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HARASSMENT & SEXUAL MISCONDUCT POLICY

The following policy and procedures will be used when students are involved in reports of harassment or sexual assault:

**Note**: The University will be updating this policy frequently because of the rapidly developing progression of “best practices” in this area and ongoing changes in the regulatory environment. Students and employees are encouraged to review this section regularly in order to remain current on these important policies.

Anderson University is a Christ-centered academic community, committed to providing and maintaining a learning and working environment that is free from sexual, racial, and other forms of harassment and misconduct. Anderson University believes its students, faculty members, employees, and campus guests should be able to enjoy an environment free from sexual misconduct and from harassment based on an individual’s race, sex, age, national origin, disability, military service, or any other legally protected status.

In compliance with federal and state laws, it is the policy of Anderson University to prohibit unlawful harassment and sexual misconduct by any person and in any form. As a Christian institution of higher education, Anderson University reserves the right to take its religious tenets into consideration when making employment decisions.

No student, faculty member, supervisor, employee, or other individual shall engage in sexual misconduct, threaten, or harass any other individual or insinuate harassment toward another individual through their conduct, or through any communication of any nature. Anderson University will investigate all complaints of harassment or sexual misconduct, formal or informal, verbal or written, and take appropriate action or discipline against any person who is found to have violated this policy.

Anderson University recognizes that it may be difficult to specifically define what constitutes harassment under the law. As a result, Anderson University will not tolerate any type of inappropriate behavior that may lead to forms of illegal harassment. Inappropriate behavior includes, but is not limited to, unwanted physical contact; foul language; sexually oriented explicit pictures, cartoons, or other materials such as graffiti that may be offensive to another employee or student; ethnic jokes or racial slurs; and teasing about religious or cultural observance. Because many of the above may be considered offensive to another individual, these activities are prohibited at Anderson University.

**Statement of Compliance with Title IX**

It is the policy of Anderson University to comply with Title IX of the Education Amendments of 1972, which prohibits discrimination (including sexual harassment and sexual misconduct or violence) based on sex in the University’s educational programs and activities. Title IX also prohibits retaliation for asserting or otherwise participating in claims of sex discrimination, harassment, or misconduct.

Anderson has designated the Vice President for Diversity & Inclusion as the Title IX Administrator and has appointed several individuals to serve as Deputy Administrators who will collectively insure the University’s compliance with Title IX and who together with the Title IX Administrator and the Senior Vice President for Student Development will serve as the University’s Title IX Coordinating Committee. The University will also train faculty and/or staff to serve as Investigators for reported Title IX violations. The Title IX Administrator’s responsibilities include the development, implementation, and monitoring of meaningful efforts to comply with Title IX legislation and related
regulations. At Anderson University, the Title IX Administrator oversees monitoring of University policy, implementation of grievance procedures, including notification, investigation and disposition of complaints; distribution of educational materials and training for the campus community; conducting and/or coordinating investigations of complaints received pursuant to Title IX; and ensuring a fair and equitable process for all parties.

Title IX Deputy Administrators are appointed by the University's President to assist with the implementation of the Title IX policy and education. Investigators are also appointed by the President to conduct all investigations regarding potential Title IX violations.

In order to take appropriate corrective action, officials at Anderson University must be aware of harassment, sexual misconduct, or related retaliation. Therefore, any Anderson University student who believes that he or she has been the subject of or has witnessed any form of discrimination, harassment, sexual misconduct, or related retaliation should promptly report such behavior to the Title IX Administrator as outlined below. Any employee who believes that he or she has been the subject of any form of discrimination, harassment, sexual misconduct, or related retaliation should promptly report such behavior to the Title IX Administrator as outlined below. Any employee who believes that he or she has been the subject of any form of discrimination, harassment, sexual misconduct, or related retaliation should promptly report such behavior to the Title VII Grievance Coordinator whose contact information is provided below. Additionally, anyone in a supervisory, advisory or evaluative role (e.g. supervisors, managers, department chairs or faculty members) who experiences, witnesses or receives a written or oral report or complaint of harassment, sexual misconduct, or related retaliation shall promptly report it to the appropriate University official as outlined in the “Reporting Harassment or Sexual Misconduct” section of this policy.

**Title IX Administrator**
Dr. Beverly McAdams
Vice President for Diversity & Inclusion
Location: Student Center, 3rd Floor Room 316
Office Phone: 864-231-2126
bmcadams@andersonuniversity.edu

**Title VII Grievance Coordinator**
Martha McMinn
Director of Human Resources
Merritt Administration Building, First Floor
316 Boulevard, Anderson, SC 29621
864-231-2131
mmcminn@andersonuniversity.edu

**Sexual Harassment & Sexual Misconduct**

Anderson University is committed to encouraging and maintaining an educational, working, and living environment reflective of our Christian faith and characterized by civility and mutual respect. Sexual harassment or sexual misconduct, in any form, does not reflect the high standards and ideals of our community and will not be tolerated at Anderson University. As an institution of higher education, Anderson University has adopted this sexual harassment and sexual misconduct prevention and response policy in an effort to eliminate sexual misconduct and sexual harassment on our campus through education, training, clear policies, and serious consequences for violations of these policies. The University’s Title IX Administrator has responsibility for ensuring compliance with Anderson’s policies regarding sexual misconduct.
Sexual Harassment

Sexual harassment and gender-based harassment that create a hostile environment are forms of sex discrimination prohibited by Title IX of the Education Amendments of 1972, and may violate other federal and state laws, including Title VII of the Civil Rights Act of 1964, and South Carolina state law. Sexual harassment is unwelcome conduct of a sexual nature. Unlawful sexual harassment can include unwelcome sexual advances; requests for sexual favors; and other verbal, nonverbal, or physical conduct of a sexual nature, such as sexual assault or acts of sexual violence. Gender-based harassment may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature. Sexual harassment and gender-based harassment of a student or employee may create a hostile environment if the conduct is sufficiently serious that it interferes with or limits an individual’s ability to participate in or benefit from the University's learning or work environment.

Sexual harassment includes incidents in which the harasser either provides or denies an employment or educational benefit in exchange for sexual favors, or makes an adverse employment or educational decision on the basis of rejection of sexual advances.

Sexual harassment also occurs when the learning, working, or living environment is made hostile or abusive. An abusive or hostile environment is one that is reasonably and actually perceived by the reporting party as abusive such that it makes it difficult to pursue one's education or to perform job duties.

Sexual harassment is unwelcome conduct of a sexual nature. In other words, whether conduct is sexual harassment is subjective based on whether the conduct is unwelcome to that person. The behavior violates Title IX if it is so severe, pervasive, or persistent that it would create a hostile learning or working environment for a reasonable person. Conduct can be sexual harassment whether or not any harassment or hostile feelings were intended.

Examples of sexual harassment may include, but are not limited to, the following:

- Pressure for a dating, romantic, or intimate relationship
- Unwelcome touching, kissing, hugging, or massaging
- Pressure for or forced sexual activity
- Unnecessary references to parts of the body
- Remarks about a person's gender or sexual orientation
- Sexual innuendoes or humor
- Obscene gestures
- Sexual graffiti, pictures, or posters
- Sexually explicit profanity
- Bullying (conduct that may be physically threatening, harmful, or humiliating)
- Stalking or cyber-bullying that is based on gender or sex
- E-mail, texting (“sexting”) and Internet use that violates this policy
- Sexual misconduct (sexual violence, sexual assault, domestic violence, dating violence or stalking)

A hostile environment can exist by virtue of a combination of individual incidents that would not individually constitute sexual harassment when the incidents are sufficiently severe, pervasive or persistent to create a hostile learning or working environment. Even one serious incident may, however, constitute hostile environment harassment.
Both women and men are protected from sexual harassment under these policies, whether the harassment is perpetrated by a member of the same or the opposite sex. Sexual harassment may be committed by a male or a female toward either a male or a female.

**Sexual Misconduct**

Members of the Anderson University community, including students, staff, faculty, and guests, have the right to learn and to work in an environment free from sexual misconduct. Sexual misconduct is non-consensual sexual activity and is a violation of Title IX. Sexual misconduct **includes, but is not limited to, sexual violence, sexual assault, stalking, and dating and domestic violence.** Anderson University will not tolerate sexual misconduct of any form. Such conduct violates the values and principles of our community and disrupts the living, learning, and working environment for students, faculty, staff and guests.

Students, employees, and campus visitors are expected to comply with the University’s policies on discrimination, sexual harassment, sexual misconduct, sexual assault, and stalking whether on or off campus. Any student, employee, or campus visitor who violates these University policies on or off campus is subject to disciplinary sanctions.

**Definitions for the Policy**

*Consent* is affirmative, conscious, and voluntary agreement to engage in sexual activity. Past consent does not imply future consent. Silence or absence of resistance does not imply consent. Consent must be clearly demonstrated through mutually understandable words and/or actions. Consent can be withdrawn at any time. Consent to one form of sexual activity cannot be assumed to imply consent to any other form of sexual activity. Relying on non-verbal communications can lead to misunderstandings. Whether consent has been given will be determined contemporaneously with the activities in question.

If the victim is mentally or physically incapacitated or impaired so that the victim cannot understand the fact, nature or extent of the sexual situation, and the condition was or would be known to a reasonable person, there is no consent. This includes conditions due to alcohol or drug consumption, or being asleep or unconscious.

*Sexual assault* is any form of sexual contact directed against another person that occurs without the explicit consent of the recipient, including sexual acts committed against a person who is incapable of giving consent (e.g., due to the individual being under the influence of drugs or alcohol, or because an intellectual or other disability prevents the individual from having the capacity to give clear, unambiguous consent). Sexual assault may occur through the use of verbal, emotional, or physical force, intimidation, or coercion. Sexual assault includes sexual activities such as forced sexual intercourse, forcible sodomy, child molestation, incest, fondling, statutory rape, attempted rape, and non-consensual sexual contact. It also includes any intentional sexual touching, however slight, with any object or body part, by a man or a woman upon a man or a woman, without explicit consent of that individual. Sexual assault can be committed by students, university employees, or third parties visiting or working on the Anderson University campus.

Under South Carolina criminal law, sexual assaults may be prosecuted as Assault and Battery or under the prohibitions of the Criminal Sexual Conduct laws. Criminal Sexual Conduct in the First Degree occurs when the assailant sexually batters a victim with one or more of the following aggravating
circumstances: 1) the assailant used aggravated force to accomplish the sexual battery; 2) the victim submits to sexual battery after being a victim of forcible confinement, kidnapping, trafficking in persons, robbery, extortion, burglary, housebreaking, or other similar act; or 3) the assailant causes the victim to become mentally incapacitated or physically helpless by administering, distributing, dispensing, delivering, or causing to be such with a controlled substance or intoxicating substance. Criminal Sexual Conduct in the Second Degree occurs where the assailant uses aggravated coercion as defined as threats to use force or violence of a high and aggravated nature to overcome the victim, where the victim reasonably believes the assailant has the ability to carry out the threat, or where the assailant threatens to retaliate in the future by infliction of physical harm, kidnapping or extortion. Criminal Sexual Conduct in the Third Degree occurs when the assailant uses force or coercion to accomplish the sexual battery or aggravated force or aggravated coercion was not used to accomplish sexual battery but the assailant has reason to know the victim is mentally defective, mentally incapacitated, or physically helpless.

Non-consensual sexual contact includes any form of sexual touching, however slight, with any object or body part, by a man or a woman upon a man or a woman, without the consent of that individual. It may include, but is not limited to, sexual assault or sexual violence as described above.

Domestic Violence is defined under state criminal law as “physical harm, bodily injury, assault or the threat of physical harm” directed toward “persons who have a child in common, and persons cohabiting or formerly cohabiting.” Domestic violence may also include a pattern of abusive or violent behavior used by one partner in a domestic relationship to gain or maintain power and control over another partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

Dating Violence occurs when one person intentionally hurts or scares someone they are dating and includes physical, emotional, and sexual violence. Dating violence may include, but is not limited to:

- Physical abuse such as hitting, shoving, kicking, biting, or throwing objects.
- Emotional abuse such as yelling, name-calling, bullying, embarrassing, preventing interaction with friends, telling someone that they deserve the abuse, or providing gifts to "make up" for the abuse.
- Sexual abuse and violence such as forcing someone to engage in sexual activity or engaging in sexual activity when one of the persons is unable to consent due to use of alcohol or drugs.

Stalking is defined as a course or pattern of conduct directed at a specific person that involves repeated (two or more occasions) instances of visual or physical proximity, nonconsensual communication, or verbal, electronic, written, or implied threats, or a combination thereof, that would cause a reasonable person to fear for their well-being or safety. Stalking behaviors may include persistent patterns of leaving or sending the victim unwanted items or presents that may range from seemingly romantic to bizarre, following or lying in wait for the victim, damaging or threatening to damage the victim's property, threatening bodily injury, harm or sexual contact to the individual or his/her family, defaming the victim's character, or harassing the victim via the Internet by posting personal information or spreading rumors about the victim. South Carolina criminal law defines stalking as a “pattern of intentional, substantial and unreasonable intrusion into the private life of a targeted person that causes the person and would cause a reasonable person in their position to suffer mental distress.”
**Reporting Party/Responding Party.** For the purpose of this policy, "reporting party" will be used to refer to the alleged victim of a report of sexual harassment or sexual misconduct, regardless of whether they actually reported the incident or the report was initially made by another individual. "Responding party" will be used in this policy to refer to the individual who is accused of harassment or sexual misconduct in a report.

**Responsibility/Finding.** Title IX Investigations at Anderson University are not designed to determine the guilt or innocence of the responding party. The Title IX Investigation process will arrive at a decision, or “finding,” based on a Preponderance of the Evidence standard, meaning that the Investigation Team believes that it is more likely than not that the responding party was “responsible” for the behavior alleged in the sexual harassment or sexual misconduct report.

### Sexual Misconduct Prevention and Response Policy

Anderson University provides education on Sexual Harassment and Sexual Misconduct, including sexual assault, sexual violence, domestic violence, dating violence, and stalking to all members of the University community through mandatory training, campus programs, printed educational materials, and official campus policies. In addition, mandatory training for all new students is provided at the start of the school year to educate students about sexual harassment and sexual misconduct. All new students are required to participate in this training.

**Reporting Sexual Harassment or Sexual Misconduct**

Any member of the staff or faculty, or any campus guest, who believes he or she has been the victim of sexual misconduct or harassment based on the individual’s sex, pregnancy, race, color, religion, national origin, age, disability, veteran, or any other legally protected status by a student, faculty member, member of the staff, or campus visitor, or who has knowledge of or has observed such behavior, should immediately report the alleged acts to an appropriate individual who, depending on the circumstances, may be the individual’s supervisor, the chief administrator in his/her division, the Director of Human Resources, the Title IX Administrator or one of the designated Deputy Administrators.

If any member of the Anderson University community believes that he or she has been subjected to sexual misconduct, discriminated against, or harassed by the person to whom he or she would normally report the incident, then the report should be made to one of the other officials listed below.

Any student who believes that he or she has been the victim of sexual misconduct or harassment based on the individual’s sex, pregnancy, race, color, religion, national origin, age, disability, veteran, or any other legally protected status by another student, faculty member, member of the staff, guest, or any other University personnel, or who has knowledge of or has observed such behavior, should immediately report the alleged acts to an appropriate individual who, depending on the circumstances, may be a faculty member, their residence director, a student development dean or staff member, the Title IX Administrator, or one of the Deputy Administrators. A report can also be made to any one of the other officials listed below:

**Title IX Administrator**  
Dr. Beverly McAdams  
Vice President for Diversity & Inclusion  
Location: Student Center, 3rd Floor Room 316  
Office Phone: 864-231-2126  
Email: bmcadams@andersonuniversity.edu
**Title IX Deputy Administrators**

- Matthew Finley, Senior Associate Athletic Director
- Dr. Bob Hanley, Vice Provost
- Dr. Dianne King, Dean of Student Success
- Martha McMinn, Director of Human Resources
- Ann Themistocleous, Director of International Programs

A report may be made by telephone, email, regular mail, or in person. The reporting party has the right to make an anonymous report; however, it may be more difficult to prove the alleged misconduct that is the subject of the report and to take action against the responding party without the evidence and information, which the reporter may have or be able to provide. The reporting party may also submit reports to the Department of Education, Office of Civil Rights. Their contact information is:

U.S. Department of Education  
Office of Civil Rights  
400 Maryland Ave., SW  
Washington, D.C. 20202-1328  
1-800-421-3481  
Web address: ocr@ed.gov

This reporting procedure applies to all reports alleging harassment or sexual misconduct by University employees, students, or third parties.

The University will take appropriate steps to eliminate illegal discrimination, sexual harassment and sexual misconduct, prevent its recurrence, and remedy its discriminatory effects on the reporting party and others as quickly as possible. In some cases, interim measures may be taken before the investigation and disciplinary process has been completed in order to eliminate or diminish the opportunity for additional discrimination or harassment or to alleviate the effects of the conduct that is the subject of the report. Any interim sanctions will respect the rights of all involved individuals to be treated with fundamental fairness.

**Rights of the Reporting Party and the Responding Party**

The University strives to provide a prompt and fair process for investigating and resolving reports of sexual harassment, sexual assault or other sex-related misconduct. Throughout this process, both the reporting party and responding party have the following rights, many of which are described in greater detail in this policy:

- To be treated with respect and dignity.
- To receive assistance from the University in reporting the incident to law enforcement at any stage of the process.
- To receive information about the process the University will employ for conducting the investigation, hearing, finding, and requests for reconsideration.
- To receive information about support available from University or community resources.
- To privacy to the extent possible consistent with applicable law and University policy.
- To have an advisor present throughout the process.
- To choose whether or not to participate in the investigation process.
• To a prompt and thorough investigation of the allegations.
• To have a reasonable time to provide information, including any oral or written statement, to the investigator(s).
• To raise any question regarding a possible conflict of interest on the part of any person involved in the investigation or determination.
• To request a reconsideration of the decision and any sanctions made by the investigation team.
• To notification, in writing, of the case resolution, including the outcome of any request for reconsideration.

Investigating Sexual Misconduct or Sexual Harassment
In accord with the Anderson University policy concerning harassment and sexual misconduct, the University will thoroughly investigate and review the facts and circumstances of each report of harassment or sexual misconduct involving a student, faculty member, staff member or campus guest. The University may impose a sanction against the responding party that is appropriate for the act committed. In accordance with Title IX of the education amendments of 1972, Anderson University will make every effort to conduct investigations that are prompt, equitable and intended to eliminate sexual harassment and misconduct on the Anderson University campus.

Confidentiality and Reporting
The University strongly supports a reporting party’s interest in confidentiality in cases involving sexual harassment and sexual misconduct. However, there are situations in which the University must override the reporting party’s request for confidentiality in order to meet its obligations under federal law to provide an educational environment that is safe and free from sexual harassment or sexual violence. To the extent possible, information regarding alleged incidents of sexual harassment and sexual misconduct will be shared only with individuals who are responsible for handling the University’s response.

Honoring a request that the reporting party’s name not be revealed to the responding party or that the University not investigate or seek action against the responding party may limit the University’s ability to respond fully to the incident and pursue appropriate disciplinary action.

If the reporting party requests that his or her name not be disclosed to the responding party or that the Title IX Administrator not investigate or seek action against the responding party, the Title IX Administrator will need to determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all campus community members. If the Title IX Administrator determines that it can respect the reporting party’s request not to disclose his or her identity to the responding party, it will take all reasonable steps to respond to the report consistent with the request.

The Title IX Administrator will consider a range of factors when weighing the reporting party’s request for confidentiality that could interfere with a meaningful investigation or potential discipline of the responding party. If the factors indicate an increased risk of the responding party committing additional acts of sexual misconduct or other violence, the University may be unable to honor the request for confidentiality. The reporting party may withdraw a request for confidentiality at any point in the process, in which case a full investigation will be conducted to the extent possible.

The Title IX Administrator is responsible for evaluating requests for confidentiality.
Making a Private Report
A private report is one in which the individual receiving the report is not required by policy to make the report or the incident known to the Title IX Administrator. Only designated campus employees may receive a private report in harassment and sexual misconduct cases.

The following are campus or community resources that can provide counseling, advocacy, and support and may be able to accommodate private reports of sexual harassment or sexual misconduct.

- Erin Maurer, Thrive Wellness Center-Counseling Center
- Deb Taylor, Thrive Wellness Center-Health Services
- Sarah Forsythe, Thrive Wellness Center-Health Services
- Collins Wayland, Thrive Wellness Center-Health Services
- James Hanson, Campus Ministries
- Becky Walker, Campus Ministries

All other Anderson University staff and faculty members are required by University policy to report observations or actual knowledge of incidents of sexual harassment or sexual misconduct. In addition, reports made to other employees may have to be disclosed in criminal or civil court proceedings.

The reporting party may be assured of complete privacy by reporting a sexual assault only to a therapist, minister, attorney, or other person who is legally obligated to maintain patient or client confidentiality. If you choose this option, please consider asking your therapist, or counselor to make a confidential report of the assault without including facts that would reveal the reporting party’s identity. While the University will probably not be able to take any disciplinary action against the responding party, university officials will have a better picture of crime on the campus and may be able to warn the campus community about methods or patterns of incidents that have occurred on campus.

Whether or not a student or employee requests privacy, Anderson University is committed to maintaining confidentiality throughout the entire investigation process to the extent that is practical and appropriate. When a formal report is made, persons have the right and can expect to have incidents of sexual misconduct or harassment impartially investigated and properly resolved through procedures described in this policy. Confidentiality implies that only people who need to know will be informed, and that information will be shared only as necessary with investigators, witnesses, and the accused individual.

Investigation Procedure and Follow Up
Upon receipt of a report of sexual harassment or sexual misconduct, the Title IX Administrator or a Deputy Administrator will designate one or more Title IX Investigators who will conduct an adequate, reliable, and impartial investigation of all reports of sexual harassment or sexual misconduct, and all reports will be resolved promptly and fairly. After a thorough investigation, the Investigators will deliver a report and recommendation to the Title IX Administrator or Deputy Administrator. The Title IX Administrator or Deputy Administrator will normally render a finding to the reporting party and responding party within 60 days after the report was received. An investigation may occasionally take longer because of unusual circumstances or the availability of necessary parties critical to the investigation process.
Investigation of reports will be as confidential as possible to acquire the information needed and will respect the rights of both the reporting party and the responding party. Both parties will have the opportunity to present witnesses and other evidence to the Title IX Investigators. The complaint will be decided using a *preponderance of evidence* standard. A preponderance of evidence means that the responding party is more likely than not to have committed the behavior for which they have been accused and whether the reported behavior is sexual harassment or sexual misconduct as defined by Title IX regulations and the University’s policies.

In the course of the investigation, the University may seek to use voluntary informal discussions or mediation for resolving some types of sexual harassment reports. However, the reporting party has the right to end the informal process at any time, in which case a formal investigation will continue to its conclusion. In cases involving reports of sexual assault, mediation is not appropriate and will not be used. Any agreed informal resolution of a complaint should fully and effectively address safety, fairness, and other appropriate concerns of the reporting party, the responding party, and the University community.

**Advisors**
Both the reporting party and the responding party will have the same opportunities to have others present during any part of the proceedings, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The role of the advisor is limited to providing support, guidance, or advice to the reporting party throughout the investigation and disciplinary process.

During meetings and hearings, the reporting party and advisor may talk quietly with each other. Advisors do not have the right to question or cross-examine witnesses, present arguments, answer questions posed to the individual they represent, or otherwise take an active role in the investigation proceedings. Advisors cannot disclose to other persons any confidential information that is disclosed to the advisor in the course of the proceedings. The University will remove or dismiss advisors who become disruptive or who do not abide by the guidelines for advisor participation.

**Notice of Outcome**
If the responding party is found responsible for violation of the Title IX policy, the investigation team will make a recommendation regarding sanctions to a student conduct officer (if the responding party is a student) or to the Director of Human Resources (if the responding party is an employee). The student conduct officer or the Director of Human Resources will make the final determination and dispensation of sanctions and consequences in response to the finding.

Both parties will be promptly notified in writing of the outcome of the investigation process. With respect to reports of sexual harassment or sexual misconduct, the University will disclose to the reporting party information about any sanctions imposed on the responding party when the sanction directly relates to the reporting party, such as an order that the responding party stay away from the reporting party or that the responding party is transferred to other classes, suspended, or removed from a residence hall, or suspended from the University. In order to comply with the Clery Act, both parties will also be informed of all sanction information if the offense involved is a sex offense.

Individuals who are accused of sexual misconduct will be subject to disciplinary action in accordance with Anderson University’s Community Values and Expectations (see the Anderson University Student Handbook) or the Anderson University Employee Handbook (for faculty and staff members). At the discretion of the Title IX Administrator, an individual accused of sexual misconduct or
harassment may be immediately suspended or restricted from campus pending final disposition of any disciplinary proceedings. Individuals found to have committed harassment or sexual misconduct will be subject to disciplinary sanctions, up to and including suspension, expulsion, or termination (for employees) from the University.

Sanctions for Sexual Harassment or Sexual Misconduct

A responding party who is found responsible for sexual harassment or sexual misconduct following a full formal investigation under Anderson University’s Title IX policy and procedures is subject to sanctions, which will be determined by the Student Development staff (for students) or an employee’s supervisor and/or the Human Resources Office (for faculty and staff) upon recommendation from the Title IX Investigation Team and/or the Title IX Administrator.

Sanctions for students will be assigned commensurate to the specific details of the behavior in question. Sanctions may include, but are not limited to:

- **Warning**- A notice in writing to the student that the student is violating or has violated institutional regulations.
- **Probation**- A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe sanctions if the student is found to violate any institutional regulation(s) during the probationary period. Probationary status may affect participation in student organizations, intercollegiate athletics, financial aid eligibility and transfer to another institution.
- **Loss of Privileges**- Denial of specified privileges for a designated period of time. Such privileges include visitation, employment, parking, involvement in clubs, organizations, extracurricular activities, athletics, performance groups, internships (including student teaching), or other privileges appropriate to the violation.
- **Educational Assignments**- Student may be required to complete educational assignments related to the violation. Assignments may include, seminars, research, reflection papers, or online courses.
- **Parental Notification**- On occasion the student may be asked to notify his or her parent(s) or guardian of the policy violation. The parent or guardian will then be asked to verify the notification by contacting the appropriate Student Development staff member. Parental Notification is imposed only with the student’s consent unless permitted by applicable law, including the Family Educational Rights and Privacy Act.
- **Behavioral Agreement**- The student and the Office of Student Development enter into an agreement, often signed by both parties, stating the nature of the student’s violation and the steps that the student and/or the Office of Student Development will take as a result of the student’s behavior.
- **Restitution**- Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
- **Discretionary Sanctions**- Work assignments, service to the University or other related discretionary assignments (such assignments must have the prior approval of a Student Development Dean).
- **Residence Hall Suspension**- Separation of the student from the residence halls for a definite period of time, after which the student may be eligible to return. Conditions for readmission may be specified.
- **Residence Hall Expulsion**- Permanent separation of the student from the residence halls.
- **Suspension**- Separation of the student from the University for a definite period of time, after which the student may be eligible to return. Conditions for readmission may be specified.
- **Expulsion**- Permanent termination of student status. Student is not eligible to return to the University.
- **Additional Responses**- In addition to the responses delineated above, staff members in the Office of Student Development may use other sanctions when deemed necessary and appropriate. These may include, but are not limited to notification of faculty, coaches, or other staff members when appropriate, residence hall relocation, restrictions from areas of the campus, reassignment of a class or classroom, harassment or sensitivity training, or counseling or mentoring.

Sanctions for employees will be assigned by the employee’s supervisor and/or the Human Resources Office and may include, but are not limited to:

- Informal warning
- Letter of Warning in the employee’s personnel file
- Harassment or sensitivity training
- Counseling
- Relocation of work area or office
- Restrictions
- Reassignment of work duties
- Termination

**Request for Reconsideration**

Either party may make a request for reconsideration of the initial decision by providing a written request for reconsideration to the Senior Vice President for Student Development within three (3) business days after the written finding has been given. Both the reporting party and the responding party will be given notice of the request for reconsideration and an opportunity to respond. A reconsideration may be granted only for one of the following grounds:

1. There is new and significant evidence that has not yet been considered.
2. The published Harassment and Sexual Misconduct policy was not followed.
3. The sanctions imposed are not appropriate to the findings of the investigation.

The SVP for Student Development will consider the request and issue a final written decision within twenty (20) days after receiving the written request. A decision may occasionally take slightly longer because of unusual circumstances or the absence of necessary parties during school breaks.

At his/her discretion, the SVP for Student Development may convene a Request for Reconsideration panel to hear the request. A panel will consist of the SVP for Student Development, the Title IX Administrator, one Deputy Administrator who was not involved in the investigation, and one individual who has no official assignment in the Title IX investigation process. This external individual should hold an administrative role in the University at the director level or above. The panel will make a recommendation to the SVP for Student Development. The final reconsideration decision will be made by the SVP for Student Development.

Interim sanctions, including sanctions previously imposed and any additional appropriate sanctions, may be imposed or continued during the time the request is under consideration. The University shall respect and protect the rights of both parties until the request for reconsideration is resolved.
Both parties will be promptly notified in writing of the outcome of the request for reconsideration, which will be final. The responding party will be notified of any changes to the sanctions, and the reporting party will be given any notice of sanctions or changes in sanctions to which he or she is entitled, as described above.

**Right to File a Criminal Complaint**
Many forms of sexual misconduct are also prohibited by South Carolina and federal law and could result in civil liability or criminal prosecution. The university encourages students or employees to contact the Anderson City Police at 864-260-4444 (in an emergency call 911) for more information about how to report a crime and the criminal process. At the reporting party’s request, the Campus Safety Office and the Office of Student Development can assist him/her in contacting local authorities. A criminal investigation does not relieve the University of its obligation to respond under Title IX, and both criminal and University investigations may proceed simultaneously.

**Retaliation**
Any individual who is found, after appropriate investigation, to have engaged in harassment or retaliation of another individual who reports an incident of alleged harassment or sexual misconduct, or any person who testifies, assists, or participates in a proceeding, investigation, or review relating to such reports of harassment or sexual misconduct will be subject to appropriate disciplinary actions, up to and including immediate termination or suspension from the University. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment. Reports of retaliation should be made in writing or in person to the Title IX Administrator or one of the Deputy Administrators identified earlier in this policy.

**False Reports**
A reporting party, whose allegations are found to be false and brought with willful intent, will be subject to disciplinary action under the Anderson University *Community Values and Expectations* policy found in the Anderson University Student Handbook (for students) or the Anderson University Employee Handbook (for faculty and staff), which may include, but is not limited to, written warning, demotion, transfer, suspension, termination, or expulsion.

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