacuate campus
- Request additional resources or assistance from the North Spartanburg Fire Department, Spartanburg County EMS, or Spartanburg County Sheriff's Department.
- Activate NIMS/ICS
- Establish a Mobile Command Center
- Activate the Emergency Operations Center

Testing Emergency Response and Evacuation Procedures

At least annually, the USC Upstate Department of Public Safety conducts a test(s) of the University's emergency response and evacuation procedures. These exercises are scheduled drills and may include contain drills, contain exercises, and follow-through activities. These exercises are designed to assess and evaluate emergency plans and

capabilities. Emergency and response evacuation procedures are publicized in conjunction with at least one test per calendar year. Testing includes but is not limited to:

- Building evacuations of residence halls and academic buildings
- Shelter-in-Place procedures
- Building lockdowns
- Testing of the SpartAlert Emergency notification system
- Fire alarm tests
- Tabletop exercises
- Contain exercises (An exercise involving coordination of efforts of first responders, i.e., police, fire, EMS)
- Contain follow-through activities (An activity designed to review the test

Timely Warning Notices and Emergency Notifications

Timely warning notices are triggered by Clery Act reportable crimes that have already occurred on university property, or public property contiguous to the University but represent an ongoing threat to the campus community. Other non-Clery Act crimes that may also represent an on-going threat to the campus community will trigger a Timely Warning Notice as well. A warning will be issued by either the Department of Public Safety or University Communications as soon as pertinent information is available and confirmed. Timely warnings are sent by email.

The purpose of a Timely Warning is to alert the campus community to certain crimes in a manner that is timely, aid in the prevention of similar crimes, and enable people to protect themselves. Whether a Timely Warning is issued is decided on a case-by-case basis in light of all the facts surrounding the incident such as the nature of the crime and whether or not students and employees are at risk of becoming victims of similar crimes.

Anyone with information warranting an emergency notification or a timely warning notice should report the circumstances to the Department of Public Safety by phone at (864) 503-7777 or in person at 219 North Campus Blvd. Spartanburg, SC 29303.

Emergency Notifications under the Clery Act, an Emergency Notification (Alert) will be sent to the campus community via the SpartAlert Emergency Notification System though text messaging, email, indoor and outdoor emergency notification speaker arrays, computer pop-ups, and digital signage when any significant emergency or dangerous situation occurs on campus or public property contiguous to campus involving an immediate threat to the health or safety of student or employees. The Emergency Notification will be sent immediately either by University Police or University Marketing and Communications as soon as pertinent information is received and confirmed.

Whether an Emergency Notification is issued is decided on a case-by-case basis in light of all the facts surrounding the incident such as the nature of the crime and whether or not students and employees are immediately at risk. Anyone with information warranting an Emergency Notification should be reported to the USC Upstate Police Department by calling **911**.
Some examples of Emergency Notifications (Alerts) are:

- Approaching extreme weather
- Armed intruder
- Bomb threat
- Explosion, fire, or gas leak
- Serious, health related outbreak
- Terrorist Incident

Security and Access Policy

Upstate Spartanburg Campus - During normal business hours, the University (excluding residence halls) is open to students, parents, employees, contractors, and guests. During non-business hours, access to University facilities is by key or access card if previously authorized by policy or issued by a representative of the Department of Public Safety, Facilities, or Housing and Residential Life. During periods of extended closure, the University will admit only those persons with prior approval to all University-owned facilities accompanied by a member of University Police or Housing and Residential Life.

Residence Halls are locked 24 hours a day and require the use of card access during the academic school year and as determined by the Housing Office during the summer and other extended breaks. The front lobbies of the Magnolia House and Palmetto House are staffed by student employees during the day and Housing Safety Officers from the Police Department from 10:00 PM – 6:00 AM. Some facilities have individual operating hours which may vary at different times of the year. Examples of these are the Library, CLC, Hodge Center and Fitness Center. In these cases, the facilities will be secured according to a schedule provided by the department(s) responsible for the building and posted by the Special Events Office.

Emergencies may necessitate changes or alterations to any posted schedules. Areas that are revealed to be problematic have security surveys conducted of them. Facilities Management and Housing and Residential Life review these results. These surveys examine security issues such as CCTV, locks, card access, lighting, communications, emergency lights, fire life safety systems, and landscaping.

George Dean Johnson Jr. College of Business and Economics - During normal business hours, (7:30 AM – 6:30 PM Monday-Friday) the Johnson School of Business is open to students, parents, employees, contractors, and guests. During non-business hours, access to the building is by card access and alarm access code if previously authorized by policy or issued by an authorized representative of the Department of Public Safety and/or Facilities Management. During periods of extended closure, the University will admit only those persons with prior approval. Emergencies may necessitate changes or alterations to any posted schedules. Areas that are revealed to be problematic have security surveys conducted of them to enhance security. University Police, Facilities Management, and the Dean of the Business School review these results. These surveys examine security issues such as landscaping, locks, card access, CCTV, communications, lighting, emergency lights, fire life safety systems, and landscaping.

University Center Greenville Campus (UCG) - During normal business hours, the University Center Greenville Campus is open to students, parents, employees, contractors, and guests. During non-business hours, access to buildings is by key and alarm access code if previously authorized by policy or issued by a representative of Greenville Tech Police or University Center Management. During periods of extended closure, the University Center staff will admit only those persons with prior approval to all University Center facilities.

Areas that are revealed to be problematic have security surveys conducted of them to enhance security. Greenville Tech Police, University Public Safety, UCG Facilities Management and the Executive Director of the Greenville Campus review these results. These surveys examine security issues such as landscaping, locks, card access, CCTV, communications, lighting, emergency lights, fire life safety systems, and landscaping.

Policy Statement on Tobacco

USC Upstate is a smoke-free campus. As such, smoking is not permitted anywhere on campus. This includes electronic or "E" cigarettes, electronic nicotine delivery systems (ENDS), and personal vaporizers (PV).
https://www.uscupstate.edu/faculty-staff/policies/tobacco-free-campus-policy/

Policy Statement on Alcoholic Beverages

The possession, consumption, manufacture, sale or furnishing of alcoholic beverages on university grounds is governed by university policy and South Carolina state statutes. Laws regarding the possession, sale, consumption or furnishing of alcoholic beverages are controlled by the Alcoholic Beverage Commission. However, the criminal enforcement of alcoholic beverage laws on campus is the primary responsibility of the USC Upstate Department of Public Safety.

Campus policies which are primarily enforced by University Public Safety and Housing and Residential Life prohibit the consumption, possession, sale, distribution or furnishing of alcoholic beverage on campus (including empty alcoholic beverage containers), except at special events designated by the Chancellor and approved by the Chief of Police, Risk Manager or Vice-Chancellor for Student Affairs. Students twenty-one or over living in the Villas may possess one six pack of beer or one bottle of wine not to exceed 750ml in their apartment. Consumption is limited to inside of the apartment.

Violations of University policy and state alcoholic beverage laws are subject to university disciplinary action, criminal prosecution, fine and/or imprisonment. It is unlawful to sell, furnish, or provide alcoholic beverages to a person under the age of twenty-one. Further, the possession of an alcoholic beverage by anyone under 21 years of age in a public place or place open to the public is illegal. Organizations or groups violating the University alcoholic beverage policy or state law may be subject to university sanctions. Driving a vehicle under the influence of alcohol or drugs (DUI) is a significant risk to the campus community. Persons driving under the influence are subject to arrest and/or University sanctions.

Policy Statement on Illegal Drugs

The University of South Carolina Upstate has been designated "drug free." The possession, sale, manufacture, or distribution of any controlled substance is illegal under state and federal laws. Such laws are strictly enforced by University Police, Dean of Students and Housing and Residential Life. Violators are subject to university disciplinary action, criminal prosecution, fines, and imprisonment. Possession of paraphernalia is also a violation of the University drug policy and includes any object that contains the residue of an illegal drug or narcotic, and/or any object that is used in the consumption or distribution of an illegal drug. All drugs and/or paraphernalia will be confiscated and/or destroyed. Being under the influence of illicit drugs is also a violation of university policy. Violators are subject to university disciplinary action, criminal prosecution, fine and/or imprisonment.

Alcohol and Substance Abuse Information and Education

Prevention Programs

The University of South Carolina Upstate has developed a program to prevent the illicit use of drugs and the abuse of alcohol by students and employees. The program provides services related to drug use and abuse including dissemination of informational materials, educational programs, counseling services, referrals, and University disciplinary actions.

The Office of Institutional Equity, Inclusion and Engagement manages the "Safe Campus" online programming. In-person education and programming efforts are supported by the Dean of Students Office, Student Affairs, Academic Affairs, and the Department of Public Safety. However, many services are either independently or collaboratively the responsibility of other areas of the institution. These include:

Alcohol and Drug Education: **Students**

- AlcoholEdu is an on-line educational program required for all incoming first-year students and transfer students.
- Crisis Response – Resident Advisors (R.A.s) are trained on how to respond to various situations including alcohol and drug related incidents.
- Resident Assistant Training – Aug 6-13 yearly
- University 101 classes address this topic to reach all incoming first-year students as well.
- Workshops are conducted for students violating campus alcohol and drug policies
- At the beginning of each semester, all students receive an email containing USC Upstate alcohol and drug policies and information on abuse.
- Pamphlets on drug and alcohol education are also available at the Department of Public Safety
- Housing and Residential Life provides a variety of programming to residential students regarding drug and alcohol abuse including the following:

Alcohol and Drug Education: Employees

- My Group is an Employee Assistance Program available to all employees offering support, counseling and treatment for alcohol and drug abuse (see chart of services page 37 and 38).

Counseling Support: Counseling Services, Director of Health Services, Center for Student Success, Career Center, the Opportunity Network and Center for International Studies.

Referral Services: Human Resources, Employee Assistance Program, Spartanburg Alcohol and Drug Abuse Commission, Cherokee County Drug and Alcohol Abuse Commission, The Phoenix Center, Private Practice Therapists, Spartanburg

Regional Behavioral Health, Carolina Center for Behavioral Health, Marshall I. Pickens Hospital, AnMed-Wellspring, Keystone, McLeod Addictive Disease Center, and Pavilion (see chart of services pages 37 and 38).

University Disciplinary Actions: Dean of Students, Director of Housing and Residential Life, Honor Council, Judicial Appeals Committee, and the Student Honor Council.

The Campus Sex Crimes Prevention Act of 2000

In accordance with the "Campus Sex Crimes Prevention Act" of 2000 which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, the USC Upstate Department of Public Safety is providing a link to "Offender Watch" the South Carolina Law Enforcement Division's (SLED) Sex Offender Registry. This act requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a State concerning registered sex offenders may be obtained.

It also requires sex offenders already required to register with the State to provide notice of each institution of higher education in that State at which the person is employed, carries a vocation, or is a student. In the State of South Carolina, convicted sex offenders must register with the Sex Offender and Crimes Against Minors Registry maintained by the South Carolina Law Enforcement Division (SLED).

The State of South Carolina Code of Laws section 23-3-465 prohibits sex offenders mandated to report under section 23-3-450 from living in campus housing at a public institution of higher learning supported whole or in part by the State. Furthermore, the act requires states to make the information available to an enforcement agency where the institution is located. The Family Educational Rights and Privacy Act (FERPA) was also amended to make it clear that institutions fully disclose information received through state registration and community notification programs even if the offender is a student.

The Sex Offender and Crimes against Children Registry (Offender Watch) is available via Internet pursuant to South Carolina Code of Laws Section 23-3-410 at www.sled.sc.gov or www.communitynotification.com.

Members of the University of South Carolina Upstate campus community may obtain information about registered sex offenders who may be present on Campus by contacting the University of South Carolina Upstate Department of Public Safety (864) 503-7777, or e-mail at police@uscupstate.edu. Send requests via U.S. mail to the University of South Carolina Upstate Attn: University Police at 800 University Way, Spartanburg, SC 29303, or in person at 219 North Campus Blvd. Spartanburg, SC 29303.

Sexual Misconduct Policies, Program Services, Resources and Protocols

Statement of Prohibition

The University of South Carolina Upstate prohibits the crimes of dating violence, domestic violence, sexual assault and stalking as they are defined for purposes in the Clery Act. Moreover, the University reaffirms its commitment to maintaining a campus environment that emphasis the dignity and worth of all members of the college community. To this end the University of South Carolina Upstate issues this statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault, and stalking as well as the procedures for

institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a college official.

The Department of Public Safety offers Rape Aggression Defense Classes (RAD) and informational training programs regarding sexual assault, dating violence, domestic violence and stalking are also available to university students and employees upon request. Literature on date rape education, risk reduction and University response is available through Counseling Services, Health Services, and the Department of Public Safety.

The University of South Carolina Upstate's educational programming consists of primary prevention and awareness programs for all incoming students, new employees, and existing employees that:

A. Clearly communicate that the institution prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking (as defined by state statute, the Clery Act and VAWA).
B. Provide the definitions of domestic violence, dating violence, sexual assault, and stalking according to any jurisdictional definitions of these terms.
C. Define consent and describe what behaviors and actions constitute consent, in reference to sexual activity as defined by the student and employee codes of conduct.
D. Provide a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding situational structures, and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.
E. Provide information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
F. Provide an overview of information contained in the Annual Security and Fire Safety Report in compliance with the Clery Act.
G. Provide information regarding:

    1. Procedures victims should follow if a crime of domestic violence, dating violence, sexual assault, or stalking occurs as outlined elsewhere in this annual report.
    2. How the institution will protect the confidentiality of victims and other necessary parties as described elsewhere in this Annual Report.
    3. Existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both in the institution and the community as described elsewhere in this Annual Report.
    4. Options for, assistance in, and how to request changes to academic, living transportation, and working situations or protective measures as described elsewhere in this Annual Report.
    5. Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking as describe elsewhere in this Annual Report.

Primary Prevention and Awareness Program

At USC Upstate, we pride ourselves on providing an enlightening college experience, which demands a safe and healthy student environment. As our primary prevention program, we require all new students complete Vector Solution's RespectEdu online interpersonal violence prevention and alcohol abuse prevention modules as a part of New Student Orientation. This video-based program provides critical information about consent, bystander intervention, sexual assault, dating and domestic violence, and stalking. The RespectEdu modules have been customized to include USC Upstate's Title IX policies, procedures, and reporting options, and local community resources, in addition to information required for Clery, VAWA, and Title IX compliance.

On-Going Prevention and Awareness Campaigns

In addition to the primary prevention and awareness education provided to incoming students through RespectEdu, Upstate has other sustained programming that targets various audiences across campus. USC Upstate's ongoing prevention and awareness programs include the following:

1) Communicates that the institution prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking (as defined by state statute, the Clery Act and VAWA);
2) Definitions of domestic violence, dating violence, sexual assault, stalking, and consent according to jurisdictional definitions of these terms;
3) The breadth of available resources for victims;
4) Distinguishes between confidential and non-confidential resources;
5) How to contact a victim advocate to discuss options for reporting these crimes;
6) How to report to the University for an investigation consistent with Title IX and how to report to law enforcement for a criminal investigation;
7) Safe and positive options for bystander intervention.
8) Information on risk-reduction.

On-Going Prevention and Awareness Programming is primarily provided by the Office on Violence Against Women Campus Program Grant-funded Connect and Protect Program and student group, Shatter the Silence. Shatter the Silence puts on various prevention and awareness events and workshops throughout the academic year, focused on bystander intervention, healthy and unhealthy relationship signs, and creating a culture of support for survivors. Literature on date rape education, risk reduction and University response is available through Dean of Students Office, Counseling Services, Health Services, and the Department of Public Safety. These offices all participate in tabling over the course of the school year, presenting information on consent, DVDVSAS crime reduction and prevention, and resources for victims. The Dept. of Sociology, Criminal Justice, and Women and Gender Studies, Housing and Residence Life, Counseling Services, and student peer educator group, Shatter the Silence, partner with community victim service providers Project R.E.S.T. and Spartanburg Regional SANE/FNE Program to provide bystander intervention training and awareness month events throughout the year as a part of Upstate's comprehensive prevention program. Training on bystander intervention, how to respond to a DVSAS incident, and on and off campus resources are provided annually to Residence Life staff. The Department of Public Safety offers Rape Aggression Defense Classes (RAD), which are risk-reduction based classes that also cover the topics of consent and recognizing warning signs of DVDVSAS.

Primary Prevention for Employees

Annually, all University employees must complete training modules on unlawful discrimination, Title IX, and how to respond to disclosures of DVSAS. This training addresses the crimes of domestic violence, dating violence, stalking, sexual assault, and sexual harassment. They include instruction on bystander intervention and practice scenarios specific to staff/faculty roles. This training is sponsored by the Office of Civil Rights and Title IX at USC Upstate. Also, all employees review the University's Title IX policy as part of their first day employee onboarding process.

What are my Reporting Options and Who Do I Contact If I am a Victim of Sexual Assault, Dating Violence, Stalking or Domestic Violence?

The adverse emotional impact following an act of violence including sexual assault can be severe. The long-term effects of the trauma of sexual violence can have serious and lasting psychological consequences. The University recognizes the

importance of competent, comprehensive, and sensitive professional help. Do not hesitate to contact any one of the offices listed as soon as possible to report any incidence of sexual violence. The victim of a sexual assault, dating violence, domestic violence or stalking has several options listed below:

- **Reporting to the USC Upstate Department of Public Safety:** If an assault occurs on university property, it should be reported to campus police by calling **911**, 503-7777 or by using a campus emergency telephone. Assaults that occur off campus or at the Johnson School of Business, or University Center Greenville should be reported to the local police department by calling **911**. If you desire, you may also be assisted by campus authorities such as the Dean of Students (864) 503-5107, Counseling Services, (864) 503-5195, Director of Health Services at (864) 503-5191, or the Title IX Coordinator at (864) 503-7193 in notifying University Police.

  Filing a police report will involve investigating the allegation to determine if probable cause exists to warrant a violation of criminal statutes. Filing a police report will also involve making a statement to a police officer, identifying witnesses, identifying the perpetrator if known and turning over any and all physical evidence to the police department. Statements will also be taken from any witnesses and the perpetrator if known.
  At any time during the course of the investigation, the victim may withdraw his or her desire to proceed \ the case or elect to file a complaint at a later date. However, if a report of criminal domestic violence is received an officer must investigate; and, if a police officer has probable cause to believe any crime of domestic violence has occurred, including violation of a protection order, the officer may make an arrest with or without a warrant, even if the officer did not observe the offense. If the victim is injured, the officer must make an arrest if the officer has probable cause to believe a crime of domestic violence occurred. Probable cause is merely a reasonable belief that a crime has occurred.

  Regardless of which avenue a student selects, the University of South Carolina Upstate will comply with the student's request for assistance in notifying the selected campus authority.

  Moreover, when a student or employee reports to the institution that the student or employee has been the victim of dating violence, domestic violence, stalking of sexual assault; whether the offense occurred on or off campus, the institution will provide the student or employee a written explanation of the student's or employee's rights and options.

  If you do not wish to file a police report, you may also contact any of the following resources:
- **Title IX Coordinator** (864) 503-7193
- **Dean of Students** (864) 503-5107
- **Director of Health Services** (864) 503-5191
- **Counseling Services** (864) 503-5195 – Counseling Services is an on-campus resource that provides free counseling visits to students. These trained professionals are ready to assist you or refer you to other competent professionals. All assistance is free and strictly confidential. Counseling can be critical to regaining one's emotional balance following a sexual assault.
- **Project R.E.S.T.** (864) 583-9803. This organization provides services to victims of domestic violence in Spartanburg, Cherokee and Union Counties and victims of sexual assault in Spartanburg and Cherokee Counties.

Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault, or Stalking Occurs

If you are the victim of a sexual assault, dating violence, domestic violence or stalking at this institution, your first priority should be to go to a place of safety. You should then obtain necessary medical treatment if needed. In the Spartanburg metropolitan area, this is Spartanburg Regional Hospital. Forensic Nurse Examiners (FNE) at the hospital are trained and certified in physical evidentiary recovery kit collection. Evidence may be collected, even if the victim chooses not to make a report to law enforcement.

The Department of Public Safety strongly advocates that a victim of sexual assault, domestic violence, dating violence or stalking report the incident in a timely manner to either the University Police Department or other law enforcement agency (if the incident occurred off campus). This is a critical factor for effective evidence collection and preservation, assisting in criminal prosecution and helpful in obtaining an order of protection. Filing a police report with a University Police Officer will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers. Filing a police report will, however:

- Ensure a victim of sexual assault receives necessary medical treatment and tests at no expense to the victim.
- Provide for the collection of evidence helpful in prosecution, which cannot be obtained later.
- Assure the victim has access to free confidential counseling from counselors trained in the area of sexual assault crisis intervention.

Campus authorities such as the Dean of Students, Title IX Coordinator, Victim Advocates, Professional Counselors, or others may assist the victim in notifying law enforcement authorities upon request. Alternatively, a victim may decline to notify law enforcement, pursue remedy through the campus judicial process, or decline to notify such authorities entirely.

Incidents of sexual assault, dating violence, domestic violence or stalking on campus may be reported to any campus authority with whom the victim is comfortable and specifically to the following individuals by phone or in person:

Dean of Students	503-5107	Campus Life Center (CLC) 180 Gramling Dr. Room 220
Director of Health Services (Rampey Bldg.)	503-5191	Health Services Bldg. 995 University Way and 490 Hodge Dr.
Director of Housing & Residential Life	503-5422	Palmetto House 470 Hodge Dr. Room 031D
Director of Employee Relations	503-5354	Administration Bldg. 800 University Way Room 310
Title IX Coordinator	503-7193	Library Bldg. 150 Gramling Dr. Room 270

When a victim contacts the Department of Public Safety, a state certified victim's advocate will be contacted as well. The victim of a sexual assault, dating violence, domestic violence or stalking may choose for the investigation to be pursued through the criminal justice system, University judicial system, or both. Alternatively, the victim may choose not to pursue either of these options. University disciplinary proceedings, as well as special guidelines for cases involving sexual misconduct are detailed in the *Student Handbook.* The *Handbook* provides in part that the accused and the victim will each be allowed to choose one person who to accompany them throughout the hearing. Both the victim and the accused will be informed in writing of the outcome of the hearing that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking.

A student found guilty of violating the University sexual misconduct policy could be criminally prosecuted in State court and suspended or expelled from the University on the first offense. A Victim's Advocate from the Department of Public Safety and/or Counselor from the University Counseling Center will also guide the victim through the available options and support the victim in his or her decision. Various counseling options are available from the University through Health Services, Counseling Services, and the Employee Assistance Program. Counseling and support service outside the University system may be obtained through Project R.E.S.T. (see chart of services pages 37 and 38).

Medical Attention:

Whatever one does following a sexual assault, it is essential that medical attention be sought immediately to protect

against internal injury or disease and to assist with later prosecution. A victim should observe the following recommendations:

- Do not take a shower or wash any body parts
- Do not douche
- Do not brush teeth
- Do not drink liquids
- Do not change clothes
- Do not change sheets
- Do not urinate
- Do not smoke or eat if there has been oral sexual contact
- Do not place any changed clothes in a plastic bag

In circumstances of a sexual assault, if a victim does not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections. Victims of sexual assault, domestic violence, dating violence, and stalking are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or copies of other documents that may be useful to investigators.

Involvement of Law Enforcement and Campus Authorities

Although the University strongly encourages all members of the community to report violations of this policy to the Department of Public Safety, it is the victim's choice whether or not to make such a report. Furthermore, victims have the right to decline to notify law enforcement. However, the Department of Public Safety may be reached at (864) 503-7777 during normal business hours or **911** after hours or for an emergency; or in person at the Department of Public Safety at 219 North Campus Blvd. Spartanburg, SC 29303.

Reporting Incidents of Sexual Assault, Domestic Violence, Dating Violence and Stalking to the Title IX Coordinator

If you have been the victim of sexual assault, domestic violence, dating violence or stalking, you should report the incident promptly to the Title IX Coordinator located in the Administration Building, 800 University Way, Spartanburg SC 29303 Room 270; phone (864) 503-7193 by calling, writing, or coming into the office to report in person. Reports of all sexual assaults, domestic violence, dating violence, and stalking received by University Public Safety will automatically be referred to the Title IX Coordinator for review. The Title IX Coordinator is not a confidential reporting entity and is required to report incidents of a criminal nature to Public Safety.

Campus Security Authorities (CSA) The job of campus safety does not rest solely in the hands of University Police. It is a Collaborative effort across offices on campus. The purpose of including non-law enforcement as CSAs is that other individuals receive crime reports other than law enforcement. CSAs are defined as University Police, an individual who has responsibility for campus security but does not constitute a police or security department, an individual or organization specified in our policy as an individual or organization to which students and employees should report criminal offenses, and an official of the University who has significant responsibility for student or campus activities. These include R.A.'s, team coaches, faculty advisors to student groups, student conduct, Directors of Greek Life, Vice Chancellor of Student Affairs, Director of Athletics and Housing, and Civil Rights and Title IX Coordinator.

Procedures the University Will Follow When a Crime of Sexual Assault, Domestic Violence, Dating Violence or Stalking is Reported

The University has procedures in place that serve to be sensitive to victims who report sexual assault, domestic violence, dating violence, and stalking including informing individuals about their right to file criminal charges; as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance and other services on and or off campus; as well as other remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available. The University will make such accommodations, if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to local law enforcement. Students and employees should contact the Title IX Coordinator located in the Administration Building, 800 University Way, Spartanburg SC 29303 Room 270 phone (864) 503-7193 by calling, writing, or coming into the office to report in person. The Title IX Coordinator will coordinate with the Dean of Students for student cases and the Director of Employee Relations for employee cases.

The University of South Carolina Upstate will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the results of any disciplinary hearing conducted by the University against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, the University of South Carolina Upstate will provide results of the disciplinary hearing to the victim's next of kin, if so requested.

Incident Being Reported	Procedures USC Upstate Will Follow
Sexual Assault	1. Depending on when reported (immediate vs. delayed report), the institution will facilitate victim with access to medical care. 2. The institution will assess the immediate safety needs of the victim 3. USC Upstate will assist victim with contacting University Police if the complainant requests and provide the victim with contact information for University Police. 4. The institution will provide the victim with referrals to on and off campus counseling/mental health providers. 5. USC Upstate will assess the need to implement interim or long-term protective measures, if appropriate. 6. The institution will provide the victim with a written explanation of victim's rights and options. 7. USC Upstate will issue a "No Trespass" and/or "No Contact" order to the accused party if deemed appropriate. 8. The institution will provide written instructions on how to apply for an Order of Protection. Further the institution will provide access to a Victim Advocate to assist with the process. 9. USC Upstate will provide a copy of the University policy applicable to sexual assault to the victim and inform the victim regarding timeframes for inquiry, investigation, and resolution. 10. The institution will inform the victim of the outcome of the investigation, whether or not the accused will be administratively charged, and the outcome of the hearing. 11. USC Upstate will enforce the anti-retaliation policy and take immediate and separate action against the parties that retaliate against a person for reporting sex-based discrimination or for interfering or attempting to interfere in the investigation. 12. The institution will provide instructions to the victim on how to preserve evidence.
Stalking	1. USC Upstate will assess immediate safety needs of the victim. 2. Institution will assist victim with contacting University Police if the complainant requests or provide contact information for the authority of jurisdiction if the incident occurred off campus. 3. USC Upstate will provide written instructions on how to apply for an Order of Protection. 4. The institution will provide instructions to the victim on how to preserve evidence. 5. USC Upstate will assess the need to implement interim or long-term proactive measures to protect the victim, if appropriate. 6. The institution will provide the victim with a written explanation of the victim's rights and options. 7. USC Upstate will issue a "No Trespass" and/or "No Contact" order to the accused party if deemed appropriate.
Dating Violence	1. USC Upstate will assess the immediate safety needs of the victim. 2. Institutions will assist victim with contacting University Police if the complainant requests or provide contact information for the authority of jurisdiction if the incident occurred off-campus. 3. USC Upstate will provide written instructions on how to apply for an Order of Protection.

	4. The institution will provide instructions to the victim on how to preserve evidence. 5. USC Upstate will assess the need to implement interim or long-term proactive measures to protect the victim, if appropriate. 6. The institution will provide the victim with a written explanation of the victim's rights and options. 7. USC Upstate will issue a "No Trespass" and/or "No Contact" order to the accused party if deemed appropriate.
Domestic Violence	**1.** USC Upstate will assess the immediate safety needs of the victim. **2.** Institution will assist victim with contacting University Police if the complainant requests or provide contact information for the authority of jurisdiction if the incident occurred off campus. **3.** USC Upstate will provide written instructions on how to apply for an Order of Protection. **4.** The institution will provide instructions to the victim on how to preserve evidence. **5.** USC Upstate will assess the need to implement interim or long-term proactive measures to protect the victim, if appropriate. **6.** The institution will provide the victim with a written explanation of the victim's rights and options. USC Upstate will issue a "No Trespass" and/or "No Contact" order to the accused party if deemed appropriate.

Federal Clery Act Definitions of Domestic Violence, Dating Violence, Sexual Assault and Stalking

The Clery Act defines the crimes of domestic violence, dating violence, sexual assault and stalking as follows:

Domestic Violence – Domestic Violence is defined as a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological. It is defined as a felony or misdemeanor crime of violence committed:

- By a current or former spouse or intimate partner of the victim.
- By a person with whom the victim shares a child in common.
- By a person who is cohabiting with, or has cohabited with, the victim as a spouse or intimate partner.
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of South Carolina.
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of South Carolina.

For purposes of complying with the requirements of this section and 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Definition of a Crime of Violence: According to Section 16 of Title 18 of the United States Code, the term "crime of violence" means:

1. An offense that has an element of the use, attempted use, or threatened use of physical force against the person or property of another; or
2. Any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

Dating violence – Dating Violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For purposes of this definition:

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

For the purposes of complying with the requirements of this section and 668.41, any incident meeting this definition is considered a crime for purposes of Clery Act reporting.

Sexual Assault

Forced sexual assault is defined as an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program and included in Appendix A of 34 CFR Part 668**.** Per the National Incident-Based Reporting System User Manual from the UCR Program a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent." It occurs when there is unwilling or nonconsensual penetration of any bodily opening with any object or body part that is committed either by force, threat, intimidation, or through exploitation of another's mental or physical condition of which the assailant was or should have been aware. Providing or making available to a victim, and/or using any substance (e.g., alcohol, GHB, Rohypnol, etc.) will be considered an aggravated assault by statute as well as by the Administrative Hearing Officer, or Honor Council when determining responsibility and appropriate sanction.
Use of these substances by an alleged assailant may constitute violation of other University policies, and the student may be charged with these violations as well (e.g., Drugs, Harm to Persons, Disorderly Conduct, Disruptive Activity, Alcohol, etc.).
The use of alcohol and other drugs by either party, in conjunction with an incident of sexual assault, does not mitigate accountability for the commission of this offense or diminish the seriousness of the offense.

- **Rape** is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling** is defined as the touching of private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest** is defined as sexual intercourse between two persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.
- **Stalking** is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

    - Fear for the person's safety or the safety of others; or
    - Suffer substantial emotional distress.

It is a pattern of conduct that is intended to cause or does cause a person to fear: (1) Death or death of others important to that person; (2) Assault or assault of others important to that person; (3) Bodily injury or bodily injury of others important to that person; (4) Sexual assault or sexual assault of others important to that person; (5) Involuntary restraint or involuntary restraint of others important to that person; (6) Damage to property or damage to property of others important to that person; (7) Confinement or confinement of others important to that person; (8) Threats of harassment via electronic devices (e.g. e-mail, phone, fax). The relationship between the perpetrator and the victim may be a current or former partner or spouse, dating relationship, acquaintance, or stranger.

Jurisdictional Definitions of Sexual Assault, Domestic Violence, Dating Violence, and Stalking

Sexual Assault: The State of South Carolina defines sexual assault as follows:

Rape (Criminal Sexual Conduct) SC Code of Laws 16-3-652 - A person is guilty of criminal sexual conduct in the first degree if the actor engages in sexual battery with the victim and if any one or more of the following circumstances are proven:

(a) The actor uses aggravated force to accomplish sexual battery.
(b) The victim submits to sexual battery by the actor under circumstances where the victim is also the victim of forcible confinement, kidnapping, trafficking in persons, robbery, extortion, burglary, housebreaking, or any other similar offense or act.
(c) The actor causes the victim, without the victim's consent, to become mentally incapacitated or physically helpless by administering, distributing, dispensing, delivering, or causing to be administered, distributed, dispensed, or delivered a controlled substance, a controlled substance analogue, or any intoxicating substance.

Domestic Violence/Abuse SC Code of Laws - 16-25-10 and 16-25-20 Domestic Violence involves someone causing harm or injury to a household member or threatening or attempting to cause harm or injury to a household member while being apparently able to carry out the threat or attempted harm. The state also makes it a crime to violate a domestic violence protection order or to trespass on the grounds of a domestic violence shelter. Household members include spouses, former spouses, people who have children together, and people of a different sex who live together or have lived together.

Dating Violence - Dating Violence is the physical, sexual, psychological, or emotional violence within a dating relationship, including stalking. It can occur in person or electronically and might occur between a current or former dating partner.

Stalking - SC Code of Laws 16-3-1700 Pattern of words or conduct that causes fear of death, assault, bodily injury, criminal sexual contact, kidnapping, or property damage to victim or victim's family member. Aggravated stalking is stalking accompanied by an act of violence.

Consent

- Both individuals are physically free and capable to act
- Both individuals are willing and clear about their intent to engage in sexual activities
- Silence may not in and of itself constitute consent
- Past consent of sexual activities does not imply ongoing future consent.
- Consent cannot be legally given by someone who is intoxicated.
- Consent cannot be legally given by a person who is incapable of giving consent due to a mental or physical disability
- Legal age of consent in South Carolina is 16 years old. However, individuals as young as 14 years old are able to give consent to a partner who is 18 years old or younger.

Non-Consensual Sexual Contact occurs when there is coerced, manipulated or unwanted touching, directly or through clothing, of an intimate part of a person (i.e., the genital areas, groin, inner thigh, anus, buttocks, mouth, or breasts) that occurs against one's will, or without one's consent, including when one is unconscious, intoxicated or otherwise unable to give consent.

Non-Consensual Sexual Assault occurs when there is unwilling or non-consensual penetration of any bodily opening with any object or body part. This includes but is not limited to penetration of a bodily opening without consent through use of coercion or manipulation.

Preservation of Evidence

Should you fall victim to one of these crimes, it is important to preserve any evidence associated with the crime that may assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining an Order of Protection. In the case of a sexual assault where biological evidence is present, a S.A.N.E. kit should be completed at Spartanburg Regional Medical Center to preserve evidence. However, completing a forensic examination would not require a victim to file a police report but will help preserve evidence in the event the victim decides to file a report at a later date. Time is absolutely critical when reporting a sexual assault. The sooner the assault is reported the easier it is to collect valuable evidence.

Standard of Evidence

The University of South Carolina Upstate employs a "preponderance of evidence" standard for all (Civil Rights/Title IX) investigations. A preponderance of evidence simply means that it is more likely than not that the accused is responsible for their actions. In criminal investigations conducted by the University Police Department, the standard of evidence is "proof beyond a reasonable doubt."

Investigation of Reports

The University will take prompt action to investigate and adjudicate a complaint. A written notice of inquiry and assessment will be given to the reporting party/complainant informing them of their rights and options to proceed with a formal investigation. With signed consent of the reporting party, a written notice of formal investigation will be issued to both the complainant and the respondent informing them of the allegations, resources, and rights in the process at least three business days prior to any meeting pursuant to the formal investigation. A summary of findings and recommendations will be issued and reviewed with both the reporting party/complainant and respondent before being issued to the appropriate decision-making authority. Investigations will include timely notice of meetings for the reporting party/complainant and the respondent throughout the process.

The University will conduct a prompt, fair, impartial investigation in a timely manner designed to provide all parties with a resolution. The University's goal is to complete the investigation within 60 days. However, there may be times where the

process may take longer, and the University will communicate on an ongoing basis with the parties a realistic timeline, and the circumstances regarding the same. In every investigation conducted under this policy, the burden is on the University-not the parties--to gather sufficient evidence to reach a fair, impartial determination as to whether sexual misconduct has occurred and, if so, whether a hostile environment has been created that must be redressed.

Investigations will be conducted by one or more of the following: the University Police Department, the Title IX Coordinator, an external investigator, or other investigator designated by the Dean of Students. The designee may be an employee of the University, an external investigator, or both. All reasonable efforts will be made to keep information private during the University's investigation and adjudication of a complaint. University Investigators receive annual training on the issues related to Title IX including unlawful discrimination, sexual harassment, sexual misconduct, intimate partner violence, sexual exploitation, dating violence, domestic violence, sexual assault and stalking and on how to conduct an objective and impartial investigation and hearing processing that protects the civil rights and safety of all parties, promotes accountability, and ensures investigative techniques do not apply to sexual stereotypes and generalizations. The investigation is designed to provide a fair and reliable gathering of the facts.

The investigation will be thorough, impartial, and fair. Finally, the investigation will be conducted in a manner that is respectful of individual privacy concerns.

Victim Advocate Services

Victim Advocate Services are available through a certified victim's advocate at the University Police Department. If you or a loved one becomes a victim of a crime, it is important to know your rights and have a support base. Our Victim Assistance Response Team is available to provide services to victims and witnesses after the crime occurs, during the investigation, and throughout the Criminal Justice Process in many different ways:

- Crisis Intervention
- Referrals and information to community agencies for professional counseling, support groups, medical, financial aid, and shelter.
- Informing victims/witnesses of their rights/responsibilities under the law.
- Acting as liaison between victims, police, investigators, and local agencies.
- Court preparation accompaniment and emergency transportation to court.
- Information regarding the current status of your case.
- Assistance in filing for victim compensation through the South Carolina Victim Assistance Network (SCVAN), to help with medical expenses, lost wages, counseling, and funeral expenses.

Under the provisions of SC State Statute 16-3-1515, a victim or witness who wishes to exercise his or her rights under this article or receive services under this article or both must provide a law enforcement agency, a prosecuting agency, a summary court judge, the Department of Corrections, the Department of Juvenile Justice, as appropriate, his or her legal name, current mailing address, and current telephone number.

Victim and Witness Rights

Victims and Witnesses of Criminal Activity Have the Right To:

1. Be treated with fairness, respect, and dignity. To be free from intimidation, harassment, or abuse throughout the criminal justice system and informed of a victim's constitutional rights.

2. Be reasonably informed when the accused/convicted person is arrested, released from custody or escapes custody.

3. Be informed of and present at all criminal proceedings which are dispositive of the charges where the defendant has the right to be present.

4. Be allowed to submit either a written or oral statement at all hearings affecting bond or bail.
5. Be heard at any proceeding involving a post-arrest, a plea, or sentencing.

6. Be reasonably protected from the accused or persons acting on his behalf throughout the criminal justice process.

7. Confer with the prosecution after the crime against the victim has been charged, before the trial, or before any disposition, and informed of the disposition.
8. Have reasonable access after the conclusion of the criminal investigation to all documents relating to the crime against the victim before trial.
9. Receive prompt and full restitution from the convicted person or persons.

10. Be informed of any proceeding when any post-conviction action is being considered and be present at any hearing.

11. A reasonable disposition and prompt and final conclusion of the case.

12. Have all rules governing criminal procedure and the admissibility of evidence in all criminal proceedings protect victims' rights and have these rules subject to amendment or repeal by the legislature to ensure protection of these rights.

Facilitated Anonymous Reporting Through Counseling Services/Health Services/Pastoral Counselors

Certified Counselors assigned to the Counseling Center, Health Services (with the exception of minors), and practicing pastoral counselors are confidential resources and do not report incidents. In their capacity and function, they do not make identifiable reports or incidents to official on-campus resources unless the student specifically requests them to do so; however, the University encourages counselors to inform students they can report incidents of crime to the University Police Department, which can be done directly or anonymously. Students may request Counseling Services to facilitate anonymous reporting using an internal form designed to capture general details about the incident (date, time, location, and brief description of the incident type) for inclusion in the University's Annual Security and Fire Safety Report. The University does not provide confidential or anonymous reporting outside of these entities. The amount of detail provided may enable the University to initiate an investigation into the circumstances surrounding the report. Such an investigation may jeopardize the anonymity of the reporting person or complainant.

Employee Assistance Program

USC Upstate also provides an Employee Assistance Program for use by employees. The EAP is available to provide full-time employees with assistance with problems such as sexual or physical abuse, depression, marital and relationship conflict, stress, anxiety, and other personal matters. All full-time employees, regardless of performance, are eligible. The contact number for EAP is listed in the Resources section of this annual report.

All information related to an employee's EAP participation is strictly confidential. Only the EAP provider maintains EAP records. The EAP provider does not release specific information about an employee's use of EAP services, unless the employee gives his or her advance written consent. The EAP does not report incidents to any official on-campus resources unless the employee specifically grants permission to do so.

Bystander Intervention

Bystander intervention is defined as safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes:

- Recognizing situations of potential harm
- Overcoming barriers to intervening
- Identifying safe and effective intervention options and taking action to intervene

Bringing in the Bystander: USC Upstate's Division of Student Affairs provides Bringing in the Bystander workshops for sexual assault and dating/domestic violence prevention for all University 101 classes and to other student groups or classes upon request. Bringing in the Bystander is an evidence-based curriculum that teaches students how to recognize warning signs of violence and safely intervene to stop or prevent violence.

Risk Reduction

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one's risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National network, www.rainn.org.

- Be aware of your surroundings. Knowing where you are and who is around you may help you find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around you.
- Walk with purpose. Even if you do not know where you are going, act like you do.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably is not the best place to be. If you see something suspicious, contact law enforcement immediately by calling 911.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged and that you have cab or Uber money, and your on-demand driver app is loaded.
- Do not allow yourself to be isolated with someone you do not trust or someone you do not know.
- Avoid putting music headphones in both ears so you can be more aware of your surroundings, especially if walking or jogging alone.
- When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- Do not leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you have left your drink alone, just get a new one.
- Do not accept drinks from people you do not know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, do not drink out of punch bowls or other large, common, open containers.
- Watch out for your friends and vice versa. If a friend seems out of it, is too intoxicated for the amount of alcohol they have had, or is acting out of character, get him or her to a safe place immediately.
- If you suspect you or a friend has been drugged, contact law enforcement immediately by calling **911**. Be explicit with doctors so they can give you the correct tests (you will need a urine test and possible others).

- Try to think of an escape route. How would you get out of the room? Where are the doors, windows? Are there people around that may be able to help you? Is there an emergency phone nearby?
- If you and/or the other person have been drinking, you can say you would rather wait until you both have your full judgment before doing anything you may regret later.
- If you need to get out of an uncomfortable or scary situation, here are some things you can try:

    - Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you feel uncomfortable that is to blame.
    - Be true to yourself. Do not feel obligated to do anything you do not want to do. “I don’t want to” is always a good enough reason. Do what feels right to you and with what you are comfortable.
    - Have a code word with your friends or family so that if you do not feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then get you or make up an excuse for you to leave.
    - Lie. If you do not want to hurt the person’s feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are needing to take care of a friend or family member, not feeling well, having somewhere else you need to be, etc.

Orders of Protection

There are two types of restraining orders in South Carolina. If you are attempting to restrain someone who is a member of your household (such as an abusive boyfriend or girlfriend), the restraining order is called an “Order of Protection.” A family court judge grants an Order of Protection. Otherwise, if you are trying to restrain another person such as someone who is harassing or stalking you, you may seek a Restraining Order which is granted by a Magistrate.

If you and the person you are seeking the order against are “household members,” then you may be able to get an Order of Protection. In South Carolina, “family members” are any of the following:

1. Spouses.
2. Former spouses.
3. People who have children in common.
4. A male and female who are living together; or
5. A male and female who used to live together.

Where can I get an Order of Protection in South Carolina?

Spartanburg County

Family Court (Forms and Filings)
180 Magnolia St.
Spartanburg, SC 29304
(864) 596-2500

Greenville County

Greenville County Detention Center (Forms)
4 McGee St.
Greenville, SC 29601
(864) 467-2320

Family Court (Filings)
301 University Ridge Suite 425
Greenville, SC 29601
(864) 467-5906

In Spartanburg County assistance for filling out the paperwork can be found at Project R.E.S.T. on the Third Floor at 180 Magnolia St. Spartanburg, SC 29304. For Greenville County filings assistance for filing paperwork can be found at: the Greenville County Solicitor's Office. They can be reached at (864) 467-8647 or www.greenvillecounty.org/solicitor/staff.asp.

You may file an Order of Protection in the Family Court in any of the following counties:

1. The county where the alleged act of abuse occurred.
2. The county where the petition resides or is sheltered, unless the petitioner lives in another state (if the alleged abuser does not live in this county, then the petitioner can only file here, but the case must be heard in another county that qualifies).
3. The county where the alleged abuser resides, unless the alleged abuser lives in another state; or
4. The county where the parties last resided together.

If you do not believe you can afford to hire a lawyer, go to the Family Clerk of the Court in one of the counties where you can file. The Clerk should provide you the necessary forms to fill out and file right there on the spot. There is no filing fee. Some counties also offer pro bono services for those who cannot afford a lawyer, and you may be able to have a lawyer help you fill out the petition, although that lawyer might not represent you at the hearing.
After it is filed, the judge will schedule a hearing. Some are held within 24 hours if you request it, and the judge believes that an emergency exists. At the hearing, you will have to prove by the "preponderance of the evidence" that your "household member" committed:

1. Physical harm, bodily injury, assault, or the threat of physical harm; or
2. Committed sexual criminal offenses, as otherwise defined by statute, committed against a family or household member by a family or household member.

If you prove your case, then the family court judge can order any or all the following:

1. Restrain the abuser from abusing, threatening to abuse, or molesting the petitioner or the person or persons on whose behalf the petition was filed.
2. Restrain the abuser from communicating or attempting to communicate with the petitioner in any way and restrain the abuser from entering or attempting to enter your home, place of employment, school, or other place the judge feels is necessary. No contact!
3. Determine temporary custody and visitation if the parties have a child.
4. Require the abuser to pay temporary financial support for the petitioner and the child.
5. Grant temporary but exclusive use of the residence to either party.
6. Prohibit the transferring, destruction, encumbering, or disposition of real or personal property owned or leased by both parties.
7. Provide for temporary possession of personal property and order that the Sheriff will assist in having one party obtain property from the residence; and/or
8. Require the abuser to pay your attorney's fees.

A family court order of protection will be at least for 6 months but no more than one year. Also, the restrained person will not be able to obtain a gun while the order is pending.

What happens if someone violates an Order of Protection?
Violation of a family court order of protection is dealt with in one of two ways:

1. A finding by the court of contempt with up to one year in jail and up to $1,500 in fines.
2. A criminal finding with up to 30 days in jail or a fine.

If a person under a family court order of protection and that person has been charged with or convicted of criminal domestic violence or CDVHAN, that person cannot go to a domestic violence shelter where the victim resides. If so, that abuser can be sentenced by the court for up to 3 years in jail. If the person has a dangerous weapon, then it is a felony that carries up to 5 years.

What should I do until I get my Order of Protection?

If you believe you or your children are in danger by the abuser, do one or all the following:

1. Find a safe place to stay away from the abuser. For example, go to a friend's or family member's house (preferably one where the abuser might not think to look) until you have the court involved.
2. Call the police. They may be able to offer some protection by checking in on you until your court date. Second, report the abuser to document your allegations so you can present this information to the family court. Lastly, police may arrest the person and charge with assault or criminal domestic violence (CDV).
3. Seek medical treatment if you need it.
4. Document any injuries by taking pictures.

Restraining Orders

A person may file for a Magistrate's Court restraining order against another person if the other person is engaged in harassment or stalking.

- **Harassment** is two or more instances that intrude into the private life of another person and that could cause a reasonable person mental distress. It can be following the person, continuously contacting the person, or regularly dropping by someone's home or job. It can include a pattern of unwanted communication, including phone, text, letter, or email.
- **Stalking** is similar to harassment, except that it is more extreme and can cause a reasonable person to believe that the person would kill, assault, or kidnap them or a member of their family.

Generally, you need two police reports showing that the person has harassed or stalked you on two or more occasions. If the person has a current charge pending for harassment or stalking, you may be able to get a restraining order. Where can I get a Restraining Order in South Carolina?

You have more than one option. You can file in the Magistrate Court of any of the following counties:

1. The county where the harassment or stalking occurred.
2. The county where the alleged stalker lives; or
3. The county where you reside if the alleged stalker is not a South Carolina resident or cannot be found.

To obtain a Restraining Order in Spartanburg or Greenville Counties:

Spartanburg County Magistrate Court

180 Magnolia Street
Spartanburg, SC 29304
(864) 596-2564

Greenville County Family Court

301 University Ridge Suite 425
Greenville, SC 29601
(864) 467-5906

How do I get a Restraining Order in South Carolina?

You can either hire an attorney to represent you or consider contacting a *pro bono* legal organization in your community such as Project R.E.S.T. and see if they will help you for free. You can also try to manage the case by yourself. If so, we suggest first going to a Magistrate in one of the counties listed above. The Clerk of Court should provide you with forms you need to file the complaint. There is no filing fee, but you may have to pay the fee if you do not prove your case. After you have filed, the court will then schedule a hearing. During the hearing, you will need to prove that the person is harassing or stalking you. In certain cases, the court can grant a temporary, emergency restraining order without a hearing (ex parte) that will hold you over until you get your hearing. If you prove your case, then the judge will issue an order restraining the person from:

1. Abusing or threating you or members of your family.
2. Entering your residence, job, school, or other appropriate location as determined by the judge; or
3. Communicating with you in any way.

The restraining order lasts for up to a year, but the judge can extend it in certain cases. If the person gets charged criminally with harassment or stalking, it will be extended until the person's trial on those charges.

What happens if someone violates a Restraining Order?

Violation of a Magistrate's Court Restraining Order is punishable by up to 30 days in jail, a fine of $500, or both. If the person has pending CDV charges or has been convicted of CDV and enters a domestic violence shelter where the victim is staying, that person can get up to 3 years in jail or up to 5 years if the person carries a weapon onto the premises.

If the party named in the order violates the terms and conditions of the Order on University property or public properties adjacent to the University contact University Police immediately. If a violation occurs off campus, immediately contact the law enforcement agency of jurisdiction such as Spartanburg County Sheriff's Department of City of Spartanburg Police Department. In Greenville County contact either the Greenville County Sheriff's Department or the City of Greenville Police Department.

Responsibilities of USC Upstate

If you have been granted either an Order of Protection or a Restraining Order, bring a copy of the Order to the Department of Public Safety at 219 North Campus Blvd. Spartanburg, SC 29303 (864) 503-7777. As the law enforcement authority of jurisdiction, the Department of Public Safety will enforce all legal orders issued by a court of competent jurisdiction.
Upon receipt of a report of domestic violence, dating violence, sexual assault, or stalking, USC Upstate will provide written notification to students and employees about accommodations available to them, including academic, living, transportation and working situations. The written notification will include information regarding the accommodation options, available assistance in requesting accommodation, and how to request accommodation and protective measures, (i.e., the notification will include the name and contact information for the individual or office that should be contacted to request the accommodation).

Changes in Academic, Living, Transportation, Working Situations and Protective Measures

The University of South Carolina Upstate will provide written notifications to victims of Dating Violence, Domestic Violence, Sexual Assault and Stalking about options for, available assistance in, and how to request changes to academic, living, transportation and working situations or protective measures.

To this end USC Upstate will make such accommodations or provide such protective measures if a victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to University Police or local law enforcement. These determinations are made by the Dean of Students in consultation with the Senior Vice-Chancellor of Academic Affairs and/or the Chief of Police. Protective measures will be designed to minimize the burden on the victim and will be evaluated on a case-by-case basis. These may include some or all of the following actions:

- Changes in academic schedules
- Changes in housing location
- Dining hall eating hours
- Transportation to classes or the workplace, parking, etc.
- Changes to working situations, hours, days, etc.
- Protective measures such as security escorts or transportation assistance
- Assistance with filing an Order of Protection or Restraining Order

At the victim's request, and to the extent of the victim's cooperation and consent, University offices will work cooperatively to assist the victim in obtaining accommodations. If reasonably available, a victim may be offered changes to academic, living, working, or transportation situations regardless of whether the victim chooses to report the crime to law enforcement.

Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw, and take a class at another time if there is no option for moving to a different section, etc. Potential changes to living situations may include moving to a different room or residence hall. Possible changes to work situations may include changing work hours.
Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a safety escort, etc. Issuance of an Order of No Trespass may also be appropriate.

Requests for these changes should be directed to the Dean of Students who will consult with other appropriate authorities including but not limited to the Chief of Police, Director of Housing and Residential Life, Senior Vice-Chancellor for Academic Affairs, Title IX Coordinator, and faculty members.

To request changes to living arrangements, a victim (student) should contact:

Aaron Lucifer
Acting Director of Housing and
Residential Life Palmetto House
470 Hodge Dr. Room 031D
Spartanburg, SC 29303
(864) 503-5420

For student changes to academic classes contact:

Nick Kehrwald - Dean of Students
Campus Life Center (CLC)
180 Gramling Dr. Room 220
Spartanburg, SC 29303
(864) 503-5107

For changes to transportation and protective measures (faculty, staff, and students) contact:

Eric Boyce, Chief of Police
University Police Department
219 North Campus Blvd.
Spartanburg, SC 29303
(864) 503-5254

For changes to working arrangements (employees and students) contact:

Dagmara Bruce, Human Resources Director
Administration Building
800 University Way Room 310
Spartanburg, SC 29303
(864) 503-5322

Confidentiality of Victim Information

Victims may request that directory information on file with the University may be withheld by request. This request can be made to the Registrar's Office in person by visiting the Health Education Complex or by calling (864) 503-5040. Employees can contact the Office of Human Resources to make a similar request regarding directory information at (864) 503-5354.

Regardless of whether a victim has opted out of allowing the University to share "directory information," personally identifiable information (PII) about the victim and other necessary parties will be treated as confidential and only shared with persons who have a specific need to know i.e., those who are investigating/adjudicating the report or those involved in providing support services to the victim, including accommodations and protective measures. By only sharing personally identifiable information with individuals on a need-to-know basis, the University will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

Each year the University of South Carolina Upstate prepares an annual Campus Safety and Security Report which includes crime statistics and security policies of the University of South Carolina Upstate in compliance with the Jeanne Clery Act.

This information is transmitted to The Department of Education on or about October 1st of each year. Moreover, crime statistics as well as a daily crime log are made available to the public.

In compliance with the Violence against Women Act of 1994, it is the policy of the University of South Carolina Upstate to maintain the confidentiality of victims of certain crimes including domestic violence, dating violence, sexual assault, and stalking. To this end, personally identifying information will not be included in any publicly available recordkeeping, including the Clery Act reporting and disclosures such as the annual security report and daily crime log. When preparing these reports, none of the below listed information is listed in the reports or transmitted electronically between the gatekeepers of the information. This includes:

- A first and last name.
- A home or physical address.
- Contact information (including a postal, email or Internet protocol address, or telephone or facsimile number
- A social security number, driver's license number, passport number or student identification number; and
- Any other information, including date of birth, racial or ethnic background, or religious affiliation that would serve to identify any individual.

In addition, any CSA crime reports submitted for inclusion in the annual Clery report and daily crime log will not include the above listed identifying information either. Moreover, the University will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

On and Off Campus Services for Victims

Upon receipt of a report of domestic violence, dating violence, sexual assault, or stalking, USC Upstate will provide written notification to students and employees about existing assistance with and/or information about obtaining resources and services, including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and assistance in notifying appropriate local law enforcement. If a sexual assault, or rape should occur on campus, staff on scene, including University Police, will offer the victim a wide variety of services. This information regarding "resources" is not provided to infer that those resources are "crime reporting entities" for USC Upstate.

	Employees	**Students**
ON CAMPUS		
Counseling/Mental Health		USC Upstate Counseling Services (864) 503-5195 * *Confidential Resource*
Health Services		USC Upstate Health Services (864) 503-5191

Title IX Coordinator	(864) 503-7193	Title IX Coordinator (864) 503-7193
Visa and Immigration Assistance/International Student Support and Services		International Programs Coordinator (864) 503-5622
Student Financial Aid		Financial Aid Office (864) 503-5349
LGBTGA Advocacy and Education		Center for Women & Gender Studies (864) 503-5724
Women's Center		Center for Women & Gender Studies (864) 503-5724
Pastoral Counseling		Contact your individual faith leader or place of worship
University Police Department	Non-Emergency: (864) 503-7777 Emergency Phone: **911**	Non-Emergency: (864) 503-7777 Emergency Phone: **911**
Dean of Students		Dean of Students (864) 503-5107
Victim Advocacy	University Police Department (864) 503-5309 or (864) 503-5383	University Police Department (864) 503-7777
Intercultural Education & Engagement		Intercultural Education & Engagement (864) 503-7454
Support for Victims of Violence	PROJECT R.E.S.T. 103 Lafayette St Spartanburg, SC 29302 (864) 583-9803	PROJECT R.E.S.T. 103 Lafayette St Spartanburg, SC 29302 (864) 583-9803
Facilitated Anonymous Reporting		A student can go to Counseling Services or Health Services to submit an anonymous report. The amount of detail provided will determine the University's ability to investigate or respond. Title IX Office RU OK Forms
OFF CAMPUS		
Counseling/Mental Health	Spartanburg Area Mental Health (864)585-0366 Healing Solutions LLC (864)707-2167 Kaleidoscope Counseling LLC (864)308-8650	
Health Services	Spartanburg Regional Hospital (864) 560-6000	Spartanburg Regional Hospital (864) 560-6000
Victim Advocacy	Spartanburg Regional Hospital (864) 560-6000	Spartanburg Regional Hospital (864) 560-6000 Project R.E.S.T. USC Upstate

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Legal Assistance	148 E. Main Street Spartanburg, SC 29304 1-888-346-5592 (Mon-Th 9-6) **Non-criminal only**	SCVAN (803)509-6552
City of Spartanburg Police Dept.	911 Spartanburg County Communications	911 Spartanburg County Communications
Spartanburg County Sheriff's Department	911 Spartanburg County Communications	911 Spartanburg County Communications
Visa and Immigration Assistance	USCIS American Immigration Center 501 Pennsylvania Ave Greer, SC 29650 (800)375-5283	USCIS American Immigration Center 501 Pennsylvania Ave Greer, SC 29650 (800)375-5283

Missing Student Policy

Students residing in campus housing, (Magnolia House, Palmetto House, and Villas) may identify and register a contact person(s) with the Housing and Residential Life Office to notify if the resident student is determined to be missing (according to HEA guidelines a student is considered missing if their whereabouts is unaccounted for more than 24 hours). If a student is under 18 years of age, is not an emancipated individual and is determined to be missing, USC Upstate must notify the contact as well as a custodial parent or guardian within 24 hours.

This emergency notification process will be initiated in accordance with the student's designation when the Department of Public Safety has been notified and has determined that the student has been missing for more than 24 hours and has not returned to campus. University Police should be notified immediately if a student is missing.
However, it is the policy of the University of South Carolina Upstate that any student discovered missing for 24 hours, (whether or not the student has identified a contact person), is above the age of eighteen or is an emancipated minor will be reported immediately upon discovery to the Department of Public Safety for investigation. Upon notification the USC Upstate Department of Public Safety will also notify the Spartanburg County Sheriff's Department.

If it is determined that the student has been missing for 24 hours and the missing student has identified a contact, the Department of Public Safety will immediately notify said contact. If the missing student is under eighteen and not emancipated, Public Safety will immediately notify said student's custodial parent or legal guardian as well as the contact of record. If neither of the two preceding scenarios apply to a student determined to be a missing person, The Department of Public Safety will notify the appropriate law enforcement agency having jurisdiction.

In all such cases involving a missing student, appropriate campus authorities including University Police, the Dean of Students, Director of Housing and Residential Life and Registrar will be notified.

To register missing student notification information, contact the Housing and Residence Life Office at or prior to move-in. All contact information will be registered confidentially and will only be accessed by authorized campus officials. The Housing and Residence Life Office is located on the ground floor of the Palmetto House at 470 Hodge Dr. Spartanburg, SC 29303.

Missing persons should be reported to the USC Upstate Department of Public Safety, Dean of Students or the Director of Housing and Residential Life.

At the victim's request, and to the extent of the victim's cooperation and consent, University offices will work cooperatively to assist the victim in obtaining accommodations. If reasonably available, a victim may be offered changes to academic, living, working, or transportation situations regardless of whether the victim chooses to report the crime to law enforcement.

Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw, and take a class at another time if there is no option for moving to a different section, etc. Potential changes to living situations may include moving to a different room or residence hall. Possible changes to work situations may include changing work hours. Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a safety escort, etc. Issuance of an Order of No Trespass may also be appropriate.

If the victim wishes to receive assistance in requesting these accommodations, the victim should contact the Title IX Coordinator or the USC Upstate Department of Public Safety and speak to the Victim's Advocate.

Equal Opportunity Policies

USC Upstate recognizes the human dignity of each member of the University community and shares in its commitment to build an inclusive and welcoming learning and work environment that celebrates the intellectual, cultural, and experiential dimensions of diversity and promotes the fundamental values of wellness, equity, and civility.

USC Upstate remains committed to the principles of academic freedom and believes that an environment that encourages the free and open exchange of ideas is integral to the mission of the University and embraces the protected rights of free expression, speech and association put forth in the U.S. Constitution. The following sections highlight the relevant equal opportunity and affirmative action policies and prohibited conduct that give guidance to our words and actions.

Policy Against Discrimination, Harassment & Sexual Misconduct – University of South Carolina Policy CR 1.00

PURPOSE: The University of South Carolina Upstate is committed to providing an environment free from discrimination, harassment, sexual misconduct, and related retaliation. This commitment helps realize the university's primary mission and aligns with institutional values and to comply with all requirements set forth by civil rights laws, including Title IX, and related federal and state authority.

DEFINITIONS: Prohibited Conduct: Discrimination, Harassment, Sexual Misconduct, and related Retaliation. Appendix 1 contains examples of various types of prohibited conduct. Discrimination: Discrimination includes Disparate Treatment Discrimination and Disparate Impact Discrimination. Disparate Treatment Discrimination: Disparate treatment discrimination is any unlawful distinction, preference, or detriment to an individual as compared to others that is based on an individual's Protected Class and that: 1) excludes an individual from participation in; 2) denies the individual benefits of; or 3) otherwise adversely affects a term or condition of an individual's employment, education, living environment, or participation in a university program or activity. Disparate Impact Discrimination: Employment: In the employment context, disparate impact

discrimination occurs when there is sufficient evidence that policies, tests, or practices that are neutral on their face disproportionately exclude or adversely impact a group of individuals within the Protected Class, where the policies, tests, or practices are not job-related and not consistent with business necessity. The university considers the following factors in assessing disparate impact: 1. Does the policy, test, or practice have a disparate impact on the basis of a particular Protected Class? This typically requires a statistical analysis. 2. Is the policy, test, or practice job-related and consistent with business necessity? 3. If job-related and consistent with business necessity, is there a less discriminatory alternative available? 3. Student/Educational Program or Activity: In the student or educational context, disparate impact discrimination occurs when there is sufficient evidence that seemingly neutral policies, tests, or practices, although not adopted with the intent to discriminate, nonetheless have an unjustified effect of discriminating against students or others seeking to participate in an educational program or activity on the basis of protected class. In determining whether a seemingly neutral policy has an unlawful disparate impact on the basis of Protected Class, the university will conduct the following three-part inquiry:

1. Has the policy, test, or practice resulted in an adverse impact on Students or Third Parties of a particular Protected Class?
2. Is the policy, test, or practice necessary to meet an important educational goal?
3. If necessary to meet an important educational goal, are there comparably effective alternative policies, tests, or practices, available that would meet the stated educational goal with less of a burden or adverse impact on the disproportionately affected Protected Class or is the proffered justification a pretext for discrimination?

Harassment: Harassment is a form of Discrimination, which includes Hostile Environment and/or Quid Pro Quo. Hostile Environment: Unwelcome conduct (oral, written, graphic or physical) directed against any individual or group of individuals because of or based upon one or more protected class, that is sufficiently severe, pervasive, or persistent that it interferes with or limits the ability of an individual or group to participate in or benefit from programs, services and activities provided by the university. In evaluating whether a hostile environment exists, the university will evaluate the totality of known circumstances, including, but not limited to:

01. the frequency, nature, and severity of conduct.
02. whether the conduct was physically threatening.
03. the effect of conduct on the Complainant's mental or emotional state.
04. whether the conduct was directed at more than one person.
05. whether the conduct arose in the context of other discriminatory conduct.
06. whether the conduct unreasonably interfered with the Complainant's educational or work performance and/or The University of South Carolina Upstate's programs or activities.
07. whether the conduct implicates academic freedom or protected speech (see Appendix 2: Academic Freedom).
08. other relevant factors that may arise from consideration of the reported facts and circumstances.
09. the identity of and relationship between the Respondent and Complainant (s).
10. whether the conduct was humiliating. A single or isolated incident of harassment may be severe enough to create a hostile environment. Minor slights, annoyances, and isolated incidents (unless extremely egregious) will not rise to the level of harassment. To violate this policy, the conduct must create a hostile environment, as described above, to a reasonable, similarly situated, person. Quid Pro Quo: When submission to or rejection of unwelcome conduct is used, explicitly or implicitly, as the basis for decisions affecting an individual's education (e.g., admission, academic standing, grades, assignment); employment (e.g., hiring, advancement, assignment); or participation in a university program or activity (e.g., campus housing).

Sexual Misconduct: Sexual misconduct includes sexual assault, relationship violence, stalking, sexual exploitation, and sexual harassment (university definition and/or Title IX).

Sexual Assault: Sexual assault is having or attempting to have sexual contact with another individual without consent or where the individual cannot consent because of age or temporary or permanent mental incapacity (see the definition of consent and Appendix 3: Incapacitation). Sexual assault includes non-consensual sexual contact, non-consensual sexual penetration, incest, and statutory rape. Non-consensual sexual contact: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the Complainant, including instances where the Complainant is incapable of

giving consent. Sexual contact includes intentional contact with the breasts, buttocks, groin, genitals, or other intimate part of someone's body; or touching another with any of these body parts or an object; or making another touch you or themselves with or on any of these body parts. Nonconsensual sexual contact includes forcible fondling non-consensual sexual penetration: Penetration, no matter how slight, of the vagina or anus (including genital or anal opening) with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Complainant. Sexual penetration includes vaginal penetration by a penis, object, tongue, finger, or other body part; anal penetration by a penis, object, tongue, finger, or other body part; and oral copulation (mouth to genital contact or genital to mouth contact); no matter how slight the penetration or contact. Non-consensual sexual penetration includes forcible rape, forcible sodomy, and sexual assault with an object. Forcible Rape: Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Complainant.

Forcible Sodomy: Oral or anal sexual intercourse with another person, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age of consent in the applicable jurisdiction or because of temporary or permanent mental or physical incapacity. Sexual Assault with an Object: The use of an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity Incest: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law Statutory Rape: Non-forcible sexual intercourse with a person who is under the statutory age of consent in the applicable jurisdiction Relationship Violence: Relationship violence includes dating violence and domestic violence. In both definitions, violence includes threats of violence, which may include but be not limited to, threats against the Complainant, people close to the Complainant, a pet, or property.

Dating Violence: any act of violence or threats of violence committed by a person:

1. who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and
2. the existence of such a relationship will be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.

Domestic Violence: Any act of violence or threat of violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant under South Carolina state law, or by any other person against an adult or minor Complainant who is protected from that person's acts under South Carolina state law.

Stalking: A course of conduct directed at a specific person that would cause a reasonable person under similar circumstances or with similar identities to fear for their own safety or the safety of others or suffer substantial emotional distress. Course of conduct means two or more instances, including but not limited to; unwelcome acts in which an individual directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Stalking includes the concept of cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used.

Sexual Exploitation: Sexual Exploitation involves one or more of the following behaviors committed for any purpose, including sexual arousal or gratification, financial gain, or other personal benefit:

1. taking sexual advantage of another person without consent.
2. taking advantage of another's sexuality; or
3. extending the bounds of consensual sexual activity without the knowledge of the other individual. Sexual Harassment: Includes University Sexual Harassment and Title IX Sexual Harassment.

University Sexual Harassment: Instances that meet the definition of harassment as outlined in the policy and are based on sex. All such acts of sexual harassment are forms of sexual misconduct under this policy. Title IX Sexual Harassment: The Title IX regulations define Sexual Harassment as conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the university conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct (quid pro quo); or
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the university's education program or activity; or
3. Sexual Assault, Dating Violence, Domestic Violence, or Stalking, as defined in this policy.

This definition is intended to meet the regulatory definition of sexual harassment in 34 C.F.R, §106.30. Retaliation: Any adverse action against any person by another, such as intimidation, threats, coercion, or discrimination, for the purpose of interfering with any right or privilege secured by this policy, or because the individual has made a report or complaint of prohibited conduct, testified, assisted, or participated or refused to participate in any manner in any investigation, proceeding, or hearing under this policy. Retaliation includes such conduct through associates or agents of a Complainant, Respondent, or participant in any investigation or proceeding related to this policy.

Complaint: Under this policy, a document filed by a Complainant or signed by the Title IX Coordinator or designee alleging prohibited conduct and requesting that the proceed with a resolution as outlined in this policy university.

Consent: Consent is the clear, knowing, and voluntary, agreement to participate in mutually agreed-upon acts. Consent can be given by words and/or actions, as long as those words and/or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity. It is the responsibility of each party to determine that the other(s) has consented before engaging in the sexual activity. Additional elements of consent: Consent cannot be obtained through force, where there is a reasonable belief of the threat of force, or by taking advantage of another person's incapacitation (See Appendix 3: Incapacitation). In evaluating whether consent has been freely sought and given, the university will consider the presence of any force, threat of force, or coercion; whether the Complainant had the capacity to give consent; and, whether the communication (through words and/or actions) between the parties would be interpreted by a reasonable person (under similar circumstances and with similar identities) as a willingness to engage in a particular sexual act.

1. Force is the use or threat of physical violence or intimidation to overcome a person's freedom of will choose whether or not to participate in sexual activity.
2. Coercion is unreasonable pressure for sexual activity. When someone makes it clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

A. Consent to one form of sexual activity does not imply or constitute consent to another form of sexual activity.
B. Consent on a prior occasion does not constitute consent on a subsequent occasion.
C. Consent to an act with one person does not constitute consent to an act with any other person.
D. The existence of a prior or current relationship does not, in itself, constitute consent, even in the context of a relationship, there must be real time and mutual consent to sexual activity.
E. Consent can be withdrawn or modified at any time, and sexual contact must cease immediately once consent is withdrawn and clearly communicated.
F. Consent cannot be inferred from the absence of a "no." Consent cannot be inferred from silence, passivity, or lack of verbal or physical
resistance. Consent may not be given by an individual who has not reached the legal age of consent under applicable law.
G. Education Program or Activity: Locations, events, or circumstances over which the university exercises substantial control over both the Respondent and the context in which the sexual harassment occurs, including employment, and also include any building owned or controlled by a student organization that is officially recognized by the university.
H. Employee: Any person having an employment relationship with the university. Employees might be university officers, faculty, staff, student-employees, and other individuals employed by the university regardless of classification, including all full-time, part-time, temporary, research grant, time limited and contract employees. Faculty: University personnel who

are engaged in research, instruction both inside and outside the classroom, service, and/or administration. Faculty can be further classified as having tenure track, professional-track, or honorific appointments. For purpose of this policy, faculty include part-time, temporary, and adjunct faculty.

I. Party: A broad term that encompasses Complainant(s) and Respondent(s) in a matter. Complainant: An individual who is alleged to be the victim of prohibited conduct under this policy. An individual may be a Complainant regardless of whether that individual makes a report or participates in the review of that report by the university. Respondent: An individual who has been reported to have engaged in prohibited conduct under this policy. Protected Class: Age, ancestry, citizenship status, color, disability, ethnicity, familial status, gender (including transgender), gender identity or expression, genetic information, HIV/AIDs status, military status, national origin, pregnancy (false pregnancy, termination of pregnancy, childbirth, recovery therefrom or related medical conditions, breastfeeding), race, religion (including religious dress and grooming practices), sex, sexual orientation, veteran status, or any other bases under federal, state, local law, or regulations.

J. Report: A notification to the University of South Carolina Upstate's Title IX Coordinator of a concern of prohibited conduct, either by a Complainant or a third party.

K. Student: A person who is currently enrolled at the university, or who is accepted for admission or readmission to the university, or who has been enrolled at the university in a prior semester or summer session and is eligible to continue enrollment in the semester or summer session that immediately follows, or who is attending an educational program sponsored by the university while that person is on campus, or individuals who are not currently enrolled at the university remain subject to the disciplinary process for conduct that occurred while they were enrolled.

POLICY STATEMENT: Discrimination or harassment based on age, ancestry, citizenship status, color, disability, ethnicity, familial status, gender (including transgender), gender identity or expression, genetic information, HIV/AIDs status, military status, national origin, pregnancy (false pregnancy, termination of 8 pregnancy, childbirth, recovery therefrom or related medical conditions, breastfeeding), race, religion (including religious dress and grooming practices), sex, sexual orientation, veteran status, or any other bases under federal, state, local law, or regulations is prohibited. Sexual Misconduct, including sexual assault, relationship violence, stalking, sexual exploitation, and sexual harassment (university definition and/or Title IX), is prohibited. The university prohibits discrimination and harassment based on protected class along with sexual misconduct in all education programs and activities, including employment and admissions, for faculty, staff, prospective employees, students, student organizations, and other persons utilizing the university's resources (e.g., third parties such as volunteers, visitors, or contractors). It is the responsibility of every member of the University of South Carolina community to foster an environment free from prohibited conduct, as defined by this policy. All members of the community are expected to take reasonable actions to prevent or stop an act of prohibited conduct, and the university will help prevent retaliation from occurring.

This policy provides information about campus and community resources, the difference between privacy and legal confidentiality, how to make a report of discrimination, harassment, sexual misconduct, or related retaliation, available supportive measures, and information about resolution options, including how to file a complaint requesting an investigative or informal resolution. The specific procedures for resolving a complaint under this policy can be found in the Discrimination, Harassment, Sexual Misconduct resolution procedures. Any employee or student at the University of South Carolina Upstate who violates this policy may be subject to disciplinary action, which may include termination or separation from the university.

Some forms of prohibited conduct may also violate federal, state and/or local law, and criminal prosecution may occur independently of any disciplinary action imposed by the university.

A. Scope and Jurisdiction: This policy applies to all members of the University of South Carolina Upstate community, including students, faculty, staff and third parties such as affiliates, volunteers, vendors, contractors, consultants, guests, alumni, applicants for admission or employment, or other individuals.

This Policy applies to acts of prohibited conduct that occur in a university education program or activity, which includes:

- All of the university's operations, including locations, events, or circumstances over which the university exercises substantial control over both the Respondent and the context in which the conduct occurs.

- Any building owned or controlled by a student organization that is officially recognized by the university. The term education program or activity includes employment and admissions. The university's education program or activities includes on-campus, off-campus, or online conduct, and conduct outside of the United States. Examples include university-sponsored, university-funded, or otherwise university-supported study off campus, research, internship, mentorship, summer session, conferences, meetings, social events, or other affiliated programs or premises. Conduct outside of the United States may include, for example, university-sponsored, university-funded, or otherwise university-supported study abroad. Under certain circumstances, this Policy may also apply to reports of prohibited conduct that occur outside of the education program or activity but have continuing effects in the education program or activity, or that fall within the scope of conduct otherwise regulated by the university. This may include, for example, a report of an off-campus Sexual Assault committed by a student, faculty, or staff.

1. Jurisdiction under Title IX for some forms of prohibited conduct covered under this Policy, the university's jurisdiction is limited by Federal law. Title IX complaints will cover alleged sexual misconduct that:

a. It takes place in the context of an education program or activity of the university; and
b. Occurs against a person in the United States; and
c. Where the Complainant is participating in or attempting to participate in the education program or activity of the university, and,
d. Meets the regulatory definition of sexual harassment in 34 C.F.R. §106.30, and
e. Where the Respondent is an individual, the university has authority to discipline and
f. For the purpose of this policy, Title IX complaints refer to matters that fall within the scope of the procedural requirements provided by 34 C.F.R. § 106.45. If the reported conduct does not meet the basis above (1-5), the university will dismiss the complaint as a Title IX complaint.

However, in keeping with the university's educational mission and commitment to foster a learning, living, and working environment free from discrimination, harassment, sexual misconduct, and related retaliation the university will move forward under the same resolution process for sexual misconduct that occurs outside of Title IX Jurisdiction (e.g., not in the United States, or as noted above, outside of the education program or activity).

2. Jurisdiction Regarding Third Parties: Any individual may make a report to the university of prohibited conduct and receive access to reasonably available supportive measures. A student, employee or other individual who is participating in, or attempting to participate in the university's education program or activity may also file a complaint requesting an investigation under this Policy. In addition, the Title IX Coordinator may file a complaint on behalf of a third party where the reported conduct occurred in the university's education program or activity. The university's ability to respond to a report of prohibited conduct under this Policy is based on its disciplinary authority over the Respondent. If the Respondent is not an employee or student, the university's ability to take disciplinary action will be limited and determined by the context of the prohibited conduct and the nature of the relationship of the third-party Respondent to the university.

3. Reporting Requirements. All University of South Carolina Upstate employees are required to report incidents of prohibited conduct, as defined in this policy to the Title IX Coordinator, which is the office with the authority to institute corrective measures on behalf of the university. Additional information on how to report and exceptions to the reporting requirements are outlined in the procedures section of this policy.

4. Supportive Measures: Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant and/or Respondent when a report is received. Supportive measures are available before or after the filing of a complaint or where no complaint has been filed. Supportive measures are designed to restore or preserve equal access to the university's education program or activities, including employment, without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the university's educational environment or deter prohibited conduct.

Supportive measures are offered to a Complainant at the time a report is received. Supportive measures are offered to a Respondent at the time of Notice of Complaint. The University of South Carolina Upstate will also provide reasonably available supportive measures for third parties, provided that the supportive measures are within the scope of that individual's relationship to the university.

a. Supportive measures may include, but are not limited to, counseling, extensions of deadlines, or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual no contact directives, changes in work or housing locations, leaves of absence, increased security, and monitoring of certain areas of the campus, and other similar measures.
b. The university will consider a number of factors in determining which supportive measures to take, including the needs of the student or employee seeking supportive measures; the severity or pervasiveness of the alleged conduct; any continuing effects on the Complainant, whether the Complainant and the Respondent share the same residence hall, academic course(s), or job location(s); and other relevant factors.
c. The Title IX Coordinator and designees are responsible for ensuring the implementation of supportive measures and coordinating the university's response with the appropriate offices on campus. The university will maintain the privacy of any supportive measures provided under this Policy to the extent practicable and will promptly address any violation of the protective measures.
d. Emergency Removal and Suspension of Employee Respondents

1. Emergency Removal. Certain circumstances may warrant removing a Respondent from a University of South Carolina Upstate educational program or activity. The university may remove a Respondent on an emergency basis from university property or employment, education, or research programs or activities. Before imposing an emergency removal, the university will undertake an individualized analysis of safety and risk for the campus community to determine whether the Respondent's presence in the program or activity poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of prohibited conduct and justifies removal of the Respondent from the university program or activity. The Title IX Coordinator or designees will promptly provide the Respondent with written notice of any emergency removal and an opportunity to challenge the removal. During any challenge, the Respondent must comply with the notice of removal. That notice will include a statement that the use of any information the Respondent chooses to provide may subsequently be used in implementing any aspect of this Policy, including the investigation and The Respondent will have three business days to submit a written challenge of the emergency removal by the Title IX or designee, who has until the end of the next business day to respond. Nothing in this policy precludes the university from taking other appropriate action under separate university processes, if applicable.

2. Suspension of Employee Respondents: Following a report of Prohibited Conduct, the university may place a non-student Employee Respondent on a suspension without pay or otherwise modify duties.

3. Obligation to Provide Truthful Information: All university community members are expected to provide truthful information in any proceeding under this policy. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are erroneous or are not later substantiated. It is a violation of this policy, and considered process abuse, for anyone to:
a. Obstruct, prohibit, exert improper influence over, or interfere with any individual making a report, participating in a process, or carrying out a responsibility covered by this policy,
b. Falsify or misrepresent information in or related to a process covered by this policy,
c. Make a false allegation; A false allegation is, knowingly or with reckless disregard for the truth, making false allegations of discrimination, harassment, or sexual misconduct. The absence of a finding of a policy violation is not equivalent to a false allegation
d. Disrupt or interfere with the orderly conduct of any proceeding conducted under this policy; or
e. Fail to comply with any directive or sanction issued pursuant to this policy.

Prevention and Education Programs: All faculty, staff, student employees, graduate assistants, and students are required to take annual sexual misconduct training and other anti-discrimination and harassment training as directed by the university.

All individuals who are responsible for effectuating any part of this policy are required to be trained in the substantive requirements of Title IX. (See Appendix 5: Prevention and Education).

PROCEDURES FOR REPORTING: The University of South Carolina Upstate encourages anyone who has experienced prohibited conduct to report it directly to the university. Certain individuals have a reporting requirement to make reports of prohibited conduct to Title IX (see Section 3: Reporting Requirement). An individual does not need to know whether they wish to request any particular course of action or how to label what happened. Individuals with questions or concerns about the university's processes may also contact the Title IX Coordinator directly to learn more about resources and procedural options. Any individual may make a report of prohibited conduct under this Policy regardless of affiliation with the University of South Carolina and regardless of whether or not the person reporting is the person alleged to be the victim of conduct.

Reporting to the Title IX Coordinator: Reports of prohibited conduct or questions about this policy and procedures can be made to the Title IX Coordinator, or designees through one of the following ways: a. Phone: 864-503-7193 b. Email: EP48@uscupstate.edu; or c. Mail or in person: Title IX Coordinator 800 University Way Room 310 Spartanburg SC 29303 2. Anonymous Reporting: Note that anonymous reports do not fulfill an employee's requirement to report prohibited conduct as outlined in the policy (see section Reporting Requirements).

Depending on the nature of the information provided, the university's ability to respond may be limited. Insofar as possible, the anonymity of the reporter will be maintained. However, a reporter's identity may have to be disclosed, at the discretion of the university, to comply with the law, to conduct a thorough investigation, or to provide fair procedural review for alleged individual(s).

Individuals, including members of the university community, may submit reports anonymously via the Integrity Line: a. Toll Free: 844-890-0006; or b. Website: www.lighthouse-services.com/sc

Reporting Requirements: All University of South Carolina Upstate employees are required to report incidents of prohibited conduct, as defined in this policy, to Title IX, which is the office with the authority to institute corrective measures on behalf of the university. Supervisors who become aware of a report of prohibited conduct are obligated to report the allegation to the Title IX Coordinator.

Exemptions to Reporting Requirements:

a. Confidential Resources: A confidential resource acting within the scope of their confidential role or an employee who directly reports to a confidential resource and is acting within the scope of the confidential work, is exempt from the reporting requirements outlined in this policy. Examples of confidential resources can be found in the Appendix 6: Confidential Resources.
b. Student-Employees Reporting Requirements: A student-employee must report any information learned during the course of their work. When disclosures are made to student-employees who are operating outside of their official work capacity, the student-employee is exempt from the reporting requirement. If unsure, the student-employee should ask the person to disclose to them if they are seeking to connect with the university for support; if yes, they should follow the reporting requirements outlined in this policy.
c. Public Survivor Support Events: Unless the individual is explicitly seeking assistance from the university, employees are not required to report disclosures of information regarding sexual misconduct pursuant to this policy while at public survivor support events including but not limited to: "Take Back the Night," candlelight vigils, protests, and survivor speak-outs. Additional information about reporting timeframes, amnesty, privacy versus confidentiality, and reporting requirements under the law can be found in Appendix 7: Reporting.
d. Time Frame for Reporting: The university does not limit the timeframe for reporting. However, the passage of time may impact or limit the university's jurisdiction and/or the ability to gather relevant evidence that may have been lost given the passage of time. Depending on the relationship of the Respondent to the university, the university may not have the authority to impose disciplinary action; this may occur when a student Respondent has graduated, or an employee Respondent is no longer employed by the university. If the Respondent is no longer affiliated with the university (for example, a report is made

after a student has left or graduated or an employee no longer works for the university), the university will still provide reasonably available supportive measures to the Complainant, assist the Complainant in identifying external reporting options, and may take other appropriate action to address the reported conduct. Should a Respondent leave the university during an investigative resolution, the university reserves the right to continue the investigation and implement disciplinary actions relating to their ability to return to the university and participate in the university's education programs and activities.

Process following a report of Prohibited Conduct: The University of South Carolina recognizes that deciding whether to make a report of prohibited conduct is a personal decision (note: certain individuals must fulfill their reporting requirements). Making a report is different from filing a complaint. When the university receives a report of prohibited conduct, the university will offer supportive measures to a Complainant, inform the Complainant of the availability of supportive measures with or without the filing of a complaint, and explain to the Complainant the process for filing a complaint. The university will consider the Complainant's wishes with respect to supportive measures and seek to respect a Complainant's autonomy in making the determination regarding how to proceed. An individual who is uncertain what they wish to do in response to an alleged incident of prohibited conduct, including how or whether to report the conduct, may contact and consult a Confidential Resource to address questions and concerns in a confidential setting.

Preliminary Inquiry Upon receipt of a report of prohibited conduct

The Title IX Coordinator will engage in a preliminary inquiry to assess and understand the nature of the report, provide outreach to a Complainant, offer supportive measures, and determine whether this Policy applies to the report, and if so, what form of resolution is reasonably available and appropriate. Centralized outreach through the Title IX Office ensures that all university community members have access to information about the university's resources, policies, and procedural options for resolving the report.

Overview of Resolutions: At the conclusion of the preliminary inquiry, the following resolution options may be possible:

a. No Further Action (which may involve referral to another university policy) Supportive measures Only (regardless of whether a complaint is filed)
b. Investigative Resolution (following a complaint by the Complainant or Title IX Coordinator)
c. Informal Resolution (voluntarily and mutually agreed upon by all parties, following a complaint by the Complainant or Title IX Coordinator, or when a Respondent accepts responsibility)
d. Other Resolution (educational conversations or coaching, considered non-disciplinary). To initiate an investigative or informal resolution, a complaint must be filed with the Title IX Coordinator.

Complaint: If a Complainant wishes to sign a complaint, they can work with the Title IX Coordinator to do so. A complaint is a document filed by a Complainant or signed by Title IX Coordinator or designee alleging prohibited conduct and requesting that the university proceed with a resolution as outlined in this policy. Upon receipt, the Title IX Coordinator will determine which Prohibited Conduct is being alleged (including Title IX matter as defined in 34 C.F.R. § 106.30 and defined in this policy). The Title IX Coordinator also has the discretion to file a complaint. In evaluating the appropriate manner of resolution, including whether the Title IX Coordinator will file a complaint in the absence of a complaint from the Complainant, the Title IX Coordinator will consider the following factors:

a. whether the Complainant has requested anonymity,
b. whether the Complainant wants to participate in an investigation,
c. the severity and impact of the alleged misconduct and whether the misconduct was committed with a weapon,
d. the respective ages of the parties and whether the Complainant is a minor under the age of eighteen,
e. whether the Respondent has admitted to the alleged Prohibited Conduct,
f. whether the Respondent has a history of committing such Prohibited Conduct or whether there have been other complaints about the same Respondent, or the extent of prior remedial methods taken with the Respondent,
g. whether the Respondent is alleged to have threatened further prohibited Conduct,

h. whether the misconduct was committed by multiple Respondents or whether the report reveals a pattern of misconduct (e.g., at a given location or by a particular group); and
i. the existence of independent evidence that may be available without the participation of the Complainant. The university will take all reasonable steps to respond to the report consistent with a Complainant's requested course of action, but its ability to do so may be limited based on the considerations outlined above.

Investigative Resolution: Following the filing of a complaint, if requested or otherwise required, the university will initiate an investigative resolution to determine if there is sufficient evidence, by a preponderance of the evidence, to establish that this policy has been violated. The investigation, hearing and appeals processes are described in the accompanying Discrimination, Harassment, Sexual Misconduct resolution procedures.

Informal Resolution: Following the filing of a complaint, if requested or otherwise required, with the written consent of the Complainant and Respondent, the university may initiate an informal resolution process. Informal resolutions include instances where the Respondent accepts responsibility for any or all allegations in a complaint.

Other Resolution: The university reserves the right to have educational conversations and conduct coaching with anyone covered under this policy outside of the investigative and informal processes. Having an educational conversation is non-disciplinary and does not preclude the university's ability to move forward with an informal or investigative resolution process.

Conduct that may violate other University Policies When reported conduct may violate this policy and other university policies, the Title IX Coordinator or designee will consult with the appropriate university office(s) to determine how the matter should be resolved. This may, but is not required to, involve a joint resolution by more than one office.

Process Abuse: The Title IX Coordinator may combine allegations of process abuse with their resolution processes and/or forward reports of process abuse to the Office of Student Affairs, Division of Human Resources, and the Office of the Provost for appropriate disciplinary action, if substantiated.

Expectations During Resolutions: All resolution processes are conducted in accordance with federal and state law. In all stages of the resolution process, Complainants and Respondents can expect:

01. a prompt, fair, impartial, and equitable investigation, and resolution of allegations of prohibited conduct conducted by individuals with sufficient training and/or experience related to their role
02. an investigator, decision-maker, and/or facilitator of informal resolution free from conflict of interest or bias for or against Complainants or Respondents generally or the individual parties related to the report or complaint,
03. privacy in accordance with this Policy and any legal requirements,
04. access to reasonably available supportive measures, without fee or charge,
05. freedom from Retaliation for making a report of prohibited conduct or participating in any proceeding under this policy,
06. a presumption that the Respondent is not responsible until a determination is made at the conclusion of the resolution process,
07. written notice of any meeting or proceeding at which the party's presence is contemplated by this Policy, including the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate,
08. an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory Evidence,
09. freedom to discuss the allegations under investigation or to gather and present relevant evidence,
10. the opportunity to be accompanied by an advisor of choice, including the right to have that advisor accompany the party at any meeting or proceeding and to have the university provide an advisor to conduct cross-examination on the party's behalf at any live hearing,
11. an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence,
12. notice of reasonably prompt time frames for major stages of the process, with written notice of permissible extensions for good cause,

13. written notice of a complaint, including notice of potential Policy violations and the nature of the alleged prohibited conduct,
14. timely and equal access to any information that will be used in informal or formal disciplinary meetings or hearings under this Policy, including all information gathered that is directly related to the allegations in the complaint as well as the information contained in the investigation report,
15. written notice of the outcome of investigative or informal resolution processes, including the determination of a Policy violation, any sanctions, the rationale, and the opportunity to appeal the outcome. More information on resolution procedures can be found in the Discrimination, Harassment, and Sexual Misconduct resolution procedures.
16. Documentation and Records Retention: The university will create and maintain the following records for a period of seven years (as aligned with current law):

(A) all materials used to train investigators, adjudicators, and Title IX coordinators with regard to sexual harassment,
(B) any sexual harassment investigation, including any responsibility determination,
(C) any required recording or transcript,
(D) any sanctions imposed on the Respondent,
(E) any remedies provided to the Complainant,
(F) any appeal and its result; (G) any informal resolution and its results.

RELATED UNIVERSITY, STATE AND FEDERAL POLICIES: Americans with Disabilities Act, Age Discrimination in Employment Act, Executive Order 11246 Genetic Information Nondiscrimination Act, Jeanne Clery Disclosure of Campus Security Act (Clery Act) as amended by the Violence Against Women Reauthorization Act of 2013 (VAWA), Jessica Horton Act Pregnancy Discrimination Act, Title VI of the Civil Right Act of 1964, Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972 and its implementing regulations, 20 U.S.C. §1681 et seq. Vietnam Era Veterans' Readjustment Assistance Act of 1974,

HISTORY OF REVISIONS: Date of revision and reason for revision: August 18, 2022 - New policy approval

APPENDICES: Appendix 1 Examples of Prohibited Conduct, Appendix 2 Academic Freedom, Appendix 3 Incapacitation, Appendix 4, Retaliation, Appendix 5 Prevention and Education, Appendix 6 Confidential Resources, Appendix 7 Reporting, Appendix 8 Additional Information about Relevant Federal Laws

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Discrimination, Harassment, Sexual Misconduct Resolution Procedures

The University of South Carolina Upstate is committed to providing a prompt, fair, impartial, and equitable response to complaints of discrimination, harassment, sexual misconduct, and related retaliation, all of which are prohibited by the university's Policy Against Discrimination, Harassment & Sexual Misconduct. The university's procedures for responding to prohibited conduct are grounded in fairness and support for all parties, include procedural protections that ensure notice, equitable opportunities to participate, and a neutral and impartial investigation, resolution, and appeal. These procedures establish the required practice for responding to a complaint through either an informal or investigative resolution and are meant to be read in conjunction with the university's Policy Against Discrimination, Harassment & Sexual Misconduct. All individuals that conduct resolutions must comply with these procedures.

I. Purpose

A. The Resolution Procedures are the procedures to be used in responding to complaints against students, faculty, staff, student organizations, and other persons participating or attempting to participate in an educational program or activity: (e.g. third parties such as volunteers, visitors, vendors, contractors, consultants, guests, alumni, applicants for admission or employment, or other individuals) pursuant to the university's Policy Against Discrimination, Harassment & Sexual Misconduct.

I. Scope and Jurisdiction

A. These Resolution Procedures pertain to complaints falling under the scope and jurisdiction of the university's Policy Against Discrimination, Harassment & Sexual Misconduct, see this policy for more guidance related to scope and jurisdiction.

II. Applicability and Modifications

A. These Resolution Procedures apply to complaints filed after the effective date of these procedures.

B. The definitions of prohibited conduct to be used in responding to a complaint are the definitions outlined in the applicable policy in effect at the time the reported conduct occurred.

C. The university will give parties notice of the procedures and policy to be used in responding to a complaint.

D. The university reserves the right to modify the Resolution Procedures at any time. Modifications of the Resolution Procedures are effective upon approval of the Civil Rights & Title IX Coordinator.

III. Preliminary Inquiry

A. Upon receipt of a report of prohibited conduct, the Civil Rights & Title IX Coordinator will engage in a preliminary inquiry to: assess and understand the nature of the report; provide outreach to Complainant; offer supportive measures as outlined in the university's Policy Against Discrimination, Harassment & Sexual Misconduct; determine what university policy, if any, applies to the report; determine whether the parties are within the jurisdiction of the university; determine whether the report implicates a safety threat; and determine what resolution may be reasonably available and appropriate.

Making a report is different from filing a complaint. When the Civil Rights & Title IX Coordinator receives a report of prohibited conduct, the Civil Rights & Title IX Coordinator will offer supportive measures to a Complainant, inform the Complainant of the availability of supportive measures with or without the filing of a complaint, and explain the process for filing a complaint.

B. At the conclusion of a preliminary inquiry the following resolutions options may be available:

i. No further action
   a. No complaint filed and no supportive measures received.
   b. May involve a referral to another university policy.

ii. Supportive measures only
   a. Complainant receives supportive measures only and elects not to file a complaint.

iii. Investigative resolution

a. Investigation requested in complaint filed by Complainant or Civil Rights & Title IX Coordinator.

iv. Informal Resolution

a. Informal Resolution requested in a complaint filed by Complainant.

v. Other Resolution

a. Educational Conversations or coaching which are considered non- disciplinary actions.

C. At the conclusion of a preliminary inquiry the following resolutions options may be available:

i. No further action

a. No complaint filed and no supportive measures received.

b. May involve a referral to another university policy.

ii. Supportive measures only

a. Complainant receives supportive measures only and elects not to file a complaint.

iii. Investigative resolution

a. Investigation requested in complaint filed by Complainant or Civil Rights & Title IX Coordinator.

iv. Informal Resolution

a. Informal Resolution requested in a complaint filed by Complainant.

v. Other Resolution

a. Educational Conversations or coaching which are considered non- disciplinary actions.

V. Complaint

A. If a Complainant wishes to initiate an investigative or informal resolution, the Complainant must submit a complaint.

i. The university will defer to a Complainant's request to not file a complaint, unless the Civil Rights & Title IX Coordinator determines a complaint should be filed in the absence of a complaint by a Complainant. See the university's Policy Against Discrimination, Harassment & Sexual Misconduct for the factors used in deciding if the Civil Rights & Title IX Coordinator should file a complaint.

ii. The university will not compel a Complainant to participate, nor retaliate against a Complainant for non-participation in an investigation.

B. Upon receipt of a complaint, the Civil Rights & Title IX Coordinator will assess if the complaint meets the procedural requirements of 34 C.F.R. § 106.45 to determine if the complaint will be categorized as a Title IX complaint, or a Civil Rights complaint.

i. Title IX complaint: A Title IX complaint is a complaint of sexual misconduct that:

1. Takes place in the context of an education program or activity of the university; and
2. Occurs against a person in the United States; and
3. Where the Complainant is participating in or attempting to participate in the education program or activity of the university; and
4. Meets the regulatory definition of sexual harassment in 34 C.F.R. §106.30; and
5. Where the Respondent is an individual, the university has authority to discipline.

ii. Civil Rights complaint: a harassment complaint; a discrimination complaint; or a sexual misconduct complaint, which does not fall under the definition of Title IX Sexual Harassment as outlined in the university's Policy Against Discrimination, Harassment & Sexual Misconduct.

iii. Hearings are available for complaints of sexual misconduct, as defined by the university's Policy Against Discrimination, Harassment, & Sexual Misconduct. All other complaints will be resolved through an investigative report drafted by the Investigator and a Resolution Officer.

C. Dismissal of a Title IX complaint or Civil Rights complaint:

i. Dismissal of a Title IX complaint:

1. If the reported conduct in a complaint does not meet the basis of a Title IX complaint as outlined in section V.B.i.1-5 above, the university will dismiss the complaint as a Title IX complaint. The university will send written notice and reason(s) for the dismissal simultaneously to the parties.

a. If the conduct in the complaint, if true, would still be a violation of the university's Policy Against Discrimination, Harassment & Sexual Misconduct, the complaint may proceed as Civil Rights complaint.

i. Dismissal of a Civil Rights complaint:

1. If the reported conduct in a Civil Rights complaint, even if true, would not be a violation of the university's Policy Against Discrimination, Harassment & Sexual Misconduct, the complaint may be dismissed. The university will send written notice and reason(s) for the dismissal simultaneously to the parties.

ii. Additional basis for dismissals:

1. The Civil Rights & Title IX Coordinator may dismiss a Title IX complaint or a Civil Rights complaint at any stage in the resolution process in any of the following three circumstances:

a. The Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the complaint or any allegations therein,

iii. Although a Complainant may withdraw a complaint at any time, the university may be compelled to continue an investigation or disciplinary process.

a. The Respondent is no longer enrolled or employed by the university,
b. Specific circumstances, including a Complainant's decision not to respond to outreach by the Civil Rights & Title IX Coordinator, prevent the university from gathering evidence sufficient to reach a determination as to the complaint or allegations therein

iv. If a complaint is dismissed, any investigative or informal resolution will cease, but the matter may be referred to other resolution processes or appropriate follow up such as an educational conversation or informal coaching.

3. Appeals of a dismissal of a Title IX complaint or Civil Rights complaint:

i. Parties may appeal the dismissal of a complaint by notifying the Civil Rights & Title IX Coordinator in writing of their appeal within five (5) business days of the dismissal of the complaint. The other party will be notified of the appeal of the dismissal decision. Appeals of a dismissal decision will be reviewed by an appeals officer or designee. Parties will be notified of the outcome of the appeal in writing within five (5) business days of filing the dismissal decision appeal. The outcome of a dismissal decision appeal can either uphold or reverse the dismissal decision. If the appeal upholds the dismissal, the basis of the dismissal decision will be implemented. If the dismissal decision is reversed, either an investigative or informal resolution process will resume. Any dismissal decision appeal outcome is final.

4. Consolidation of complaints:

A. The university may consolidate formal complaints against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of prohibited conduct arise out of the same facts or circumstances.

B. If any part of a complaint includes allegations that would constitute sexual misconduct, then the complaint will be resolved through a hearing.

5. Timeline for Resolution

For informal resolutions:

A. Any Informal Resolution Agreement should be signed by parties within ninety (90) business days of receipt of request for an informal resolution.

i. The timeframes listed above are an approximation; the investigative resolution process and informal resolution process could be longer or shorter. Other factors may affect one or more parts of the timeframe, including and not limited to, the complexity, severity, and extent of the alleged sexual misconduct, discrimination, or harassment. The process may be extended as appropriate or necessary for reasons such as Illness, holidays, unavailability of parties, or witnesses, complexity of the case, concurrent Law enforcement activity, or the need for language assistance or accommodation of disabilities.

ii. Extension requests. A written extension request for any part of any resolutions process will be reviewed for reasonableness, which may include the timing, rationale for the request, to determine whether the request will be granted.

VI. Overview of Informal Resolution Process

A. The informal resolution process is designed for parties who would prefer to resolve complaints outside of the investigative resolution process.

i. Informal resolution is available only once a complaint has been filed, prior to a determination of responsibility, and if the Complainant and Respondent both voluntarily consent to the informal resolution process in writing.

ii. Informal resolution is not available in cases in which an employee (faculty or staff) is alleged to have sexually harassed a student.

iii. If a Complainant wishes to initiate an informal resolution, the Complainant must submit a complaint requesting an informal resolution.

1. If a Complainant or Respondent requests informal resolution during the course of an investigative resolution process, the other party will be contacted regarding the request, and the written notice process outlined in section VII. B will ensue.

B. Written Notice:

i. Upon receipt of a complaint requesting an informal resolution, or a request from a party during the course of an investigative resolution, the Civil Rights & Title IX Coordinator will provide written notice for a request for informal resolution to the Respondent or Complainant. The written notice will include:

1. The allegations,
2. The requirements of the informal resolution process,
3. The circumstances under which the parties are precluded from resuming a complaint arising from the same allegations,
4. The right to end the informal resolution process at any time prior to resolution and resume an investigative resolution process with respect to the complaint,
5. The consequences resulting from participating in the informal resolution process, including that the records and communications created or maintained as part of the informal resolution process may be viewed by parties, or later used and/or considered in a later investigative resolution process, if relevant.
6. An attached Informal Resolution Acknowledgement form.

ii. Upon receipt of written notice of complaint requesting informal resolution or a request for informal resolution during the course of an investigative resolution, the parties will need to sign and return an Informal Resolution Acknowledgement form within five (5) business days of receiving the written notice or request to initiate an informal resolution.

C. A trained Resolution Officer or designee facilitates the informal resolution process.

D. A Resolution Officer or designee will schedule a preliminary meeting with each party, separately, to discuss the informal resolution process generally, to determine goals and set expectations, and answer any questions.

E. Parties may be accompanied by an advisor at any meetings related to an Informal Resolution.

F. Prior to reaching an Informal Resolution Agreement, any party can withdraw from the process and an investigative process could resume, if initiated prior, or an investigative resolution could begin upon receipt of a new complaint requesting an investigation.

G. Informal Resolution Agreement:

i. Any Informal Resolution Agreement reached will be documented by the Resolution Officer or designee. Both parties must agree to and sign the Agreement.

ii. A Resolution Officer or designee may determine specific terms are needed in the Agreement to meet certain legal requirements or address safety concerns and reserve the right to require such terms for an Agreement to be approved.

1. Resolution Acknowledgement form signed by both parties, the Informal Resolution Agreement form signed by parties, and documentation of any completed outcomes. Should a party not agree to any term required by the university, the informal resolution process will terminate, and an investigative resolution could either resume or be initiated.

iii. The agreement needs to be reviewed and approved by the Civil Rights & Title IX Coordinator or designee. Once the agreement is approved, the parties will be notified and then bound by its terms.

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iv. Informal Resolution Agreements will outline the consequences of a party failing to comply with the agreement.

H. The Civil Rights & Title IX Coordinator will maintain records of the written notice as outlined in section VII. B, the Informal Resolution Acknowledgement form signed by both parties, the Informal Resolution Agreement form signed by parties, and documentation of any completed outcomes.

VII. Overview of Investigative Resolution Process

A. If a Complainant wishes to initiate an investigative resolution, the Complainant must submit a complaint requesting an investigative resolution.

B. Written Notice:

i. The Civil Rights & Title IX Coordinator will provide written notice of a complaint requesting an investigative resolution to the Respondent(s). The written notice will include:

1. A copy of these procedures and the applicable university policy,

2. Details regarding the identities of the parties, if known, and the date, time and location, and nature of the reported conduct,

3. The potential policy violation(s),

4. The name of the Investigator(s) conducting the investigative resolution,

a. Parties should promptly notify the Civil Rights & Title IX Coordinator about any potential conflicts of interest with the assigned Investigator. If a conflict is identified, a new Investigator will be assigned.

5. The name of the Civil Rights & Title IX Coordinator or designee who can assist with supportive measures for either party,

6. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the investigative resolution process:

7. Information about the parties' rights to be accompanied by an advisor of their choice throughout the process, information about the importance of preserving any potentially relevant evidence, and general information about the parties' rights and responsibilities,

8. Prohibition against making false statements during the process.

ii. If the Civil Rights & Title IX Coordinator, upon receipt of a complaint, does not have adequate information to meet the requirements of providing written notice as outlined in section VIII.B.i.1-5 above, additional inquiry may occur prior to sending written notice of a complaint.

iii. Complainant(s) will be notified when written notice of a complaint is sent to the Respondent(s).

iv. If, during the course of an investigation, the Investigator decides to investigate additional allegations of potential policy violations, not previously included in the written notice of a complaint, the Investigator must send notice of the additional allegations to the parties.

1. Notice of additional allegations must be provided to parties in advance for any interview or meeting with the Investigator to allow the parties sufficient time to prepare a response.

c. Fact Gathering:

i. The university, not the parties, is responsible for gathering relevant evidence to the extent reasonable possible.

2. The parties are encouraged to provide all relevant information as promptly as possible to facilitate a prompt resolution.

3. In the event that a party declines to voluntarily provide material information, the university's ability to conduct a prompt, thorough, and equitable investigation may be impacted.

ii. The university will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

iii. During an investigation, both parties will have the opportunity to: meet separately with the investigator, submit written statements, identify fact and expert witnesses, and provide relevant inculpatory and exculpatory information or evidence, including documents, photographs, communications between the parties, and medical records (subject to the consent of the applicable person), and other electronic records as appropriate.

iv. Evidentiary considerations:

4. A Complainant's prior sexual history is generally not relevant, although evidence may be admitted if determined relevant in two circumstances:

A. Where the Respondent alleges the sexual contact was consensual, as evidence of the manner and nature of how the parties communicated consent in the past may be relevant in assessing whether consent in the current allegation, recognizing however, that the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent; and,

1. To show someone other than the Respondent committed the conduct.

2. Any party seeking to introduce information about prior sexual history should bring this information to the attention of the Investigator at the earliest opportunity. Where a sufficient informational foundation exists, the Investigator will assess the relevance, form, and reliability of the information and determine if it is appropriate for inclusion in the investigative report.

3. Exculpatory evidence may include evidence that a party acted in self-defense. Self-defense is when a person who is not the primary aggressor in an encounter uses the minimum force required to remove their own self or another from an immediate risk of harm. Actions that escalate or continue the encounter will not be considered self-defense.

i. The Investigator will obtain a party's voluntary, written consent in order to access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, in the investigative resolution process.

B. Evidence Review:

i. Following the fact gathering portion of the investigation, the Investigator will provide parties with an opportunity to inspect and review any evidence obtained as part of the investigation, that is directly related to the allegations in the complaint, including evidence, the university does not intend to rely on in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

ii. The Investigator will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy.

iii. The parties will have ten (10) business days to submit a written response, which the Investigator will consider prior to completion of the investigative report.

1. In the written response to the Evidence Review, the parties may offer additional comments or feedback on the evidence as gathered, clarify information previously shared, suggest additional witnesses, or identify any other relevant information or evidence to assure the thoroughness, sufficiency, and reliability of the investigation.

2. The Investigator may take additional investigative steps based upon the written response of the parties prior to completion of the investigative report.

3. If the matter does not require a hearing for resolution, (e.g., non- sexual misconduct cases), and there is new evidence material to the investigation, the parties will have five (5) business days to review the new evidence and submit an additional written response prior to completion of the investigative report.

C. Acceptance of Responsibility:

i. At any point during the investigation, the Respondent may elect to accept responsibility for some or all of the potential policy violations. Where there is an acceptance of responsibility of some but not all of the potential policy violations, the investigation will continue to conclusion. Where there is an acceptance of responsibility of all of the potential policy violations, the Investigator will complete an investigation report of all information gathered to date and referred the matter to the Resolution Officer for sanctioning as described below in section X.

ii. The parties may also agree to stop the investigative resolution process and engage in an informal resolution of the complaint at any time before a determination of responsibility, provided that the Complainant and Respondent give voluntary, written consent and the university deems it appropriate to stop the investigation.

D. Investigative Report:

I. The Investigator will prepare a written investigative report that fairly summarizes the relevant information and facts gathered during the investigation. The Investigator will submit the investigative report to Civil Rights & Title IX Coordinator, who will assign a Resolution Officer or designee.

1. If the matter does not require a hearing, (e.g., non-sexual misconduct cases), the assigned Resolution Officer or designee will determine whether there is sufficient evidence, by a preponderance of the evidence, to support the finding of responsibility as to each element of each potential policy violation at issue and include this analysis in a final investigative report.

a. The final investigative report will be shared with the appropriate university officials for sanctioning, if applicable. A Resolution Officer, or designee, will deliver the investigative report, including any sanctions, simultaneously to parties.

2. If the matter does require a hearing, (e.g., sexual misconduct cases), the investigator will submit the investigative report to the Civil Rights and Title IX Coordinator who will assign a Resolution Officer to facilitate a hearing.

a. Following the submission of written responses, if not waived, by both parties, the Civil Rights & Title IX Coordinator or designee, will provide an investigative report that fairly summarizes relevant evidence, in an electronic format at least ten (10) business days prior to a hearing to each party and each party's advisor if any, for their review and written response.

b. After the delivery of the investigative report, the matter will proceed to hearing, where applicable, unless both parties voluntarily agree to informal resolution in lieu of a hearing, pursuant to the requirements listed in section VII.

VIII. Hearing Procedures

A. Hearings are available for complaints of sexual misconduct, as defined by the university's Policy Against Discrimination, Harassment, & Sexual Misconduct. Parties will receive a copy of more detailed hearing procedures at the time a Notice of Hearing letter is sent.

B. Notice of Hearing:

i. If a hearing is to be held, a Notice of Hearing letter will be sent to the parties. The notice will be given to the parties at least ten (10) business days prior to the hearing. Unless it is already provided to the parties, the notification will include the applicable policy, these resolution standards, and the date, time, and location of the hearing, and the designated resolutions officer conducting the hearing.

C. Postponement of Hearing:

i. The Respondent and Complainant may request a postponement for reasonable cause to the Civil Rights & Title IX Coordinator or the Hearing Coordinator. A request for a postponement for reasonable cause must be made in writing, include supporting rationale, and be received within (3) business days of receiving a Notice of Hearing letter, absent extraordinary circumstances. The university reserves the right to reschedule the hearing for the first available date.

ii. While the university recognizes that the parties and their advisors have professional and personal obligations outside of this process, postponements are not automatic and will generally be of limited duration. The university encourages parties to consider their advisor's availability for a hearing and other stages of the process when choosing an advisor.

D. Resolution Officer:

i. A Resolution Officer is also referred to as a Decision-Maker.

ii. The Resolution Officer may be a university administrator or an external adjudicator.

iii. The Resolution Officer will review the investigative report and any written statements provided by the parties in response to the investigative report, all evidence gathered during the investigation, and any additional relevant evidence introduced at the hearing. The Resolution Officer will determine whether there is sufficient evidence, by preponderance of the evidence, to support a finding of responsibility as to each element of each potential policy violation at issue.

iv. Any person serving as a Resolution Officer must be impartial and free from actual bias or conflict of interest for or against either party or bias for or against complainants and respondents, generally.

v. The parties may identify any potential conflicts of interest with the Resolution Officer prior to the hearing and present them, in writing, to the Civil Rights & Title IX Coordinator or the Hearing Coordinator for review within three (3) university business days of receiving the Notice of Hearing letter. Notice of potential conflicts should be raised as soon as the party becomes aware. If a conflict of interest is identified by the Civil Rights & Title IX Coordinator or the Hearing Coordinator, a new Resolution Officer will be assigned.

vi. Any person serving as a Resolution Officer must be adequately trained to resolve cases of alleged sexual misconduct in accordance with applicable policies and procedures.

vii. Any person serving as a Resolution Officer, or involved in a hearing procedure, must be adequately trained regarding all applicable hearing procedures and any technology used.

E. Hearing Format:

i. The hearing is an opportunity for the parties to address the Resolution Officer. The parties may address any information in the investigative report and written statements submitted in response to the investigative report. The university will make all evidence directly related to the allegations, as shared in the evidence review, available to the parties at the hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

ii. The Complainant and Respondent will have the opportunity to provide an opening and closing statement to the Resolution Officer and answer questions from the Resolution Officer and the other party's advisor. Relevant witnesses will be invited to testify at the hearing, including the Investigator. Each party will have the opportunity to question the other party, witnesses, and the Investigator, through their advisor.

1. If a party does not have an advisor present at the hearing, the university will provide, without fee or charge to that party, an advisor, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.

iii. Advisors may only ask relevant questions of any party or witnesses. Before any party or witness responds to a question, the Resolution Officer will first determine whether the question is relevant and briefly explain any decision to exclude a question as not relevant as defined above.

1. Direct questioning of a party by their own advisor is not permitted. A party may never conduct questioning of the other party themselves.

2. A party's advisor must adhere to the requirements and expectations outlined in the Role of the Advisor form.

iv. Attendance:

1. Because the most accurate and fair review of the facts can best be accomplished when all parties are present, all parties and witnesses are strongly encouraged to attend and participate. If an individual chooses not to attend a hearing, the hearing will proceed as scheduled and a determination of the complaint will be made based on the relevant and admissible evidence presented at the hearing.

2. The Resolution Officer cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

3. Live hearings be conducted with all parties physically present in the same geographic location or, at the university's discretion, any or all parties, witnesses, and other participants may appear the live hearing virtually, with technology enabling participants simultaneously to see and hear other.

    a. When applicable, and at the request of either party, the university will provide for the hearing to occur with the parties located in separate rooms with technology enabling the Resolution Officer and parties to simultaneously see and hear the party or the witness answering questions.

    i. Hearings will be audio recorded. Parties may request audio recording for inspection and review.

F. Standard of Evidence:

i. A Respondent will only be found in violation if a preponderance of evidence supports the Respondent engaged in conduct that violated university policy.

ii. A finding of responsibility by a preponderance of the evidence, means it is more likely than not, based on all the evidence and reasonable inferences from the evidence, that the Respondent violated the policy.

iii. If the evidence weighs so evenly that the Resolution Officer is unable to say there is a preponderance of evidence on either side, the Resolution Officer must determine there is insufficient evidence to conclude a violation of the policy occurred.

iv. A Respondent is presumed to be not responsible for the alleged conduct unless and until a determination regarding responsibility is made at the conclusion of the resolution process.

G. Other Evidentiary Considerations:

i. A Complainant's prior sexual history is generally not relevant, although evidence may be admitted

if determined relevant in two circumstances:

1. Where the Respondent alleges the sexual contact was consensual, as evidence of the manner and nature of how the parties communicated consent in the past may be relevant in assessing whether consent in the current allegation, recognizing however, that the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent, and.

2. To show that someone other than the Respondent committed the conduct.

ii. Exculpatory evidence may include evidence that a party acted in self-defense. Self-defense is when a person who is not the primary aggressor in an encounter uses the minimum force required to remove their own self or another from an immediate risk of harm. Actions that escalate or continue the encounter will not be considered self-defense.

H. Written Determinations:

i. Following the conclusion of the hearing, the Resolution Officer will prepare a written determination, including the finding of responsibility or non-responsibility, and rationale. The written determination will include:

1. Identification of the allegations potentially constituting prohibited conduct,

2. A description of the procedural steps taken from the receipt of the complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held,

3. Findings of fact supporting the determination,

4. Conclusions regarding the application of the applicable policy to the facts,

5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the university imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the university education program or activity will be provided by the university to the Complainant

6. Procedures and basis to appeal a written determination.

i. The Resolution Officer will submit the written determination, including any applicable sanctions, to the Civil Rights & Title IX Coordinator within five (5) days following the conclusion of the hearing.

IX. Sanctions

A. In all sexual misconduct cases, the Resolution Officer or designee will prepare a written determination on the potential policy violation(s), which will outline the sanction and the rationale for the sanction and submit it to the Civil Rights & Title IX Coordinator within ten (10) business days following the conclusion of the hearing. In all other cases, the Resolution Officer or designee will prepare a final investigative report and submit it to the Civil Rights & Title IX Coordinator or designee, who will consult with the proper university officials on sanctions as outlined below.

B. Sanctioning for Students

I. If a student Respondent is found responsible for one or more violations of the applicable university policy, the Civil Rights & Title IX Coordinator or designee will consult with the Dean of Students or designee on the appropriate sanction consistent with the university's Student Code of Conduct.

C. Sanctioning for Employees

I. If an employee Respondent is found responsible for one or more violations of the applicable university policy, the Civil Rights & Title IX Coordinator or designee will consult with Human Resources and/or Employee Relations on the appropriate sanction consistent with the university's Disciplinary Action and Termination for Cause Policy (HR 1.39).

ii. Any sanctions or corrective action will be implemented in collaboration with the Respondent's supervisor and any other appropriate Human Resource professional as appropriate.

D. Sanctioning for Faculty

I. If a Faculty Respondent is found responsible for one or more violations of the applicable university policy, the Civil Rights & Title IX Coordinator or designee will consult with the applicable Dean and/or Provost or designee on the appropriate sanction consistent with the university's Faculty Manual.

ii. Any sanctions or corrective action will be implemented in collaboration with the Respondent's supervisor and the Office of the Provost.

E. Sanctions should be commensurate with the determined violation(s).
When deciding the sanction(s), the Resolution Officer, and Civil Rights & Title IX Coordinator or designee, in consul with proper university officials, should account for any mitigating and/or aggravating factors including but not limited to:

i. The facts and circumstances of the underlying conduct,

ii. Past misconduct by the Respondent,

iii. Failure of the Respondent to comply fully with previous sanctions,

iv. Whether the Respondent has accepted responsibility for the conduct,

v. Actual and potential harm caused by the violation,

vi. Degree of intent and motivation of the Respondent in committing the policy violation,

vii. Impairment resulting from voluntary use of alcohol or drugs (i.e., other than medically necessary) will also be considered an aggravating, and not a mitigating, factor.

viii. The severity and pervasiveness of the conduct that constituted the violation,

ix. the impact or implications of the conduct on the community or the University.

F. Regardless of whether a Respondent is found not responsible or responsible for violating the policy, a referral to other investigative units and/or additional resolution processes may be appropriate if the alleged conduct may violate another university policy or constitute inappropriate or unprofessional conduct. Other options, including supportive measures, remain available to both the Complainant and the Respondent.

i. Regardless of a finding of responsibility, the Investigator or Resolution Officer may make recommendations to the Civil Rights & Title IX Coordinator for additional remedies for the Complainant to address the effects of the conduct on the Complainant, to restore or preserve the Complainant's access to the University of South Carolina Upstate educational programs and activities, and restore to the Complainant, to the extent possible, benefits and opportunities lost as a result of the alleged prohibited conduct. The investigator may also identify remedies to address the effects of the prohibited conduct on the community.

ii. The Civil Rights & Title IX Coordinator will review the remedies recommended by the Investigator or the Resolution Officer and consider the appropriateness of continuing supportive measures on an ongoing basis. The Civil Rights & Title IX Coordinator is responsible for the effective implementation of any remedies.

X. Notice of Determination

A. The Resolution Officer will provide a Notice of Determination, including the written determination resulting from a hearing, or a written determination resulting from a final investigative report, including the sanctions, to the parties simultaneously.

B. Any sanctions will be imposed immediately, pending any appeal.

XI. Appeals

A. Both parties may appeal a determination regarding responsibility and a dismissal of a complaint or any allegations therein, on the following bases:

i. Procedural irregularity that affected the outcome of the matter.

ii. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter,

iii. The Investigator(s), or Resolution Officer or designee(s) had a conflict of interest or bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent specifically, that affected the outcome of the matter.

B. The party requesting the appeal must clearly articulate that their request falls within one of the bases for appeal. The Civil Rights & Title IX Coordinator or designee, so long as that person is not involved in the case as the assigned Investigator or Resolution Officer, will perform an initial review of the appeal.

C. Where the Civil Rights & Title IX Coordinator or designee finds that at least one of the bases for appeal is clearly articulated, the appeal will proceed through the appeals process, which includes:

1. Assigning an appeals officer who is adequately trained to review appeals in cases of alleged discrimination, harassment, or sexual misconduct, is familiar with applicable policies and procedures, and who does not have a conflict of interest or bias for or against either party or bias for or against Complainants and Respondents generally,

i. Notifying the other party in writing when an appeal is filed and implementing appeal procedures equally for both parties,

ii. Giving both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome,

iii. Issuing a written decision describing the result of the appeal and the rationale for the result, and

iv. Providing the written decision simultaneously to both parties.

D. Where the Civil Rights & Title IX Coordinator or designee does not find that one of the basis is clearly articulated; they will deny the appeal and not assign the appeal to an appeals officer. In such instances, the findings will stand, and the appeal will be retained in the investigation file. A party must provide specific information to articulate that one or more of the grounds of appeal could be met. Vague or blanket assertions or assertions unsupported by specific facts or information will be denied.

E. Appeal Procedures

i. The appeal is not intended to re-hear or re-argue the same case and is limited to the specific grounds outlined in the appeal procedures above. The appeal must state the specific grounds for the appeal and should include all supporting documentation.

ii. Appeals must be submitted in writing to the Civil Rights & Title IX

Coordinator within 5 business days after the Notice of Outcome is issued.

1. Any extensions to the appeal date may be made at the discretion of the Civil Rights & Title IX Coordinator or designee.

2. Whenever an appeal is submitted, the other party will have the opportunity to respond, and their response will be due five (5) business days after notification is received.

3. The appeal officer will decide on the appeal based upon a review of the record and supporting documents (e.g., prior disciplinary history).

4. All appeals are documentary reviews; no interviews or meetings are conducted.

iii. Possible outcomes from the appeal officer. The appeal officer may after reviewing the case:

1. Uphold the original decision and/or sanction(s) or corrective action.

2. Dismiss the case or individual finding against the Respondent and vacate any portion or all of the sanction(s)/corrective action,

3. Remand the case for investigation,

4. Remand the case to the original Resolution Officer or refer the case to a new Resolution Officer to be reheard. Cases may be remanded for the purpose of considering a specific issue(s) or for a new hearing. If a case is reheard by a Resolution Officer and the Respondent is found in violation, the sanction/corrective action imposed can be greater or lesser than that imposed at the original hearing.

a. The appeal procedures above will also apply to the outcome of a remanded investigation and/or hearing.

i. Each party shall be limited to one appeal of a decision of a Resolution Officer and/or a dismissal of a complaint or any allegations therein.

ii. Neither party is required to respond to an appeal. Not responding to an appeal does not imply agreement with the appeal.

iii. A complaint that is resolved by informal resolution is not subject to

appeal unless the right of appeal is included as a specific part of the informal resolution.

iv. A Respondent, through an informal resolution, who has accepted responsibility for violating the university's Policy Against Discrimination, Harassment & Sexual Misconduct waives the right to appeal.

v. The decision of the appeal officer is final. Additional procedures may apply for matters involving a faculty member Respondents in accordance with the university's Faculty Manual. Additional procedures may apply for matters involving employees covered by the State Employees Grievance and Procedures Act in accordance with the Grievance Policy (HR 1.42)

vi. The determination regarding responsibility becomes final either on the date the university provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

XII Additional Information

A. Designees for Investigative Resolution Process: The Civil Rights & Title IX Coordinator or designee may designate, at its discretion, internal or external designees to perform any of the aforementioned functions outlined in this process including, but not limited to, investigations, adjudications, informal resolutions, and appeals. The designee must adhere to the requirements of applicable university policy and these procedures.

i. The Civil Rights/Title IX Coordinator or designee retains discretion to determine whether the use of an internal or external designees to conduct investigations, adjudications, or any other provision of the university' Policy Against Discrimination, Harassment & Sexual Misconduct is appropriate. The Civil Rights & Title IX Coordinator or designee may consult with other appropriate university offices to determine whether use of an internal or external designee is warranted as well as the appropriate manner in which to engage such designee.

ii. Any internal or external designees shall have adequate training and qualifications, as determined by the university, to conduct a prompt, fair, impartial, and equitable investigation, adjudication, or any other provision of the university's Policy Against Discrimination, Harassment & Sexual Misconduct

iii. Any internal or external designee(s) that is designated to address an allegation, must adhere to the requirements of applicable university policy, these procedures, and applicable law.

B. The university's overarching goal is that all complaints be resolved in a prompt, fair, and impartial manner. Although cooperation with law enforcement may require the university to temporarily suspend the fact-gathering portion of an investigation temporarily, the university will promptly resume its investigation. The university will not, however, wait for the conclusion of a criminal proceeding and as needed, will take immediate steps to provide appropriate supportive measures and conduct resolutions.

Criminal Sexual Conduct Definitions – South Carolina State Statute 16-3-651

vii. "Actor" means a person accused of criminal sexual conduct
viii. "Aggravated coercion" means that the actor threatens to use force or violence of a high and aggravated nature to overcome the victim or another person, if the victim reasonably believes that the actor has the present ability to carry out the threat or threatens to retaliate in the future by the infliction of physical harm, kidnapping or extortion, under circumstances of aggravation, against the victim or another person.
ix. "Aggravated force" means that the actor uses physical force or physical violence of a high and aggravated nature to overcome the victim or includes the threat of the use of a deadly weapon.
x. "Intimate parts" includes the primary genital area, anus, groin, inner thighs, or buttocks of a male or female human being and the breasts of a female human being.
xi. "Mentally defective" means that a person suffers from amental disease defect which renders the person temporarily or permanently incapable of appraising the nature of his or her conduct.
xii. "Mentally incapacitated' means that a person is rendered temporarily incapable of appraising or controlling his or her conduct whether this condition is produced by illness, defect, the influence of a substance or from some other cause.
xiii. "Physically helpless" means that a person is unconscious, asleep, or for any other reason physically unable to communicate the unwillingness to an act.
xiv. "Sexual battery" means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any intrusion, however slight, of any part of a person's body or any object into the genitalia, or aal openings of another person's body except when said intrusion is accomplished for medically recognized treatment or diagnostic purposes.
xv. "Victim" means the person alleging to have been subjected to criminal sexual conduct.

Sexual Assault - The South Carolina code of laws Section 16-3-652 defines criminal sexual conduct in the first degree as, "when an actor engages in sexual battery with the victim and if any one or more of the following circumstances are proven: (1) the actor uses aggravated force to accomplish sexual battery. (2) The victim submits to sexual battery by the actor under circumstances where the victim is also the victim of forcible confinement, kidnapping, trafficking in persons, robbery, extortion, burglary, housebreaking, or any other similar act or offense. (3) The actor causes the victim, without the victim's consent to become mentally incapacitated or physically helpless by administering, distributing, dispensing, delivering, or causing to be administered, dispensed, or delivered a controlled substance, a controlled substance analogue, or any intoxicating substance.

The South Carolina Code of Laws 16-3-653 defines criminal sexual conduct in the second degree as follows: (1) A person is guilty of criminal sexual conduct in the second degree if the actor uses aggravated coercion to accomplish sexual battery.

The South Carolina Code of Laws 16-3-654 defines criminal sexual conduct in the third degree as follows: the actor engages in sexual battery with the victim and if any one or more of the following circumstances are proven: (1) The actor uses force or coercion to accomplish the sexual battery in the absence of aggravating circumstances. (2) The actor knows or has reason that the victim is mentally defective, mentally incapacitated, or physically helpless and aggravated force or aggravated coercion was not used to accomplish the sexual battery.

Sexual Exploitation – According to the World Health Organization, sexual exploitation and abuse is defined as an actual or attempted abuse of a position of vulnerability, power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially, or politically from the sexual exploitation of another. This is prohibited conduct event though the act or acts do not constitute one of the other sexual misconduct offenses.

Intimate Partner Violence (IPV) According to the South Carolina Coalition Against Domestic Violence and Assault, (SCCADVASA) domestic violence is the willful intimidation, physical assault, battery, sexual assault, and/or other abusive behavior as part of a systemic pattern of power and control perpetrated by one intimate partner against another. It includes physical violence, sexual violence, psychological violence, and emotional abuse. The frequency and severity of domestic violence can vary dramatically; however, one constant component of domestic violence is one partner's consistent effort to maintain power and control over the other. According to The South Carolina Code of laws Section 16-25-10, domestic violence or "intimate partner violence" defines a "Household member" as follows:

- A spouse
- A former spouse
- Persons who have a child in common
- A male and a female who are cohabitating or have formerly cohabitated
- A male and male or female and female cohabitating together or formerly cohabitated

Stalking: Title IX of the Education Amendments of 1972 defines stalking as "engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (a) Fear for his or her own safety or the safety of others; or (B) suffer substantial emotional distress.

Harassment and Stalking: South Carolina Code of Laws Section 16-3-2700 defines harassment as a pattern of intentional, substantial, and unreasonable intrusion into the private life of a targeted person that cause the person and would cause a reasonable person in his position to suffer mental distress. Harassment may include, but it is not limited to:

(1) following the targeted person as he travels.
(2) visual, physical, or verbal contact that is initiated, maintained, or repeated after a person has been provided notice that the contact is unwanted.
(3) surveillance of or the maintenance of a presence near the targeted persons:
(a) residence
(b) place of work
(c) school; or
(d) another place regularly occupied by the targeted person; and
(4) vandalism and property damage.

Harassment does not include words or conduct that are protected by the Constitution of this State or the United States.

Stalking means a pattern of words or conduct that is intended to cause and does cause a targeted person and would cause a reasonable person in the targeted person's position to fear:

(1) death of the person or a member of his family.

(2) assault upon the person or a member of his family.
(3) bodily injury to the person or a member of his family.
(4) criminal sexual contact on the person or a member of his family.
(5) kidnapping of the person or a member of his family; or
(6) damage to the property of the person or a member of his family.

Stalking does not include words or conduct that are protected by the Constitution of this State or the United States.
(C) `Aggravated stalking' means stalking accompanied or followed by an act of violence.
(D) `Pattern' means two or more acts within a ninety-day period.
(E) `Family' means a spouse, child, parent, sibling, or a person who regularly resides in the same household as the targeted person.

Like all forms of unlawful discrimination and harassment, sexual misconduct, intimate partner violence and stalking interfere with an individual's ability to participate in and/or benefit from the programs and services provided by the University. Any acts that constitute sexual misconduct towards another community member, intimate partner violence or stalking are violations of the USC Upstate Code of Student Behavior as well as HR policies and may result in disciplinary actions from probation to expulsion for students to possible termination for employees. Alcohol and drug use does not mitigate accountability nor diminish the seriousness of this unlawful conduct. Disciplinary action on the part of USC Upstate does not preclude the possibility of criminal charges. University disciplinary proceedings may proceed with or without prosecution from local, state, or federal law enforcement authorities.

The Clery Act of 1990 mandates an annual disclosure of statistics of sexual assaults and violent crimes known to have occurred within USC Upstate jurisdiction. For more information regarding the campus annual security report, please contact University Police at 864-503-7777. All complaints, inquiries and investigations of unlawful discrimination, unlawful harassment, and sexual misconduct (including) sexual assaults are processed by the Title IX Coordinator.

For more information regarding Title IX including reporting sexual assault or other unlawful harassment, protection from retaliation, confidentiality, submitting a complaint, available resources for survivors (e.g., Counseling Services), sexual violence prevention efforts and much more, please contact the resources below:

- Title IX Coordinator (864) 503-7193
- Office of the Dean of Students, (864) 503-5107
- USC Upstate Counseling Services, (864) 503-5195 (students only)
- USC Health Services, (864) 503-5191
- University Police, (864) 503-5777 or **911** for emergencies

Sanctions and Enforcement Procedures

Persons who violate the University of South Carolina System Non-Discrimination and Equal Opportunity Policies are subject to appropriate discipline by the University. If an investigation results in a finding that this policy has been violated, the mandatory minimum discipline is a written reprimand. The discipline for the most serious violations may be termination from employment (and revocation of tenure) if the violator is an employee or permanent expulsion if the violator is a student. They may also be subject to civil damages or criminal penalties. Violations of this policy by students, including graduate assistants, will be governed by the following disciplinary procedures:

1st Offense: probation, community service, corrective action and in severe cases, suspension.
2nd Offense: suspension
3rd Offense: expulsion

Enforcement Procedures: Sources of advice and assistance with the procedures of the Non-Discrimination and Equal Opportunity Policies are available to all members of the community. They include: the Dean of Students (students); Director of Employee Relations and Equal Opportunity (any member of the University community), the Vice Chancellor for Finance and Administration (employees).

- Dean of Students, Campus Life Center, Rm 220 , 864-503-5107
- Director of Employee Relations & Equal Opportunity, Administration Bldg., Rm 310 , 864-503-5354
- Vice Chancellor for Finance & Administration, Administration Bldg., Rm.302, 864-503-5490

The Office of Employee Relations & Equal Opportunity can also provide training in the prevention, education, and the law relating to sexual harassment.

USC Upstate Code of Student Conduct

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I. Introduction

The University community is committed to fostering a campus environment that is conducive to the transmission of truth, academic inquiry, a productive campus life, thoughtful study and discourse, and free expression. The student conduct program within the Dean of Students Office is committed to an educational and developmental process that balances the interests of individual students with the interests of the University community.

A community exists on the basis of shared values and principles. At USC-Upstate, student members of the community are expected to uphold and abide by certain standards of conduct that form the basis of the Code of Student Conduct (Code). These standards are embodied within a set of core values that include integrity, valuing others, knowledge, community, and responsibility.

The Code promotes these core values, and in doing so, the Code puts into practice the Spartan Creed:

- I will practice personal and academic integrity.
- I will respect the dignity of all persons.
- I will respect the rights and property of others.
- I will discourage bigotry, while striving to learn from differences in people, ideas, and opinions.
- I will demonstrate concern for others, their feelings, and their needs for conditions which support their work and development.

Through the Code, USC Upstate affirms the rights and responsibilities of Students as part of the USC Upstate Community.

II. Authority

The Dean of Students is vested with the authority over student conduct by the Chancellor and by the Vice-Chancellor for Student Affairs**.** The Dean of Students may appoint a Conduct Officer to oversee and manage the student conduct process. The Dean of Students or Student Conduct-designee may appoint administrative hearing and appeals officers as deemed necessary to supervise the student conduct process efficiently and effectively.

The Dean of Students or Dean's Student Conduct Designee will assume responsibility for the investigation of an allegation of misconduct to determine if the complaint has merit (i.e., determined to reach the threshold of violating the Code).

III. Definitions

A. "Complaining Witness" means any person (or his or her proxy) alleging a violation(s) of the Code. Upstate may designate a Proxy Complaining Witness, or initiate student conduct proceedings without a formal complaint from the victim of an alleged violation of the Code.
B. "Conduct Officer" means an Upstate Official, who has undergone specialized training, designated by the Dean of Students to determine outcomes in the student conduct process.
C. "University-Affiliated Student Organization" means any group of persons who have complied with registration requirements by the Office of Student Involvement to be a Registered Student Organization (RSO), and any groups that are seeking but not yet been granted registered status, all athletic teams, and groups who have been dismissed or suspended and are presenting themselves as affiliated with the University.
D. "Respondent" means a student or Student Organization alleged to have violated the Code.
E. "Restorative Action" means any educational or disciplinary measure given in response to a student's policy violation. Restorative Actions are meant to encourage self-reflection and to deter future violations. Restorative Actions should be connected to the violation, tailored to meet the Respondent's developmental needs, and intended to repair the harm done.
F. "Student" means any person who is enrolled at USC Upstate and who has not completed a program of study in which they are enrolled. Student status continues whether or not USC Upstate's academic programs are in session. Student status includes those taking courses for credit or non-credit at USC Upstate, either full-time or

part-time, while pursuing undergraduate, graduate, or professional studies. Persons who withdraw after allegedly violating the Code are also considered Students.

G. "Student Conduct Hearing Board (Hearing Board)" means a hearing panel authorized to resolve alleged violations contained in this Code.
H. "Student Conduct Report" means any document(s) that describes an alleged violation of the Code. Student Conduct Reports may include USC Upstate incident reports, investigative reports, police reports, verbal, written, or electronic communication.
I. "Support Person" means an individual who may attend an informal meeting or formal hearing to provide advice, support, or guidance to either the Respondent or the Complaining Witness. A Support Person may not delay, disrupt, or otherwise interfere with a student conduct meeting or hearing. An attorney may serve as a Support Person, although the attorney's participation is limited to the role of Support Person as described herein.
J. "USC Upstate Activity" means any activity on or off USC Upstate Premises that is aided, approved, sponsored, or supervised by USC Upstate or a Registered Student Organization.
K. "USC Upstate Community" means the Employees, Students, visitors, volunteers, and members of the public.
L. "USC Upstate Official" means: 1. Any faculty member; 2. Any staff employee who acts as an academic advisor or has responsibility for students; 3. Any other individual who has administrative responsibilities, including but not limited to, deans, directors, department heads, managers, and supervisors, and resident and assistant resident directors.
M. "USC Upstate Property" means all property owned, leased, used, or controlled by USC Upstate, and includes adjacent streets and sidewalks.

IV. Rights of Students

A. Right of Free Expression

A Student has the right to engage in discussion, to exchange thought and opinion, to speak, write, or print freely on any subject, and to join associations in accordance with the guarantees of federal or state Constitutions. This includes the right to make reasonable exceptions to the data or views offered in any course of study and to reserve judgment about matters of opinion. None of these rights override a student's responsibility for learning the content of any course of study for which they are enrolled.

Freedom of expression also includes the right to picket or demonstrate for a cause, provided the student:

1. Acts in an orderly and peaceful manner.

2. Does not interfere with normal USC Upstate operations.

3. Complies with USC Upstate's regulations governing the time, place, and manner of meetings, demonstrations, and other assemblies.

Students shall not be disciplined for speech protected by the First Amendment to the U.S. Constitution. USC Upstate will endeavor, however, to balance students' rights to free speech with other students' rights to be free from threats and harassment.

B. Protection against Improper Academic Evaluation

Students should have protection through orderly procedures against prejudiced or capricious academic evaluation. At the same time, they are responsible for maintaining standards of academic performance established for each course on which they are enrolled.

C. Right to Participate in Institutional Government

As members of the academic community, students should be free, individually, and collectively, to express their views on issues of general interest to the student body. The student body should have clearly defined means to participate in the formulation and application of institutional policy affecting academic and student affairs. The University should provide sufficient governing freedom and sufficient financial autonomy for the student government to maintain its integrity of purpose as elected representatives of the student body.

D. Right to a Free Student Press

Student publications are free to deal openly and responsibly with issues of interest and importance to the academic community. The editors have the right of editorial freedom without the prior approval of copy and will be protected against dismissal or suspension or other retribution, except for violations of law or USC Upstate policies.

E. Right to Privacy in Student Records

1. USC Upstate maintains Student records in accordance with the Family Educational Rights and Privacy Act (FERPA) of 1974 and the guidelines for implementation. Directory information about a Student is released at the discretion of numerous USC departments upon receipt of a specific request for such information. Information which is Directory information under FERPA concerning a student will not be released if the student has filed a request, in writing, with the USC Upstate Registrar, stating the information is to be withheld. USC Upstate's definition of "Directory Information" can be found within the academic catalog (pg. 58).
2. USC Upstate keeps a student's disciplinary record separate and confidential unless the student consents in writing to have it disclosed. However, the Dean of Students may disclose the student's disciplinary record without the student's consent if required by law or the safety of people or property is involved, or if the information is required by authorized USC Upstate personnel for official use at Upstate. In these circumstances, only the information pertinent to the inquiry may be revealed.
3. The Dean of Students may act without the student's consent to have a statement of disciplinary suspension or disciplinary expulsion entered on the student's academic record for the duration of the disciplinary sanction, which would prohibit the student from registering.
4. A Student's test data and record in the Counseling Center will be kept in the Counseling Center, separate and confidential, unless the student consents in writing to have it revealed to a designated person or for a designated purpose. Without consent, no information will be revealed except to an appropriate authority and then only when there is a clear and imminent danger to an individual or others, and such information will be limited to that which is directly pertinent to the reduction of that danger.

F. Right to Privacy

1. A Student has the right to be free from unreasonable searches and seizures of person and possessions while on USC Upstate property unless said search and seizure is conducted in accordance with state and federal laws. In cases of imminent danger or when there are reasonable grounds upon which to believe it is necessary to conduct a search immediately in order to protect life or property, searches may be conducted in the presence of the Dean of Students or another University Official acting as the Dean of Students' authorized representative.
2. University Health Service health records and information are maintained in accordance with the Health Insurance Portability and Accountability Act (HIPAA). Health records are strictly confidential and are not released to anyone without the student's knowledge and signed authorization. Student health records are maintained separately in a confidential file. If it becomes apparent in the course of treatment that the student is likely to cause injury to self or others, pertinent information regarding the specific situation to this extent may be revealed for protection of the student or others, and such information will be limited to that which is directly pertinent to the reduction of that danger.

G. Rights of Students and Student Organizations Involved in the Student Conduct Process

1. To be treated fairly in the student conduct process.
2. To review information contained in the Student Conduct Report, with all personally identifying information of other Students removed (if appropriate).
3. Receive written advance notice of any meetings in which a student is entitled to participate
4. For Respondents, to be provided with written notice of any allegation or formal charge of the misconduct, as well as a description of the alleged behavior.
5. To present relevant information verbally or in writing on their behalf
6. To ask reasonable questions and challenge, either verbally or in writing, the allegation(s), formal charge(s), or information provided during a student conduct meeting.
7. To have up to two (2) Support Persons present at any meeting or hearing.
8. To not speak or to not answer any question during a student conduct meeting. Refusal to do so it not considered an admission of responsibility or guilt for an alleged violation.
9. To request that a Hearing Officer or Hearing Board member be removed from the hearing based on a conflict of interest or bias.
10. To know the identity of persons speaking or providing written information for a Hearing Board or as part of a complaint.
11. For Respondents, to be presumed not responsible for a violation of the Code. The burden of proving a violation of the Code is on Upstate.
12. Receive written notice of an outcome of a hearing, including any restorative actions / sanctions.
13. To appeal any decision of the Hearing Board to the Vice Chancellor for Student Affairs pursuant to the guidelines provided in section VI. of the Non-Academic Student Conduct Procedures.

V. Scope (Jurisdiction) of the Code

A. Timing

Each Student is responsible for his or her conduct from the time of orientation at USC Upstate through the actual awarding of a degree. The Code applies to the times including times when USC Upstate is not conducting classes. USC Upstate may impose discipline for violations that occur before the degree is awarded but which are not discovered until after the degree is awarded. If a student withdraws while a student conduct matter is pending, the student conduct matter must be resolved prior to reenrollment.

B. Location

The Code applies to behavior that occurs on or off USC Upstate Premises. The Code applies at off-campus facilities of Registered Student Organizations, at USC Upstate-sponsored or approved activities, and at non-USC Upstate activities. The Code applies at all USC Upstate locations, including where USC Upstate is extended to distance education, such as study abroad, service trips, experiential learning opportunities, and athletic, club sport, and other group travel. The Code may also be applied to behavior conducted online, via email or through electronic mediums in cases where the behavior is not protected by freedom of expression. USC Upstate does not regularly search for online information but may act if such information is brought to the attention of USC Upstate Officials.

C. Guests and Visitors

A student may be held accountable for the behavior of his or her guests or visitors on USC Upstate Premises. Guests and visitors of USC Upstate may also initiate referrals for potential violations of the Code committed by Students against them.

D. Reporting Restrictions

There is no time limitation on reporting of violations. Those who are aware of an alleged violation(s) of the Code are encouraged to report it promptly to the Dean of Student Office or USC Upstate Police if applicable.

E. Being in the Presence of Code Violations

In some circumstances, a student who is present while other Students violate the Code and does not report the violation may also be charged with a Code violation.

F. Attempted Violations

In situations where a student attempts to engage in action that would violate the Code, but fails to do so, USC Upstate may charge a student with an attempted violation of the Code.

G. Amnesty

1. For Victims

The University provides amnesty to victims who may be hesitant to report to university officials because they fear that they themselves may be accused of minor policy violations, such as underage drinking, at the time of the incident. Educational options will be explored, but no conduct proceedings or conduct record will result[1].

2. For Those Who Offer Help

To encourage students to offer help and assistance to others, University pursues a policy of amnesty for minor violations when students offer help to others in need. At the discretion of the Dean of Students or the Dean's Student Conduct-designee, amnesty may also be extended on a case-by-case basis to the person receiving assistance. Educational options will be explored, but no conduct proceedings or conduct record will result.

3. For Those Who Report Serious Violations

Students who are engaged in minor violations but who choose to bring related serious violations by others to the attention of the University are offered amnesty for their minor violations. Educational options will be explored, but no conduct proceedings or record will result.

Abuse of amnesty requests can result in a decision by the Dean of Students or the Dean's Student Conduct-designee not to extend amnesty to the same person repeatedly.

4. Safe Harbor

The University has a Safe Harbor rule for students. The University believes that students who have a drug and/or addiction problem deserve help. If any University student brings their own use, addiction, or dependency to the attention of university officials outside the threat of drug tests or conduct sanctions and seeks assistance, a conduct complaint will not be pursued. A written action plan may be used to track cooperation with the Safe Harbor program by the student. Failure to follow the action plan will nullify the Safe Harbor protection and campus conduct processes will be initiated.

H. Instructional Setting Behavior (Classroom)

The community of scholars at the University of South Carolina Upstate is dedicated to personal and academic excellence. Freedom to teach and freedom to learn depend upon appropriate opportunities and conditions in the classroom, on campus, and in the larger community.

Faculty members and instructors have authority to set reasonable standards of conduct for classrooms, laboratories, the library, internships, field placements, and other academic activities. Behavior that seriously interferes with either 1) the instructor's ability to conduct the class, or 2) the ability of other students to profit from the instructional program will not be tolerated. If a student's behavior is disruptive to the instructor, to another student, or to the class as a whole, the instructor may direct the student to leave the classroom for the remainder of the instructional setting period. Decisions regarding disruptive instructional setting behavior rests within the judgment of the instructor, and includes but is not limited to:

[1] Records regarding the provision of amnesty, however, should be maintained.

1. Persistent late arrivals or leaving early in a manner that disrupts the regular flow of the instructional setting.
2. Talking while the instructor or other Students are talking or speaking in an instructional setting without first obtaining recognition and permission to speak; or
3. Use of electronic equipment such as cell phones, computers, etc., in a manner that disrupts the class or when such equipment is prohibited by the instructor as part of the course syllabus.

If the disruptive behavior continues when the student returns to the instructional setting, the faculty member shall report the incident to the Dean of Students Office. Separations longer than a single instructional setting period require a hearing as outlined in the Code.

I. University Housing Policies

1. Misconduct by Students living in USC Upstate owned or controlled residence halls, houses, and apartments is typically addressed by Conduct Officers in University Housing. The standards and regulations for USC Upstate owned or controlled residential facilities are contained in the written rental agreement between the Student and USC Upstate and in the Guide to Residential Living. University Housing investigates alleged violations of the rules and regulations outlined in the rental agreement. Management of such cases is conducted in accordance with established and published procedures. A compilation of all rules established under the rental agreement is available to all residents of the facility to which such rules apply.
2. If the behavior or conduct of the Respondent poses a health or safety risk to self or others or might result in suspension or dismissal from USC Upstate, the case will be referred directly to Dean of Students office. In cases where the alleged violation of the rental agreement might constitute a violation of the provisions of the Code, the Department of Housing and Residential Life may refer the case to the Dean of Students Office.
3. In certain circumstances, where alleged behavior is both a violation of the Guide to Residential Living and a violation of the Code of Conduct, a student may be asked to participate in separate hearing processes.

VI. Core Values and Behavioral Expectations

The University considers the behavior described in the following sub-sections as inappropriate for the University community and in opposition to the core values set forth in this document. These expectations and rules apply to all students. The University encourages community members to report to university officials all incidents that involve the following actions.

Integrity: University students exemplify honesty, honor, and a respect for the truth in all of their dealings. Behavior that violates this value includes, but is not limited to:

1) **Falsification**. A student, applicant, or former student knowingly furnishes or possesses false, falsified, or forged materials, documents, accounts, records, identification, or financial instruments, or verbally provides false or misleading information.

2) **Academic Misconduct**. Acts of academic misconduct as outlined in the *Code of Academic Integrity*.

3) **Unauthorized Access**. Unauthorized access to any University building (i.e., keys, cards, etc.) or unauthorized possession, duplication, or use of means of access to any university building or failing to timely report a lost University identification card or key.

4) **Election Tampering**. Tampering with the election of any University-recognized student organization (minor election code violations are addressed by the Student Government Association (SGA)).

5) **Taking of Property**. the unauthorized taking of university property or the personal property of another, including goods, services, and other valuables.

6) **Stolen Property**. Knowingly taking or maintaining possession of stolen property.

Community: University students build and enhance their community. Behavior that violates this value includes, but is not limited to:

7) **Disruptive Behavior**. Substantial disruption of university operations including obstruction of teaching, research, administration, other University activities, and/or other authorized non-University activities which occur on campus.

8) **Rioting**. Causing, inciting, or participating in any disturbance that presents a clear and present danger to self or others, causes physical harm to others, or damage and/or destruction of property.

9) **Unauthorized Entry**. Misuse of access privileges to university premises or unauthorized entry to or use of buildings, including trespassing, propping or unauthorized use of alarmed doors for entry into or exit from a university building.

10) **Trademark**. Unauthorized use (including misuse) of university or organizational names and images.

11) **Damage and Destruction**. Intentional, reckless, and/or unauthorized damage to or destruction of university property or the personal property of another.

12) **IT and Acceptable Use**. Violating the University Acceptable Use and Computing Policy, found online at:

https://uscupstate.edu/campus-services/information-technology/service-directory/computing-tips/

13) **Gambling**. Gambling as prohibited by the laws of the State of South Carolina. (Gambling may include raffles, lotteries, sports pools, and online betting activities).

14) **Weapons**. Possession, use, or distribution of explosives (including fireworks and ammunition), guns (including air, BB, paintball, facsimile weapons and pellet guns), or other weapons or dangerous objects such as arrows, axes, machetes, nun chucks, throwing stars, or knives with a blade of longer than 3 inches, including the storage of any item that falls within the category of a weapon in a vehicle parked on University property.

15) **Tobacco**. Smoking or tobacco use in any area of campus is prohibited as found online at:
https://www.uscupstate.edu/faculty-staff/policies/tobacco-free-campus-policy/

16) **Fire Safety**. Violation of local, state, federal or campus fire policies including, but not limited to:
    a) Intentionally or recklessly causing a fire which damages University or personal property, or which causes injury.

b) Failure to evacuate a university-controlled building during a fire alarm.
c) Improper use of university fire safety equipment; or
d) Tampering with or improperly engaging a fire alarm or fire detection/control equipment while on university property. Such action may result in a local fine in addition to university sanctions.

17) **Ineligible Pledging or Association**. Pledging or associating with a student organization without having met eligibility requirements established by the University.

18) **Animals**. Animals, with the exception of Service Animals (animals that perform disability related tasks/jobs) and Emotional Support animals that are approved by the Office of Disability Services or Human Resources, are not permitted in campus building except as permitted by law.

19) **Transportation Devices**. Transportation devices (i.e., bicycles, scooters, hover boards, mopeds, motorcycles, any fuel-operated machines, etc.) are prohibited within university buildings, residence halls, or tennis courts, and in high traffic pedestrian areas (i.e., front entry ways of buildings).

- Bicycles, scooters, and mopeds are to be stored in the racks outside the building and may not be placed in stairwells or chained to stair rails, fences, or posts.
- Motorcycles must be parked outside in accordance with Upstate Parking regulations

Additionally, skateboards and other devices may not be ridden on railings, curbs, benches, or any such fixtures that may be damaged by these activities, and individuals may be liable for damage to university property caused by these activities.

Social Justice: Students recognize that respecting the dignity of every person is essential for creating and sustaining a flourishing university community. They understand and appreciate how their decisions and actions impact others and are just and equitable in their treatment of all members of the community. They act to discourage and challenge those whose actions may be harmful to and/or diminish the worth of others. Conduct that violates this value includes, but is not limited to:

20) **Discrimination**. Any act or failure to act that is based upon an individual or group's actual or perceived status (age, ancestry, citizenship status, color, disability, ethnicity, familial status, gender (including transgender), gender identity or expression, genetic information, HIV/AIDs status, military status, national origin, pregnancy (false pregnancy, termination of a pregnancy, childbirth, recovery therefrom or related medical conditions, breastfeeding), race, religion (including religious dress and grooming practices), sex, sexual orientation, veteran status) that is sufficiently severe that it limits or denies the ability to participate in or benefit from the University's educational program or activities. https://www.sc.edu/policies/ppm/cr100.pdf

21) **Harassment**. Any unwelcome conduct based on actual or perceived status including: age, ancestry, citizenship status, color, disability, ethnicity, familial status, gender (including transgender), gender identity or expression, genetic information, HIV/AIDs status, military status, national origin, pregnancy (false pregnancy, termination of a pregnancy, childbirth, recovery therefrom or related medical conditions, breastfeeding), race, religion, sex, sexual orientation, veteran status, or other protected status. Any unwelcome conduct should be reported to campus officials, who will act to remedy and resolve reported incidents on behalf of the victim and community.

a) Hostile Environment. Sanctions can and will be imposed for the creation of a hostile environment only when harassment is sufficiently severe, pervasive, or persistent that it unreasonably interferes with,

limits, or denies the ability to participate in or benefit from the University's educational or employment program or activities[2]. https://www.sc.edu/policies/ppm/cr100.pdf

22) **Retaliatory Discrimination or Harassment**. Any adverse action taken by a responding individual or allied third party, absent legitimate nondiscriminatory purposes, against a participant or supporter of a participant in a civil rights grievance proceeding or other protected activity under this Code.

23) **Bystanding**

    a) Complicity with or failure of any student to appropriately address known or obvious violations of the *Code of Student Conduct* or law.
    b) Complicity with or failure of any organized group to appropriately address known or obvious violations of the *Code of Student Conduct* or law by its members.

24) **Abuse of Conduct Process**. Abuse or interference with, or failure to comply in, University processes including conduct and academic integrity hearings including, but not limited to:

    a) Falsification, distortion, or misrepresentation of information.
    b) Failure to provide, destroying or concealing information during an investigation of an alleged policy violation.
    c) Attempting to discourage an individual's proper participation in, or use of, the campus conduct system.
    d) Harassment (verbal or physical) and/or intimidation of a member of a campus conduct body prior to, during, and/or following a campus conduct proceeding.
    e) Failure to comply with the sanction(s) imposed by the campus conduct system.
    f) Influencing, or attempting to influence, another person to commit an abuse of the campus conduct system.

Respect: University students show positive regard for each other and for the community. Behavior that violates this value includes, but is not limited to:

25) **Harm to Persons**. causing physical harm or endangering the health or safety of any person.

26) **Threatening Behaviors**:

    a) **Threat**. Written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property.
    b) **Intimidation**. Intimidation is defined as implied threats or acts that cause a reasonable fear of harm in another.

27) **Bullying and Cyberbullying**. repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally and are not protected by freedom of expression.

28) **Hazing.** Defined as an act that endangers the mental or physical health or safety of a student, or that destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. Participation or cooperation by the person(s) being hazed does not excuse the violation. Failing to intervene to prevent and/or failing to discourage and/or

[2] This policy attempts to balance the need of the community to create a civil climate while also embracing the 1st Amendment protection that attaches to most harassing speech that is simply offensive.

failing to report those acts may also violate this policy. (See *University Student Handbook*, https://www.uscupstate.edu/campus-life/office-of-student-involvement/fraternity-sorority-life/).

29) **Intimate Partner/Relationship Violence**. Violence or abuse by a person in an intimate relationship with another.

30) **Stalking**. Stalking is a course of conduct directed at a specific person that is unwelcome and would cause a reasonable person to feel fear.

31) **Sexual Misconduct**. Includes, but is not limited to, sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse, and/or sexual exploitation (See Sexual Misconduct/Title IX Policy at CR 1.00 Policy Against Discrimination, Harassment & Sexual Misconduct.

32) **Public Exposure**. Includes deliberately and publicly exposing one's intimate body parts, public urination, defecation, and public sex acts. University theatrical productions that require student nudity in a rehearsal and/or performance are exempted from this violation.

Responsibility: University students are given and accept a high level of responsibility to self, to others and to the community. Behavior that violates this value includes, but is not limited to:

33) **Alcohol**. Use, possession, or distribution of alcoholic beverages or paraphernalia except as expressly permitted by law and the University's Alcohol Policy (https://www.uscupstate.edu/campus-life/health-education for further information);

34) **Drugs**. Use, possession or distribution of illegal drugs and other controlled substances or drug paraphernalia except as expressly permitted by law and the University's Drug Policy. This includes the misuse, sale or distribution of prescription or over-the-counter medication (See https://www.uscupstate.edu/campus-life/health-education for further information).

35) **Failure to Comply**. Failure to comply with the reasonable directives of university officials or law enforcement officers during the performance of their duties and/or failure to identify oneself to these persons when requested to do so.

36) **Financial Responsibilities**. Failure to promptly meet financial responsibilities to the institution, including, but not limited to; knowingly passing a worthless check or money order in payment to the institution or to an official of the institution acting in an official capacity.

37) **Health and Safety**. Creation of health and/or safety hazards (dangerous pranks, hanging out of or climbing from/on/in windows, balconies, roofs, etc.)

38) **Violations of Law or other USC Upstate Policies**. Any conduct or activity that violates a federal, state, or local law, or other USC Upstate policy including but not limited to Housing & Residence Hall policies, Parking & Traffic policies, Facilities Use policies, and Computing Use policies.

VII. Restorative Actions (Sanctions)

One or more of the following restorative actions may be imposed upon any student for any single violation of the *Code of Student Conduct*:

1) *Warning*: An official written notice that the student has violated University policies and/or rules and that more severe conduct action will result should the student be involved in other violations while the student is enrolled at the University.

2) *Restitution*: Compensation for damage caused to the University or any person's property. This could also include situations such as failure to return a reserved space to proper condition – labor costs and expenses. This is not a fine but, rather, a repayment for labor costs and/or the value of property destroyed, damaged, consumed, or stolen.

3) *Fines*: Reasonable fines may be imposed. Fines are specified to include the costs for enrolling in online courses related to the violations.

4) *Community/University Service Requirements*: For a student or organization to complete a specific supervised University service.

5) *Loss of Privileges*: The student will be denied specified privileges for a designated period of time.

6) *Confiscation of Prohibited Property*: Items whose presence is in violation of university policy will be confiscated and will become the property of the University. Prohibited items may be returned to the owner at the discretion of the Dean of Students, Director of Housing & Residence Life, Student Conduct-designee, and/or University Police.

7) *Behavioral Requirement*: This includes required activities including, but not limited to, seeking academic counseling or substance abuse screening, writing a letter of apology, purchasing a gift for an aggrieved party, etc.

8) *Educational Program*: Requirement to attend, present and/or participate in a program related to the violation. It may also be a requirement to sponsor or assist with a program for others on campus to aid them in learning about a specific topic or issue related to the violation for which the student or organization was found responsible. Audience may be restricted.

9) *Restriction of Visitation Privileges*: May be imposed on a resident or non-resident student. The Office of Housing and Residence Life will specify the parameters of the restriction.

10) *University Housing Probation*: Official notice that, should further violations of Residence Life or University policies occur during a specified probationary period, the student may immediately be removed from university housing. Regular probationary meetings may also be imposed.

11) *University Housing Reassignment*: Reassignment to another University housing facility. Housing and Residential Life personnel will decide on the reassignment details.

12) *University Housing Suspension*: Removal from University housing for a specified period of time after which the student is eligible to return. Conditions for re-admission to university housing may be specified. Under this sanction, a student is required to vacate University housing within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Director of Housing and Residence Life. This sanction may be enforced with a trespass action if deemed necessary. Prior to reapplication for university housing, the student must gain permission from the Director of Housing and Residence Life (or

designee). This sanction may include restrictions on visitation to specified buildings or all University housing during the suspension.

13) *University Housing Expulsion*: The student's privilege to live in, or visit, any University/College housing structure is revoked indefinitely. This sanction may be enforced with a trespass action if deemed necessary.

14) *University Probation*: The student is put on official notice that, should further violations of university policies occur during a specified probationary period, the student may face suspension or expulsion. Regular probationary meetings may also be imposed.

15) *Eligibility Restriction*: The student is deemed "not in good standing" with the University for a specified period of time. Specific limitations or exceptions may be granted by the Dean of Students or Student Conduct-designee, and terms of this conduct sanction may include, but are not limited to, the following:

    a) Ineligibility to hold any office in any student organization recognized by the University or hold an elected or appointed office at the University; or

    b) Ineligibility to represent the University to anyone outside the University community in any way including participating in the study abroad program, attending conferences, or representing the University at an official function, event or intercollegiate competition as a player, manager, or student coach, etc.

16) *University Suspension*: Separation from the University for a specified minimum period of time, after which the student is eligible to return. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension. The student is required to vacate the campus within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Dean of Students or the Dean's Student Conduct-designee, and in consultation with the Director of Housing and Residence Life when the student resides in Housing. During the suspension period, the student is banned from university property, functions, events, and activities without prior written approval from the Dean of Students. This sanction may be enforced with trespass action, as necessary. **This sanction will be noted as a Conduct Suspension on the student's official academic transcript.**

17) *University Expulsion*: Permanent separation from the University. The student is banned from university property and the student's presence at any University-sponsored activity or event is prohibited. This action may be enforced with a trespass action, as necessary. **This sanction will be noted as a Conduct Expulsion on the student's official academic transcript.**

18) *Other Sanctions*: Additional or alternate sanctions may be created and designed as deemed appropriate to the offense with the approval of the Dean of Students or the Dean's Student Conduct-designee.

The following sanctions may be imposed upon University Affiliated Student Organizations found to have violated the *Code of Student Conduct*:

1) One or more of the sanctions listed above; and/or

2) Deactivation, de-recognition, loss of all privileges (including status as a university registered group/organization), for a specified period of time.

VIII. Code Interpretation, Revision, Procedures

Any question of interpretation of the *Code of Student Conduct* will be referred to the Vice Chancellor for Student Affairs, whose interpretation is final. The *Code of Student Conduct* will be updated under the direction of the Dean of Students with a comprehensive revision process being conducted every five (5) years. Revisions will include the input of the Student Services committee on behalf of Faculty Senate. The Chancellor, with the advice of the Vice Chancellor for Student Affairs, is authorized to develop and adopt procedures for the management of the Code. (See Appendix)

Appendix: Non-Academic Student Conduct Procedures

I. Introduction
II. Initiating the Student Conduct Process
III. Interim Suspension
IV. Informal Resolution Options
V. Formal Resolution Options
VI. Appeals

I. Introduction

These procedures are designed to provide fair and unbiased management of the Code of Student Conduct (Code). The procedures outlined below cover the standards of conduct as described in the Code.

These procedures do not apply to cases involving CR 1.00 Policy Against Discrimination, Harassment & Sexual Misconduct. Reports of discrimination, harassment, and sexual misconduct should be made directly to the Title IX Coordinator, Office of Institutional Equity, Inclusion and Engagement.

II. Initiating the Student Conduct Process

A. Reports and Investigations

1. The Dean of Students Office accepts reports of alleged Code violations from any person. All referrals must be submitted in writing. The referral should contain as much information as possible to enable USC upstate to address the complaint.

2. Reports of Discrimination, Harassment and Sexual Misconduct should be made directly to the Office of Institutional Equity, Inclusion, and Engagement.

3. Upon receipt of a report, the Dean of Students or Conduct Officer assigned to the case by the Dean of Students will investigate to determine if there is enough information to support an alleged violation of the Code, and if so, which violations occurred.

4. The Dean of Students may ask the Respondent to appear at an investigative meeting to discuss the report or gather additional information.

5. If the Dean of Students or Conduct Officer decides the report lacks merit, the report will be dismissed. Appropriate parties will be informed in writing within ten (10) business days of the dismissal or a timeline for determining the merit of the complaint.

6. Violations of the Code may also be violations of the law. USC Upstate encourages Complaining Witnesses to make reports to both local law enforcement agencies and USC Upstate. Because the standard of proof required in criminal law is different from the standard of proof required in the Code and USC Upstate policy, the result of any criminal investigation does not influence the student conduct process. A criminal investigation will not take the place of a USC Upstate investigation, although a criminal investigation may supplement a USC Upstate investigation. USC Upstate will not wait for the conclusion of a criminal investigation to begin conducting its own investigation or to take interim measures to protect USC Upstate or any member of the USC Upstate Community or when necessary to initiate hearing procedures as outlined below.

7. When a report could result in suspension or expulsion, or when a restorative conference is inappropriate, the Dean of Students may send the report directly to a Hearing Board for a formal hearing.

B. Notice and Administrative Measures

1. If a determination is made that a violation of the Code has occurred, the Dean of Students or Conduct Officer will notify the Respondent via a Notice of Alleged Code Violation (Notice). The Notice will include a summary of the complaint, the alleged policy violations, the date and time of the hearing, and any interim measures. The Notice will be sent to the Respondent no less than two (2) business days prior to a scheduled meeting.

2. Notices will be sent to the Respondent's official USC Upstate email address. For Registered Student Organizations, the Notice will be emailed to the organization's primary representative (typically the President on file with the Office of Student Involvement). Failure to read and comply with the Notice is not grounds for an appeal.

3. The Dean of Students' Office schedules meetings and formal hearings. The time and date of the meeting or formal hearing is determined by each party's class schedule and the availability of the Conduct Officer, Hearing Board members, and witnesses. A meeting or formal hearing will only be rescheduled for good cause as determined by the Dean of Students. Prior to any student conduct meeting or hearing, the Respondent and Complaining Witness may contact the assigned Conduct Officer or Dean of Students to arrange to review all information relevant to the allegations

III. INTERIM SUSPENSION

A. Interim Suspension

In certain circumstances, the Vice Chancellor for Student Affairs (VCSA) may impose an interim suspension from USC Upstate Premises upon receiving a complaint and prior to the completion of the student conduct process. An interim suspension may be imposed to:

1. Ensure the safety and well-being of members of the USC Upstate Community or preserve USC Upstate property.
2. Ensure the Student's own physical or emotional safety and well-being; or
3. Ensure that normal operations of USC Upstate are not disrupted.

B. Notice of Interim Suspension

Upon taking such action, the VCSA or authorized representative will immediately notify the student in writing of the interim suspension, including the reasons for the interim suspension and appeal rights.

C. Appeal of Interim Sanction

A Student may appeal the interim suspension to the Vice Chancellor for Student Affairs in writing within seven (7) business days. The interim suspension remains in effect during any appeal. If requested in the written appeal, a student will be given an opportunity to appear personally before the Vice Chancellor within three (3) business days of submitting the appeal. Only the following issues may be discussed at the appeal:

1. The reliability of the information concerning the student's conduct, including the matter of his or her identity; or

2. Whether the conduct and surrounding circumstances reasonably indicate the continued presence of the Student on USC Upstate Premises poses a substantial and immediate threat to him or herself or to others, or to the stability and continuance of normal USC Upstate functions.

D. Prompt Disciplinary Hearing

A Student under interim suspension will be given an opportunity for a prompt disciplinary hearing within the USC Upstate student conduct process.

IV. Informal Resolution Options

A. Student Conduct Meeting

1. Respondents may be provided with an option for an informal meeting to resolve the allegations. Meetings are closed meetings that permit the Respondent to discuss the referral informally with the Dean of Students/Conduct Officer and others as appropriate. During the meetings, the Dean of Students/Conduct Officer and the Respondent discuss the referral and determine if it is more likely than not the Respondent violated the Code or any other USC Upstate policy.
2. After reviewing the referral and meeting with the Respondent, if the Conduct Officer determines sufficient information does not exist to prove an alleged violation, the Conduct Officer may dismiss the referral.

3. If the Conduct Officer determines sufficient information does exist to prove an alleged violation, and the Respondent ***accepts responsibility*** for the alleged violation, the Conduct Officer and the Respondent will discuss restorative actions. The Respondent can either:

   a. Agree to fulfill the restorative action as discussed in the meeting; or

   b. Disagree with the proposed restorative actions/sanctions and request a restorative a formal hearing on the issue of appropriate restorative actions/sanctions only.

4. If the Conduct Officer determines sufficient information does exist to prove an alleged violation, and the Respondent ***does not accept responsibility***, the case will be referred for a formal hearing.

5. An agreement by the student as to either responsibility or the restorative action reached during the student conduct meeting may not be appealed.

B. Restorative Conference

1. A restorative conference provides an opportunity for interaction between the Respondent and any harmed party or Complaining Witness, but also may involve the community in the decision-making

process. Community participants may be anyone in the community concerned about the behavior. The goal is to provide everyone with a voice in the process and bring understanding to all parties. Restorative conferences also allow for collaboration in deciding what is to be done about the incident in question and also to address any underlying problems that led to the incident.

2. Participation in a restorative conference is voluntary. All parties must willingly agree to attend. The Respondent must have previously accepted responsibility for the behavior in question in order for a restorative conference to occur. The Office of Student Conduct provides annual training for restorative conference facilitators. Restorative conferences may or may not result in additional restorative actions, depending on the outcome of the conference.

3. If a resolution is not made through the restorative conference, the student conduct process will resume, and a formal hearing will be scheduled to determine restorative actions.

V. FORMAL RESOLUTION

A. Formal Hearings

If an informal resolution is not reached, or in cases where the Director or Conduct Officer referred to the matter because potential outcomes include disciplinary suspension or expulsion from USC Upstate, the case will be scheduled for a formal hearing. Hearings are closed meetings that permit USC Upstate and the Respondent to address the alleged violation or restorative actions with a Hearing Board. Only individuals with a legitimate role in the hearing process are permitted to attend or participate in a hearing. The Hearing Board will determine if an individual has a legitimate role in the hearing process.

B. Hearing Boards

The Vice Chancellor for Student Affairs solicits volunteers from employees and students to serve on the Hearing Boards. Annual and ongoing training is provided by the Dean of Students office. When a student conduct matter is referred to a Hearing Board for a formal hearing, the Dean of Students will determine which Hearing Board will address the allegation(s). The Dean of Students will determine the appropriate Hearing Board based on the nature of the allegation(s), whether the allegation(s) is/are grounds for disciplinary suspension or expulsion, whether the allegation(s) is/are grounds for suspension or revocation of Registered Student Organization status, and other relevant factors. The Dean of Students will notify the Respondent, Complaining Witness(es), and Hearing Board members of the individuals selected for the Hearing Board at least 3 days in advance of the hearing.

1. USC UPSTATE Community Member Hearing Board

   a. The USC Upstate Community Hearing Board is a three (3) person Hearing Board composed of individuals selected by the Dean of Students from the employees, and students as follows:

i. One (1) faculty employee.
ii. One (1) staff employee; and
iii. One (1) undergraduate or graduate Student in good disciplinary standing and enrolled full-time. Students appointed to the USC UPSTATE Community Member Hearing Board are selected by an application and interview process. A Student member must be a full-time Student in good disciplinary standing with a cumulative grade point average of 2.5 or above.

b. Members serve one-year (1-year) terms, which may be renewed. The Dean of Students will designate one (1) member of the USC UPSTATE Community Member Hearing Board as Chair each time the Hearing Board is convened. The Chair is a voting member of the Hearing Board.

C. Hearing Procedures

A Hearing Board must conduct hearings according to the following procedures:

1. A party may request that a member(s) of a Hearing Board be excluded from the hearing based on a conflict of interest or bias. The request to exclude a member of the Hearing Board must be made in writing via email to the Dean of Students at least two (2) business days prior to the scheduled hearing. Requests must state the exact nature of the request and reason(s) the requestor believes the Hearing Board member cannot be impartial. The Dean of Students will decide if the Hearing Board member should be excluded, and if so, assign a new Hearing Board member. The Dean of Students will notify the parties accordingly. The Complaining Witness, Respondent, and their support person(s) if any, are allowed to attend the entire portion of the hearing during which the Hearing Board receives information (excluding deliberations). Admission of any other individual to the hearing is at the discretion of the Chair of the Hearing Board.

2. A party may request to postpone the hearing for reasonable cause. A written request must be submitted to the Dean of Students, which includes the reason for the request, no later than two (2) business days prior to the scheduled hearing unless unforeseen circumstances occur. The Dean of Students, in consultation with the Chair, may accept or deny the request after considering the nature of the request and the incident at hand.

3. At the discretion of the Dean of Students, in hearings involving more than one (1) Respondent the hearings concerning each Respondent may be conducted either separately or jointly. Joint hearings will only be conducted upon the agreement of the Respondents and upon execution of an appropriate FERPA waiver.

4. The burden of proving a violation of the Code is on USC Upstate. The Respondent is presumed to be not responsible until determined otherwise.

5. The Hearing Board's determination will be made based on the preponderance of evidence standard. Preponderance of Evidence means that it is more likely than not (at least 50.1% certain) that the Respondent is responsible for the alleged act.

6. The Respondent is responsible for presenting their own information at the hearing. If the Respondent chooses not to participate, or fails to appear before a Hearing Board, the Hearing Board may review the available information and make a determination in the Respondent's absence.

7. The Dean of Students office will provide to the Hearing Board:

    a. The Student Conduct Report.
    b. A written summary detailing the meetings with both parties.
    c. A written summary of the available information; and
    d. The reason the case is before the Hearing Board.

8. In advance of the hearing, the Dean of Students Office will provide to the Respondent:

    a. The Student Conduct Report.
    b. . A written summary detailing the meetings with both parties.
    c. A written summary of the available information; and
    d. The reason the case is before the Hearing Board.

9. The Conduct Officer responsible for the case will appear at the hearing to explain the Student Conduct Report and respond to questions from the Hearing Board.

10. The Complaining Witness and the Respondent may be assisted by up to two (2) Support Person(s) of their choice and at their own expense. Support Persons(s) are not permitted to speak or to participate directly in the hearing. A Student should select a Support Person(s) whose schedule allows attendance at the scheduled date and time for the hearing. Delays of a meeting or hearing are not normally allowed because of the scheduling conflicts of a Support Person.

11. The Dean of Students Office is responsible for assisting the Hearing Board in arranging for witnesses who are members of the USC Upstate Community to present information during the hearing when reasonably possible. Arranging for the attendance of witnesses who are not members of the USC Upstate Community is the responsibility of the party who seeks the witness' testimony. Witnesses participate in a hearing to provide information to and answer questions from the Hearing Board regarding the personal knowledge they have of the incident at hand.

12. The Dean of Students office will make reasonable accommodations to address concerns for the personal safety, well-being, or fears of confrontation of the Complaining Witness, Respondent, or other witness during the hearing. Accommodations include providing separate facilities, using a visual screen, or permitting participation by telephone, videophone, closed circuit television, video conferencing or other appropriate means as determined by the judgment of the Director.

13. The parties may suggest questions to the Chair in writing to be answered by witnesses. The Chair will determine if the questions are relevant and appropriate. At the discretion of the Chair, the

Hearing Board may accept pertinent records, exhibits, and written statements (including student impact statements) as information for consideration by the Hearing Board.

14. The Chair is responsible for maintaining order and determining the sequence of events during a hearing. The Chair may direct any person who fails to comply with procedures during the hearing or disrupts/obstructs the hearing to leave the hearing.

15. The Chair is responsible for making final decisions on all procedure or evidence questions but may consult with the Conduct Officer or other appropriate USC Upstate Official before making a final.

16. If Respondent has not accepted responsibility, after receiving all pertinent information, the Hearing Board will determine whether the Respondent has violated any Code section. If the Hearing Board determines the Respondent has violated the Code, the Hearing Board will recommend restorative actions to the Dean of Students. The Chair will provide a written rationale for the decision and recommend appropriate restorative actions to the Dean of Students. If the Hearing Board determines the Respondent has not violated any Code section, the Hearing Board recommends to the Dean that no actions be taken, and the case is dismissed.

17. If Respondent has previously accepted responsibility, after receiving all pertinent information, the Hearing Board will recommend restorative actions to the Dean of Students. The Chair will provide a written recommendation of any restorative actions and the rationale for the recommendation to the Dean of Students.

18. The Hearing Board may reconvene a hearing at a later time or date to collect additional information before making a final determination regarding the outcome of any hearing, including recommended restorative actions.

19. The decision and restorative action(s) are ultimately determined and imposed by the Dean of Students; however, the Dean of Students must consider the recommendation of the Hearing Board in determining responsibility for the alleged policy violation and imposing restorative actions. The Dean of Students is not limited to the decision or restorative actions recommended by members of the Hearing Board and can accept, modify, or reject the recommended decision and, if applicable, restorative actions. The Dean of Students will provide a written outcome to the Respondent via the Student's USC Upstate email address no more than seven (7) business days following a hearing, unless circumstances exist that would delay issuance of the written outcome. The written outcome must describe the rationale for the decision and any restorative actions imposed.

20. The Dean of Students is not limited to the decision or restorative actions recommended by members of the Hearing Board.

21. All hearings will be recorded, with the exception of the deliberation portion. The record is the property of USC Upstate.

VI. APPEALS

A. Appeal

1. A Respondent may appeal the Hearing Board's decision and restorative to the Vice President for Student Affairs if the restorative action/sanction is social suspension, disciplinary suspension, or disciplinary expulsion.

2. A Respondent and their Support Persons have the right to review the hearing file, including any recording of the hearing, in preparation for filing an appeal.

3. The written appeal will be submitted to the VCSA within seven (7) business days of receipt of the decision rendered by the Hearing Board.

23. Jurisdiction and Grounds for Appeal

The VCSA has appellate jurisdiction over non-academic student conduct cases. The appeal is not a new hearing, but rather a review of the original hearing. The appeal is limited to the following issues.

1. A procedural error occurred that significantly impacted the outcome of the hearing (e.g., substantial bias, material deviation from established procedures, etc.).
2. To consider new information that was unavailable at the time of the original hearing or investigation that could substantially impact the original finding or sanction.
3. The restorative actions/sanctions imposed are substantially disproportionate to the severity of the violation.

24. Notification of Appeal

If the Respondent files an appeal, the VCSA will notify the Dean of Students and provide the Dean of Students with an opportunity to file a response. If the Dean of Students files a response to the appeal, the response must be filed within five (5) business days of the appeal.

25. Appeal Record

In consideration of an appeal, the VCSA will conduct a review of the existing documentation and record, including but not limited to:

1. The hearing files.
2. The written recommendations of the Hearing Board.
3. The recording or transcript of the formal hearings.
4. The letter of appeal; and
5. Written response from the Dean of Students Office, if any.

26. VCSA Decision

Upon review of all of the information, the VCSA has the authority to do one of the following:

1. Uphold the findings and recommendations made by the Hearing Board.
2. In cases of suspension or expulsion, modify the restorative actions/sanctions; or
3. Remand the case back to a Hearing Board.

    a. If a case is remanded for issues of procedural error, the Dean of Students will appoint a new Hearing Board to reconsider the case.

    b. If a case is remanded based on new information, the Dean of Students will instruct the original hearing Board to resume the hearing.

The VCSA decision will be communicated to the Respondent, Dean of Students, and when appropriate, the Complaining Witness. The decision by the VCSA is final and binding upon all parties involved.

Medical Attention and Counseling Services

Medical Attention: Whatever one does following sexual assault; it is essential that medical attention be sought immediately at the nearest emergency room to protect against internal injury or disease and to assist with later prosecution. A victim should observe the following recommendations: Preserve all physical evidence of the assault, even if you (or someone you know) are unsure whether to report the crime. Do not shower, bathe, douche, eat, drink, wash your hands or brush your teeth until after you have had a medical examination. Save all the clothing that was worn during the time of the assault and bring them and any other potential evidence to the emergency room (medical exam). Place each item of clothing in a separate paper bag (do not use plastic bags). Do not clean or disturb the area where the assault occurred.

Counseling: Counseling can be critical to regaining one's emotional balance following a sexual assault. There are trained professionals ready to assist you or refer you to other competent professionals. All assistance is free and strictly confidential as it is for other offices such as the University Police Department and the Office of Student Affairs. Counseling Services is located in the Rampey Bldg. at 490 Hodge Dr. and can be contacted at 864-503-5195.

Sexual Assault Reporting Options

Reporting to the University Police or Local Police: If an assault occurs on university property, it should be reported to university police by calling **911** or 503-7777 by using a campus emergency phone. Assaults that occur off-campus should be reported to the local police (**911**). These numbers can be used 24 hours a day, seven days a week.

Other Reporting Options: in lieu of reporting a sexual assault to University Police you may also make a report to a counselor in Counseling Services, (864) 503-5195, Dean of Students: 503-5107, or Title IX Coordinator at 503-7193. The adverse emotional impact following sexual assault can be severe. The long-term effects of the trauma of sexual violence can have serious and lasting psychological consequences. The University recognizes the importance of competent, comprehensive, sensitive professional help. Do not hesitate to contact any one of the offices listed to report any incidence of sexual violence:

• Counseling Services is an on-campus resource that provides free counseling visits to students. Please call 503-5195.
• University Police will provide on-going assistance in pursuing criminal prosecution. Please call 503-7777 or **911**. They can also put a victim/survivor in touch with Victim/Witness Services.
• University Housing is available to assist victims with housing needs, such as relocation. Please call 503-5422. Time is critical when reporting a sexual assault. The sooner an assault is reported the easier it is to collect valuable evidence.

The Violence Against Women Reauthorization Act - Introduction

The Violence Against Women Act (VAWA) is a landmark piece of legislation that seeks to improve criminal justice and community-based responses to domestic violence, dating violence, sexual assault and stalking in the United States. The passage of VAWA in 1994 and its reauthorization in 2000, 2005 and 2013, has changed the landscape for victims who once suffered in silence. Victims of domestic violence, dating violence, sexual assault and stalking have been able to access services, and a new generation of families and justice system professionals has come to understand that domestic violence, dating violence, sexual assault and stalking are crimes that our society will not tolerate.

Main Campus
VAWA Offenses Reporting Table 2023-2025

OFFENSE	YEAR	GEOGRAPHIC LOCATION				
		ON-CAMPUS PROPERTY	ON CAMPUS STUDENT HOUSING FACILITIES	NON-CAMPUS PROPERTY	PUBLIC PROPERTY	UNFOUNDED
DOMESTIC VIOLENCE	2023	1	1	N/A	0	0
	2024	0	0	N/A	0	0
	2025	0	0	N/A	0	0
DATING VIOLENCE	2023	5	3	N/A	0	0
	2024	4	3	N/A	0	0
	2025	1	0	N/A	0	1
STALKING	2023	2	0	N/A	0	0
	2024	3	0	N/A	0	0
	2025	1	0	N/A	0	0

VAWA Offenses Reporting Table
George Dean Johnson College of Business and Economics 2023-2025

OFFENSE	YEAR	GEOGRAPHIC LOCATION				
		ON-CAMPUS PROPERTY	ON CAMPUS STUDENT HOUSING FACILITIES	NON-CAMPUS PROPERTY	PUBLIC PROPERTY	UNFOUNDED
DOMESTIC VIOLENCE	2023	0	0	N/A	0	0
	2024	0	0	N/A	0	0
	2025	0	0	N/A	0	0
DATING VIOLENCE	2023	0	0	N/A	0	0
	2024	0	0	N/A	0	0
	2025	0	0	N/A	0	0
STALKING	2023	0	0	N/A	0	0
	2024	0	0	N/A	0	0
	2025	0	0	N/A	0	0

VAWA Offenses Reporting Table University Center Greenville (UCG) (No student housing or non-campus property) 2023-2025

OFFENSE	YEAR	GEOGRAPHIC LOCATION				
		ON-CAMPUS PROPERTY	ON CAMPUS STUDENT HOUSING FACILITIES	NON-CAMPUS PROPERTY	PUBLIC PROPERTY	UNFOUNDED
DOMESTIC VIOLENCE	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0
DATING VIOLENCE	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0
STALKNG	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0

Procedures Victims Should Follow if a Crime of Sexual Assault, Domestic Violence, Dating Violence, or Stalking Has Occurred

If you are the victim of a sexual assault, dating violence, domestic violence or stalking at this institution, your first priority should be to go to a place of safety. You should then obtain necessary medical treatment if needed. In the Spartanburg metropolitan area, this is Spartanburg Regional Hospital. Sexual Assault Nurse Examiners, (SANE) at the hospital are trained and certified in physical evidentiary recovery kit collection. Evidence may be collected, even if the victim chooses not to make a report to law enforcement.

The Department of Public Safety strongly advocates that a victim of sexual assault, domestic violence, dating violence or stalking report the incident in a timely manner to either the University Police Department or other law enforcement agency (if the incident occurred off campus). This is a critical factor for effective evidence collection and preservation, assisting in criminal prosecution and helpful in obtaining an order of protection. Filing a police report with a University Police Officer will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers. Filing a police report will, however:

- Ensure that a victim of sexual assault receives the necessary medical treatment and tests at no expense to the victim.
- Provide for the collection of evidence helpful in prosecution, which cannot be obtained later.
- Assure the victim has access to free confidential counseling from counselors trained in the area of sexual assault crisis intervention.

Campus authorities such as the Dean of Students, Title IX Coordinator, Professional Counselors, or others may assist the victim in notifying law enforcement authorities upon request. Alternatively, a victim may decline to notify law enforcement, pursue remedy through the campus judicial process, or decline to notify such authorities entirely. Incidents of sexual assault, dating violence, domestic violence or stalking on campus may be reported to any campus authority with whom the victim is comfortable and specifically to the following individuals by phone or in person:

Dean of Students	503-5107	Campus Life Center (CLC) 180 Gramling Dr. Room 220
Director of Health Services (Rampey Bldg.)	503-5191	Health Services Bldg. 995 University Way and 490 Hodge Dr.
Director of Housing & Residential Life	503-5422	Palmetto House 470 Hodge Dr. Room 031D
Director of Employee Relations	503-5354	Administration Bldg. 800 University Way Room 310
Title IX Coordinator	503-7193	Library Bldg. 150 Gramling Dr. Room 117B

When a victim contacts the Department of Public Safety, a state certified victim's advocate will be contacted as well. The victim of a sexual assault, dating violence, domestic violence or stalking may choose for the investigation to be pursued through the criminal justice system, University judicial system, or both. Alternatively, the victim may choose not to pursue either of these options. University disciplinary proceedings, as well as special guidelines for cases involving sexual misconduct are detailed in the *Student Code of Conduct and the Resource Guide for Victims of Crime.*

The Student *Code of Conduct* provides, in part, that the accused and the victim will each be allowed to choose two persons to accompany them throughout the hearing. Both the victim and the accused will be informed in writing of the outcome of the hearing that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking. Moreover, victims, (whether students or employees) will receive written information regarding campus and community

victim services. Lastly, the *Code of Conduct* outlines how the institution will protect the confidentiality of victims and others.

A student found guilty of violating the University sexual misconduct policy could be criminally prosecuted in State court and suspended or expelled from the University on the first offense. A Victim's Advocate from the Department of Public Safety and/or Counselor from the University Counseling Center will also guide the victim through the available options and support the victim in his or her decision. Various counseling options are available from the University through Health Services, Counseling Services, and the Employee Assistance Program. Counseling and support service outside the University system may be obtained through Project Rest.

Orders of Protection and Restraining Orders

If a victim of sexual assault, domestic violence, dating violence or stalking obtains an order of protection, no contact order or restraining order, the University Police Department should be presented a copy of the order. Upon receipt, the police department will maintain a copy of the order on file until such order(s) expire. All current orders issued by a court of competent jurisdiction will be enforced on campus by University Police.

Law Enforcement Relationships and Jurisdiction

The University of South Carolina Upstate maintains a full-service 24-hour Department of Public Safety staffed by certified law enforcement officers fully accredited by the State of South Carolina. Police Officers patrol the campus in clearly marked vehicles, bicycles, electric carts, and foot patrol. For emergencies dial **911.** For non-emergencies, business, or general information the Department of Public Safety may be reached at any time by dialing Ext. 7777 from campus telephones or dialing (864) 503-7777 from a cellular or off-campus telephone. In the unlikely event of a campus-wide telephone system failure, the Department of Public Safety may be reached at (864)357-3008 Magnolia House, Palmetto House, and Palmetto Villas residents may also report an emergency to any Housing and Residential Life Staff Member who in turn will notify University Police via radio or telephone.

Upstate Spartanburg Campus

As State Constables, University Police Officers possess state-wide police powers to apprehend and arrest anyone involved in illegal acts on campus and areas immediately adjacent to the campus. If minor offenses involving University rules and regulations are committed by a university student, the Department of Public Safety may also refer the individual to the Dean of Students or Director of Housing and Residential Life for judicial action.

Major offenses such as rape, murder, aggravated assault, and robbery may be investigated jointly with the Spartanburg County Sheriff's Department and/or South Carolina law Enforcement Division (SLED). The prosecution of criminal cases, both felony and misdemeanor are conducted in Magistrate, General Sessions, or Federal Court within Spartanburg County.
The Department of Public Safety works closely with local, state, and federal police agencies and has direct radio communications with the Spartanburg County Sheriff's Department, North Spartanburg County Fire Department, and the County **911** Emergency Dispatch Center.

By mutual agreement with state and federal agencies, the Department of Public Safety maintains an American Law Enforcement Network (ALEN). Through this system, police personnel can access the National Crime Information Computer System as well as the State of South Carolina criminal database system. These computer databases are used for accessing criminal history data, nationwide police records, driver/vehicle identification information, as well as other local, state, and federal law enforcement information.

George Dean Johnson Jr. College of Business and Economics

As municipal law enforcement officers, City of Spartanburg Police Officers possess police powers to apprehend and arrest anyone involved in illegal acts within the City of Spartanburg including a 3-mile radius outside the city limit. This includes the Johnson School of Business campus and areas immediately adjacent to the same. If minor offenses involving University rules and regulations are committed by a university student, University Police may refer the individual to the Dean of Students for judicial action.

Spartanburg Police work closely with state and federal police agencies and have direct radio communications with EMS, the Spartanburg County Fire Department, and the County **911** Emergency Dispatch Center.

University Center Greenville (UCG) Campus

As State Constables, Greenville Tech Police Officers possess state-wide police powers to apprehend and arrest anyone involved in illegal acts on the Greenville campus and areas immediately adjacent to the campus. If minor offenses involving University rules and regulations are committed by a university student, University of South Carolina Upstate Police or the Greenville Tech Police may also refer the individual to the Dean of Students for judicial action. Major offenses such as rape, murder, aggravated assault, and robbery may be investigated jointly with the City of Greenville Police Department and/or SLED. The prosecution of criminal cases, both felony and misdemeanor, are conducted in Magistrate, General Sessions, or Federal Court located within Greenville County. Greenville Tech Police work closely with local, state, and federal police agencies and have direct radio communications with the Greenville Police Department, Greenville County Fire Department, and the Greenville County **911** Emergency Dispatch Center.
Victim Advocate Services are available through a certified victim's advocate at the University Police Department. If you or a loved one becomes a victim of a crime, it is important to know your rights and have a support base. Our Victim Assistance Response Team is available to provide services to victims and witnesses immediately after the crime occurs, during the investigation, and throughout the Criminal Justice Process in many different ways:

- Crisis Intervention
- Referrals and information to community agencies for professional counseling, support groups, medical, financial aid, and shelter.
- Informing victims/witnesses of their rights/responsibilities under the law.
- Acting as liaison between victims, police, investigators, and local agencies.
- Court preparation accompaniment and emergency transportation to court.
- Information regarding the current status of your case.
- Assistance in filing for victim compensation through the State Office of Victim Assistance (SOVA), to help with medical expenses, lost wages, counseling, and funeral expenses.

Under the provisions of State Statute 16-3-1515, a victim or witness who wishes to exercise his or her rights under this article or receive services under this article or both must provide a law enforcement agency, a prosecuting agency, a summary court judge, the Department of Corrections, the Department of Juvenile Justice, as appropriate, his or her legal name, current mailing address, and current telephone number.

Confidentiality

In 1998 the federal government passed the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, previously known as the student-Right-To Know Act of 1990. This law requires colleges and universities receiving federal funding to disclose publicly specific reported criminal activity on campus.

The Department of Public Safety prepares a report annually to comply with this Act. However, these reports do not include personally identifiable information about the victim which is maintained as confidential.

Moreover, accommodations or protective measures provided to the victim are also considered confidential to the extent that maintaining such confidentiality would not impair the ability of USC Upstate to provide said accommodations or protective measures.

Victim and Witness Rights

Victims and Witnesses of Criminal Activity Have the Right To:

1. Be treated with fairness, respect, and dignity. To be free from intimidation, harassment, or abuse throughout the criminal justice system and informed of a victim's constitutional rights.
2. Be reasonably informed when the accused or convicted person is arrested, released from custody, or has escaped.
3. Be informed of and present at all criminal proceedings which are dispositive of the charges where the defendant has the right to be present.
4. Be allowed to submit either a written or oral statement at all hearings affecting bond or bail.
5. Be heard at any proceeding involving a post-arrest, a plea, or sentencing.
6. Be reasonably protected from the accused or persons acting on his behalf throughout the criminal justice process.
7. Confer with the prosecution after the crime against the victim has been charged, before the trial, or before any disposition, and informed of the disposition.
8. Have reasonable access after the conclusion of the criminal investigation to all documents relating to the crime against the victim before trial.
9. Receive prompt and full restitution from the convicted person or persons.
10. Be informed of any proceeding when any post-conviction action is being considered and be present at any hearing.
11. A reasonable disposition and prompt and final conclusion of the case.
12. Have all rules governing criminal procedure and the admissibility of evidence in all criminal proceedings protect victims' rights and have these rules subject to amendment or repeal by the legislature to ensure protection of these rights.

Written Notice of Disciplinary Action to Accused and Accuser

A written explanation of procedures for institutional disciplinary action will be provided to the accuser and the accused in cases of alleged dating violence, domestic violence, or stalking. Moreover, when the institution receives a report that a student or employee has been the victim of dating violence, domestic violence, sexual assault, or stalking, USC Upstate will provide the student or employee a written explanation of the student's or employee's rights and options.

Written Notification of Available Protective Services

The University of South Carolina Upstate will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available for victims, both within the institution and in the community.

USC Upstate provides a range of protective measures to the victim following an allegation of dating violence, domestic violence, stalking or sexual assault. These options will include written notification to victims for available assistance with, and how to request changes to:

- Academic situations
- Living situations
- Transportation situations
- Working situations
- Protective measures

Accommodations or protective measures are provided if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to University Police or local law enforcement. This information is available online or in the Student Handbook. Copies are also available at the Dean of Student's Office, University Public Safety, Counseling Services, Human Resources and Health Services.

Reporting Procedures for Criminal Sexual Assault, Domestic Violence, Dating Violence and Stalking—

If a student or employee is a victim of criminal sexual assault, domestic violence, dating violence or stalking, the incident should be reported immediately to University Police. If the incident occurred off campus it should be reported to the law enforcement authority of jurisdiction where the crime occurred or University Police. However, campus and external community resources are available to students and employees regardless of where the crime occurred. These resources may include but are not limited to Health Services, Counseling Services, Dean of Students, and Victim Advocacy through the Department of Public Safety.

If a student does not want to make a police report, they may contact the Title IX Coordinator on campus to seek student support services and engage in the administrative investigative and adjudicative process . An employee not wishing to file a police report may contact either the Title IX Coordinator or the Director of Employee Relations for administrative relief and action. Listed below are some important phone numbers:

Resources	Phone Number	Address
University Police	**911** or (864) 503-7777	219 N. Campus Blvd.
Victim Advocate	(864) 503-5309	219 N. Campus Blvd.
Dean of Students	(864) 503-5107	Campus Life Center 180 Gramling Dr. Room 220
Counseling Services	(864) 503-5195	Rampey Building 490 Hodge Dr.
Title IX Coordinator	(864) 503-7193	Library Bldg. 150 Gramling Dr. Room 117B
Health Services	(864) 503-5191	995 University Way and 490 Hodge Dr. (Rampey Bldg.)

Jurisdictional Definitions of Dating Violence, Domestic Violence/Abuse, Stalking, Sexual Assault, Rape, Fondling, Incest, Statutory Rape, Consent

The University of South Carolina Upstate prohibits the crimes of dating violence, domestic violence, stalking and sexual assault.

Dating Violence Dating Violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For purposes of this definition:

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

For the purposes of complying with the requirements of this section and &668.41, any incident meeting this definition is considered a crime for purposes of the Clery Act reporting.

Domestic Violence/Abuse SC Code of Laws - 16-25-10 and 16-25-20 - Domestic Violence involves someone causing harm or injury to a household member or threatening or attempting to cause harm or injury to a household member while being apparently able to carry out the threat or attempted harm. The state also makes it a crime to violate a domestic violence protection order or to trespass on the grounds of a domestic violence shelter. Household members include spouses, former spouses, people who have children together, and people of a different sex who live together or have lived together.

Stalking SC Code of Laws 16-3-1700 - A course of conduct directed at a specific person that would cause a reasonable person under similar circumstances or with similar identities to fear for their own safety or the safety of others or suffer substantial emotional distress. Course of conduct means two or more instances, including but not limited to; unwelcome acts in which an individual directly, 5 indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Stalking includes the concept of cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used.
A pattern of words or conduct that causes fear of death, assault, bodily injury, criminal sexual contact, kidnapping, or property damage to victim or victim's family member. Aggravated stalking is stalking accompanied by an act of violence.

Sexual Assault - **SC Code of Laws 16-3-652** Forced sexual assault is defined as an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program and included in Appendix A of 34 CFR Part 668**.** Per the National Incident-Based Reporting System User Manual from the UCR Program a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent." It occurs when there is unwilling or nonconsensual penetration of any bodily opening with any object or body part that is committed either by force, threat, intimidation, or through exploitation of another's mental or physical condition of which the assailant was or should have been aware. Providing or making available to a victim, and/or using any substance (e.g., alcohol, GHB, Rohypnol, etc.) will be considered an aggravated assault by statute as well as by the Administrative Hearing Officer, or Honor Council when determining responsibility and appropriate sanction.

Use of these substances by an alleged assailant may constitute violation of other University policies, and the student may be charged with these violations as well (e.g., Drugs, Harm to Persons, Disorderly Conduct, Disruptive Activity, Alcohol, etc.). The use of alcohol and other drugs by either party, in conjunction with an incident of sexual assault, does not mitigate accountability for the commission of this offense or diminish the seriousness of the offense.

- **Rape (Criminal Sexual Conduct) SC Code of Laws 16-3-652 -** A person is guilty of criminal sexual conduct in the first degree if the actor engages in sexual battery with the victim and if any one or more of the following circumstances are proven:

  (a) The actor uses aggravated force to accomplish sexual battery.
  (b) The victim submits to sexual battery by the actor under circumstances where the victim is also the victim of forcible confinement, kidnapping, trafficking in persons, robbery, extortion, burglary, housebreaking, or any other similar offense or act.
  (c) The actor causes the victim, without the victim's consent, to become mentally incapacitated or physically helpless by administering, distributing, dispensing, delivering, or causing to be administered, distributed, dispensed, or delivered a controlled substance, a controlled substance analogue, or any intoxicating substance.

- **Fondling** is defined as the touching of private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

- **Incest** is defined as sexual intercourse between two persons who are related to each other within the degrees wherein marriage is prohibited by law.

- **Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.

- **Stalking** is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

    - Fear for the person's safety or the safety of others; or
    - Suffer substantial emotional distress.

It is a pattern of conduct that is intended to cause or does cause a person to fear: (1) Death or death of others important to that person; (2) Assault or assault of others important to that person; (3) Bodily injury or bodily injury of others important to that person; (4) Sexual assault or sexual assault of others important to that person; (5) Involuntary restraint or involuntary restraint of others important to that person; (6) Damage to property or damage to property of others important to that person; (7) Confinement or confinement of others important to that person; (8) Threats of harassment via electronic devices (e.g. e-mail, phone, fax). The relationship between the perpetrator and the victim may be a current or former partner or spouse, dating relationship, acquaintance, or stranger.

Consent is defined as follows:

Consent is the clear, knowing, and voluntary, agreement to participate in mutually agreed-upon acts. Consent can be given by words and/or actions, as long as those words and/or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) the sexual activity. It is the responsibility of each party to determine that the other(s) has consented before engaging in the sexual activity.

Additional elements of consent include:

A. Consent cannot be obtained through force, where there is a reasonable belief of the threat of force, or by taking advantage of another person's incapacitation (See Appendix 3: Incapacitation). In evaluating whether consent has been freely sought and given, the university will consider the presence of any force, threat of force, or coercion; whether the Complainant had the capacity to give consent; and, whether the communication (through words and/or actions) between the parties would be interpreted by a reasonable person (under similar circumstances and with similar identities) as a willingness to engage in a particular sexual act.

1. Force is the use or threat of physical violence or intimidation to overcome a person's freedom of will choose whether or not to participate in sexual activity.

2. Coercion is unreasonable pressure for sexual activity. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

a. Consent to one form of sexual activity does not imply or constitute consent to another form of sexual activity. Consent on a prior occasion does not constitute consent on a subsequent occasion.

b. Consent to an act with one person does not constitute consent to an act with any other person.

c. The existence of a prior or current relationship does not, in itself, constitute consent, even in the context of a relationship, there must be real time and mutual consent to sexual activity.

d. Consent can be withdrawn or modified at any time, and sexual contact must cease immediately once consent is withdrawn and clearly communicated.

e. Consent cannot be inferred from the absence of a "no."

f. Consent cannot be inferred from silence, passivity, or lack of verbal or physical resistance. Consent may not be given by an individual who has not reached the legal age of consent under applicable law.

Primary Prevention Programs- These are defined as programs that new students and new employees must be offered that promote awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking

- **Bystander Intervention -** is part of being a member of the USC Upstate community. It involves engaging in a negative situation to help stop it. Such situations may include sexual violence, potential sexual violence, or speaking out against statements, attitudes or behaviors that may perpetuate a culture endorsing violence. **Awareness**. A key first step is to heighten awareness, so individuals and groups are better able to identify instances of sexual violence.
- **Sense of Responsibility**. A sense of responsibility gives the bystander motivation to step in and take action. Bystanders are much more likely to help friends than strangers and are more likely to help strangers if they see them as part of a group they identify with (like supporting the same sports team).
- **Perceptions of Norms**. Perceptions of peer norms about helping (whether you think your friends are likely to help), and perceptions of authorities' (like professors') attitudes are related to bystander attitudes. People often mistakenly think others are less supportive of doing something to address sexual violence than they are. Studies show links between perceptions of helping, trust, and commitment among community members; trust in campus authorities, and their willingness to take action as a bystander.
- **Weighing Pros and Cons**. People weigh the costs and benefits of getting involved in a risky situation. These include threats to their own safety, negative consequences for their relationships with others, and the potential to change outcomes of a risky situation or help a victim.
- **Confidence**. People who feel more confident in their ability to help are more likely to act. Consistent research finding is that prevention programs, particularly in-person educational and skill workshops, increase individuals' sense they can take effective action.

- **Building Skills.** People need to know what to do and how to do it. Population survey data shows that many people are at a loss for specific ways to help. Survivors tell us that friends and family do not always do things that are useful or supportive, and these negative or unhelpful responses make coping with and recovering from abuse much harder. Bystander intervention training can give motivated community members skills to intervene in ways that protect their own safety and are truly supportive to victims.

- **Context**. Bystanders also need safety nets for themselves – resources they can call upon and community policies that support intervention. At USC Upstate these resources include University Police, Counseling Services, the Title IX Coordinator and Dean of Students.

On-Going Prevention and Awareness Campaigns/Programs to Prevent Dating Violence, Domestic Violence, Sexual Assault and Stalking

Definition: On-Going Awareness Campaigns and Programs: Programs that continue from year to year and are intended to educate the campus community about violence against women crimes, how to prevent, report and intervene as a bystander. Prevention campaigns are systemic, aggressive events and activities that provide on-going educational information and prevention strategies.

Risk Reduction

Definition: Risk reduction is the ways and means of reducing or eliminating violence against women in all forms; sexual assault, domestic violence, dating violence and stalking. Information on risk reduction is available through the University Police Department, Dean of Students Office, Student Affairs Office, Title IX Coordinator and Human Resources. Risk reduction strategies include attendance at Active Shooter training sessions, mitigation of workplace violence, participation in Rape Aggression Defense classes (R.A.D.), attendance at Personal Protection crime prevention classes, on-line training, University 101 classes, periodic and on-going training offered in Housing and Residence Life regarding safety and security, and educational videos which are offered from time to time.

Investigation of Reports

All concerns will be taken seriously and directed to either the University Police Department, Title IX Coordinator, or both, which will then inform the alleged respondent about the University's policy regarding such behavior and advise the respondent that retaliation is prohibited.

The University's Title IX Coordinator will be notified of all Title IX/VAWA related claims. In those cases, the Title IX Coordinator will determine to whom to assign the responsibility to investigate. The investigation will typically involve interviewing the individual who believes they have been the victim of sexual assault, dating violence, domestic violence, stalking or harassment; interviewing the individual who has been accused; and interviewing any witnesses or those who are believed to have relevant information about the claim. The individual being accused generally has the right to know who has made the allegation against them. The supervisor of an employee making a claim and the supervisor of an employee being named in a complaint may be notified of the complaint, if appropriate.

CASE REVIEW PROCESS

All reports involving Title IX/VAWA will be reviewed by the Title IX Coordinator to determine appropriate jurisdiction and applicable policies/procedures. When the University receives a report of prohibited conduct, the University will offer supportive measures to the reporting party and explain the availability of supportive measures with or without filing a Title IX Complaint. After an initial assessment of the report is completed, the Title IX Coordinator will reach out to the reporting party and provide the resolution options available at the University, including investigative, informal, or other resolution processes as detailed in the Policy Against Discrimination, Harassment & Sexual Misconduct.

To initiate an investigative or informal resolution process, the reporting party must sign a Title IX Complaint. The Title IX Coordinator also has the discretion to sign a Title IX Complaint.

If a Title IX Complaint is signed and filed with the University, and an investigative resolution is requested, the Title IX Coordinator will designate investigators to investigate that is prompt, thorough, reliable, equitable, fair, and impartial.

During the course of the investigation, the individual conducting the investigation may consult with or notify the Chancellor, Provost, Vice-Chancellor of Student Life, Dean of Students, Director of Human Resources, Director of Employee Relations, Director of Public Safety, or legal counsel.

Confidentiality will be maintained throughout the investigation to the extent practical and consistent with the University's need to undertake a full and impartial investigation. Only those with a need-to-know will be involved in the investigation.

Employees questioned by the University during the course of an investigation are required to provide their full cooperation. In turn, it is expectation of the University that all those involved in an investigation, including the individual making the report, the individual who has been accused, and any witnesses will be treated with dignity and respect during the investigation.

Parties are entitled to have an Advisor of their choice present during any and all meetings pertaining to a report of prohibited conduct under the Policy Against Discrimination, Harassment & Sexual Misconduct. The role of an Advisor is to support the complainant/respondent and assist parties with navigating the resolution process. The University is required to have a live hearing as part of its investigative resolution process in certain cases involving sexual misconduct. In the hearing, the Decision-maker(s) will have the opportunity to question investigators, parties, and witnesses. The Decision-maker(s) must permit each party's Advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility.

The University will normally conclude its investigation within 90 days or less. In rare cases where the matter presents particular complexities or the unavailability of witnesses, the time period may be extended. All investigations will offer an equal opportunity for the reporting party and the respondent to present relevant witnesses and other evidence. At the conclusion of the investigation and/or live hearing, the decisional authority will determine whether a violation of policy occurred using a "preponderance of evidence" standard. This means that, based on the totality of the evidence, the allegation more likely than not occurred (not a "clear and convincing evidence" standard).

If criminal conduct has been alleged, the reporting party may elect to file a complaint with the University Police Department, or if the incident(s) occurred off-campus, with the appropriate authority of jurisdiction. Both a Title IX investigation and a criminal investigation may occur concurrently.

In investigations that implicate rights protected by Title IX, the individual making the report, as well as the alleged offender (respondent), will be apprised of the outcome of the investigation in writing, including any sanctions imposed, a rationale for the final determination and any sanctions, and the University's procedures for the parties to appeal the final determination. All appeals are conducted by written exchange of documents. There is only one level of appeal, and the appeal decision is final.

If a violation has been found to have occurred, immediate and appropriate action will be taken to stop the inappropriate behavior, eliminate any hostile environment created, prevent its recurrence, and remedy the effects.

Where a respondent has been found responsible, the University will take appropriate actions, which may include disciplinary and corrective actions designed to prevent future occurrences. Sanctions may be issued individually, or a combination of sanctions may be imposed. The determination of sanctions is based upon a number of factors, including: the nature, severity of, and circumstances surrounding the violation; the harm suffered by the complainant or the campus community posed by the respondent; the impact of the violation on the community, its members, or its property; any previous disciplinary history; previous complaints or allegations involving similar conduct; failure of the respondent to comply fully with previous sanctions; whether respondent has accepted responsibility for the conduct; impairment resulting from the voluntary use of alcohol or drugs; and any aggravating circumstances. Disciplinary measures for employees of the University may include a verbal warning, written warning, suspension without pay, or possible termination of employment. Disciplinary actions for students may include official reprimand/warning, practical penalty, definite probation, indefinite probation, and expulsion.

In appropriate cases, the University may determine that the misconduct was motivated by bias, as far as a complainant was selected on the basis of their race, color, ethnicity, national origin, religion, sex, sexual orientation, gender expression, gender identity, are, veteran's status, marital/family status, genetic information, or disability.
Where the University determines the misconduct was motivated by bias, the University may elect to increase the sanction imposed as a result of the motivation.

Notice of Outcome and Sanction

In investigations that implicate rights protected by Title IX, the individual making the complaint, as well as the alleged offender, will be apprised of the outcome of the investigation and/or live hearing in writing. Sanctions for violations are issued by the appropriate decisional authority. USC Upstate will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such a crime or offense. If the alleged victim is deceased as a result of such a crime or offense, the next kin of said victim shall be treated as the alleged victim for purposes of this paragraph.

Employee Disciplinary Proceedings Utilized in Cases of Alleged Domestic Violence, Dating Violence, Sexual Assault and Stalking

General Standards of Conduct

USC Upstate is committed to operating with integrity and in compliance with all applicable federal, state, and local laws, regulations, and policies. Additionally, all employees are expected to conduct themselves honestly and with a high degree of personal integrity. The mutual respect and collegiality that is gained because of adherence to these exacting standards encourages a positive and productive work environment. This not only involves sincere respect for the rights of others but also requires that employees refrain from behavior in both their personal and professional lives, which might be harmful to themselves or their coworkers and/or University. To maintain the integrity of USC Upstate and to protect the rights of its employees, students, and the University itself, employees are expected to conduct themselves honestly, professionally, and ethically at all times.

Additionally, to make the University a safe and pleasant place to work, every employee is expected to observe certain standards of conduct. Certain conduct is of such a serious nature that immediate dismissal may be warranted without prior warning or discipline. Examples of such conduct are as follows: gross insubordination; dishonesty, stealing property belonging to the University, its suppliers, students, or other employees; private financial relations with customers or suppliers, students or other employees; deliberate damage to University property, fighting; falsifying, or causing to be falsified information on an employment application, time card, or other University documents; unlawful possession, use, or distribution of alcohol, intoxication; the illegal use, sale, manufacture, possession or distribution of drugs or narcotics; sexual misconduct, other inappropriate sexual conduct, illegal harassment, and/or discrimination; the possession or use of firearms or other weapons on University property or the use or threat of violence.

The specific conduct described in this section does not include all the possible grounds for discipline or discharge. These descriptions are intended as illustrations of the types of conduct that must be avoided for the good of our employees, students, visitors, and University.

Because these rules are essential to our most important function – effective service to our students – as well as to the efficient operation of our business, the provisions of this section will be promptly and fairly enforced. We appreciate the cooperation of every employee in the careful observance of these standards of conduct.

Employee and Student Sexual Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, Stalking and Sexually Inappropriate Behavior

All members of USC Upstate have the right to work and study in an environment free of discrimination, including freedom from sexual harassment, sexual misconduct, dating violence, domestic violence, staking and other sexually inappropriate behavior. The intent of this policy is to foster responsible behavior in a working and academic environment free from discrimination and harassment. To this end, USC Upstate will not tolerate and by policy forbids the sexual harassment of employees and students including sexual assault, sexual misconduct, dating violence, domestic violence, stalking and any and all sexually inappropriate behavior.

Sexual harassment, sexual misconduct, dating violence, domestic violence, stalking and other sexually inappropriate behavior is defined by this policy is prohibited when it involves any member of the campus community:

- Towards a faculty member or employee by a faculty member or employee

- Towards a student by a faculty or staff member
- Towards a faculty or staff member by a student
- Towards a student by a student
- Towards a faculty or staff member or student by a visitor or guest of the University

All members of the faculty, administration and staff who have information regarding, are witness to, or become aware by any means of any form of sexual harassment, sexual misconduct, inappropriate sexual behavior, dating violence, domestic violence, stalking, and/or criminal activity, are required to report the incident as outlined in these policies.

Other Forms of Harassment/Discrimination

Employees are expected to maintain the highest degree of professional behavior. All harassment or discrimination by employees is strictly prohibited. Further, harassing or discriminatory behavior of non-employees directed at university employees or students is likewise prohibited.

Discrimination occurs when race, color, national or ethnic origin, sex, sexual orientation, gender identity or expression, marital status, disability, religion, veteran status, age, or any protected status is used as inappropriate or irrelevant criteria for action. Discrimination is particularly condemned when it exploits and jeopardizes the trust that should exist among members of an educational institution. To preserve a work and study atmosphere that fosters such trust, the University affirms the principle that students, faculty and staff must be treated equitably and evaluated based on merit rather than irrelevant criteria. When a person intentionally or inadvertently abuses the power and authority inherent in their position, there can be negative consequences both to the individuals involved, as well as to the educational and working environment of the college.

Discrimination also includes harassment. Harassment may be based on a person's race, color, national or ethnic origin, sex, sexual orientation, gender identity or expression, marital status, disability, religion, veteran status, are or any protected status. It includes a wide range of abusive and humiliating verbal or physical behaviors that are directed against a particular person or persons. In some cases, the conduct may be such that it is clear that it is directed against a particular person or group, even though the person/group may not be specifically identified.

Examples of unacceptable behavior include, but are not limited to, the following:

- Physical, emotional, or mental abuse
- Racial, religious, ethnic, gender based or sexual insults
- Derogatory ethnic, religious, or sexual jokes or slurs
- Unwelcome sexual comments or advances
- Taunting intended to provoke another
- Requests for sexual favors used as a condition of employment or affecting any personnel decisions such as hiring, promotion, or compensation
- Unwanted physical contact such as pinching, grabbing, rubbing, etc.; stalking, bullying, cyber-bullying, etc.

All members of the faculty, administration and support staff who have information regarding, are witness to, or become aware of by any means any form of harassment or discrimination are required to report the incident.

Reporting of Prohibited Conduct, Harassment, and Discrimination Violations

A member of the campus community who reports sexual harassment, sexual violence, intimate partner violence, or stalking whether the complainant or witness, can be assured all reports will be taken seriously, and that everyone will be

treated with dignity, respect, and in a non-judgmental manner from the initial report to the final outcome. Similarly, a respondent can expect to be treated fairly and respectfully from the initial report to final result.

Any employee or faculty member who believes he or she has been the subject of any form of prohibited conduct, harassment, or discrimination in any form should bring the matter to the Director of Human Resources or Provost.

All members of the faculty, staff, and administration are required to report incidents of prohibited conduct, harassment, and or discrimination, including sexual harassment and gender discrimination, sexual misconduct, relationship violence, and sexually inappropriate, they observe, that they are informed about, or, of which they become aware by any means to the Director of Human Resources or Provost.

Faculty Members

Violations of the code of conduct for faculty members including the Violence against Women Act (VAWA) are reported to the provost via the employee's immediate supervisor and the Title IX Coordinator. In the case of the professional schools, this includes the Dean of the respective college in which the code of conduct violation was alleged to have occurred. For all other academic units, code of conduct violations including Violence against Women Act are reported through the Department Chair and the Title IX Coordinator. In assessing the responsibility of a faculty member concerning the allegation, a "preponderance of evidence" standard will be employed. University employees who are determined to have violated applicable University policies regarding relationship violence, domestic and dating violence, stalking and harassment may be subjected to sanctions ranging from a written warning or reprimand, to suspension, expulsion, or termination, depending on the facts and circumstances of the particular case and legal prosecution.

In assessing the responsibility of a faculty member concerning the allegation, a "preponderance of evidence" standard will be employed. Listed below are the sanctions for these offenses:

- Sexual harassment — 1st Offense - Counseling, oral warning, written reprimand, suspension to dismissal
  2nd Offense - Written reprimand to suspension to dismissal
  3rd Offense - Dismissal
- Stalking — 1st Offense - Written reprimand to suspension to dismissal
  2nd Offense - Dismissal
- Dating Violence — 1st Offense - Written reprimand to suspension to dismissal
  2nd Offense - Dismissal
- Domestic Violence — 1st Offense - Written reprimand to suspension to dismissal
  2nd Offense - Dismissal
- Sexual Assault — 1st Offense - Dismissal

Staff Members

Violations of the code of conduct for staff members including the Violence against Women Act (VAWA) are reported to the employee's immediate supervisor and the Title IX Coordinator. In assessing the responsibility of a staff member concerning the allegation, a "preponderance of evidence" standard will be employed.

University employees who are determined to have violated applicable University policies regarding relationship violence, domestic and dating violence, stalking and harassment may be subjected to sanctions ranging from a written warning or reprimand, to suspension, expulsion, or termination, depending on the facts and circumstances of the particular case and legal prosecution.

Any classified or unclassified non-academic employee may be counseled, warned, reprimanded, suspended, or dismissed whenever such action is considered necessary by the authorized supervisor, department chair, or higher-level administrative official within the employee's line of supervision.

Any disciplinary or performance-based action that is grieved through University Grievance Policy HR 1.42 or through the state Employee Grievance Procedures, must be reviewed by the USC Vice-Chancellor for Human Resources or the Vice-President's designee prior to the action being taken unless the seriousness of the violation or deficiency calls for immediate action. In all cases of immediate action, consultation with USC's Division of Human Resources must take place as soon as practicable.

- Sexual harassment — 1st Offense – Counseling, oral warning, written reprimand, suspension to dismissal
  2nd Offense - Written reprimand to suspension to dismissal
  3rd Offense – Dismissal
- Stalking — 1st Offense –Written reprimand to suspension to dismissal
  2nd Offense –Dismissal
- Dating Violence — 1st Offense –Written reprimand to suspension to dismissal
  2nd Offense - Dismissal
- Domestic Violence — 1st Offense –Written reprimand to suspension to dismissal
  2nd Offense - Dismissal
- Sexual Assault — 1st Offense –Dismissal

University employees who feel they have been discriminated against by reason of race, color, sex, age, religion, national origin, disability, veteran status, or sexual orientation may voice their complaint to their immediate supervisor or department head. Complaints that cannot be resolved satisfactorily within the department should be reported promptly to the Human Resources Director at USC Upstate or USC. The complaint procedure is described in the USC System Affirmative Action Policy, USC Policies and Procedures Manual.

Non-discriminatory grievances relative to the employment process or conditions of work, e.g., dismissals, suspension, or demotions, may be brought to the attention of the USC Vie-President for Human Resources, if they have been unresolved at the departmental level. There is a time limit of fourteen calendar days in which an employee may file a formal, written grievance. The fourteen-day period begins with the effective date of the action which the employee is grieving.

For further information on this grievance procedure refer to the University's Grievance Policy in the USC Policies and Procedures Manual. Grievance Procedures for faculty are outlined in the Faculty Manual.

Residence Hall Room Options/Room Assignments

Room assignments are made without regard to race, color, creed, religion, sexual orientation, or disability. Housing and Residential Life uses housing application information to pair students up with similar interests and hobbies. Special considerations will be given to those who have special health needs. Students seeking accommodation related to a disability must contact the Office of Disability Services. The Housing and Residential Life office makes assignments based

off the recommendations of the Office of Disability Services assuming space permits the recommendation. Housing and Residential Life does not accept medical documentation or other verification of a disability; all documentation must go through the Office of Disability Services.

Housing contracts are for the full academic year. As such, students are expected to reside in campus housing the full year.

Room Options

First-year students will be assigned to double rooms in Magnolia House or Palmetto House. While single rooms may be available, they are first made available based on accommodation. One floor in Palmetto House is held for transfer students. Upper-class students (sophomore – senior) residing in on-campus housing will live in the Villas (apartments).

1. Guests and Visitation

USC Upstate's HRL Guest and Visitation Policy was developed in an effort to balance student privileges with academic demands, the rights of occupants not hosting a guest, and health and safety. It should be noted that visitation is a privilege, not a right. Students violating this privilege or the rights of others may be subject to the loss of some or all visitation privileges up to the loss of campus housing.

A mature attitude is necessary when exercising your freedom and responsibility regarding guests in the residential facilities. Visitation guidelines are in place to provide a measure of safety for the residential communities. Please understand that any system is only as safe as those who are using it, allow it to be. Safety is a shared responsibility. Your cooperation in escorting your guests and informing visitors and overnight guests of our visitation policies when entering facilities is expected. Failure to comply with visitation guidelines will result in disciplinary action as outlined in the Student Code of Conduct.

- **Visitation** is defined as those times during which residents may have guests in their rooms, suites, or apartments, or in the public areas of residential floors. Residents may not exercise their visitation privileges if doing so interferes with the rights of the roommate or of other residents. Housing and Residential Life staff reserve the right to deny guests based on facilities issues, length of stay, and prior behavioral history.
- **Visitors** are defined as any person or persons not permanently assigned to a student housing room or apartment in which they are visiting.
- **Overnight Guests** are defined as any person or persons not permanently assigned to a student housing room or apartment in which they are staying overnight.

Visitors and overnight guests are permitted in the halls only at the request of residents, who then become responsible for the conduct of their visitors and overnight guests. They must remain in the company of their resident host throughout their visit and must be escorted at all times. All visitors and overnight guests must abide by university and overnight guests and hall regulations applicable to the resident host. The presence of overnight guests of either gender shall not deny access or entry into the living unit, nor shall visitation cause any undue hardship on any other resident of the room, suite, or apartment.

A resident(s) of a room/ apartment may be held responsible for the behavior that takes place inside the room/apartment or in the common areas of the residence or residence hall, whether or not the residents are present. Guests cannot be provided with access to a room or an apartment by Housing and Residential Life staff.

Hours:

Treehouses (Magnolia & Palmetto Houses) hours are 8:00am to 2:00am Monday through Thursday morning. Residents may host visitors during these hours.

- Overnight guests who do not live in the same building are not permitted after 2:00am or before 8:00am, Sunday through Thursday morning. This also applies to residence hall student family members.
- Overnight guests are permitted within individual residence hall rooms throughout the night, Thursday through Saturday if both roommates agree and the roommate/suite agreement allows for overnight guests.
- All overnight guests or visitors after 11 pm that are not currently an USC Upstate student, must be registered with Housing and Residential Life via the posted guest/visitor registration process.

Villas (apartments)

- The Villas visitation in the apartments is 24 hours/7 days a week providing the roommate/suite agreement allows overnight guests.

There will be no overnight guests over break periods (Fall Break, Thanksgiving, Winter Break, Spring Break) or during restricted timeframes (Finals Week each semester).

Removal of Visitors or Overnight Guests:

If, for any reason, including but not limited to noise complaints, possession of alcohol or other prohibited substances/materials/items, or noncompliance with university rules of any kind, visitors/ overnight guests may be asked to leave by university staff at any time.

Underage Guests:

Visitors who are under legal age (18) must be escorted by a legal guardian or parent. Overnight guests must be of legal age (18) or older unless special permission is provided by HRL. Babysitting is prohibited in the residence halls.

Cohabitation:

A non-assigned person may not live/stay in a residence hall space for more than 48 hours in a seven-day period, regardless of the approval of the assigned resident(s).

Maximum Occupancy:

Each suite or Villa Apartment can host a maximum of 10 people including the residents, and residents should communicate and plan accordingly with their room/suitemates.

2. **Emergency Situations**

Residents, visitors, and overnight guests should follow the direction of university staff including RAs, uniformed officers, and other emergency personnel during emergencies such as fire, severe weather, or an incidence of violence, or failure to follow posted emergency procedures or evacuation for fire alarms.

Training of Residence Hall Staff

The Director of Public Safety and Fire Safety Officer provide annual security and life safety training. This training minimally includes the introduction of officers, description of services offered, instruction on fire safety hazards, fire extinguisher training, building evacuation, instruction on the emergency operations plan and SpartAlert, the University's emergency notification system, Clery Act, Residential Advisors (R.A.'s) as Campus Security Authorities (CSA), Title IX awareness training, and general information on requesting emergency assistance from University Police.

In addition, Residential Professional Staff provide the following training to Resident Assistants on a yearly basis:

- **RA Training** – July 28-Aug 11: Mandatory, yearly. Includes such training as room searches, emergency protocols, and fire extinguisher usage.
- **Behind Closed Doors** - Acting out scenarios Resident Advisers may experience while on duty including alcohol related and drug related situations- This was not held in 2020 due to COVID social distancing.
- **Crisis Response** - Resident Advisers are trained in how to respond to various situations including alcohol and drug related incidents.
- **Safety Week** - September 13th-17th: Voluntary, Yearly - A week focused on safety including alcohol and drug related education. This is a collaborative event with University Police, Health Services, Counseling Services, and the Dean of Students Office.
- **Homecoming Email** - Prior to homecoming in January/February: Yearly - An email goes out to all residents prior to Homecoming about general safety, visitation, and alcohol and drug policy reminders

Weapons Policy

USC Upstate Police Officers are armed and carry batons, pepper spray and handcuffs. Select officers are also Taser certified and carry Tasers. South Carolina state law prohibits the possession or use of firearms on campus. However, persons possessing a current, valid Concealed Weapons Permit (CWP) are by law authorized to keep a weapon in their vehicle while on campus. However, the vehicle must be locked while unattended, and the firearm must be kept in a locked trunk, console, or glove box while on campus.

Community Complaints/Feedback

The USC Upstate Department of Public Safety encourages members of our campus community to bring forward legitimate grievances regarding misconduct by employees. Any member of the Department will receive complaints courteously and handled professionally. All complaints will be investigated by the Chief of Police or his/her designee. Additionally, the Department occasionally conducts community surveys to receive feedback regarding its operations and services.

The Director of Public Safety uses this feedback as part of the Department's strategic planning process. Students are an integral part of the Department's operations.

Emergency Medical Response Procedures

Students, faculty, staff, and guests should report any emergency medical situation to the Department of Public Safety immediately at (864) 503-7777 or to the Spartanburg County Communications Center at **911**. All Patrol Officers are certified emergency first responders trained in First Aid, CPR and AED.

Annual Fire Safety Report
University of South Carolina Upstate
(Includes calendar years (CYs) 2023, 2024, 2025)

Annual Fire Safety Report

HEA Section 668.41 Reporting Requirements

The Institutional Fire Safety Act is a federal law applicable to all Title IV colleges and universities. Each eligible institution participating in any program under this title that maintains on-campus student housing facilities shall, on an annual basis, publish a fire safety report which contains, at a minimum, fire safety information with respect to campus fire safety practices and standards of the institution. This report shall be made available to students, prospective students, employees, and prospective employees. Specifically, this report shall include:

(1.) Fire Statistics: Institutions must report statistics for each on-campus housing facility for the three most recent calendar years for which data is available, concerning:

- The number of fires and cause of each fire.
- The number of injuries related to a fire resulted in treatment at a medical facility, including an on-campus health center.
- The number of deaths related to a fire.
- The value of property damage caused by the fire.

(2.) A description of each on-campus student housing facility fire safety and sprinkler system, including the type, age, design, area covered, activation sensitivity, and other pertinent information.
(3.) The number of regular mandatory supervised fire drills.
(4.) The policies or rules on portable electrical appliances, smoking, and open flames (such as candles) in a student housing facility.
(5.) The procedures for evacuation in the case of a fire.
(6.) A list of the titles of each person or organization to which students and employees should report a fire.
(7.) The policies regarding fire safety education and training programs provided to students, faculty, and staff.
(8.) Plans for future improvements in fire safety, if applicable.

USC Upstate is required to submit a copy of this report to the Secretary of Health and Education annually. Additionally, USC Upstate maintains a fire log of any fire that occurs in an on-campus student housing facility. The log includes the nature, time, date, and general location of each fire.

2023-2025 Fire Statistics
University of South Carolina Upstate

Villas	2023	2024	2025
Number of Fires	1	0	0
Cause of Fires	Lithium Battery	0	0
Number of Injuries	0	0	0
Number of Deaths	0	0	0
Value of Property Damage	300	0	0

2023-2025 Fire Statistics
University of South Carolina Upstate

Palmetto House	2023	2024	2025
Number of Fires	0	0	0
Cause of Fires	0	0	0
Number of Injuries	0	0	0
Number of Deaths	0	0	0
Value of Property Damage	0	0	0
Magnolia House	**2023**	**2024**	**2025**
Number of Fires	0	0	0
Cause of Fires	0	0	0
Number of Injuries	0	0	0
Number of Deaths	0	0	0
Value of Property Damage	0	0	0

Student Responsibilities

It is important to become familiar with your surroundings. The North Spartanburg Fire Department and University Police would like you to review the following safety tips to assist you in preparing for a fire.

Plan Ahead:

• Have a flashlight with you.
• Read the fire evacuation plan carefully. If one is not posted in your room request one from HRL.
• Count the number of doors between your room and the exits. This will assist you in case of an emergency evacuation.
• Locate the fire alarms on your floor.

Life Safety Tips:

- If the fire is in your room, get out quickly. Close the door, sound the alarm, and notify University Police.
- Always use a stairwell, never an elevator. The elevator could stop at the floor of the fire
- If the fire is not in your room, leave if it is safe to do so. Be sure to take your room key with you in case fire blocks your escape and you need to re-enter your room.
- To check the hallway for fire, touch the door with the back of your hand to assess the temperature. If the door is cool, get low to the floor, brace your shoulder against the door, and open it slowly. Be ready to close it quickly if there are flames on the other side. Crawl low in the smoke to the nearest exit; the freshest air is near the floor.
- If your room door is hot, do not open it. Instead, seal the door with wet towels or sheets. Turn off fans and air conditioners. Call the University Police to give your location.
- Signal from your window

University Housing Responsibilities

It is incumbent upon the staff of Housing and Residential Life to provide as safe of an environment as possible for the students in their stay at USC Upstate. Thus, the following tasks will be performed each year and documented by Housing and Residential Life staff and/or the Department of Public Safety.

- Fire safety education is provided for all residential students by Housing and Residential Life Staff, USC Upstate Department of Public Safety and North Spartanburg Fire Department.
- Fire extinguisher training is presented to all RAs by USC Upstate Department of Public Safety and North Spartanburg Fire Department.
- A minimum of two fire drills are conducted each semester in the Palmetto House, Magnolia House, and Villas.
- Smoke detectors are placed in each bedroom within campus student housing and common living space of each dorm room.
- Smoke detectors and fire extinguishers are inspected by Housing and Residential Life staff three times a semester.
- Fire escape routes and other important information are posted on the back of each bedroom and exit door.
- The Director of Housing and Chief of Police will reassess all procedures updating as necessary and appropriate.

Residence Hall Fire Procedures Prevention and Response (Magnolia House and Palmetto House)

In the event of a fire, sound the fire alarm immediately and exit the building via the safest route. Call **911** immediately. Provide important details including possible breaks in gas or electrical lines or other special hazards.

Evacuate the building according to the following procedures and escape plan:

- Everyone should walk out of the designated exit in a quiet orderly manner. RA's will check their respective halls and be the last individual to leave.
- Do not close windows.
- No one should enter the building when the alarm sounds.
- Students, staff, and visitors will evacuate to the Palmetto House parking lot.
- University Public Safety will designate alternate sites if the need arises. Everyone must remain out of any driveway or other hard surfaced area close to the building. University Public Safety will be designated to meet first responders with a master key. Access roads will be kept open for emergency vehicles.
- University Public Safety will have a designated individual or group of individuals to ensure that all access roads are open.
- Students and staff members will be allowed to return to the building by the head housing officer at the scene only upon recommendation of the Fire Department and University Public Safety.
- The Campus Fire Marshal will designate evacuation routes for all buildings. Each building will also have an alternate evacuation route.
- All media inquiries should be forwarded to the Assistant Vice-Chancellor of University Communications at 503-5210.

Fire Procedures Prevention and Response (Villas)

If the fire is in your room, get out quickly. Close the door, sound the alarm by yelling "FIRE," knock on other doors as you exit and notify University Public Safety. If the fire is not in your room, leave if it is safe to do so. Be sure to take your room key with you in case fire blocks your escape and you need to re-enter your room. To check for fire, touch the door with the back of your hand to assess the temperature. If the door is cool, get low to the floor, brace your shoulder against the door, and open it slowly. Be ready to close it quickly if there are flames on the other side. Crawl low in the smoke to the nearest exit; the freshest air is near the floor. If your room door is hot, do not open it. Instead, seal the door with wet towels or sheets. Turn off fans and air conditioners if possible. Call University Public Safety at **911** to give your location. Signal from your window.

Building Fire Evacuation Drills

Fire/emergency evacuation drills are conducted each semester in residence halls, and annually in academic and administrative buildings. Residence Hall Emergency Evacuation Drills are conducted twice each semester, once during daylight hours and once during nighttime hours. Drills are conducted to familiarize occupants with emergency egress from a building and to establish conduct of the drill to a matter of routine. Drills will include suitable procedures, such as potential room-to-room checks to ensure all people who are subject to the drill participate. Any person who fails to participate in a drill will be subject to disciplinary action by the appropriate authority. In the conduct of drills, emphasis shall be placed on orderly evacuation rather than speed. Participants shall relocate to a designated Emergency Evacuation Area (EEA) in the Hodge parking Lot and remain at this location until an all-clear signal is given by the Fire Marshal.

Who to Notify in The Event of a Fire

The following persons and/or organizations should be notified in the event of a fire:

- North Spartanburg Fire Department **911**
- University Public Safety x 7777 (from campus telephones)
- University Public Safety (From cell phones) 503-7777
- Campus Fire Marshall 503-5267

Misuse of Fire Prevention and Control Equipment

It is unlawful for any person to tamper with, misuse, or destroy any fire prevention and control equipment including, but not limited to, smoke detectors on the ceilings and walls of each apartment unit, fire alarm stations, evacuation notices, fire drill procedures, or fire extinguishers. Note: there is a $200.00 fine per resident in the suite/apartment for each smoke detector found tampered with or disconnected.

If the battery dies in your smoke detector, contact your RA as soon as possible. Any resident alleged to have committed an act of improper use or abuse of fire prevention and control equipment will be subject to disciplinary action up to and including loss of housing privileges and/or criminal prosecution.

Prohibited Items Include, But Are Not Limited to the Following:

- No smoking, anywhere on campus
- Weapons (including bullets)
- Multi-plug outlets
- Candles (not even for decorative purposes)
- Incense
- Darts
- Open flame items
- Lava lamps
- Halogen lamps
- Oil lamps
- Pets, except fish.

General Housing Construction Information Regarding USC Upstate Student Housing

At USC Upstate the Magnolia House (constructed 2009), Villas (constructed 1985) and Palmetto House (constructed 2003) are owned by the University. All facilities are operated by the Department of Housing and Residential Life.

The Villas are comprised of eleven single story buildings with forty-four two-bedroom apartments. The Magnolia House is a four-story structure with a basement consisting of twenty-four one-bedroom apartments and sixty-four two-bedroom apartments. The Palmetto House is also a four-story structure with a basement consisting of twenty-four one-bedroom apartments and sixty-three two-bedroom apartments.

All buildings are protected with an integrated fire sprinkler system and smoke detection system. Smoke detectors are in all bedrooms, hallways and living areas. Manual pull stations are in each hallway as required by NFPA 72A. Notification devices are in bedrooms, common living areas, and hallways.

The life safety systems are monitored for fire department response by the University of South Carolina. Emergency fire response is provided by the North Spartanburg Fire Department. The primary responding station is 2621 New Cut Road, Spartanburg, SC.

Fire Safety Improvements and Upgrades

The USC Upstate Fire Marshall reviews the fire system in each apartment building at least annually and recommends or orders upgrades, repairs or revisions as needed.

Fire Log

The USC Upstate Department of Public Safety maintains a Fire Log that records any fire occurring in on-campus housing. The log includes nature, cause, any injuries, property damage value, date, time, and location of each fire.
The fire log entry or any supplemental entry shall be made within business days of the receipt of information. The fire log is available for public viewing during normal business hours.

Testing and Inspection of Fire Life Safety Systems

Testing and inspection of all fire systems is done in accordance with the National Fire Protection Association (NFPA 71 and 72), local ordinances and University policy.

Building Fire Life Safety Devices

Building	Smoke Detectors	Fire System (Sprinklers)	Fire Extinguishers	Monitoring System	CO Detector
Magnolia House	Y	Full/Wet	Y	Y	Y
Palmetto House	Y	Full/Wet	Y	Y	Y
Villas	Y	Full/Wet	Y	Y	Bldgs. 2-6 only

Building Fire Life Safety Devices

Building	Manual Stations	Horns	Strobes	Fire Drill Per Semester
Magnolia House	Y	Y	Y	2
Palmetto House	Y	Y	Y	2
Villas	N	Y	Y	2

Glossary of Terms

- Fire-any instance of open flame or other burning in a place not intended to contain the burning, or in an uncontrolled manner.
- Fire drill- a supervised practice of a mandatory evacuation of a building.
- Fire-related injury-any instance in which a person is injured requiring medical treatment as a result of a fire, including an injury sustained from a natural or accidental cause while involved in fire control, attempting to rescue, or escaping from the dangers of a fire.
- Fire related death-any instance in which a person is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting to rescue, or escaping from the dangers of a fire, or deaths occurring within one year of injuries sustained as a result of the fire.
- Fire safety system-any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire including:
    1. Sprinkler or other fire extinguishing systems.
    2. Fire detection devices.
    3. Smoke alarms.
    4. Audible devices that alert one to the presence of a fire such as horns, bells, or strobe lights.
    5. Smoke control and reduction mechanisms.
    6. Fire doors and walls that reduce the spread of a fire.
    7. Initiating devices such as manual pull stations.

- Value of Property Damage-the estimated value of the loss of a structure and contents in terms of the cost of replacing the same.
- Replacement is like and kind and quantity, including contents damaged by the fire and related damages caused by smoke damage.

Fire Investigations/Arson

Every fire that is not known to be accidental (such as a cooking fire) is investigated by a trained arson investigator from either the North Spartanburg Fire Department or Spartanburg County Sheriff's Department. Fires determined through investigation to be willfully or maliciously set are classified as arsons for purposes of Clery reporting.

Table 1 –Crimes Reported on the Main USC Upstate Campus – No Non-Campus Buildings at the Main Campus

Type of Offense	Year	On Campus	Residential Facility	Non-Campus	Public Property	Unfounded
Murder & Non-Negligent Homicide	2023	0	0	N/A	0	0
	2024	0	0	N/A	0	0
	2025	0	0	N/A	0	0
Manslaughter by Negligence	2023	0	0	N/A	0	0
	2024	0	0	N/A	0	0
	2025	0	0	N/A	0	0
Rape	2023	3	3	N/A	0	0
	2024	2	2	N/A	0	0
	2025	1	1	N/A	0	0
Fondling	2023	0	0	N/A	0	0
	2024	0	0	N/A	0	0
	2025	0	0	N/A	0	0
Incest	2023	0	0	N/A	0	0
	2024	0	0	N/A	0	0
	2025	0	0	N/A	0	0
Statutory Rape	2023	0	0	N/A	0	0
	2024	0	0	N/A	0	0
	2025	0	0	N/A	0	0
Robbery	2023	0	0	N/A	0	0
	2024	0	0	N/A	0	0
	2025	0	0	N/A	0	0
Aggravated Assault	2023	0	0	N/A	0	0
	2024	0	0	N/A	0	0
	2025	0	0	N/A	0	0
Burglary	2023	0	0	N/A	0	0
	2024	0	0	N/A	0	0
	2025	1	0	N/A	0	0
Motor Vehicle Theft	2023	0	0	N/A	0	0
	2024	0	0	N/A	0	0
	2025	0	0	N/A	0	0
Arson	2023	0	0	N/A	0	0
	2024	0	0	N/A	0	0
	2025	0	0	N/A	0	0
Dating Violence	2023	4	2	N/A	0	0
	2024	4	3	N/A	0	0
	2025	1	0	N/A	0	0
Domestic Violence	2023	1	1	N/A	0	0
	2024	0	0	N/A	0	0
	2025	0	0	N/A	0	0
Stalking	2023	1	0	N/A	0	0
	2024	3	0	N/A	0	0
	2025	1	0	N/A	0	0

Table 1 – Arrests and Disciplinary Referrals Reported on the Main USC Upstate Campus–No Non-Campus Buildings

Other Offenses	Year	On Campus	Residential Facility	Non-Campus	Public Property	Unfounded
Arrests Only						
Liquor Law Violations	2023	0	0	N/A	0	0
	2024	1	0	N/A	0	0
	2025	0	0	N/A	0	0
Drug Law Violations	2023	1	1	N/A	3	0
	2024	0	0	N/A	0	0
	2025	0	0	N/A	0	0
Weapons Law Violations	2023	1	0	N/A	4	0
	2024	0	0	N/A	0	0
	2025	0	0	N/A	0	0
Disciplinary Referrals						
Liquor Law Violations	2023	26	25	N/A	0	0
	2024	10	9	N/A	0	0
	2025	21	21	N/A	0	0
Drug Law Violations	2023	6	6	N/A	0	0
	2024	11	11	N/A	0	0
	2025	8	8	N/A	0	0
Weapons Law Violations	2023	1	1	N/A	0	0
	2024	2	1	N/A	0	0
	2025	2	2	N/A	1	0

NOTE

On-campus property is any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and is frequently used by students, and supports institutional purposes.

Residential Facility is any student housing facility that is owned or controlled by the institution or is located on property that is owned or controlled by the institution. These numbers are also included in the On-campus totals.

Non-campus property is any property owned or controlled by a student organization that is officially recognized by the institution or any property owned or controlled by an institution that is used for educational purposes and is not within the same contiguous geographic area of the main institution.

Public property, including thoroughfares, streets, sidewalks, and parking facilities, which are within the campus, or immediately adjacent to and accessible from the campus.

Table 1 –Hate Crimes Reported on the Main USC Upstate Campus – No Non-Campus Buildings at USC Upstate Main Campus

Hate Offenses	Year	On Campus	Residential Facility	Non-Campus	Public Property	Unfounded
Murder & Non-Negligent Homicide	2023	0	0	N/A	0	0
	2024	0	0	N/A	0	0
	2025	0	0	N/A	0	0
Rape	2023	0	0	N/A	0	0
	2024	0	0	N/A	0	0
	2025	0	0	N/A	0	0
Fondling	2023	0	0	N/A	0	0
	2024	0	0	N/A	0	0
	2025	0	0	N/A	0	0
Incest	2023	0	0	N/A	0	0
	2024	0	0	N/A	0	0
	2025	0	0	N/A	0	0
Statutory Rape	2023	0	0	N/A	0	0
	2024	0	0	N/A	0	0
	2025	0	0	N/A	0	0
Robbery	2023	0	0	N/A	0	0
	2024	0	0	N/A	0	0
	2025	0	0	N/A	0	0
Aggravated Assault	2023	0	0	N/A	0	0
	2024	0	0	N/A	0	0
	2025	0	0	N/A	0	0
Burglary	2023	0	0	N/A	0	0
	2024	0	0	N/A	0	0
	2025	0	0	N/A	0	0
Motor Vehicle Theft	2023	0	0	N/A	0	0
	2024	0	0	N/A	0	0
	2025	0	0	N/A	0	0
Arson	2023	0	0	N/A	0	0
	2024	0	0	N/A	0	0
	2025	0	0	N/A	0	0
Simple Assault	2023	0	0	N/A	0	0
	2024	0	0	N/A	0	0
	2025	0	0	N/A	0	0
Larceny/Theft	2023	0	0	N/A	0	0
	2024	0	0	N/A	0	0
	2025	0	0	N/A	0	0
Intimidation	2023	0	0	N/A	0	0
	2024	0	0	N/A	0	0
	2025	0	0	N/A	0	0
Destruction/Damage/Vandalism	2023	0	0	N/A	0	0
	2024	0	0	N/A	0	0
	2025	0	0	N/A	0	0

NOTE: Hate crimes are defined as prescribed by the Hate Crimes Act 28 U.S.C. 534

Table 2 - Crime Reported USC Upstate Greenville Campus (UCG) - No Residential or Non-Campus Buildings

		Year	On Campus	Residential Facility	Non-Campus	Public Property	Unfounded
Murder & Non-Negligent Homicide		2023	0	N/A	N/A	0	0
		2024	0	N/A	N/A	0	0
		2025	0	N/A	N/A	0	0
Manslaughter by Negligence		2023	0	N/A	N/A	0	0
		2024	0	N/A	N/A	0	0
		2025	0	N/A	N/A	0	0
Rape		2023	0	N/A	N/A	0	0
		2024	0	N/A	N/A	0	0
		2025	0	N/A	N/A	0	0
Fondling		2023	0	N/A	N/A	0	0
		2024	0	N/A	N/A	0	0
		2025	0	N/A	N/A	0	0
Incest		2023	0	N/A	N/A	0	0
		2024	0	N/A	N/A	0	0
		2025	0	N/A	N/A	0	0
Statutory Rape		2023	0	N/A	N/A	0	0
		2024	0	N/A	N/A	0	0
		2025	0	N/A	N/A	0	0
Robbery		2023	0	N/A	N/A	0	0
		2024	0	N/A	N/A	0	0
		2025	0	N/A	N/A	0	0
Aggravated Assault		2023	0	N/A	N/A	0	0
		2024	0	N/A	N/A	0	0
		2025	0	N/A	N/A	0	0
Burglary		2023	0	N/A	N/A	0	0
		2024	0	N/A	N/A	0	0
		2025	0	N/A	N/A	0	0
Motor Vehicle Theft		2023	0	N/A	N/A	0	0
		2024	0	N/A	N/A	0	0
		2025	0	N/A	N/A	0	0
Arson		2023	0	N/A	N/A	0	0
		2024	0	N/A	N/A	0	0
		2025	0	N/A	N/A	0	0
Dating Violence		2023	0	N/A	N/A	0	0
		2024	0	N/A	N/A	0	0
		2025	0	N/A	N/A	0	0
Domestic Violence		2023	0	N/A	N/A	0	0
		2024	0	N/A	N/A	0	0
		2025	0	N/A	N/A	0	0
Stalking		2023	0	N/A	N/A	0	0
		2024	0	N/A	N/A	0	0
		2025	0	N/A	N/A	0	0

Table 2 - Arrests & Disciplinary Referrals USC Upstate Greenville Campus (UCG) – No Residential or Non-Campus

Other Offenses	Year	On Campus	Residential Facility	Non-Campus	Public Property	Unfounded
Arrests Only						
Liquor Law Violations	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0
Drug Law Violations	2023	0	N/A	N/A	0	0
	2043	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0
Weapons Law Violations	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0
Disciplinary Referrals						
Liquor Law Violations	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0
Drug Law Violations	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0
Weapons Law Violations	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0

Note:

On-campus property is any building or property owned or controlled by an institution within the same contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and is frequently used by students, and supports institutional purposes.

Residential Facility is any student housing facility that is owned or controlled by the institution or is located on property that is owned or controlled by the institution. These numbers are also included in the On-campus totals.

Non-campus property is any property owned or controlled by a student organization that is officially recognized by the institution or any property owned or controlled by an institution that is used for educational purposes and is not within the same contiguous geographic area of the main institution.

Public property, including thoroughfares, streets, sidewalks, and parking.

Table 2 Hate Offenses University Center Greenville – No No-Campus Buildings or Resident Halls

Hate Offenses	Year	On Campus	Residential Facility	Non-Campus	Public Property	Unfounded
Murder & Non-Negligent Homicide	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0
Rape	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0
Fondling	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0
Incest	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0
Statutory Rape	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0
Robbery	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0
Aggravated Assault	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0
Burglary	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0
Motor Vehicle Theft	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0
Arson	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0
Simple Assault	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0
Larceny/Theft	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0
Intimidation	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0
Destruction/Damage/Vandalism	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0

Table 3 - Crime Statistics – George Dean Johnson Jr. Business School No Residential or Non-Campus Bldgs.

Type of Offense	Year	On Campus	Residential Facility	Non-Campus	Public Property	Unfounded
Murder & Non-Negligent Homicide	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0
Manslaughter by Negligence	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0
Rape	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0
Fondling	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0
Incest	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0
Statutory Rape	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0
Robbery	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0
Aggravated Assault	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0
Burglary	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0
Motor Vehicle Theft	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0
Arson	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0
Dating Violence	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0
Domestic Violence	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0
Stalking	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0

Table 3 – Arrests and Disciplinary Referrals – George Dean Johnson Jr. Business School – No Residential or Non-Campus Buildings

Other Offenses	Year	On Campus	Residential Facility	Non-Campus	Public Property	Unfounded
Arrests Only						
Liquor Law Violations	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0
Drug Law Violations	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0
Weapons Law Violations	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0
Disciplinary Referrals						
Liquor Law Violations	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0
Drug Law Violations	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0
Weapons Law Violations	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0

Note:

On-campus property is any building or property owned or controlled by an institution within the same contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and is frequently used by students, and supports institutional purposes.

Residential facility is any student housing facility that is owned or controlled by the institution or is located on property that is owned or controlled by the institution. These numbers are also included in the On-campus totals.

Non-campus property is any property owned or controlled by a student organization that is officially recognized by the institution or any property owned or controlled by an institution that is used for educational purposes and is not within the same contiguous geographic area of the main institution.

Public property, including thoroughfares, streets, sidewalks, and parking.

Table 3 – Hate Crimes Reported at the George Dean Johnson Jr. College of Business and Economics – No Residential or Non-Campus Buildings

Hate Offenses	Year	On Campus	Residential Facility	Non-Campus	Public Property	Unfounded
Murder & Non-Negligent Homicide	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0
Rape	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0
Fondling	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0
Incest	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0
Statutory Rape	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0
Robbery	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0
Aggravated Assault	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0
Burglary	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0
Motor Vehicle Theft	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0
Arson	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0
Simple Assault	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0
Larceny/Theft	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0
Intimidation	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0
Destruction/Damage/Vandalism	2023	0	N/A	N/A	0	0
	2024	0	N/A	N/A	0	0
	2025	0	N/A	N/A	0	0

NOTE: Hate crimes are defined as prescribed by the Hate Crimes Act 28 U.S.C. 534

Clery-Designated Crime Definitions

USC Upstate is required to report crime statistics as defined by the Clery Act for the following crimes if the crimes are reported and occur in geographic locations as defined above.

Unfounded Crime Report – According to Uniform Crime Report (UCR) guidelines, a reported offense can be cleared as unfounded by a sworn law enforcement authority "if the investigation shows that no offense occurred nor was attempted." These cases thus remain as official crime reports and are included in the departmental statistics; however, they are explicitly labeled as "unfounded" cases within UCR reports on the various index crimes. According to UCR guidelines, the statistics on unfounded cases should include crime reports that are either: False or Baseless.

Murder/Non-Negligent Manslaughter – The killing of one human being by another.

Manslaughter by Negligence – The killing of another person through gross negligence.

The Federal definition (from VAWA) of **Sexual Assault**: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

- **Rape**: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This definition includes any gender of victim or perpetrator.
- **Fondling**: The touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest**: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape**: Non-forcible sexual intercourse with a person who is under the statutory age of consent.
- **Robbery** – The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
- **Aggravated Assault** – An unlawful attack by one person upon another for the purpose of inflicting sever or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
- **Burglary** – The unlawful entry of a structure to commit a felony or a theft.
- **Motor Vehicle Theft** – The theft or attempted theft of a vehicle.
- **Arson** – Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another.

Domestic Violence, Dating Violence, and Stalking Additions from the 2014 VAWA Negotiated Rulemaking Final Consensus Language:

The Federal definition (from VAWA) of **Domestic Violence**: a felony or misdemeanor crime of violence committed:

- By a current or former spouse or intimate partner of the victim.
- By a person with whom the victim shares a child in common.
- By a person who is cohabiting with, or has cohabited with, the victim as a spouse or intimate partner.
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

The Federal definition (from VAWA) of **Dating Violence**: the term "dating violence" means violence committed by a person:

- Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- The existence of such a relationship shall be determined based on the reporting party's statement with consideration of:
    - The length of the relationship.
    - The type of relationship.
    - The frequency of interaction between the persons involved in the relationship
- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse
- Dating violence does not include acts covered under the definition of domestic violence

The Federal definition (from VAWA) of **Stalking**: engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear of the person's safety or the safety of others; or
- Suffer substantial emotional distress

For the purposes of this definition:

- Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling

Hate Crimes – any of the above offenses, and any other crime involving bodily injury, reported to local police agencies or campus security authority that manifest evidence that the victim was intentionally selected because of the perpetrator's bias, or the perpetrator perceived the person to be in one of the protected group categories. Additionally, on August 14, 2008, the Clery Act was amended to include larceny/simple assault, intimidation, and destruction/damage/vandalism (except arson) as reportable categories of hate crimes.

These new reporting categories are only reported if motivated by bias as determined by one of the designated bias categories. The types of bias categories include race, gender, gender, gender identity, religion, sexual orientation, ethnicity, national origin, and disability.

Hate Crime Definitions

To ensure uniformity in reporting nationwide, the following definitions have been adopted for use in hate crime reporting:

Bias – a preformed negative opinion or attitude toward a group of persons based on their race, religion, disability, sexual orientation, ethnicity, national origin.

Bias Crime – a criminal offense committed against a person or property that is motivated, in whole or in part, by the offender's bias against a race, religion, disability, sexual orientation, gender, gender identity, ethnicity, national origin; also known as Hate Crime.

Note: Even if the offender was mistaken in their perception that the victim was a member of the group the offender was acting against, the offense is still a bias crime because the offender was motivated by bias against the group.

Uniform Crime Reporting (UCR)/National Incident-Based Reporting System (NIBRS)

Under the South Carolina Uniform Crime Reporting Act, USC Upstate is required to report crime statistics as defined by the Uniform Crime Reporting Program for the following crimes if the crimes are reported and occur on the property owned, controlled, leased, recognized, or operated by the college.

The Uniform Crime Reporting (UCR) program divides offenses into two groups, Part I and Part II crimes. Each month the USC Upstate Department of Public Safety (DPS) submits information on the number of Part I and Part II offenses known to DPS, and those offenses cleared by arrest or exceptional means, to the South Carolina Law Enforcement Division (SLED).

Part I Offenses are:

Criminal Homicide –

A. **Murder** and **Non-negligent manslaughter:** the willful (non-negligent) killing of one human being by another. Deaths caused by negligence, attempts to kill, assaults to kill, suicides, and accidental deaths are excluded. The program classifies justifiable homicides separately and limits the definition to:

    1. The killing of a felon by a law enforcement officer in the line of duty; or
    2. The killing of a felon, during the commission of a felony, by a private citizen.

B. **Manslaughter by negligence**: the killing of another person through gross negligence. Traffic fatalities are excluded.

Rape – Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. Statutory offenses (no force used – victim (underage of consent) are excluded.

Robbery – The taking or attempted taking of anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault – An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied using a weapon or by means likely to produce death or great bodily harm. Simple assaults are excluded.

Burglary (Breaking or Entering) – The unlawful entry or a structure to commit a felony or a theft. Attempted forcible entry is included.

Larceny – Theft (except Motor Vehicle Theft) – The unlawful taking, carrying, leading, or riding away of property from the possession of another. Examples are thefts of bicycles or automobile accessories, shoplifting, pocket-picking, or the stealing of any property or article that is not taken by force and violence or by fraud. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

Motor Vehicle Theft – The theft or attempted theft of a motor vehicle. A motor vehicle is self-propelled and runs on land surface and not on rails. Motorboats, construction equipment, airplanes, and farming equipment are specifically excluded from this category.

Arson – Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.