

2012 Annual Security and Fire Report

Annual Security Report

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Contact

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[Printable version of the 2012 Annual Security Report \(pdf format\)](#)

The following report has been prepared in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998. Compiling the report is the collaborative responsibility of representatives within the Campus Police and the Division of Student Affairs. The report provides information on services and policies that support a safe and secure environment, highlights programs that encourage members of the campus community to seek intervention and assistance for victimization, provides information on the alcohol and drug policies, outlines procedures for handling reports of sexual assault, and identifies campus representatives for reporting crimes and incidents that have impact on the college community. Numbers reported for the areas designated On Campus Property, Within Residence Halls, and Non-campus Buildings/Property reflect reports from:

- Campus Police or, through jurisdictional agreement, City of Charleston Police Department;
- Office of Victim Services;
- chief conduct officer, Dean of Students;
- staff with significant programming responsibilities within Student Life, Residence Life, Athletics, and Assistant Provost for International Education;
- designated campus security authorities listed in the report; and
- from the appropriate law enforcement jurisdiction relating to an incident occurring within a non-campus building/property not filed with Campus Police (e.g. classrooms at the College of Charleston North Campus, Patriot's Point Sports Complex, Grice Marine Laboratory, and Dixie Plantation).

Incidents reported under the Public Property heading are provided by the City of Charleston Police Department reflecting specific guidelines that require crimes to be reported that occurred on streets, sidewalks, and in parking garages inside the campus and immediately adjacent to it. Private residences, private property and private businesses scattered within the framework of the campus are not reportable areas under federal guidelines and, therefore, incidents occurring in these areas are not required information for inclusion in this report.

While counselors as well as pastoral counselors are not required to submit numbers for preparation of this report, they are encouraged to resource an individual to the Office of Victim Services (formerly C.A.R.E.) specialists for assistance. Referrals to the Office of Victim Services (OVS) are anonymously counted by and included in this report if relevant to the locations specific to this report.

Notification of the availability of this report is sent via e-mail to all enrolled students, faculty, and staff providing the web site address to access the full report directly. A [printable copy of the report \(PDF format\)](#) may be accessed directly from this website. The Annual Security Report is also available in printed form at Campus Police headquarters, 81B St. Philip Street, Charleston, SC 29424. Prospective students may access this report directly from the College's Admissions Office web page. Prospective employees may access the report directly from the Human Resources website. The report is highlighted during Orientation for new students and parents, and during orientation for new employees.

To file a complaint alleging a violation of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, contact the director of the regional office. The address is listed at <http://www2.ed.gov/about/contacts/gen/regions.html#4>. The complaint will be handled by the Case Management Team within that regional office. Nothing in the law shall be construed to permit a school to take retaliatory action against anyone with respect to the implementation of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. (Higher Education Opportunity Act Section 488(e) HEA section 485(f)).

DEPARTMENT OF PUBLIC SAFETY

The Department of Public Safety is comprised of Campus Police. The primary goal of the Department of Public Safety is to create and assure a safe, orderly and secure environment for those we serve.

Campus Police is the recognized law enforcement agency responsible for the College of Charleston campus charged with protecting life and property, enforcing the laws of the state of South Carolina and the rules and regulations of the College of Charleston, preserving the peace and public order, preventing and reducing crime, detecting and apprehending those who violate the laws, and assisting with the prosecution of those apprehended.

Thirty-eight professionally trained and certified men and women are assigned to provide police services at the College of Charleston. These officers, serving in twelve-hour shifts, provide service and protection twenty-four hours a day, seven days a week. Campus Police officers are required to complete an intensive twelve-week training program at the South Carolina Criminal Justice Academy. The training program courses include criminal investigation, sex crimes, drug enforcement and juvenile justice. Upon graduation, the officer is certified with full powers of arrest by the Academy in accordance with South Carolina law and receives a Group I Constable commission through the South Carolina Law Enforcement Division (SLED). In-service training in law enforcement and related subjects is continuous throughout the career of the officer.

Additionally, twenty state security officers are trained to staff the residence halls and the Addlestone Library. These officers provide internal security and liaison support for our patrol officers. They also attend in-service training on a regular basis.

The campus is patrolled by officers who are on foot, in vehicles, on bicycles and on T-3s . Our bicycle patrol program enhances the opportunity for officers to provide a more interactive approach to community support and service. The high visibility and mobility of these officers are an integral part of our community policing efforts.

Memoranda of Understanding (MOU) are in effect between Campus Police and the City of Charleston Police Department, Charleston County Sheriff's Office, Charleston County Airport Authority Police, Mt. Pleasant and North Charleston Police Department to specify agreed-upon responsibilities, cooperative agency response and investigation, and intra-agency sharing of information critical to the safety and security of students attending the College of Charleston. These agency-to-agency agreements comply with the State Law Enforcement Division (SLED) requirements that recognize the conjoint responsibility for the reporting and disposition of criminal offenses that occur on campus property and facilities utilized by the College, as well as expand the potential for cooperative safety planning and initiatives involving our student population.

The Department of Public Safety strives to serve the campus community and welcomes all visitors at any time. The office is located at 81B St. Philip Street.

TO REPORT A CRIME

Campus Police is the official law enforcement reporting entity for criminal offenses that occur on the College of Charleston campus and reasonably contiguous college-owned properties. Incidents occurring at properties more distant from the main campus are handled either entirely by the local police agency with jurisdiction or jointly handled by such agencies in conjunction with Campus Police.

To report a crime, fire or medical emergency, call Campus Police immediately (843.953.5611). The dispatcher who answers your call is trained in handling emergencies.

- **Give your location.**
- **Describe the nature of the emergency.**
- **Be prepared to respond to the dispatcher's questions or instructions.**

Incidents Occurring Off Campus

Students who wish to report an incident occurring off campus (e.g. downtown, Mount Pleasant, Folly Beach, Isle of Palms, North Charleston, James Island, etc.) should contact the appropriate law enforcement jurisdiction for that particular area (please refer to the resource directory within this report). Statistics for crimes occurring at off campus locations within other jurisdictions (not relevant to the Campus Security Act) are published by the appropriate jurisdiction.

Additional Campus Security Authorities

The following individuals serve in the capacity of additional campus security authorities:

Executive Vice President for Student Affairs	843.953.5522
Dean of Students	843.953.5522
Director of Greek Life	843.953.6320
Director of Residence Education	843.953.5523
Director of Student Leadership Center	843.953.6356
Conduct Coordinator for Residence Life and Housing	843.953.5523
Director of Student Life	843.953.5726
Counseling Peer Education Director	843.953.5640
Associate Director of Athletics	843.953.5467
Assistant Provost for International Education	843.953.5537
Office of Victim Services	843.953.2273
Residence Life and Housing Area Coordinators	843.953.7340

Office of Victim Services (formerly C.A.R.E.)

Knowing that academic obligations and busy schedules too often prevent students from getting the information and assistance they need, it is the role of the specialists within the Office of Victim Services to make getting that information and assistance easier by tailoring services to each student's unique set of circumstances. No matter where a crime occurs or whether the choice is made to report to law enforcement or not, this office has extensive, connections both on and off campus to help with the resulting fallout from the crime. Without identifying the specific nature and details of the victimization, specialists can connect to your faculty on your behalf for immediate and long-term academic disruptions relating to the victimization, address emergency needs, identify appropriate options or resources, answer questions, and provide information relevant to any concerns that may develop. This office provides a "one-stop" approach in working with students that makes getting what is needed less complicated, less time consuming, and less overwhelming.

Assistance through the Office of Victim Services is generated through emergency page and team response, walk-ins, and referrals from faculty, staff, parents, students, law enforcement and community resources. A direct intervention process for the offices of Health Services, Absence Memo Office, Campus Police, Dean of Students, Associate Dean of Students, Counseling and Substance Abuse Services, and Residence Life and Housing is standard protocol to help ensure that the specialized intervention and services related to the distinctive immediate and long-term needs of victims are promoted. Services through this office are available for primary victims, secondary victims (e.g., roommates, parents, friends) or witnesses involved with or affected by the victimization. For more information please visit www.victimservices.cofc.edu. To contact the Office of Victim Services: 843.953.2273, located in Rooms 102 and 202, within 67 George Street; Emergency pager for team response 843.724.3600.

Crime Action Line

Any crime against an individual or property affects the entire community. The watchful eyes and ears of concerned community members who report suspicious behavior, safety hazards and violations of good citizenship allow a law enforcement agency to take a proactive instead of a reactive approach to safety issues affecting the community they serve. The Crime Action Line is available to report anonymously any information critical to the safety and security of the College and the Charleston community. To access the Crime Action Line, dial 843-953-4998 and leave a message.

Silent Witness

Any member of the campus community may anonymously report suspected criminal behavior or serious policy violations occurring on or around campus by accessing the Silent Witness website at: <http://publicsafety.cofc.edu/importantnumbers/silent.php>. The site offers an online form that is sent electronically to Campus Police for review and collaboration with other offices to determine the appropriate response. Silent Witness augments the services provided that promote both student, faculty and staff safety and quality of life. Please be aware that Silent Witness is a serious crime-reporting service, and all reports criminal offenses will be investigated by law-enforcement officials. Code of Conduct issues are forwarded to the appropriate office (Dean of Students and/or Residence Life and Housing) for investigation.

Timely Warnings/Community Notification

A crime or situation that occurs which, in the judgment of the Director of Public Safety, poses a continuing threat to members of the campus community will result in the issuance of a Community Notification. The notification will be sent to the campus community through email. When determined appropriate, as soon as possible under the circumstances, flyers will be posted within selected areas on campus. Anyone with information warranting a notification should report the circumstances to Campus Police by phone (843.953.5609 or 843.953.4980) or in person at 81B St. Philip Street. The notification will provide as much information as can be obtained from appropriate sources without jeopardizing an ongoing investigation or identifying a victim. Information in the notification will include a clearly stated warning, the location, time, and date incident occurred, a description of suspect(s), if available, a brief overview, and contact numbers for the appropriate law enforcement jurisdiction and Campus Police.

SAFETY INFORMATION AND SERVICES

Preventing Crime on Campus

Residence hall rooms left unlocked, bicycles not secured and locked, and personal property left unattended account for the majority of crimes occurring on campus. While violent incidents are infrequent, crime prevention and risk awareness should be a part of the lives of all members of the community. A certain amount of risk is involved in nearly everything we do and we can reduce these risks by exercising care in our everyday activities. Members of the College community are urged to do at least the following:

- Lock your door whenever your room is unattended or when you are sleeping.
- Engrave your valuables.
- Do not "hide" keys under mats, over doors or in other obvious places.
- Report suspicious persons immediately.
- Keep articles of value out of sight.
- Report doors, windows, locks, or lights in need of repair.
- Never prop doors open.

- Don't lend your key to others.
- Avoid working alone or studying alone in a building late at night.
- Do not walk alone where it is dark outside. Always try to be accompanied by one or more individuals.

Building Security

The College of Charleston is located in an urban setting. Our campus is historically significant and host to numerous visitors who come to enjoy the beauty and architecture. As a state institution, the general public has access to most of our facilities during the hours that buildings are open (6:00 a.m. to 11:00 p.m., Monday through Friday; Saturday and Sunday by special request). Buildings are secured by Campus Police officers at 11:00 p.m. Buildings during summer are open to reflect operational needs (ex., Maymester and summer school, summer conference housing for specialty groups). Campus Police Officers conduct frequent checks of building interiors daily. Access after buildings are secured can be obtained by special permission from the faculty or, in case of emergency, by Campus Police. Building security/safety tips are posted in buildings campus-wide.

Campus state security officers are assigned within the residence halls between the hours of 11:00 p.m. and 7:00 a.m., seven days a week. Access to residence halls is restricted to residents and their guests. Approximately 3,400 students live within campus-owned facilities. The remainder of enrolled students (approximately 6,700) live in off campus, private residences under the patrol jurisdiction of law enforcement agencies relative to that area.

Numerous security cameras are strategically placed within major residence hall facilities and around campus (e.g. stairwells, lobbies, laundry areas, on buildings, on poles).

Before the beginning of the academic year, Residence Life and Housing live-in staff receive extensive training on policies, security, campus-based programs, and intervention resources available to the campus community. Training for front-line staff is ongoing. Hall directors and area coordinators serve on-call rotation.

Maintenance workers who work specifically for assigned residence areas have an office within that area. These workers are full-time employees and respond to specific work orders initiated by students. While all new employees will be subject to a background check, personnel working in our Residence Life and Housing area will be required to go through a more extensive background check. (See the College's background checks policy, Policy 9.2.1 at <http://policy.cofc.edu/policy.php#hr>).

Security review of buildings and security maintenance updates are ongoing. Inspections are conducted and security plans initiated by appropriate staff in Residence Life and Housing and the Department of Public Safety.

Sex Offender Registry

In accordance with South Carolina law the South Carolina Law Enforcement Division (SLED) maintains the state-wide sex offender registry. This registry allows for a search of sex offenders by name, city, county or zip code and, under College Report, provides information on any known sex offender registered as a student attending a college within South Carolina. To access the sex offender registry or to find out more information pertaining to the registry, go to www.sled.sc.gov or visit Campus Police at 81B St. Philip Street. <http://services.sled.sc.gov/sor/Report.aspx> offers on-line reports for colleges within the state of South Carolina. Under South Carolina law, students who are on the sex offender registry cannot reside in our residence halls.

Campus Police Records Unit: (Crime log)

The Campus Police Records Unit serves as archivist for all incident reports filed within the jurisdiction of Campus Police. A request for an incident/accident report should be made to the Records Clerk located at Campus Police Headquarters. Requests may be submitted from 7 am - 3 pm, Monday through Friday. Processing of reports once a request has been submitted takes approximately three business days. A daily log which is a listing of all crimes reported to Campus Police is

available for public viewing. Update of the log is completed within two business days of the filing of an initial report except where disclosure of such information is prohibited by law; such disclosure would jeopardize the confidentiality of the victim; and/or release of such information would jeopardize any component of an ongoing criminal investigation.

Campus Police Services and Programs

The following services are offered by Campus Police: Fingerprinting, Project Identification for Property, Computer Registration, Lost and Found, Bicycle Registration, Residence Hall Safety Meetings, Whistle Defense Program, Rape Aggression Defense (R.A.D.) Classes, Monthly Building and Lighting Checks and Security Surveys. Please contact 843.953.4980 for further information.

Rape Aggression Defense Training

Certified Rape Aggression Defense (R.A.D.) instructors offer a twelve-hour course in self-defense for women. The course focus is to enable women to learn a set of cognitive and physical skills that can help them reduce their risk of victimization. Offering basic education in confrontational principles and personal defense, the program progresses through the stages of awareness, risk reduction and avoidance and provides basic physical defense techniques. R.A.D. empowers participants and helps them realize that training, responsible decision-making, and development of physical power, are tools that build confidence and critical self-awareness. For information on upcoming RAD class course dates, please check the web address www.cofc.edu/publicsafety/helpfulinfo/RAD.php or contact 843.953.4980.

Campus Safety Escort Program

We encourage all members of the campus community to use common sense and practice good personal safety techniques at all times. Students and employees alike are encouraged to walk in pairs and groups especially during the hours of darkness. However, when this is not possible, please use the campus escort service. Available 24-hours a day, 7-days a week, this on-campus service is intended for those who need a security escort to/from class, residence hall or parking lots/facilities. To access the program call 843.953.5609 and provide the following information to the dispatcher:

- your name,
- phone number
- current location,
- where you wish to go, and
- a physical description of yourself. (Please remain in your car or wait in the building lobby until a Campus Police representative arrives.)

This program, staffed by our on-patrol officers, serves a community of over 10,000. Calls for escort service are dispatched immediately. However, a significant delay in response time may be due to a high volume use of the program. If this occurs, please place your call again.

Emergency Call Boxes

Security on the College campus has been enhanced through the installation of emergency call boxes. To date, there are over forty emergency call boxes in various locations to provide immediate interaction and assistance. Remote activation devices for individuals with special needs may be obtained through Campus Police at 81-B St. Philip Street. To activate the call box:

- Push in the call button and release. (An automated emergency alert is directed to the Public Safety dispatcher

indicating the exact location of the box. Public Safety officers will be sent to that location immediately).

- The dispatcher will contact the caller.
- To talk with the dispatcher hold button down.
- Release call button to listen.

Missing Student

Pursuant to the provisions of the Higher Education Opportunity Act (Title 20 U.S.C. 1092(j)) the College initiated its missing person notification procedures in the event a student has been determined by Campus Police to be missing for a period of 24 hours or longer.

At the beginning of each academic year, the Office of Residence Life and Housing provides students living in residence halls the option to identify an individual to be contacted by the College in the event that they have been determined missing for a period of more than 24 hours. The information provided by the students is to be used only by authorized campus officials and law enforcement officers. For students under eighteen years of age and not an emancipated individual, the College is required to notify a custodial parent or guardian not later than 24 hours after the time that the student is determined to be missing. The College will inform each residential student that the College will notify the appropriate law enforcement agencies not later than 24 hours after the time that the student is determined missing by Campus Police.

Residence Life and Housing staff will contact the Campus Police immediately upon any reasonable suspicion that a residential student is missing. All other members of the College community shall report to Campus Police any student who is missing under circumstances that reasonably appear to be unusual, serious, or troubling.

Campus Police will conduct investigations of missing residential students and may contact other law enforcement authorities as may be appropriate under the circumstances.

If a residential student is deemed to be missing for more than 24 hours by Campus Police, notification will be made to the Executive Vice President for Student Affairs that the student has been missing for more than 24 hours. Notification of the confidential contact will be made as rapidly as possible. For those students under 18 years of age and not emancipated, the custodial parent or legal guardian will be contacted. In addition to making the notifications, Campus Police may also contact such other law enforcement authorities as may be appropriate under the circumstances, provided that it must contact local, state, and/or federal authorities and the National Crime Information Center of the Department of Justice in the event that the residential student is under the age of 21. In any case where there is an indication of a forcible abduction or other crime against the student or the missing residential student has not designated a confidential contact, Campus Police will make immediate referral to one or more appropriate law enforcement authorities.

The College's Missing Student Policy (Policy 12.2.2) can be found at <http://policy.cofc.edu/policy.php#student>

SAFETY INITIATIVES AND PROGRAMS

Cougar Alert Emergency System

Cougar alert is an emergency communication system that sends notification before, during and after an emergency to the entire campus community (students, faculty and staff). With this system, the College is able to communicate in many modes, including voice messages to home, work and cell phones; text messages to cell phones, PDAs and other devices; written messages to e-mail accounts; and messages to teletypewriters and telecommunication devices (TTY/TDD) for the hearing impaired. In combination with our existing communications methods and emergency response plans, this notification system significantly enhances the College's ability to maintain a learning environment in which students are safe, secure and comfortable. Please visit <http://emergency.cofc.edu/cougaralert/index.php> for more information on the Cougar Alert

System.

If a major emergency occurs, the College will activate the Emergency Management Team, Director of Emergency Management, Director of Physical Plant, Vice Chair; An Associate Provost, or designee of the Provost; Vice President for Fiscal Services; Dean of Students; Dean of Residence Life and Housing; Senior Director of Media Relations; Director of Business and Auxiliary Services; Director of Environmental Health and Safety; Director of Fire & EMS; Director of Student Health Services, Director of Human Resources; Director of IT Programming/Network Services; and Director of Procurement and Supply Services) which will provide up-to-date information to campus and aid in short-term and long-term decision making. Cougar Alert will be initiated without delay as is reasonably possible and without compromising efforts to assist victims or contain, respond to, or mitigate the emergency, at the order of the Executive Vice President for Marketing and Communications, the Assistant Vice President and Chief of Police and/or the President of the College of Charleston. Alerts are used only in the case of a campus emergency that include, but are not limited to:

- bomb threats or other imminent threats of violence
- fires, hazardous spills or gas leaks affecting the entire campus
- building evacuations and lockdown affecting the entire campus
- biological or pandemic emergency notification
- natural disasters
- power outages or utility failures resulting in an imminent threat
- campus closure due to weather or declared civil emergency

Once the determination of an emergency on campus is made by Public Safety representatives, Media Relations sends out the appropriate message on the Cougar Alert system (via phone and email) and posts the information at <http://emergency.cofc.edu/index.php>. Information may also be obtained from the emergency information hotline, 843.725.7246.

Tests of the Cougar Alert System were conducted in 2011 on March 17th and April 26th. All tests had prior notifications in order to encourage the campus community to update contact information. A review of the data from the tests was presented at meetings of the Emergency Management Team offering opportunity to make changes and fine tune the system.

Evacuation Procedures

Our emergency information page located at <http://emergency.cofc.edu/index.php> provides information relevant to fires, building evacuation procedures, suspicious packages, bomb threats, suspicious behavior/persons of concern, and active shooters. For a full disclosure of our evacuation procedures for hazardous weather, please visit our residence hall website at <http://reslife.cofc.edu/?page=weather>. Training of Public Safety personnel and drills relevant to emergencies on campus are ongoing. Emergency evacuation of our residence halls are conducted throughout the year.

Shelter-in-Place Procedures

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, because leaving the area may expose you to that danger. Thus, to “shelter-in-place” means to make a shelter of the building that 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” Guidance

If an incident occurs and the building you are in is not damaged, stay inside the building in an interior room until you are told it is safe to come out. If your building is damaged, take your personal belongings (purse, wallet, Cougar card, etc.) and

follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, seek shelter at the nearest College building quickly. 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 College of Charleston Department of Public Safety, Emergency Management Team, Housing Staff members, other College employees, CPD or NCPD, or other authorities utilizing the College’s emergency communications tools.

How to “Shelter-in-Place”

No matter where you are, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise, follow these steps, unless instructed otherwise by local emergency personnel:

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 emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.

2. Locate a room to shelter inside. It should be:

- An interior room;
- Above ground level; and
- Without windows or with the least number of windows.

If there is a large group of people inside a particular building, several rooms may be necessary.

3. Shut and lock all windows (tighter seal) and close exterior doors.

4. Turn off air conditioners, heaters, and fans.

5. Close vents to ventilation systems as you are able. (College staff will turn off the ventilation as quickly as possible.)

6. Make a list of the people with you and ask someone (Housing Staff, faculty, or other staff) to call the list in to Public Safety so they know where you are sheltering. If only students are present, one of the students should call in the list.

7. Turn on a radio or TV and listen for further instructions.

8. Make yourself comfortable.

Students of Concern Committee (SOC) and Faculty Assisting Students in Trouble (F.A.S.T.)

These intervention programs bring to the attention of qualified administrators specific issues that appear to pose a risk to the academic mission of an individual or the campus community. Each situation/individual's circumstances are thoroughly reviewed and addressed through appropriate intervention resources, or through policies that protect the welfare of both the individual and the campus community.

Peer Assistance Leaders (PAL)

This student patrol program brings together students from the College of Charleston, Charleston Southern University, and the Citadel to work conjointly with City of Charleston Police Department in order to promote greater student safety and to avoid risky situations that could result in criminal victimization. Student patrols demonstrate the ongoing partnership between the City of Charleston and the College in promoting student safety. For more information go to <http://studentaffairs.cofc.edu/outreach/pal.html>.

Annual Programming

Orientation question and answer sessions focus on providing information regarding crimes against the college-age population that include sexual assault. Additionally, these sessions offer risk reduction techniques to help reduce one's vulnerability to crime and highlight the campus resources in place to work with any student who may become a victim of a crime. Two specially designed videos specifically on student safety and the resources of Campus Police and the Office of Victim Services were e-mailed to each student prior to their arrival on campus for New Student Orientation.

First Book, an on-line publication, features a "staying safe" section that reinforces information presented during orientation sessions. Numerous hard copy publications such as *Guide to Safer Living* and specialty brochures on various personal safety concerns are available for both parents and students. *New Student Day* and the *Street Fair* during orientation for parents and students offer a variety of information on safety and resources. Orientation sessions for all new permanent and adjunct faculty and employees provide comprehensive information on safety initiatives and resources, and information on available intervention and assistance programs.

Specialized events during Welcome Week focus on providing comprehensive safety information. Our sexual assault awareness campaign called S.A.F.E.R. (Sexual Assault Facts and Emergency Resources) offers tips, resource information, highlights our sexual misconduct policy and includes sexual assault programming. Over 4,000 S.A.F.E.R. packets are distributed to include individual packets placed on the bed of each residence hall student before check. Print media on sexual assault and consent as well as other topical safety issues are distributed and posted throughout campus and in residence halls.

Topical initiatives highlighting high-risk times throughout the semester (ex., Halloween, Spring Break, Valentine's Day) are all annual events. The Vagina Monologues is part of the outreach efforts focused on sexual violence. Residence hall security sessions are conducted throughout the academic year to provide relevant security procedures and personal safety information to those living within the residence halls and houses.

Victim Services, Campus Police, Counseling and Substance Abuse Services, Health Education, and Residence Life and Housing offer a variety of programming, classroom presentations, training, community-events participation, email outreach, and public awareness campaign efforts on an ongoing basis. These efforts promote our individual and collective role in achieving personal and community safety.

Cougar Shuttle

The College of Charleston Cougar Shuttle service operates seven nights a week from 11:00 p.m. until 3:00 a.m. during the spring and fall semesters. Cougar Shuttle is free to all students who show a current Cougar Card. Students choosing to use the Cougar Shuttle should call 888.960.2227 to be picked up and transported to a destination anywhere on the Charleston peninsula. For more information, contact 843.953.3390.

ON AND OFF SITE RESPONSIBILITY

Adjudication of Violations on Campus and Within the Community

Students may be held accountable to both outside authorities and the College for acts that constitute violations of law and of the Honor Code, Student Code of Conduct, Alcohol Policy, or Drug Policy. Radio contact, joint patrols, and a strong partnership with local law enforcement by our campus police allow for greater awareness of incidents occurring off campus and those involved/responsible. Disciplinary proceedings initiated through the College may proceed even if criminal proceedings are pending and will not be subject to challenge on the basis that criminal charges involving the same incident have been dismissed or reduced.

Procedures for the reporting and resolution of alleged violations of our Honor Code, Code of Conduct and Alcohol/Drug Policy are outlined in our Student Handbook available at the following web address: <http://studentaffairs.cofc.edu/annual-security/on-and-off-campus-violations.php>

The College of Charleston does not have any officially recognized student organizations that have housing facilities off-campus. There are, however, fraternity and sorority houses within the immediate area of campus that are privately-owned houses. Typically, Campus Police officers are the initial responders to a call from one of these locations. However, City of Charleston Police Department may be called directly for an incident and/or respond in conjunction with Campus Police. Organizations sponsoring off campus events must do so under guidelines outlined in *The Compass: A Guide for Student Organizations* and in compliance with our *Code of Conduct*.

SEXUAL ASSAULT

Links to Information on this page:

- [General Information](#)
- [Sexual Misconduct Policy](#)
- [Disciplinary Action](#)

General Information

While we strongly encourage victims of sexual assault to report the crime, the choice to file a police report rests with a victim. Filing a police report in conjunction with the collection of evidence through a forensic medical exam (rape kit) provides critical information in support of a victim if he/she makes the choice to pursue prosecution. The information below offers a general overview of what occurs when filing a police report, what's involved in anonymous reporting, and highlights the comprehensive victim assistance provided by our Office of Victim Services. No matter where the victimization may occur or whether one chooses to file a police report or not, victim assistance is available to students. Visit the Office of Victim Services Office website for detailed information on sexual assault at www.VictimServices.CofC.edu.

A forensic medical examination (rape kit) is an essential tool if you are undecided and/or anticipate any possibility of pursuing prosecution. This exam must be conducted within 120 hours of the incident. It is important to note that the victim is a primary component of the evidence and should avoid douching, showering, changing clothes, brushing teeth, or drinking. The rape kit is used to collect evidence and treats possible injuries/sexually transmitted diseases. Whether a victim has made the decision to prosecute or not, the rape protocol examination/rape kit is your opportunity to obtain any possible evidence necessary to support your case should you choose to handle this through the criminal justice process. The rape kit/rape protocol exam, is conducted at a special clinic or hospital by specialized Sexual Assault Nurse Examiners (SANE). For students living in the Tri-County area, the forensic medical exam is conducted through MUSC hospital.

To file an incident report for a sexual assault that occurs on College of Charleston property contact Public Safety.

Under the provisions of the *Jessica Horton Act* (S.C. Code Ann. §59-154-10), the chief of the campus police of an institution of higher learning, or his designee, immediately shall notify the State Law Enforcement Division if there is a death resulting from an incident occurring on the property of the institution or if the officer or another official of the institution is in receipt of a report alleging that an act of criminal sexual conduct has occurred on the property of the institution. "Property of the institution" means a building or property: (a) 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; (b) owned or controlled by a student organization recognized by the institution including, but not limited to, fraternity, sorority, and cooperative houses; or (c) controlled by the institution but owned by a third party.

Upon notification, the State Law Enforcement Division shall participate in a joint investigation of the death or alleged act of criminal sexual conduct. In the case of a death, the State Law Enforcement Division shall lead the investigation. In the case of an alleged act of criminal sexual conduct, the campus police shall lead the investigation. The campus police and other employees of the institution of higher learning shall cooperate with an investigation conducted by the State

Anonymous Reporting - The availability of the forensic medical exam (rape kit) at no cost without reporting the assault to law enforcement (must be 18 and older): Under South Carolina law victims of sexual assault in the State of South Carolina are entitled to a forensic examination (rape kit) whether or not the victim chooses to cooperate with law enforcement and criminal investigation. The State Office of Victim Assistance (SOVA) is the sole reimbursement provider for forensic examinations in South Carolina. If you are sexually assaulted, but do not choose to call law enforcement, for whatever reason, you can still have forensic evidence collected and stored in case you change your mind and choose to proceed with criminal investigation and prosecution at a later date. Health Care Providers specifically designated to perform the forensic exam will bill SOVA directly for the charges for lab work, treatment for venereal diseases, emergency room fees, SANE fee, physician's fee, etc. Any fees beyond the actual collection of any evidence during a forensic examination will be the responsibility of the victim, but payment options with the medical provider are usually an option. This law gives more flexibility to the system, and allows for a choice to be made on reporting and prosecution after the initial trauma has occurred. For more information on anonymous reporting and compensation, please call SOVA at 803.734.1900 or visit their website at www.sova.sc.gov/training.html (relevant information on the right hand column last entry).

Whether you choose to file a police report, choose anonymous reporting, or choose not to report, please get help. It is still important to have a medical exam to treat any possible injuries and test for sexually transmitted diseases. Further, there is a wealth of services relevant to your classes, class responsibilities and schedule, living arrangements, etc., all available through the Office of Victim Services of the College of Charleston no matter what you choose to do - Rooms 102 and 202 within the 67 George Street building.

If a sexual assault occurs off campus, the proper jurisdiction should be notified immediately to report the crime. Please familiarize yourself with the numbers for emergency assistance (EMS, police) in your area. A listing of Tri-county law enforcement jurisdiction telephone numbers, appropriate campus/community resources, and relevant web-listings are provided under the heading titled, [Resources](#). Even though the incident occurs off campus, specialists available in the Office of Victim Services are available to meet with the student and provide intervention to deal with any of the fallout from the crime that may impact the student's class attendance, responsibilities, continued enrollment, or collegiate experience while a student at the College of Charleston.

It is customary protocol for area hospitals to call the appropriate law enforcement jurisdiction if a victim seeks medical attention for a sexual assault through an emergency room. Law enforcement response protocol is dictated by the responding agency's policies. The choice to file a report, however, rests with a victim.

An incident reported directly to the Office of Victim Services by emergency page, referral or walk-in will initiate a meeting with victim assistance specialists to explore assistance and resources available to the victim on campus, within the greater community or, when appropriate, within other law enforcement jurisdictions in-state or out of state. Specialists will work with the victim to initiate immediate intervention and direct assistance tailored to the specific needs of the victim. Victim assistance specialists are available to work with a student whether she/he chooses to file an official police report or not - no matter where the sexual assault occurred.

What Assistance is Available Through the Office of Victim Services? (www.victimservices.cofc.edu)

Services through the Office of Victim Services are available to any enrolled student no matter where a crime occurs - on or off campus - and no matter whether the student elects to file an official police report or not. Certified victim assistance specialists are available to address the non-counseling fallout from the crime, attend to ongoing distractions or interruptions that can occur if involved in any court process, and work to resolve any issues that arise related to the crime and its impact on the attendance and enrollment. Services are provided within a framework that is attentive, sensitive and knowledgeable.

With the consent and ongoing involvement of the student, victim assistance specialists are available to: explain the reporting process and assist the student, if he/she chooses, in filing a report with the appropriate law enforcement agency; assist in arranging meetings or initiate direct contact with individuals involved in on-campus disciplinary action and/or the criminal justice process; serve as the liaison for the student within the College community so that the victim's

dignity is maintained in all aspects of intervention and assistance and, as requested, to serve as liaison with individuals off campus; work with the student to reasonably accommodate possible disruption to the student's class attendance, class work, academic schedule, or initiating necessary changes that may result from the victimization; assist in locating appropriate on campus and community resources to meet the student's specific ongoing needs; work with appropriate personnel within the court system; and provide access to legal information. Assistance through the Office of Victim Services is designed to prevent revictimization and provides comprehensive victim assistance at one convenient location. Victim services specialists are accessible 24-hours a day to work with a student who needs immediate assistance for a victimization that has just occurred.

How Do I Reach the Office of Victim Services?

Non-emergency assistance (the incident occurred days, a week, a month ago, requests for information, referrals or resources) may be arranged by calling 843.953.2273 during normal business hours. Please ask to speak with a victim assistance specialist.

Get emergency assistance * for an incident that happened within the past 120 hours by calling the emergency response pager number at 843.724.3600. After the sound of the tone, enter the telephone number from which you are calling. A victim assistance specialist will return your call.

**Emergency assistance is not intended to replace emergency medical or law enforcement assistance. Life-threatening circumstances should be reported immediately by contacting 911 or appropriate emergency response agencies. On campus dial 843.953.5611 for Campus Police.*

Student Sexual Misconduct Policy

This Policy may also be referred to as the College's *Sexual Assault Policy*, as required by S.C. Code Ann. §59-105-40.

1.0 INTRODUCTION

1.1 Purpose of Policy

The purpose of this Policy is to provide Students and other members of the College Community a description of how the College will respond when a Student is accused of Sexual Misconduct; the procedures that will be followed to investigate and determine culpability; the consequences of such misconduct and the sanctions that will be imposed if there is a finding of culpability; protections that will be afforded to the alleged victim and to the accused; and the relationship of this Policy with all other College policies dealing with a similar subject matter.

1.2 Policy Statement

It is the Policy of the College of Charleston to respect the rights and the dignity of the individual. Sexual Misconduct, including sexual violence, violates this principle and will not be tolerated on College Property or in any Program or Activity conducted by the College. It is a violation of this Policy to discriminate, harass or abuse any Student or applicant for admission to the College based on gender, sexual orientation, gender identity or expression. The College is committed to taking immediate, equitable and effective steps to respond to Sexual Misconduct, to prevent its recurrence, and to address its effects.

1.3. Coverage

This Policy applies to all Students of the College of Charleston and to applicants for admission to the College while such applicants are on College Property or are participating in a College Program of Activity.

1.4 Effect on other Policies

This Policy is intended to and shall be read in a manner that is consistent with the College Policy entitled:

PROHIBITION OF DISCRIMINATION AND HARASSMENT, INCLUDING SEXUAL HARASSMENT AND ABUSE.

2.0 DEFINITIONS

The definitions contained in this Policy will be interpreted and applied by the College in a manner that is consistent with applicable law, professional usage, and conventional understanding within the community. In the event of any alleged conflict in meaning, statutory and legal interpretations shall prevail and be deemed controlling.

2.1 "CAMPUS COMMUNITY" or "COLLEGE COMMUNITY" – shall mean the Students, faculty, and staff of the College, whether part-time, full time or temporary, the College Board of Trustees, visiting faculty, contractors and consultants performing work or performing services on College owned or leased property and all other invitees of the College.

2.2 "CAMPUS SECURITY AUTHORITY" – shall mean:

- (1) The campus Office of Public Safety;
- (2) Any individual or individuals who have responsibility for campus security but who are not employed by the Office of Public Safety such as an individual who is responsible for monitoring the various entrances to College facilities.
- (3) Any individual or office specified in the College's statement of campus security policy as an individual or organization to which Students and employees should report criminal offenses. In its current (2010) *Annual Security Report* the College has specifically designated the following individuals as examples of Campus Security Authorities: Executive Vice President for Student Affairs, Dean of Students, Director of Greek Life, Director of Residence Education, Director of Student Leadership Center, Conduct Coordinator for Residence Life and Housing, Director of Student Life, Counseling Peer Education Director, Associate Director of Athletics, Assistant Provost for International Education, Office of Victim Services, Director of Multicultural Center, Residence Life and Housing Area Coordinators.
- (4) An employee of the College who has significant responsibility for Student and campus activities, including, but not limited to, Student housing, Student discipline, and campus conduct proceedings. If such an official is a pastoral or professional counselor, the official is not considered a campus security authority when acting as a pastoral or professional counselor.

2.3 "CHILD ABUSE OR NEGLECT" or "HARM" – shall mean, with respect to a person under 18 years of age, conduct occurring when the parent, guardian, or other person responsible for the child's welfare:

- (a) inflicts or allows to be inflicted upon the child physical or mental injury or engages in acts or omissions which present a substantial risk of physical or mental injury to the child, including injuries sustained as a result of excessive corporal punishment, but excluding corporal punishment or physical discipline which:
 - (i) is administered by a parent or person in loco parentis;
 - (ii) is perpetrated for the sole purpose of restraining or correcting the child;
 - (iii) is reasonable in manner and moderate in degree;
 - (iv) has not brought about permanent or lasting damage to the child; and
 - (v) is not reckless or grossly negligent behavior by the parents.
- (b) commits or allows to be committed against the child a sexual offense as defined by the laws of this State [South Carolina] or engages in acts or omissions that present a substantial risk that a sexual offense as defined in the laws of this State would be committed against the child;
- (c) fails to supply the child with adequate food, clothing, shelter, or education as required under Article 1 of Chapter 65 of Title 59 [South Carolina Code Ann.], supervision appropriate to the child's age and development, or health care though financially able to do so or offered financial or other reasonable means to do so, and the failure to do so has caused or presents a substantial risk of causing physical or mental injury. However, a child's absences from school may not be considered abuse or neglect unless the school has made efforts to bring about the child's attendance, and those efforts were unsuccessful because of the parents' refusal to cooperate. For the purpose of this chapter "adequate health care" includes any medical or nonmedical remedial health care permitted or authorized under state law;
- (d) abandons the child;
- (e) encourages, condones, or approves the commission of delinquent acts by the child and the commission of the acts are shown to be the result of the encouragement, condonation, or approval; or
- (f) has committed abuse or neglect as described in subsections (a) through (e) such that a child who subsequently becomes part of the person's household is at substantial risk of one of those forms of abuse or neglect.

2.4 "COLLEGE" – shall mean the College of Charleston.

2.5 "COLLEGE PROPERTY" – shall mean real property that is owned or leased by the College.

2.6 “COMPLAINANT” – shall mean a person who makes a Complaint, whether written or verbal, of facts that, if true, would constitute a violation of this Policy.

2.7 “DECISIONAL AUTHORITY” – shall mean the College manager or unit who initially opines on whether the Respondent has violated the Policy and, if so, the nature and extent of the discipline and/or remedial action to be imposed or recommended.

2.8 “PROGRAM OR ACTIVITY” – shall mean any education program or activity required by the College of a Student that is not operated wholly by the College, or any program or activity that the College facilitates, permits, or considers as part of, or equivalent to, an education program or activity operated by the College, including (but not limited to) participation in educational consortia and cooperative employment and Student-teaching assignments. Such Programs and Activities include College managed study abroad programs or trips and external sponsorships.

2.9 “PROGRAM DIRECTOR” – shall mean a member of the College faculty or other employee of the College who is responsible for managing or overseeing a College Program or Activity.

2.10 “RESPONDENT” – shall mean the person(s) named in a Complaint who is accused of a violation of this Policy or who would be found to have violated the Policy if the material facts alleged in a Complaint are determined to be more likely true than not true.

2.11 “SEXUAL MISCONDUCT” – shall mean sexual violence and all forms of sexual discrimination, harassment and abuse, as defined in Section 5.0 of the College’s Policy on the *Prohibition of Discrimination and Harassment, Including Sexual Harassment and Abuse*: Sexual/gender harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or access to or the enjoyment of an educational benefit; (2) submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions or decisions concerning educational benefits affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or other educational benefit or creating an intimidating, hostile, or offensive working, learning or living environment. Additionally, sexual harassment also includes conduct (as described in this paragraph) that is directed at an employee or Student because of his or her sexual orientation or gender identity or expression.

Sexually-related conduct forms the basis of a sexual harassment claim if a reasonable person, in view of all the surrounding circumstances, would consider it sufficiently severe or pervasive to interfere unreasonably with academic, other educational, or employment performance or participation in a College activity or living environment.

EXAMPLES OF SEXUAL MISCONDUCT CAN BE FOUND IN APPENDIX 1 TO THIS POLICY.

2.12 “Student” or “Students” ~ shall mean all persons who are enrolled at the College and those individuals who have applied for admission at the College.

2.13 “Title IX” – shall mean Title IX of the *Education Act Amendments of 1972* that provides, with limited exception, that: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance...” (20 U.S.C. §1681)(see Appendix 2 for complete text).

2.14 “TITLE IX COORDINATOR” ~ shall mean the College employee(s) who is (are) responsible for coordinating the College’s compliance with Title IX. A Title IX coordinator’s responsibilities include overseeing all Complaints of sex discrimination and identifying and addressing any patterns or systemic problems that arise during the review of such Complaints.

3.0 ASSISTANCE; WHO TO CALL FOR HELP

3.1 Where to Seek Immediate Assistance, 24/7

In addition to reporting requirements under Sections 6.6, 6.7 and 6.8, a Student who is or who knows of another

Student who may be the victim of any form of Sexual Misconduct involving violence, the threat of violence, or circumstances under which the victim was incapable of giving consent (because the victim was mentally impaired or under the age of 18), or physically impaired (because of alcohol or drugs), is strongly urged to seek assistance as soon as possible under the circumstances. Assistance can be obtained 24 hours a day, seven days a week from:

College of Charleston, Department of Public Safety - 843-953-5611

City of Charleston Police Department - 911

College of Charleston, Office of Victim Services: The 24-hour emergency team response pager number is 843.724.3600 (touch tone phone)

Student victims of Sexual Misconduct who are participating in a Program or Activity that is taking place outside of South Carolina (including overseas programs and external internships conducted at business firms or other establishments) may contact local law enforcement authorities; the College of Charleston, Office of Victim Services (the 24-hour emergency team response pager number is 843.724.3600 (touch tone phone); the Program Director for the particular Program or Activity; or the Dean of Students or the Title IX Coordinator who may each be reached during work hours at 843.953.5522 or, can be reached during non-working hours by calling the College of Charleston, Department of Public Safety at 843-953-5611.

3.2 On Campus Services Available To Students

(a) Office of Victim Services

(1) Purpose ~ The Office of Victim Services (OVS), is a program that works specifically with College Students who may become a victim of a violent or potentially violent crime or a Policy violation. It does not matter where the victimization occurs, on or off campus, or whether the Student elects to file an official police report or not. OVS services are available to any current Student.

(2) Types of Assistance Provided ~ The OVS victim assistance specialists are available to: (i) coordinate immediate medical intervention and initial support; (ii) explain the reporting process and assist the Student, if he/she chooses, in filing a report with the appropriate law enforcement agency; (iii) accompany and/or act on behalf of the victim, as needed; (iv) explain the victim's rights, responsibilities and options; (v) assist in arranging meetings or initiating direct contact with individuals involved in on-campus disciplinary actions or the criminal justice process; (vi) serve as the spokesperson for the Student within the College Community so that the victim's privacy and dignity are maintained in all aspects of intervention and assistance and, as necessary, to serve as liaison with individuals off campus; (v) work with the Student to reasonably appropriate, accommodate possible disruptions to the Student's class attendance, class work, academic schedule, and housing by initiating necessary changes that may result from the victimization; (vi) assist in locating appropriate on-campus and community resources to meet the Student's specific ongoing needs; (vii) work with appropriate personnel within the court system to provide information relevant to the victim's circumstances and/or direct assistance to the victim; and (viii) provide access to legal information. This program is designed to prevent re-victimization and provides comprehensive victim assistance at one convenient location.

(3) Contact Information ~ **The OVS team is accessible 24-hours a day to work with a Student who needs immediate assistance for a victimization that has just occurred. OVS is located at 67 George Street, 2nd floor. The 24-hour emergency team response pager number is 843.724.3600 (touch tone phone). For non-emergency assistance or general information, please call 843.953.2273 during normal business hours.**

(b) Counseling and Substance Abuse Services

(1) Purpose ~ The professionals in the Office of Counseling and Substance Abuse Services (CASAS) are available to help Students, free of charge, and on a regular or an emergency basis.

(2) Types of Assistance Provided ~ CASAS provides counseling for individuals who have been victimized; who are suffering the mental health after-effects of a victimization; who have been accused of Sexual Misconduct and who need assistance with family and a variety of relationship concerns. CASAS can also help direct Students to appropriate community resources, both on and off campus, which might better meet their needs.

(3) Contact Information ~ **The Office of Counseling and Substance Abuse Services is located on the 3rd Floor of the Robert Scott Small Building) and can be reached by calling 843-953-5640 or by calling Public Safety (953-5611) if after hours for support regarding any form of sexual misconduct or discrimination.**

(c) Student Health Services

(1) Purpose ~ Student Health Services is staffed by physicians, nurse practitioners, physician assistants, and registered nurses and is available to address the health needs of Students only.

(2) Types of Assistance Provided ~ In addition to customary and routine healthcare matters, Student Health Services also provides information about sexual health and sexual safety and serves as a resource for Students to acquire information about sexuality. (see Studenthealth@cofc.edu)

(3) Contact Information ~ **Student Health Services is opened 8:30 am to 5:00 pm, Monday through Friday. It is located**

4.0 CONFIDENTIALITY

4.1 Requests for Confidentiality

The College recognizes that confidentiality is important. Information gathered during an investigation of alleged Sexual Misconduct will be maintained as confidential to the extent reasonably possible and permitted under law. If the Complainant requests confidentiality or asks that the Complaint not be pursued, the College will take all reasonable steps to investigate and respond to the Complaint consistent with the request for confidentiality or request not to pursue an investigation. If a Complainant insists that his or her name or other identifiable information not be disclosed to the Respondent, the College will inform the Complainant that its ability to respond may be limited. The College will also inform the Complainant that Title IX prohibits retaliation, and that College officials will not only take steps to prevent retaliation but also take strong responsive action if it occurs. Finally, as indicated in Section 4.2, the Complainant will be advised of the circumstances under which his/her request for confidentiality or non-pursuit of a matter may be declined.

4.2 Reasons Why Confidentiality May Not Be Appropriate

(a) Confidentiality ~ The College will weigh the request for confidentiality against the following factors: the seriousness of the alleged harassment; the Complainant's age; whether there have been other harassment Complaints about the same individual; and the Respondent's rights to receive information about the allegations, if the information is maintained by the College as an "education record" under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g; 34 C.F.R. Part 99. The College will inform the Complainant if it cannot ensure confidentiality. In all cases when discrimination or harassment is found, however, the College will take steps to limit the effects of the alleged harassment and prevent its recurrence. Examples of situations when confidentiality will not be maintained include circumstances when the College is required by law to disclose information (i.e., in response to legal process such as a subpoena or when the victim is under 18 years of age) or when disclosure is required by the College's outweighing interest to protect the rights and safety of others. If a Student is unsure of someone's duties and ability to maintain confidentiality, the Student should ask them about confidentiality before discussing a matter.

(b) Investigations ~ In circumstances when a report of Sexual Misconduct is made, but the Complainant does not wish to pursue the matter, the College reserves the right to investigate the report and take appropriate action under this Policy. The College is likely to make a decision to pursue such a matter if it determines, in the exercise of its discretion, that: (i) the allegations, if true, give reason to believe that the Complainant or other members of the College Community may be at continued risk of victimization and/or that the College may be put at risk of legal liability; and (ii) the Complainant is credible. (c) Results ~ If an investigation reveals that discriminatory harassment has occurred, the College will take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment and its effects, and prevent the harassment from recurring. The College will pursue this course of action regardless of whether a student has complained, asked the school to take action, or identified the harassment as a form of discrimination.

4.3 Immediate Preliminary Report of Investigation

In order to make evaluations under this Section 4.0, and to decide if interim action is needed as provided for in Section 7.0, the Title IX Coordinator or the Dean of Students, or her/his designee, (as determined pursuant to Section 6.13), may conduct an immediate preliminary investigation into the alleged Sexual Misconduct. If one or more material elements of the Complaint are credible, the matter shall be processed further in accordance with this Policy, including the imposition of interim actions as may be appropriate pursuant to Section 7.0. If there is no credible basis to believe any material element of the Complaint, the Complainant shall be advised of the same and shall have the right to appeal the decision to the Executive Vice President for Student Affairs. Such an appeal shall be filed within 5 days of notification by the investigator and the Executive Vice President shall have an additional 5 days from the receipt of the appeal to either dismiss the matter or to remand it back to the investigator for further processing under this Policy.

5.0 FEDERAL REPORTING OBLIGATIONS

5.1 Requirements

As a condition for participating in certain Federal financial assistance programs for student loans and grants, Federal law requires that the College do a number of things to protect the safety of Students and employees. One such requirement deals with the reporting of crime statistics, and another deals with security-related notifications for Students and employees.

5.2 Crime Statistics

The College collects, classifies and counts certain types of crimes occurring on or near the College campus and reports such data to the federal government each year. These statistics cover the most recent calendar year, and the 2 preceding calendar years for which data are available. The following criminal offenses, that are first reported to “Campus Security Authorities” or local police agencies, are reported to the Government: (a) murder; (b) sex offenses, forcible or nonforcible; (c) robbery; (d) aggravated assault; (e) burglary; (f) motor vehicle theft; (g) manslaughter; (h) arson; and (i) arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations, and weapons possession (“Clery Act Crimes”). With crimes involving bodily injury to any person, in which the victim is intentionally selected because of the actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability of the victim that are reported to Campus Security Authorities or local police agencies, such data is also collected and reported according to category of prejudice. **When reporting these statistics the College does not provide the federal government with the identity of the victims of these crimes.** 5.2.1 Each year the College will publish an annual security report containing safety- and security-related policy statements and crime statistics and will make such report available to all current Students and employees, as well as, the public. The reports for the most recent three years can be found at: <http://Studentaffairs.cofc.edu/annual-security/index.php>

5.3 Timely Warnings

(a) Continuing Threats ~ To provide the College Community with information necessary to make informed decisions about their safety, the College will issue a timely warning for any Clery Act crime that represents an ongoing threat to the safety of Students or employees. The College will issue such a notice in a manner that is timely and will aid in the prevention of similar crimes, if such crimes that are -

- (1) Clery Act Crimes (see section 5.2 of this Policy);
- (2) are reported to a Campus Security Authority; and
- (3) considered by the Chief of the College Police Department to represent an ongoing threat to Students and employees.

(b) Alerts and Notices ~ Depending primarily on the proximity of the crime to the campus the College will issue either a “Campus Alert” (for Clery Act crimes occurring College property and contiguous areas), or a “Community Alert” or “Community Notification” for a Clery Act crime that take place in proximity to the College. The information contained in such a notice will include all material information that would promote safety, such as the topic of the alert, a description of the perpetrator, location, time and date of the crime(s), and other information on what to do to avoid danger or to address the ongoing threat. The decision to issue a Clery Act warning is made by the Chief of Campus Police based on a threat assessment conducted by that Department. **The identity of the victim will not be stated in an Alert or Notice.**

(c) Exceptions ~ Clery Act crimes reported to a pastoral or professional counselor need not be reported to a Campus Security Authority.

6.0 RIGHT TO PURSUE REMEDIAL ACTIONS

6.1 Right to Pursue Internal Charges During a Criminal Investigation or Prosecution

Generally, the investigation of a Student for alleged Sexual Misconduct will not be postponed if the Complainant and/or Respondent has/have been charged with a crime arising out of an event related to the Complaint. In such a circumstance, the Office of Legal Affairs shall be notified by the Dean of Students of the criminal matter and the Dean will decide, on a case-by-case basis, whether exceptional circumstances exist to warrant delaying the investigation and/or hearing of the matter. The College will respond to and cooperate with law enforcement authorities in such investigations and encourages Students who have been victims of sexual assaults to report those matters to law enforcement authorities as soon as practicable.

6.2 Standards for Culpability

A preponderance of the evidence is the standard adopted by this Policy to determine if a Student has engaged in Sexual Misconduct. A preponderance of the evidence means that credible information shows it is “more likely than not” that the Respondent violated this policy. Because the standard of evidence for the conviction of a crime (“beyond a reasonable doubt”) is different from the standard used to determine a violation of this Policy (“a preponderance of the evidence”), the outcome of a police investigations or criminal trial is not determinative of whether alleged Sexual Misconduct violates this Policy. Therefore, conduct may constitute Sexual Misconduct under this Policy even if law enforcement authorities lack sufficient evidence of a crime and decline to prosecute.

6.3 Right to Pursue Internal College Action

Regardless of whether a Complainant elects to file a criminal complaint or initiate a civil law suit, the Complainant is entitled to pursue internal College procedures to investigate allegations of Sexual Misconduct and to receive appropriate remedial actions and remedies by the College that may be warranted under the circumstances.

6.4 Applicable Investigative Procedures

In Complaints of Sexual Misconduct when the alleged wrongdoer (Respondent) is other than a Student, the matter shall be investigated and resolved in accordance with the College policy entitled: **PROHIBITION OF DISCRIMINATION AND HARASSMENT, INCLUDING SEXUAL HARASSMENT AND ABUSE**. In Complaints when the Respondent is a Student, the matter shall be investigated and resolved in accordance with this Policy and the College's procedures for resolving violations of the **STUDENT CODE OF CONDUCT**.

6.5 Basic Requirements of All Internal Investigatory Processes and Hearings

Throughout any College's investigation of a violation of this Policy, including at any hearing, the Complainant and the Respondent will have equal rights with respect to calling witnesses, presenting evidence, timely reviewing evidence (including the statement of the other Parties), and having an attorney or other counselor in attendance at the proceedings for purposes of other than addressing the Board or the hearing officer. Under no circumstances will one Party be permitted to cross examine another Party. Throughout the process both the Complainant and the Respondent are to be treated with dignity and respect. The College will maintain documentation of all proceedings which may include written findings of facts, transcripts, or audio recordings. Such records shall be maintained for at least one year after all appeals have been finally decided, or the right to appeal has been exhausted.

6.6 Reporting Sexual Harassment/Abuse When the Student is the Alleged Wrongful Actor

The College will accept Complaints of Sexual Misconduct from any member of the College Community or from any other person who believes that a violation of this Policy may have occurred on College Property, or during the conduct of a College Program or Activity regardless of the location of that Program or Activity, or on other than College Property if there is any allegation that the off-campus misconduct has resulted in a hostile environment on College Property. If the Respondent was a Student at the time of the alleged Sexual Misconduct, there is no time limit to invoking the protections and processes available under this Policy. Nevertheless, Students are encouraged to report alleged Sexual Misconduct immediately in order to maximize the College's ability to obtain evidence and conduct a prompt, thorough, impartial and reliable investigation. Once the College becomes aware of Sexual Misconduct it will take immediate steps to end the harassment, prevent its recurrence, and to address its effects.

6.7 Duty to Report

Any member of the College Community who reasonably believes that s/he has experienced or witnessed discrimination, harassment or abuse proscribed by this Policy has a responsibility to report the situation immediately to one of the persons listed in the Section 6.11. A member of the College Community, including Students, who witnesses but fails to report such a situation, may be subject to the immediate consideration of disciplinary or other remedial action if the failure to report has placed a member of the College Community at risk of harm or the College at risk of legal liability. The nature and extent of the action taken, if any, will depend on the following factors: (a) the severity of the circumstances observed; (b) the position/status of the person who observed the incident; (c) the position/status of the observed victim and observed violator; and (d) the consequences of the failure to report or the failure to report in a timely manner.

6.8 Additional Duty in Reporting Child Abuse

South Carolina law requires certain persons to report Child Neglect or Abuse as it affects Students and others younger than age 18, even when it occurs outside the College.

Among other designated persons, South Carolina law requires that schoolteachers, counselors, healthcare clinicians, substance abuse treatment staff, childcare workers in any day care center, police or law enforcement officers, and computer technicians, who have reasonable cause to believe that a child's physical or mental health or welfare has been or may be adversely affected by Abuse or Neglect, as defined by state law, are to immediately report it to the local Department of Social Services or other proper law enforcement agency.

A faculty or staff member who suspects or has any concern regarding Child Abuse or Neglect may report this information promptly to his/her Department Head, Director of Human Relations and Minority Affairs, the Dean of Students, the Campus Police or other law enforcement authority, the Provost, or the Senior Vice President for Legal Affairs. College officials who receive such reports shall consult with the Office of Legal Affairs and the College's Chief of Police who will determine the College's duty under the circumstances and, if determined appropriate, will assist in contacting the proper

external authorities.

A faculty member or member of the administration who has reason to suspect abuse or neglect and fails to report it is subject to prosecution; however, the person making the report based on valid suspicion and concern is protected by law from both civil and criminal retaliation.

6.9 Effect on the Graduating Respondents

When the accused Respondent is a degree candidate who is anticipated to graduate within the academic year, the Complainant shall consult with the Dean of Student's Office concerning the Respondent Student's intended date of graduation. In no event will the College allow an impending graduation to unduly delay its resolution of a Complaint under this Policy. The conferral of a degree may, therefore, be delayed, if appropriate under the circumstances, until a Sexual Misconduct charge is resolved.

6.10 Conditional Amnesty for Alcohol Use

In deference to its compelling interest to end Sexual Misconduct, the College has elected not to pursue any related alcohol use/possession violations against a Student who claims to be a victim of Sexual Misconduct or against Students named as a Respondent, or Students who are witnesses, as may be appropriate under the circumstances.

6.11 Who Accepts Complaints

(a) For Respondents who are Other Than Students - When a person identifies other than a Student as a person who has engaged in Sexual Misconduct the Complaint shall be referred in accordance with Section 2.0 of the **OPERATING PROCEDURES FOR PROCESSING INITIAL COMPLAINTS AGAINST FACULTY AND ADMINISTRATORS AND STAFF** that is attached to and made a part of the College's policy entitled: **PROHIBITION OF DISCRIMINATION AND HARASSMENT, INCLUDING SEXUAL HARASSMENT AND ABUSE**

(b) For Respondents who are Students - When a person identifies a Student as a person who has engaged in Sexual Misconduct, the allegations may be received by a member of the faculty, the Director of Human Relations and Minority Affairs, the Dean of Students, the Campus Police or other law enforcement authority, the Provost, or the Senior Vice President for Legal Affairs. College officials who receive such reports shall immediately refer the matter to the Title IX Coordinator and the Dean of Students for processing and shall not disclose the allegations to anyone else without the prior consent of the Dean of Students, the Title IX Coordinator, or the Senior Vice President for Legal Affairs.

(c) Inquiries - Inquiries concerning the application of Title IX to any circumstance may be addressed to the -

(1) College's Title IX Coordinator at:

V. JoAnn Diaz

Director and Minority Affairs Office of Human Relations

E-mail: diazv@cofc.edu College of Charleston 66 George Street Charleston, SC 29424

Office Location

Robert Scott Small Building, Room 112 175 Calhoun Street Charleston, SC 29401

Contact Numbers

Phone: 843.953.5758 Fax: 843.953.6421

OR

(2) the Department of Education, Office of Civil Rights at:

Washington DC (Metro) Office for Civil Rights U.S. Department of Education 400 Maryland Avenue, SW

Washington, D.C. 20202-1475

Telephone: 202-453-6020 FAX: 202-453-6021; TDD: 877-521-2172 Email: OCR.DC@ed.gov

6.12 Initial Meetings

Prior to the conduct of an initial investigation as described in section 4.3, the Dean of Students shall have an initial meeting with the Complainant as soon after the Complaint is filed as is practicable. The purpose of that meeting shall be to: (a) discuss this Sexual Misconduct Policy; (b) review the availability of assistance for the Complainant such as the Office of Victim Services, the office of Counseling and Drug Abuse, the Student Health Center and Honor Advisors; (c) discuss the need for interim interventions for the Complainant and Respondent, as provided for in section 7.0; (d) give Notice that retaliation will not be tolerated; and (e) provide a general understanding of the Honor Board hearing process and the affiliated timeline.

6.13 Options to Resolve the Complaint

During the initial meeting described in Section 6.12, the Dean of Students will ask the Complainant how she/he wishes to proceed, namely, by formal resolution or by informal resolution (facilitated discussion and mediation with the Respondent). In either event the Dean will determine the name of the accused Student, and the date, location and nature

of the alleged sexual misconduct and will ask the Complainant to prepare a written statement.

6.14 Notification and Coordination with Campus Title IX Coordinator

(a) Upon the filing of a Complaint with the Dean of Students, the Dean will notify the Title IX Coordinator and provide the Coordinator a copy of the Complaint. The Dean of Students and the Title IX Coordinator will confer in order to determine whether or not there is a reasonable basis to pursue the allegations. The Title IX Coordinator, after consultation with the Dean of Students, may conduct the immediate preliminary investigation (described in Section 4.3) and any other investigation herself/himself or may appoint one or more investigators (including the Dean of Students) to conduct such investigations (hereinafter the "Investigator"). In cases when the Respondent is a Student, or if there is more than one Respondent, when all Respondents are Students, it is expected that the Dean of Students will be designated as the Investigator.

(b) The Title IX Coordinator shall communicate regularly with the Department of Public Safety and to provide information regarding Title IX requirements.

(c) The Title IX Coordinator, or the Investigator appointed by the Coordinator, shall review all evidence in a sexual harassment or sexual violence case brought before the College's Honor Board to determine whether the Complainant is entitled to a remedy under Title IX that was not available through the Honor Board.

7.0 ASSESSMENT FOR IMMEDIATE INTERIM ACTION

7.1 Determinations

Whenever there is a Complaint of alleged Sexual Misconduct, the Dean of Students and the Title IX Coordinator will undertake an immediate preliminary investigation (as described in Section 4.3) and, if appropriate, take interim action to support and protect the Complainant and/or the Respondent. To the extent practicable under the circumstances, such actions shall be pre-approved by the Executive Vice President for Student Affairs after consultation with the Senior Vice President for Legal Affairs.

7.2 Types of Interim Actions Available

Interim actions include, but are not limited to, orders of "no contact", residence reassignment, a ban from specific buildings or areas of the campus, adjustments to class schedules, adjustments to academic schedules, interim suspension, or any other action that the College believes is reasonable and appropriate under the circumstances (See Section on Interim Suspensions in the *Student Handbook*.) A violation of the interim actions by the Complainant or the Respondent will constitute a related offense that may result in the imposition of disciplinary action.

8.0 MEDIATION

8.1 Informal Resolution

Except as provided for in Section 8.6, mediation is the preferred way to resolve most disputes between members of the College Community. In order for mediation to take place on any Complaint, however, it must be mutually acceptable to both the Respondent and the Complainant. During the mediation, the Investigator meets individually with each Party and with each collectively with both Parties, as appropriate. Either the Complainant or the Respondent may refuse mediation or, once commenced, end mediation at any time. No adverse inference is to be drawn from any such decision to accept or reject mediation. If a mediated compromise is reached between the Parties, it must be approved by the Investigator and the Executive Vice President for Student Affairs. The Executive Vice President may consult, as appropriate, with affected supervisor(s) and others and shall seek legal advice from the Senior Vice President for Legal Affairs to resolve or discuss legal issues.

8.2 Non-Disclosure

In order to promote honest, direct communication, information disclosed during Informal Resolutions shall remain confidential, except when disclosure may be required by law or is necessary to discharge a legal or ethical responsibility of the College.

8.3 Mediated Agreements

All mediated agreements shall be reduced to writing and a copy shall be given to both the Complainant and the Respondent. A copy of the agreement shall also be maintained in the Office of the Dean of Students.

8.4 Consequences of a Breach of the Agreement

If there is a breach of the mediated agreement by either Parties the College may, in the exercise of its reasonable discretion, discipline the breaching Parties and/or declare the agreement null and void and of no force or effect and reinstate the Complaint.

8.5 Time Limitations

If a negotiated agreement cannot be reached within 30 days from the first mediation session, the matter shall be referred for formal investigation under Section 9.0.

8.6 Inappropriate Circumstances for Mediation

The College will not agree to any mediated solution to a Complaint, despite the wishes of the Parties, when it has reason to believe that: (a) a sexual assault or any other form of violence has taken place; (b) the Complainant and the Respondent are so diametrically adverse in positions or have such conflicting views that resolution by mediation seems unlikely; (c) there is an unreasonable risk of violence or intimidation by one Parties against the other; (d) the Respondent has been charged with a crime arising out of the event giving rise to the Complaint; or (e) for other good cause shown, in the best interest of the Parties, as determined in the discretion of the Investigator.

8.7 No Mediation or Unsuccessful Mediations If mediation is not feasible or appropriate under the circumstances, or if not successful within a reasonable period of time (as provided for in Section 8.5), the Investigator is to commence a formal investigation.

9.0 FORMAL INVESTIGATION

9.1 Commencement

The Investigator shall first identify all provisions of this Policy that may have been violated if the allegations made by the Complainant prove more likely true than not true. Only those allegations that would, if true, constitute a violation of this Policy should be investigated; and only evidence that tends to prove or disprove such allegations shall be considered relevant to the investigation. If the Investigator reasonably determines that even if all allegations prove true there would be no violation of this Policy, the matter shall not be investigated. In that event the Complainant shall be advised of the same and shall have the right to appeal the decision of the Investigator to the Executive Vice President for Student Affairs. Such an appeal shall be filed within 5 days of notification by the Investigator and the Executive Vice President shall have an additional 5 days from the receipt of the appeal to either dismiss the matter or to remand it back to the Investigator for further processing under this Policy.

9.2 Notice

Except as provided in this Section 9.2, the Investigator is to notify the Respondent, in writing, that allegations have been made against him/her and the nature of the allegations. This Policy shall be cited and the Respondent shall be informed that retaliation in any form against the Complainant or an actual or potential witness is strictly prohibited. The Respondent shall also be notified that s/he will have an opportunity to address the allegations and to submit evidence on his/her own behalf. In exceptional cases, notification of the Respondent may be delayed if the Investigator determines that such notification may put the Complainant or a witness at risk or impede the investigation.

9.2.1 If the matter is to be heard and decided by the Honor Board rather than by a single Hearing Officer, the Dean of Students, or the Title IX Coordinator as the case may be, shall submit to the Honor Board the Preliminary Report of Investigation (as prepared pursuant to section 9.4) and a pre-hearing report that summarizes the allegations, the defenses asserted, and the material facts that would tend to prove or disprove the allegations. Such Preliminary Report of Investigation and pre-hearing report shall be used by the Board to prepare for its hearing and to acquaint itself with the relevant issues to be decided.

9.3 Decisional Authority

(a) Hearing Board ~ For Complaints that are heard by the Honor Board, that Board shall be considered the Decisional Authority, subject to such reviews by the Executive Vice President for Student Affairs as provided for in Section 16.0.

(b) Hearing Officer ~ A hearing Officer may only be used in lieu of Honor's Board if both the Complainant and the Respondent agree to the use of a Hearing Officer. Both Parties shall be informed that in the event of a Hearing Officer that Officer may also conduct the investigation as well as render the decision. For Complaints that are heard by a Hearing Officer, that Officer shall be considered the Decisional Authority, subject to such reviews by the Executive Vice President for Student Affairs as provided for in Section 16.0.

(c) Authority of the Decisional Authority ~ The Decisional Authority may: (i) sustain all or some of the charges and determine the culpability of any Parties; (ii) impose or recommend the imposition of sanctions; (iii) find one or more of the charges not sustained by the evidence and dismiss such charges; and/or (iv) remand the matter for more investigation by the appropriate Investigator.

9.4 Evidence and the Role of Legal Counsel

The following principles shall apply with respect to any investigation, whether conducted by an Investigator or by the Honor Board, and regardless of who may be acting as the Decisional Authority:

(a) Fact Gathering - To the extent reasonably practicable under the circumstances, there shall be interviews of the Complainant, the Respondent and other witnesses, the examination of written statements from the Parties, the review of all relevant documents, and the consideration of any other evidence that would tend to prove or disprove the material factual allegations. Executive Vice Presidents are to take reasonable measures to assure that the Investigator and the Honor Board have access to witnesses, documents, and such other evidence as may be reasonably necessary under the circumstances to discover and consider relevant facts. Interviewers shall make notes of all interviews conducted as part of the investigation if not otherwise recorded in a transcript of an Honor Board proceeding.

(b) Legal Counsel - Witnesses, including the Complainant and the Respondent, may have legal counsel present at interviews or at a hearing, but counsel may not participate in the interview or hearing (that is, answer questions for, or ask questions on behalf of, their clients or make statements) and may be asked to leave the interview site if disruptive or causing an unreasonable delay in the conduct of the interview or hearing. Prior to any such interview with counsel in attendance, the Dean of Students shall notify the Senior Vice President of Legal Affairs and afford the Senior Vice President the opportunity to attend the interview or proceedings.

(c) No Inference - A negative inference may not be drawn by the Complainant's or Respondent's decision not to provide a statement or give an interview. In such event, the matter will be decided without the benefit of such participation. (d)

Consequences for Interference - A member of the College Community who interferes with an investigation or hearing conducted under this Policy shall be subject to disciplinary action up to and including termination or expulsion, depending on the frequency or seriousness of the offense.

(e) Opportunity to Respond - The Respondent must be given a meaningful opportunity, at a meaningful time, to respond to the allegations in the Complaint and present relevant evidence on his/her behalf during the investigation.

10.0 HONOR BOARD HEARING

10.1 Pre-Hearing

The Chair of the Honor Board will schedule a pre-hearing meeting prior to the hearing date. At the meeting the Chair will review hearing procedures with the Parties, separately or jointly. The Chair will also review the Complaint of alleged Sexual Misconduct (and related misconduct, if applicable), and review the Parties' respective lists of proposed witnesses to assist them in eliminating duplicative or non-relevant statements or other information.

10.2 Exchange of Information

The Parties will provide the Chair with a list of witnesses they wish the College to call, and copies of documents and a description of any other information they propose to enter into the record and present at the hearing. Unless for good cause shown, the witness lists, documents and other information must be submitted at least five business days prior to the hearing. In the absence of good cause (such as impeachment of a newly asserted allegation), as determined by the Chair in the exercise of his or her sole discretion, the Parties may not introduce witnesses, documents or other information at the hearing that were previously undisclosed.

10.3 Modification of the Proceedings

The College reserves the right, acting through the Chair of the Honor Board, to add to or modify the alleged violations of this Policy and to add witnesses to the witness lists at the pre-hearing meeting and/or at the hearing in order to conform to the evidence, provided that, both the Complainant and the Respondent have an equitable opportunity at a meaningful time to respond to such additions or modifications.

10.4 Notification of Any Special Arrangements for Hearing

Absent a showing of good cause, special needs regarding the hearing room set-up shall be communicated to the Chair of the Honor Board and the Dean of Students at least two working days before the scheduled hearing. After review, the Dean will ask the Honor Board, as appropriate, to accommodate concerns for the personal safety, well-being, and/or apprehensions of the Complainant, Respondent, and/or other witnesses during the hearing. Among other

accommodations this may include using a visual screen, or by permitting participation by telephone, videophone, Skype®, audio tape, written statement, and/or other means appropriate to the circumstances that do not violate principles of fundamental fairness for all concerned.

10.5 Challenges

A Party desiring to challenge the participation of any Honor Board member for cause (such as a conflict of interest) must notify the Board Chair, in writing, within three calendar days of receipt of the Notice of Pre-Hearing, stating the specific reasons for the objection. The Chair will determine whether the challenge has merit and may make changes in the Board's composition if such a challenge is warranted under the circumstances.

10.6 Persons Admitted To Hearing; Role of Advisors

Both the Respondent and the Complainant may be accompanied at any time during the Complaint resolution process by an advisor. Advisors may not be called as a witness by the Party using that advisor and may not participate in the interview or hearing as a representative of that Party (that is, answer questions for, or ask questions on behalf of, their advisee or make statements for the advisee). Advisors may be asked to leave the interview site if disruptive or causing an unreasonable delay in the conduct of the interview or hearing. An attorney may act as an advisor, subject to the limitations stated in Section 9.4(b). A member of the public shall not be admitted to the Hearing as a spectator unless: (a) all Parties first agree; or (b) the spectator is the parent or legal guardian of a Party and that Party is under 18 years of age.

10.7 Examination of Evidence

The hearing will not follow a courtroom model and formal rules of evidence will not be observed. The Chair will determine the order of the witnesses and resolve any questions of procedure or relevancy arising during the hearing.

10.8 Time Estimates

After a Complaint is filed, or the College elects to investigate a matter, the Investigator shall prepare a schedule that includes dates for the following, as may be applicable to the matter: (a) the Preliminary Interviews; (b) mediation; (c) pre-hearing meeting with the Honor Board or its representative; (d) the exchange of evidence; (e) the hearing; and (f) finalization of the final Report of Investigation. Except for good cause shown, and taking into account pending workload requirements, other assigned cases, and the complexity of the individual Complaint being investigated, the period of time from the filing of a Complaint, or a College decision to investigate a matter, to the completion of the preliminary Report of Investigation shall not exceed 60 calendar days. The Decisional Authority shall render a decision within 30 calendar days from receipt of the preliminary Report of Investigation.

10.9 Operating Procedures

The Executive Vice President of Student Affairs or his/her designee shall adopt such operating procedures for the Honor Board as maybe appropriate, provided that, such operating procedures are not in conflict with any provision of this Policy or any other College Policy and are available to all Students.

11.0 POST HEARING

If the Decisional Authority determines that the Respondent Student is responsible for Sexual Misconduct, the Complainant may present the Board with a written or verbal statement recommending sanctions and remedies, and a description of how the actions of the Respondent have impacted the Complainant's educational and personal goals. The Respondent will be provided an opportunity to respond to the Impact Statement. The Decisional Authority is not bound by these statements in determining sanctions.

12.0 REPORT OF INVESTIGATION AND DETERMINATION

12.1 Issuance of a Final Report of Investigation and Determination (the "Report") - Regardless of whether a Complaint is resolved by a hearing officer or by the Honor Board, a Final Report of Investigation shall be completed. The content of the Report shall be principally confined to the matters listed in subsections (a) through (f) of this Section 12.1. No legal conclusions are to be presented in the Report as to the applicability of any law, or whether any law was violated; except that, the Report must state that retaliation is a violation of both law and College Policy. The Final Report shall contain at least the following five sections:

- (a) the allegations;
- (b) the applicable policy or policies involved;
- (c) the method of investigation, including a list of witness interviewed, documents reviewed and other evidence

- considered;
- (d) findings of fact and factual conclusions;
- (e) a determination as to whether the Policy has been violated, and if so, the sanctions to be imposed; and
- (f) proposed remedies for the Complainant, if appropriate.

12.2 The Record

The Final Report and all its exhibits and referenced materials and the electronic transcript of the hearing (if such a hearing was held) shall be the official record of the investigation.

12.3 Maintenance of the Record

After the investigation has been completed and the determination of the Decisional Authority has been rendered, the official record of the investigation, the preliminary Report of Investigation and the determination of the Decisional Authority shall be maintained in the Office of the Dean of Students. These materials shall be available to: (a) the Complainant and the Respondent, with such redactions as may be required under law; (b) the investigator, the Decisional Authority, and the Office of Legal Affairs; and (c) such third Parties who may have a legal right to access such materials, in whole or in part, as determined by the Senior Vice President for Legal Affairs.

13.0 SANCTIONS AND EFFECTIVE DATE

13.1 Types of Sanctions and Guidelines

The Decisional Authority is required to consider suspending or expelling any Student found culpable for Sexual Misconduct; however, the Decisional Authority may impose any other sanction that it finds to be fair and proportionate to the violation(s) and the attending circumstances. Other sanctions may include removal from campus housing, deferred suspension, mandatory referral to counseling, and/or disciplinary service. Matters that may be considered when deciding on the appropriate sanctions, include –

- (a) the record of past violations of any College Policy, the Honor Code, or government rules, regulations or laws, as well as the nature and severity of such past violations;
- (b) the acknowledgement of wrongdoing by, and the commitment of the Respondent to conform his/her conduct to acceptable standards in the future;
- (c) whether alcohol or controlled substances were involved in the incident;
- (d) whether violence was involved in the incident; and
- (e) if the Respondent Student poses a continuing risk to the Complainant and/or the College Community.

13.2 Actions by the Honor's Board

Determination and Sanction decisions made by the Honor Board must be by majority vote of all members of the Board, except that a sanction of expulsion shall be by a unanimous vote of the entire Board. In the event that the Board cannot agree on a sanction after a finding of culpability, the sanction decision shall be made by the Dean of Students.

13.3 Timing of Sanctions

Sanctions imposed by a Decisional Authority are not effective until any pending appeal of the finding and/or sanctions is finally resolved by the Executive Vice President for Student Affairs. However, if advisable to protect the safety of the Complainant or the College Community, the Decisional Authority may recommend to the Executive Vice President of Student Affairs that any suspension (or suspension preliminary to an expulsion) be effective immediately pending the exhaustion of appeal rights or a decision on appeal.

14.0 REMEDIES FOR THE COMPLAINANT

Depending on the findings of the Decisional Authority, remedies for the Complainant may include, but are not limited to, one or more of the following:

- (a) providing an escort to ensure that the Complainant can move safely between classes and activities;
- (b) ensuring that the Complainant and the Respondent do not attend the same classes;
- (c) moving the Complainant or Respondent to a different residence hall;
- (d) providing counseling services;
- (e) providing medical services;
- (f) providing academic support services, such as tutoring;
- (g) arranging for the Complainant to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the Complainant's academic record; and
- (h) reviewing any disciplinary actions taken against the Complainant to see if there is a causal connection between the

harassment and the misconduct that may have resulted in the Complainant being disciplined.

15.0 NOTIFICATION OF OUTCOME

Within two working days of a decision by a Decisional Authority on a Complaint, the Office of the Dean of Students will issue two documents to both the Respondent and the Complainant: a determination letter and a memorandum opinion letter. The determination letter will contain the following information: the name of the Respondent Student; whether the Respondent was found in violation or not in violation for specific violations of the Sexual Misconduct Policy and the sanctions, if any, imposed. The memorandum opinion letter will contain all of the information in the determination letter in addition to a summary of the Decisional Authority's rationale for its decision, as well as, a notice of appeal rights. The determination letter, the memorandum opinion letter and the record of proceedings are education records within the meaning of the Family Education Rights and Privacy Act (20 U.S.C. §1232g, 34 C.F.R. Part 99) and may not be disclosed except when disclosure is authorized or required by law or College Policy.

16.0 APPEALS

16.1 Who May File

The Complainant and the Respondent may each file an appeal. Appeals are to contain the information described in Section 16.2 and shall be filed with the Executive Vice President for Student Affairs (66 George Street, Stern Center, College of Charleston, Charleston, SC 29424 and wilsonv@cofc.edu), with a copy to the Dean of Students (66 George Street, Stern Center, College of Charleston, Charleston, SC 29424 and cabotj@cofc.edu). The Dean will then notify and provide a copy of the appeal to the other Parties to the proceeding. The non-appealing Parties shall have three days from receipt of the appeal to state his/her position on the appeal with the Executive Vice President for Student Affairs with a copy to the Dean of Students.

16.2 Grounds for Appeal

A decision reached or a sanction imposed by a Decisional Authority may be appealed within five (5) working days of the transmittal of the decision to the Parties who is appealing. Such appeals shall be in writing and shall cite the name of the case; the grounds for the appeal and the relief requested. The only grounds that will justify changing or overruling a decision by the official or Honor Board are the following:

- (a) There was no reasonable basis in the record for the decision rendered or the sanction imposed;
- (b) There was a substantive mistake of procedure that likely influenced the outcome of the proceeding; or
- (c) New evidence, sufficient to alter a decision was not brought out in the original hearing, because such evidence was either unavailable or unknown at that time after diligent inquiry by the person appealing.

The Executive Vice President will reach a determination on the appeal within ten (10) working days from the receipt of the appeal. At this stage in the process, the Executive Vice President for Student Affairs' response time may be modified if circumstances dictate. The decision of the Executive Vice President is final.

17.0 RETALIATION

The College prohibits adverse treatment of employees or Students for exercising their rights under this Policy. Any good faith report of discrimination and/or harassment, experienced or observed, should be made without fear of retaliation by the College. **RETALIATION AGAINST ANY EMPLOYEE OR STUDENT FOR FILING A COMPLAINT OR PARTICIPATING IN AN INVESTIGATION IN GOOD FAITH IS STRICTLY PROHIBITED BY LAW AND THIS POLICY. VIOLATORS WILL BE SUBJECT TO THE IMMEDIATE CONSIDERATION OF DISCIPLINARY AND/OR REMEDIAL ACTION THAT COULD INCLUDE SEPARATION FROM THE COLLEGE.**

17.1 Intentionally making a false report or providing false or materially misleading information during an investigation also constitute grounds for discipline and/or remedial action.

18.0 TRAINING AND EDUCATION

18.1 Training

It is the responsibility of the Executive Vice President for Student Affairs to ensure that all persons within the Division of Student Affairs are appropriately and periodically trained on this Policy.

18.2 Development of Materials and Implementation of Policy

The Title IX Coordinator, in cooperation with the Dean of Students, shall develop materials on sexual harassment and violence that shall be distributed to Students during orientation and upon receipt of Complaints, as well as widely posted throughout College buildings and residence halls. This material shall include:

- (a) what constitutes sexual harassment or violence;
- (b) what to do if a Student has been the victim of sexual harassment or violence;
- (c) contact information for counseling and victim services on and off school grounds;
- (d) how to file a complaint with the College;
- (e) how to contact the school's Title IX Coordinator or the Dean of Students; and
- (f) what the College will do to respond to allegations of sexual harassment or violence, including the interim measures that can be taken.

18.3 Committee on Sexual Misconduct

The Executive Vice President shall establish a *Committee on Sexual Misconduct*. Members of the Committee shall be the Dean of Students, the Title IX Coordinator, the Director of Human Relations, and such other faculty, staff and Students as the Executive Vice President shall decide. The Committee shall identify strategies for ensuring that Students:

- (a) know the College's prohibition against sex discrimination, including sexual harassment and violence;
- (b) recognize sex discrimination, sexual harassment, and sexual violence when they occur;
- (c) understand how and to whom to report any incidents, including any incident that may take place during a Program or Activity conducted overseas or on other than College Property;
- (d) know the connection between alcohol and drug abuse and sexual harassment or violence; and
- (e) feel comfortable that school officials will respond promptly and equitably to reports of sexual harassment or violence.

The Committee shall also consider other steps that clearly communicate that the College does not tolerate sexual harassment and violence and will respond to any incidents and to any Student who reports such incidents. In addition, the Committee may recommend such changes to this Policy as it believes appropriate to ensure that the procedures contained herein for resolving Complaints are prompt and equitable.

20.0 RESPONSIBILITY FOR POLICY MAINTENANCE

The Title IX Coordinator, upon consultation with the Dean of Students, shall be responsible for the periodic review and maintenance of this Policy. Such reviews shall take place no less frequently than once during each three year period and shall be provided to the President's Executive Team within seven calendar days of completion.

21.0 AMENDMENTS

This Policy and Procedure may be amended at any time in accordance with the Colleges *Campus Wide Policy Making Procedures*.

APPENDIX 1

EXAMPLES OF SEXUAL MISCONDUCT AND RELATED ISSUES

A. Verbal.

Unwelcome sexual advances or requests for sexual favors based upon gender, sexual orientation, gender identity or gender expression; Verbal harassment, such as sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions or threats; epithets; slurs; negative stereotyping (including "jokes"); Repeated, unwelcome requests for social engagements; Questions or comments about sexual behavior or preference;

Scenarios: "A Student repeatedly sends sexually oriented jokes around on an email list s/he created, even when asked to stop, causing one recipient to avoid the sender on campus and in the residence hall in which they both live."¹ "An ex-girlfriend widely spreads false stories about her sex life with her former boyfriend to the clear discomfort of the boyfriend, turning him into a social pariah on campus."²

¹ Brett A. Sokolow, W. Scott Lewis, Saundra K. Schuster, ATIXA *Gender-Based and Sexual Misconduct Model Policy*. National Center for Higher Education Risk Management and Association of Title IX Administrators (2011), p. 6.

² ATIXA, 6

³ ATIXA, 6

B. Non-verbal.

Display or sexually suggestive objects or pictures, leering, whistling, obscene gestures; written or graphic material (including communications by computers, cell phones, etc.) that defames or shows hostility or aversion toward an individual or group because of gender, sexual orientation, gender identity, or gender expression.

Scenarios: “Explicit sexual pictures are displayed in a professor’s office, on the exterior of a residence hall door or on a computer monitor in a public space.”³

C. Acts of sexually-based intimidation, coercion, threats, stalking.

Intimidation -To place another person in reasonable fear of bodily harm and/or emotional distress through the use of threatening words, repeated and/or severe aggressive behavior or other conduct or both, but without displaying a weapon or subjecting the person to physical attack; Coercion -use of force, threats or intimidation to make somebody do something against his or her will; Threats - an expression of intention to inflict injury, harm or damage; Stalking - repetitive and/or menacing pursuit, following, watching, harassment, and/or interference with the peace and/or safety of another person. Scenarios: A male student tells female student that he will spread false rumors about her unless she complies with his sexual demands. A male student notices that a female student follows him to his classes regularly; she has also tried to enter his residence hall building improperly; she appears at locations he regularly frequents; and she is seen often observing him from a distance.

D. Non-consensual sexual contact. Any intentional sexual physical contact, with any object, including touching, pinching or brushing the body; that is without consent and/or by force (restrict, battery, etc.).

Scenarios: “Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts. Making another touch you or themselves with or on any of these body parts. Any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.”⁴

⁴ ATIXA, 8
⁵ ATIXA, 9

E. Acts of physical aggression, including non-consensual sexual intercourse.

Vaginal penetration by a penis, object, tongue or finger; anal penetration by a penis, object, tongue or finger; and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

Scenarios: Someone putting their finger, tongue, mouth, penis or an object in or on your vagina, when you don't want them to. Someone forcing you to perform oral sex or forcing you to receive oral sex. Someone forcing you to masturbate them.

F. Sexual exploitation.

Sexual exploitation “occurs when a Student takes non-consensual or abusive sexual advantage of another for his/her advantage or benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses.”⁵

Scenarios: Inducing or attempting to induce incapacitation with the intent to rape, sexually assault another Student; non-consensual video or audio taping of sexual activity; allowing others to observe a personal act of consensual sex without knowledge or consent of the partner; engaging in voyeurism (e.g., Peeping Tom activity); distributing intimate or sexual information about another person without their knowledge or consent; knowingly transmitting an STI or HIV to another Student; prostituting another Student (monetary gain, privilege or power from the sexual activities of another Student); exposing one’s genitals in non-consensual circumstances; inducing another to expose their genitals; sexually-based stalking and/or coercion may also be forms of sexual exploitation.

G. Harassment/abuse can occur through electronic media.

Sexual/gender harassment includes in-person acts and/or behavior via computer, telephone or other electronic medium and be in the form of text message, email, social media notice or other form of electronic messaging.

Scenarios: Posting photos of an individual naked without their consent to Facebook, Twitter, a blog, etc. Discussing another individual on social networks in a sexually explicit way. Attaching a caption with a person’s name to a sexually explicit photo and sharing that photo and caption through a form of social media.

H. Consent and Incapacitation.

Effective consent involves the presence of explicit verbal consent or overt action clearly expressing consent. Such signals of consent must be mutual and ongoing. Consent, in other words, “refers to positive cooperation in act or attitude pursuant to an exercise of free will – it basically means that a person must freely and voluntarily act with knowledge of the nature of the act.” Silence, in and of itself, does not convey consent. “Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity.”⁶

⁶ ATIXA, 9
⁷ ATIXA, 9
⁸ ATIXA, 9
⁹ ATIXA, 9
¹⁰ ATIXA, 9
¹¹ ATIXA, 9-10

Effective consent is also absent when the activity in question exceeds the scope of effective consent previously given.

“Previous relationships or prior consent cannot imply consent to future sexual acts.”⁷

Consent obtained through fraud or force, whether that force is physical or through threats, intimidation or coercion, is not regarded as effective consent. “Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, 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. NOTE: There is no requirement that a party resist the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.”⁸

It is the responsibility of the initiator (the person who wants to engage in the specific sexual activity) to make sure that they have consent from the other person. Use of alcohol or drugs by the respondent shall not diminish one’s responsibility to obtain consent. If an alleged victim is under the age of consent as defined by state law or is declared unable to give consent due to a mental or physical condition, and the respondent either knew that fact or reasonably should have known that fact, the respondent will likely be found responsible for Sexual Misconduct.

“Sexual activity with someone who one should know to be – or based on the circumstances should reasonably have known to be – mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout), constitutes a violation of this policy.”⁹ Incapacitation is a state where someone cannot make informed, rational judgments and decisions “because they lack the capacity to give knowing consent (e.g., to understand the ‘who, what, when, where, why or how’ of their sexual interaction).”¹⁰ Examples of incapacitation include, but are not limited to, the following: a person who is intoxicated, passed out, experiencing blackouts, or asleep.

Where alcohol is involved, incapacitation is defined with respect to how the alcohol consumed impacts a person’s decision-making capacity, awareness of consequences, and ability to make fully informed judgments.

This policy also covers a person whose incapacity results from the taking of rape drugs. “Possession, use and/or distribution of any of these substances including Rohypnol, Ketomine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another Student is a violation of this policy. More information on these drugs can be at <http://www.911rape.org/>.”¹¹

I. Age.

Anyone under 18 years of age is not legally capable of giving consent for any sexual contact.

APPENDIX 2

20 USCS § 1681

§ 1681. Sex

(a) Prohibition against discrimination; exceptions. No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance, except that:

- (1) Classes of educational institutions subject to prohibition. in regard to admissions to educational institutions, this section shall apply only to institutions of vocational education, professional education, and graduate higher education, and to public institutions of undergraduate higher education;
- (2) Educational institutions commencing planned change in admissions. in regard to admissions to educational institutions, this section shall not apply (A) for one year from the date of enactment of this Act [enacted June 23, 1972], nor for six years after such date in the case of an educational institution which has begun the process of changing from being an institution which admits only Students of one sex to being an institution which admits Students of both sexes, but only if it is carrying out a plan for such a change which is approved by the Commissioner of Education or (B) for seven years from the date an educational institution begins the process of changing from being an institution which admits only Students of only one sex to being an institution which admits Students of both sexes, but only if it is carrying out a plan for such a change which is approved by the Commissioner of Education, whichever is the later;
- (3) Educational institutions of religious organizations with contrary religious tenets. this section shall not apply to an educational institution which is controlled by a religious organization if the application of this subsection would not be consistent with the religious tenets of such organization;
- (4) Educational institutions training individuals for military services or merchant marine. this section shall not apply to an educational institution whose primary purpose is the training of individuals for the military services of the United States, or the merchant marine;
- (5) Public educational institutions with traditional and continuing admissions policy. in regard to admissions this section

shall not apply to any public institution of undergraduate higher education which is an institution that traditionally and continually from its establishment has had a policy of admitting only Students of one sex;

(6) Social fraternities or sororities; voluntary youth service organizations. this section shall not apply to membership practices—

(A) of a social fraternity or social sorority which is exempt from taxation under *section 501(a) of the Internal Revenue Code of 1954* [1986] [26 USCS § 501(a)], the active membership of which consists primarily of Students in attendance at an institution of higher education, or

(B) of the Young Men's Christian Association, Young Women's Christian Association, Girl Scouts, Boy Scouts, Camp Fire Girls, and voluntary youth service organizations which are so exempt, the membership of which has traditionally been limited to persons of one sex and principally to persons of less than nineteen years of age;

(7) Boy or Girl conferences. this section shall not apply to—

(A) any program or activity of the American Legion undertaken in connection with the organization or operation of any Boys State conference, Boys Nation conference, Girls State conference, or Girls Nation conference; or

(B) any program or activity of any secondary school or educational institution specifically for—

(i) the promotion of any Boys State conference, Boys Nation conference, Girls State conference, or Girls Nation conference; or

(ii) the selection of Students to attend any such conference;

(8) Father-son or mother-daughter activities at educational institutions. this section shall not preclude father-son or mother-daughter activities at an educational institution, but if such activities are provided for Students of one sex, opportunities for reasonably comparable activities shall be provided for Students of the other sex; and

(9) Institution of higher education scholarship awards in "beauty" pageants. this section shall not apply with respect to any scholarship or other financial assistance awarded by an institution of higher education to any individual because such individual has received such award in any pageant in which the attainment of such award is based upon a combination of factors related to the personal appearance, poise, and talent of such individual and in which participation is limited to individuals of one sex only, so long as such pageant is in compliance with other nondiscrimination provisions of Federal law.

(b) Preferential or disparate treatment because of imbalance in participation or receipt of Federal benefits; statistical evidence of imbalance. Nothing contained in subsection (a) of this section shall be interpreted to require any educational institution to grant preferential or disparate treatment to the members of one sex on account of an imbalance which may exist with respect to the total number or percentage of persons of that sex participating in or receiving the benefits of any federally supported program or activity, in comparison with the total number or percentage of persons of that sex in any community, State, section, or other area: *Provided*, That this subsection shall not be construed to prevent the consideration in any hearing or proceeding under this title of statistical evidence tending to show that such an imbalance exists with respect to the participation in, or receipt of the benefits of, any such program or activity by the members of one sex.

(c) "Educational institution" defined. For purposes of this title an educational institution means any public or private preschool, elementary, or secondary school, or any institution of vocational, professional, or higher education, except that in the case of an educational institution composed of more than one school, college, or department which are administratively separate units, such term means each such school, college, or department.

RESOURCES

While the College of Charleston offers comprehensive victim services, students may choose to utilize service providers within the general community or at the national level. The listing below provides contact information for a variety of services that are available to any victim of sexual assault.

Please Note: Although the following list offers resource information for both on and off campus, general community service providers do not serve as reporting entities for the College of Charleston Annual Security Report.

COMMUNITY AND NATIONAL RESOURCE INFORMATION

Noteworthy Web Addresses

Title of Resource

Web Address

Campus Police / Public Safety	http://publicsafety.cofc.edu/
Office of Victim Services (formerly C.A.R.E.)	http://victimservices.cofc.edu/
Timely Warning Alerts	http://emergency.cofc.edu/cougaralert/index.php
Student Handbook	http://studentaffairs.cofc.edu/honor-system/studenthandbook/index.php
Rape Abuse and Incest National Network	www.rainn.org
National Center for Victims of Crime	www.ncvc.org
Sex Offender Registry	http://services.sled.sc.gov/sor/
People Against Rape	www.peopleagainstrape.org/
State Office of Victim Assistance	www.govoepp.state.sc.us/sova/
South Carolina Victim Assistance Network	www.scvan.org/
South Carolina Coalition Against Domestic Violence and Sexual Assault	www.sccadvasa.org

Noteworthy Phone Numbers

Resource

Phone Number

Campus Police/Public Safety Emergency	843.953.5611
Campus Safety Escort Service	843.953.5609
Office of Victim Services (formerly C.A.R.E.) – 67 George St (Rooms 102 & 202)	
- General Information (Ask to speak with a victim assistance specialist)	843.953.2273
- Emergency Team Response - Pager	843.724.3600
Center for Women	843.763.7333
Chief of Campus Police/Director of Public Safety	843.953.5609
Counseling and Substance Abuse Services	843.953.5640
Crime Action Line	843.953.4998
Crime Victim Research Center	843.792.8209
Emergency Shelter for Battered Women	843.744.3242
Family Services	843.744.1348
Health Department	843.579.4500
Hotline	843.744.4357
Mental Health Department	843.852.4100
People Against Rape (PAR)	843.745.0144
Public Defender's Office	843.958.1850
Solicitor's Office	843.958.1900
South Carolina Crime Victim Ombudsman	803. 734.0357
State Office for Victim Assistance	800.220.5370
Student Health	843.953.5520

Local Police Departments

Department	Phone Number
Charleston City	843.577.7434
Charleston County Sheriff's Department	843.202.1700
Folly Beach	843.588.2433
North Charleston	843.740.2800
Mt. Pleasant	843.884.4176
Isle of Palms	843.886.6522
Sullivan's Island	843.883.3931
Hanahan	843.747.5711
Berkeley County Sheriff's Office	843.723.3800
Summerville	843.875.1650
Goose Creek	843.572.4300
Dorchester County Sheriff's Office	843.873.5111

Parental Notification and Alcohol and Drug Violations

1. Achieving autonomy and acceptance of one's personal responsibility are student development goals promoted throughout every facet of collegiate life. Such goals are promoted within the Family Rights and Privacy Act (FERPA). In 1998, however, amendments to FERPA gave colleges and universities the option to notify parents or guardians of a student's violation of any federal, state, or local law, or an institutional disciplinary policy relating to the use or possession of alcohol or a controlled substance. The amendment clearly recognizes the cooperative partnership colleges have with parents and guardians that move beyond enrollment to those times when intervention is a practical response to prevent the loss of a student's personal and collegiate goals.

2. In support of our mutual investment in the success of each student and the preservation of a climate conducive to living and learning, an official of the College will notify parents or guardians when a student under the age of 21 at the time of disclosure regarding the College's determination that the student violated federal, state or local law or College policy governing the use or possession of alcohol or a controlled substance.

STUDENT ALCOHOL POLICY

1. Residence Life and Housing

1.1. Approximately 85 percent of our residence hall population is not of legal age to purchase or drink alcoholic beverages. Further, abuse of self, others and College of Charleston property can be directly related to excessive use of alcohol. Accordingly, the following restrictions apply: a limited amount of beer and wine is allowed in only "upper-class" residence halls and houses. There will be no alcoholic beverages allowed in Berry, Buist, College Lodge, Craig, Liberty Street, McAlister, and McConnell Halls. Where allowed, beer and wine must be in the private possession and control of the owner. All persons consuming alcohol must be of legal drinking age and are responsible for their behavior and actions. NO KEGS, LIQUOR OR CAFFEINATED ALCOHOLIC BEVERAGES are allowed in the residence hall system at any time. Residential students are strongly encouraged to know the pertinent rules and procedures as listed in *The Guide to Residence Living*.

2. Alcohol-Related Violations (possession, use, disorderly conduct, intoxication, possession of empty alcohol containers, etc.). Responses from incidents that originate within the Residence Halls, On Campus or Off Campus

The College of Charleston will impose on students the following sanctions and other sanctions for proven violations of its alcohol policies.

2.1. First Violation (Adjudication by Residence Life and Housing staff/Student Affairs official) Sanctions include, but are not limited to:

- a) Receive a letter of warning, probation period or be placed on residence life probation for a minimum of one semester if a residential student and incident occurs within the residential system;
- b) Have a parental/guardian notification letter sent concerning the violation;
- c) Participate in an alcohol risk reduction program or assessment at Counseling and Substance Abuse Services. Fees will be charged; and/or
- d) Educational activities.

Failure to complete first offense sanctions will result in a fine (\$150.00 or more) and other sanctions.

2.2. Second Violation (Adjudication by Student Affairs official/Honor Board/Panel) Sanctions include, but are not limited to:

- a) Be placed on probation, residence life probation or deferred disciplinary suspension (one more violation and student is suspended from enrollment) and possibly moved within or removed from residence life housing for a minimum of one semester, depending on the specific circumstances;

If a student is removed from residence life housing for disciplinary reasons full payment of the contract is due if a residential student and incident occurs within the residential system;

- b) Have a parental/guardian notification letter sent concerning the violation;
- c) Participate in an alcohol risk reduction program or assessment at Counseling and Substance Abuse Services or through an off-campus provider. Fees will be charged; and/or
- d) Educational activities.

Failure to complete second offense sanctions will result in a fine (\$200.00 or more) and other sanctions unless student is on deferred suspension.

2.3. Third Violation (Adjudication by Student Affairs official/Honor Board/Panel) Sanctions include, but are not limited to:

- a) Be removed from residence life housing with full payment of the contract due if a residential student and incident occurs within the residential system;
- b) Be placed on disciplinary suspension from the College for a minimum of one semester;
- c) Have re-admission to the College dependent on successful completion of a pre-approved substance abuse counseling program; and
- d) Have a parental/guardian notification letter sent concerning the violation.

Health Risks:

Death: 1,700 college students between the ages of 18 and 24 die each year from alcohol-related unintentional injuries, including motor vehicle crashes (Hingson et al., 2005).

Injury: 599,000 students between the ages of 18 and 24 are unintentionally injured under the influence of alcohol (Hingson et al., 2005).

Assault: More than 696,000 students between the ages of 18 and 24 are assaulted by another student who has been drinking (Hingson et al., 2005).

Sexual Abuse: More than 97,000 students between the ages of 18 and 24 are victims of alcohol-related sexual assault or date rape; over 400,000 had unprotected sex; and more than 100,000 students report having been too intoxicated to know if they consented to having sex (Hingson et al., 2002 & 2005).

Health Problems/Suicide Attempts: More than 150,000 students develop an alcohol-related health problem (Hingson et al., 2002) and between 1.2 and 1.5 percent of students indicate that they tried to commit suicide within the past year due to drinking or drug use (Presley et al., 1998).

Drunk Driving: 2.1 million students between the ages of 18 and 24 drove under the influence of alcohol last year (Hingson et al., 2002).

Higher Education Act Drug/Alcohol Information

The Higher Education Act (HEA) is the federal law that governs the administration of federal higher education programs. The table below represents required data to supplement the drug and alcohol information outlined in the previous section and includes:

- The number of drug and alcohol-related incidents and fatalities occurring on campus, or as part of an institution's activities, that are reported to campus officials.
- The number and type of sanctions imposed as a result of such incidents and fatalities.

(PLEASE CLICK ON THE ADOBE ACROBAT FILE FOR TABLE)

STUDENT DRUG POLICY

1. Introduction

The College of Charleston is concerned with both the welfare of the College community and the academic and personal development of each student. The College strives to create a healthy environment where the illegal and/or improper use of drugs does not interfere with learning, performance, or development. Abuse of drugs disrupts this environment and places at risk the lives and well-being of the members of the College community, as well as the potential for students to contribute to society. It is important for all members of the college community to take responsibility for preventing the illegal and/or improper use of drugs from negatively affecting the community's learning environment and the academic, physical, and emotional well-being of its students. Since there are numerous means by which the use of drugs may adversely affect both students and the College community, it is important that the College issue to all students a clear statement of policy concerning the illegal and/or improper use of drugs.

1.1. This policy is intended to accomplish the following:

- a) To promote a healthy and safe learning environment.
- b) To demonstrate the commitment of the College to the provision of:
 - i) Education and prevention services designed to help prevent illegal and/or improper use of drugs.
 - ii) Early intervention and referral services related to the illegal and/or improper use of drugs.
- c) To encourage and facilitate the use of treatment and support services by those students who seek or are in need of assistance.
- d) To define expectations for student behavior with respect to the illegal and/or improper use of drugs.
- e) To identify appropriate disciplinary procedures for those students who engage in illegal and/or improper drug-related behaviors.

2. Education, Prevention, Intervention, and Treatment

2.1. The College's first obligation in dealing with drug problems is to educate the College community. This obligation is addressed by a variety of prevention and education programs which are offered, including formal and informal classes, lectures, discussions, and activities that address both drug-abuse prevention and drug-related problems. Students are encouraged to participate in the numerous campus organizations and activities which promote drug-free experiences. A list of student organizations is available in the Stern Student Center and at www.studentlife@cofc.edu. Current information about the risks and statistics related to drug use is available to students. Educational efforts also address personal intervention skills to help members of the College community to better respond to students demonstrating problems related to the use of drugs. As drug abuse is a societal issue, the College will also conduct research and offer expertise in this area as a public service.

2.2. A second responsibility of the College is to promote an atmosphere where students who have a problem with drug use will have the opportunity to seek help. Each student seeking assistance will be provided an opportunity for an individual diagnostic assessment and will be offered information on, or referral to appropriate services which address the improper use of drugs, including the misuse of prescription or over-the-counter drugs. Available services may include educational activities, structured groups, counseling, and self-help groups. Some of these services are offered on campus at no cost to the student. The cost of off-campus services is the responsibility of the student.

- a) Students may receive assessment, counseling, and educational services from the Office of Substance Abuse Services, (Robert Scott Small Building, 3rd floor, 953-5640), or from off-campus treatment providers.
- b) This policy is not intended to create obligations or restrictions which may interfere with the confidential nature of counseling, clinical, or therapeutic relationships. Confidentiality will be maintained in accordance with state and federal laws.

3. Violations

3.1. This policy prohibits, on or off campus:

- a) The unlawful manufacture, intent to distribute, distribution, dispensation, trafficking, possession, attempted purchase, or use of illegal drugs or controlled substances*, including prescription medications and/or use of non-anabolic steroids.
- b) The possession or sale of drug paraphernalia (such as roach clips, water bong, home-made bong, glass pipes, cocaine spoons).
- c) The manufacture, intent to distribute, distribution, dispensation, trafficking, possession, attempted purchase or use of imitation ("look alike") or synthetic substances including but not limited to substances such as K2, Spice, Bath Salts, etc.
- d) The manufacture, intent to distribute, distribution, dispensation, trafficking, possession, attempted purchase or use of psychoactive plant which produces hallucinogenic effects including but not limited to substances such as Salvia.

* The term "controlled substances" when used in this policy shall refer to those drugs and substances whose possession, sale, or delivery results in criminal sanctions under South Carolina law.

3.2. As citizens, students have responsibility for knowing of and complying with the provisions of state law referenced above. Any student who violates any of these laws is subject to prosecution and punishment by the civil authorities as well as to disciplinary procedures conducted by the College which may precede criminal or civil proceedings. It is not "double jeopardy" for both the civil authorities and the College to proceed to sanction a person for the same specified conduct.

4. Sanctions

The College of Charleston will impose on students the following sanctions and other sanctions for proven violations of its drug policies.

The College considers any violation of the drug policy to be a serious offense. The College will respond to all reported violations of this policy in accordance with the disciplinary procedures published in the *Student Handbook*. Residential students will be referred to the Dean of Students for adjudication. The sanctions imposed by the College for students found responsible for drug-related violations follow:

4.1. Distribution, dispensation, trafficking, purchasing or manufacturing illegal drugs and/or controlled substances

- a) Prior to hearing ~ Because acts such as the purchasing, manufacturing, distributing, dispensing and trafficking of illegal drugs and controlled substances are threats and dangers to both the health and safety of the community, when there is reason to believe, based on available facts, that the student represents an immediate threat to the safety, health, or welfare of herself/himself, other persons, or property, the College may immediately suspend alleged offenders prior to a hearing, in accordance with policies as published in the *Student Handbook*.
- b) Following the hearing - For students found responsible for purchasing, manufacturing, distribution, dispensing, or trafficking of illegal drugs (including marijuana) and/or controlled substances, the College's response will be:
 - i) At a minimum disciplinary suspension for two years or more and at a maximum expulsion in accordance with disciplinary procedures as published in the *Student Handbook*.
 - ii) Removal from residence life housing with full payment of the contract due, if a residential student and incident occurred within the residential system.
 - iii) Have re-admission to the College dependent on successful completion of a pre-approved substance abuse counseling program.
 - iv) Have a parental/guardian notification letter sent concerning the violation.

4.2. Attempted purchase and/or possession with intent to distribute - For students found responsible for attempted purchase and/or possession with intent to distribute illegal drugs (including marijuana) and/or controlled substances, the College's response will be:

- a) At a minimum disciplinary suspension for one year and at a maximum disciplinary suspension for two years or more in accordance with disciplinary procedures as published in the *Student Handbook*.
- b) Removal from residence life housing with full payment of the contract due, if a residential student and incident occurred within the residential system.
- c) Have re-admission to the College dependent on successful completion of a pre-approved substance abuse counseling program.
- d) Have a parental/guardian notification letter sent concerning the violation.

4.3. Possession and/or use of illegal drugs and illegal possession and/or use of controlled substances –For students found responsible for the possession/use of illegal drugs (including marijuana weighing over one ounce) and/or illegal possession/use of controlled substances (including the illegal possession/use of prescription medications and certain synthetic drugs), the College’s response will be:

- a) Placed on disciplinary suspension from the College for not less than one semester.
- b) Removal from residence life housing with full payment of the contract due, if a residential student and incident occurred within the residential system.
- c) Have re-admission to the College dependent on successful completion of a pre-approved substance abuse counseling program.
- d) Have a parental/guardian notification letter sent concerning the violation.

4.4. Possession and/or use of marijuana –weighing one ounce or less –For students found responsible for *only* the possession and/or use of marijuana, for a **first** offense the College’s response will be:

- a) Placed on deferred disciplinary suspension from the College for not less than one semester. Deferred suspension means that the disciplinary suspension is held in abeyance as long as all other sanctions are completed by stated deadlines, all illegal substance screens/tests are negative, and there are no other violations.
- b) Participate in a drug and alcohol risk reduction program and/or assessment at Counseling and Substance Abuse Services. Fees will be charged.
- c) Participate in periodic drug and alcohol testing at the student’s expense for not less than one semester.
- d) Educational activities.
- e) Have a parental/guardian notification letter sent concerning the violation.

4.5. Possession and/or use of marijuana –weighing one ounce or less– For students found responsible for *only* the possession and/or use of marijuana, for a **second** offense the College’s response will be:

- a) Removal from residence life housing with full payment of the contract due, if a residential student and incident occurred within the residential system.
- b) Placed on disciplinary suspension from the College for a minimum of one semester.
- c) Have re-admission to the College dependent on successful completion of a pre-approved substance abuse counseling program.
- d) Have a parental/guardian notification letter sent concerning the violation.

4.6. Possession and/or sale of drug paraphernalia ~ For students found in violation for the possession and/or sale of drug paraphernalia, the College’s response will be:

- a) Determined on a case-by- case basis in accordance with disciplinary procedures as published in the *Student Handbook*.

4.7. The manufacture, intent to distribute, distribution, dispensation, trafficking, possession, attempted purchase or use of imitation (“look alike”) or synthetic substances including but not limited to substances such as K2, Spice, etc., the College’s response will be:

- a) Determined on a case-by- case basis in accordance with disciplinary procedures as published in the *Student Handbook*.

4.8 The manufacture, intent to distribute, distribution, dispensation, trafficking, possession, attempted purchase or use of psychoactive plant which produces hallucinogenic effects including but not limited to substances such as Salvia, the College’s response will be:

- a) Determined on a case-by- case basis in accordance with disciplinary procedures as published in the *Student Handbook*.

4.9 Eligibility for Financial Aid Students found in violation of the alcohol and drug laws jeopardize their ability to receive federal financial aid, College of Charleston scholarships and South Carolina Scholarships for which they might otherwise be eligible. Students can regain their eligibility to receive federal financial aid. Please contact the Office of Financial Aid and Veterans Affairs for further information.

4.10. Drug-Free Workplace Policy The Federal Drug-Free Workplace Act of 1988 prohibits the unlawful manufacture, distribution, dispensation, possession, or use of illegal drugs in the workplace and provides for sanctions against faculty, staff, and the student employees, permanent or temporary, who violate this policy. Pursuant to federal and state law, the policy also requires grant or contract employees to notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after the conviction. Any student employee who violates the drug-free workplace policy is subject to prosecution and punishment by civil authorities, as well as to disciplinary procedures by the College and may also be terminated from his or her position of employment by the supervising department.

EMPLOYEE DRUG & ALCOHOL POLICY

The Drug-Free School and Communities Act, Public Law 101-226, requires that as a condition of receiving funds or any other form of financial assistance under any federal program, all institutions of higher education must adopt and implement programs to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees. The College of Charleston has such programs in place. In addition, the College is developing a program to comply with the new federal regulations which require as of January 1, 1995, drug and alcohol education and testing of employees whose job requires them to have a Commercial Driver's License. The policy below, Employee Drug and Alcohol Abuse Policy, is a description of College policies and programs and a statement of information required to be distributed annually to all employees under the Drug-Free Schools and Communities Act. It contains information the College also is required to provide under the Drug-Free Workplace Act of 1988, Public Law 100-690, and the State of South Carolina Substance Abuse Laws, It is important that all employees are aware of the information contained in the below document and understand that the College is committed to maintaining a drug-free campus for its employees and students. Please read this document carefully. If you have any questions, you should call the Office of Human Resources at 843-953- 5512.

THE LANGUAGE USED IN THIS POLICY DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE COLLEGE OF CHARLESTON. THE COLLEGE OF CHARLESTON RESERVES THE RIGHT TO REVISE THE CONTENTS OF THIS POLICY AND PROCEDURE, IN WHOLE OR IN PART.

The College of Charleston is dedicated to the pursuit and dissemination of knowledge. The illegal or abusive use of drugs or alcohol by members of the campus community jeopardizes the safety of the individual and the campus community, and is adverse to the academic learning process. The College of Charleston is therefore committed to having a campus that is free of the illegal or abusive use of drugs and alcohol. In keeping with this commitment, it is the policy of the College that the illegal or abusive use of drugs or alcohol is prohibited on College property or as part of College activities. In order to inform all College employees of their responsibilities under this policy, and to meet the College's responsibilities as set forth in the Federal Drug Free Workplace Act of 1988, Drug-Free Schools and Communities Act Amendments of 1989, Public Law 101-226, and the South Carolina Code of Laws as amended concerning alcoholism the following information is provided:

- I. Prohibited conduct
- II. Employee's disciplinary sanctions
- III. Applicable legal sanctions under federal, state and local laws
- IV. Health risks associated with the use of illegal drugs and the abuse of alcohol
- V. Drug and alcohol information and treatment program resources

I. PROHIBITED CONDUCT

The following policies and rules are consistent with those mandated under the Federal Drug Free Workplace Act of 1988, and the State of South Carolina Code of Laws. In an effort to provide a drug-free workplace and environment, the College of Charleston prohibits the unlawful manufacture, distribution, dispensation, possession, or use of any controlled substance in the workplace. The term controlled substance refers to all illegal drugs and to legal drugs used without a physician's order as further delineated in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812). It does not prohibit taking prescribed medication under the direction of a physician.

All College of Charleston faculty and staff members, as a condition of their employment, must abide by the terms in this policy.

- When the College learns or suspects that an employee has committed a controlled dangerous substance or alcohol offense at the workplace, the College shall take appropriate action in accordance with the Code of Conduct.
- All employees shall cooperate fully with law enforcement authorities in the investigation and prosecution of suspected criminal violations.

In addition, those faculty and staff members engaged in the performance of a federal grant, within 10 days of the reported conviction, the College must provide written notice to any federal sponsor of grants or contracts on which the convicted

employee was working. Possible penalties for failure to comply include suspension or termination of specific grants or even debarment of the entire College from the receipt of federal funds. The College of Charleston as a matter of policy, prohibits the unlawful manufacture, distribution, dispensation, possession or use of controlled substances and illegal drugs by students and employees as set forth in the State of South Carolina Code of Laws, Section 44-53-110 et seq; possession or sale of drug paraphernalia (such as roach clips, bongs, water pipes, cocaine spoons) Section 44-53-110 and Section 44-55-391; the non-prescribed use of anabolic steroids and other prescription drugs Section 44-53-1510 et seq; and the distribution or delivery of an imitation (“look alike”) non-controlled substance represented as a controlled substance as defined in Section 44-53-390.

I. a. Alcoholic Beverages on College Premises

The Office of the President controls the use, possession or distribution of alcohol by employees on College premises at College sponsored activities. This policy prohibits the possession or use of alcohol by any person under the age of 21 or the furnishing of alcohol to a person known to be under the age of 21.

I. b. Policy on Possession or Use of Common Containers of Alcohol

I. Prohibited Conduct

The College prohibits the possession or use of kegs, punch bowls, and other common containers of alcoholic beverages of a similar nature on College property, except for possession and use as authorized by the Office of the President and its agents.

II. Disciplinary Sanctions

The College may take appropriate disciplinary and/or legal action against any individual found in violation of this policy. If the individual is a student or an employee of the College, additional administrative penalties may also be taken.

II. EMPLOYEE'S DISCIPLINARY SANCTIONS

1. If an employee reports to work under the influence or while at work is subsequently found to be under the influence, action will be taken in accordance with the College's Code of Conduct.
2. If an employee is found to be drinking alcoholic beverages or using drugs on the job the employee shall be dismissed.
3. Disciplinary action for conviction of a felony will be conducted in accordance with the Code of Conduct.

General Sanctions. Any employee found to be in violation of any of the provisions of this policy shall be subject to disciplinary action under the College's Code of Conduct and applicable penalties contained in Article 64A of the Annotated Code of South Carolina. Disciplinary action includes sanctions up to and including termination. As a condition of continued employment, the College will require an employee to participate successfully in a drug abuse assistance or rehabilitation program in accordance with the Employee Assistance Program.

III. LEGAL SANCTIONS UNDER FEDERAL, STATE AND LOCAL LAWS RELATING TO ALCOHOL AND DRUG USE

Employees at the College of Charleston are subject to federal, state, and local laws for the possession and distribution of illegal drugs. Federal law states that it is unlawful to possess a controlled substance, including marijuana, cocaine, LSD, PCP, heroin, designer drugs, etc. (Federal Law, Title 21 USCA, Sections 841 and 844 to 845). If the substance is cocaine, or contains a cocaine base, the penalty for simple possession is a fine and/or imprisonment from 5 to 20 years. For other illegal drugs, the penalty for simple possession is a fine of at least \$1000 and/or imprisonment up to 3 years. The penalties increase if the possession includes intent to manufacture, distribute, or dispense a controlled substance, especially if done

near a public or private elementary, vocational, or secondary school or a public or private college or university. Additionally, any person who violates this law shall be liable for an amount up to \$10,000 in civil penalties. In addition to Federal laws, the State of South Carolina has its own laws dealing with distribution, manufacturing, and possession of controlled substances. For instance, any person who unlawfully manufactures or distributes any narcotic drug may be fined up to \$25,000 and may be imprisoned for up to 20 years for a first offense. (See Chapter 53, Title 44 of the South Carolina Codes of Laws, as amended. Copies are available in the Robert Scott Small Library, Campus Police, the Office of Counseling and Substance Abuse Services and the Office of Student Affairs. You may also call the South Carolina Commission on Alcohol and Drug Abuse Drug Information Access Line - 1-800-942-DIAL.)

Employees at the College of Charleston are subject to state and local laws for drinking and obtaining alcohol. It is illegal in the State of South Carolina for any person under 21 to drink alcohol. It is also illegal for a person under 21 to falsify or misrepresent his or her age to obtain alcohol, or to possess alcoholic beverages with the intent to consume them. It is also illegal in most situations to furnish alcohol to a person under 21. The penalty is a fine of up to \$200 and suspension of driver's license for a period of ninety days for a first offense. It is also illegal to consume alcohol on any public property or highway, unless authorized by the governmental entity that has jurisdiction over the property, with penalties including a fine of up to \$100. Employees are also subject to state and local laws governing drinking and driving. A person may not drive or attempt to drive while intoxicated or under the influence of alcohol. Any individual with a Blood Alcohol Concentration (BAC) of 0.10% or more will result in a violation of Driving Under the Influence of Alcohol. With a BAC level less than 0.10%, the BAC may be considered with other evidence and the person may be charged with a DUI. Any of these violations will result in fines, imprisonment, or both. It is also unlawful to drive while under the influence of any Controlled Dangerous Substances whether or not they are illicit (prescribed or unlawfully obtained). A person can still be charged with these violations even though they possess a driver's license from another state.

IV. HEALTH RISKS

Substance abuse, that is abuse of alcohol and drugs, is now recognized as the number one public health problem in the United States. Approximately 30% of all admissions to general hospitals and 50% to psychiatric hospitals have detectable substance abuse. Substance abuse accounts for approximately 150,000 deaths annually. This includes deaths from stroke, diseases of the heart and liver, and all alcohol and drug related suicides, homicides, and accidents. Early detection can minimize or prevent the devastating consequences of substance abuse. For more information check out the Center for Student Wellness website for Alcohol and Drug information links.

V. DRUG AND ALCOHOL PROGRAM RESOURCES

Alcohol and Drug Information Service

This service is housed in the Office of Counseling and Substance Abuse Service within the Center for Student Wellness. Pamphlets, professional journals, books, and videotapes are available for use. Some items may be checked out. For more information call 843.953.5640.

The Employee Assistance Program (EAP)

The EAP is a free and confidential assessment, referral, and short-term counseling service available to all College of Charleston employees. Alcohol and drug problems represent 30-50% of the employees utilizing this service. Other problem areas addressed include: family, marital, mental health, financial, legal, job, and many others. A professional assessment is conducted and referrals made to reputable community resources that are financially and geographically feasible, and that will not interfere with the employee's work schedule. In appropriate situations, short-term counseling is provided instead of a referral. Campus employees who are concerned about a family member, friends, or colleague with a possible substance abuse problem are also encouraged to contact this program. Call the Office of Human Resources for more information.

South Carolina Department of Alcohol and Other Drug Abuse Services (SCDAODAS)

This program provides resource materials on drug and alcohol issues in the form of videos, books, journals and pamphlets through its DIAL service, Drug Information Access Line or on its SC website (www.daodas.state.sc.us). Employees may also obtain referrals from SCDAODAS for drug and alcohol prevention and treatment programs. SCDAODAS may also

provide technical assistance in setting up drug and alcohol prevention programs. Call 803.896.5555 or 1.800.942.3425 for information.

Alcohol/DUI Programs

The State of South Carolina requires that person convicted of Driving Under the Influence participate in its state approved program, Alcohol Driving Safety Action Program (ADSAP). These are located in each SC County, usually through the local county Department of Alcohol and Other Drug Abuse Services Department. Many states also accept this program as meeting their requirements. In Charleston County call the Charleston Center at 843.958.3300.

RESPONSIBLE ADMINISTRATIVE OFFICE

The Office of Human Resources, in consultation with the Alcohol and Drug Abuse Services Coordinator, shall be responsible for overseeing all actions and programs relating to this policy. The Director of Human Resources and the Alcohol and Drug Abuse Services Coordinator shall conduct a biennial review of the policy and its implementation to determine its effectiveness, make necessary changes and ensure that disciplinary sanctions are consistently enforced.

VI. POLICY ON ALCOHOL AND DRUG TESTING

The College of Charleston Policies are available at <http://policy.cofc.edu/policy.php#hr> .

The specific policies are 9.1.6.1 Policy on alcohol and Illicit Drug Testing and 9.1.6.1.1 Operating Procedures to Implement the College of Charleston Policy on alcohol and Illicit Drug Testing.

Four types of testing may be employed by the College: Event-Related (Accident/Injury) Testing, Pre-employment or Testing After Hire, Random Drug Testing and Reasonable Suspicion Testing.

Notice shall be provided to the College community annually about the Policy by the Director of Human Resources. The Policy is posted on the College's Policy web page: <http://policy.cofc.edu/policy.php#hr>

INFORMATION ON STATE AND FEDERAL DRUG LAWS

South Carolina Alcoholic Beverage Laws

SOUTH CAROLINA ALCOHOLIC BEVERAGE LAWS NOTE: Likely actual fines (including court costs and administrative fees) are provided. The information provided below is produced by the Department of Alcohol and Other Drug Abuse Services online at: <http://www.daodas.state.sc.us/>

Purchasing or possessing beer or wine if you are under the age of 21 (In instances where beer or wine is discovered in the presence of minors [e.g., at a party], but no one is holding the beverages and no one claims ownership, law enforcement in some jurisdictions have charged all those present with "constructive possession," carrying the same penalties as for actual purchase or possession.)

A fine of \$265 to \$470 and/or imprisonment for up to 30 days for the first offense. Mandatory completion of alcohol prevention intervention/education program. S.C. Code Ann. Sections 63-19-2440

Lying or providing false information about your age to purchase beer, wine, or liquor A fine of \$262.50 to \$470 and/or imprisonment for up to 30 days. Lose your driver's license for 120 days for a first offense and one year for a second or subsequent offense. S.C. Code Ann. Sections 61-4-60, 20-7-8925, 56-1-746

Lending a driver's license or personal identification card to any other person

A fine of \$237.50 to \$470 or imprisonment for up to 30 days; A fine up to \$1,090 or imprisonment for up to six months S.C. Code Ann. Sections 56-1-510(2), 56-1-746

Providing false information on an application to obtain a driver's license or personal identification card

A fine of up to \$237.50 to \$500 or imprisonment for up to 30 days A fine of up to \$500 [\$1,090] or imprisonment for up to six months S.C. Code Ann. Sections 56-1-510(5), 56-1-746

Altering a driver's license A fine of up to \$2,500 [\$5,250] or imprisonment for up to six months – or both S.C. Code Ann. Sections 56-1-515(1), 56-1-746

Selling or issuing a false driver's license

A fine of up to \$5,250 or imprisonment for up to six months – or both S.C. Code Ann. Sections 56-1-515(1), 56-1-746

Using someone else's driver's license or personal identification card

A fine of up to \$100 or imprisonment for up to 30 days S.C. Code Ann. Sections 56-1-515(2), (4), 56-1-746

Using an altered driver's license or identification card containing false information

A fine of up to \$100 or imprisonment for up to 30 days S.C. Code Ann. Sections 56-1-515(2), (4), 56-1-746

Possessing an altered or invalid driver's license or personal identification card

A fine up to \$470 or imprisonment for up to 30 days for the first offense, and a fine of up to \$1,090 or imprisonment for up to six months for a second or subsequent offense S.C. Code Ann. Sections 56-1-510(1), 56-1-746

In addition to the penalties outlined, individuals convicted of the following offenses will also have their driver's licenses suspended for 120 days for a first offense and one year for a second or subsequent offense:

- Possessing, consuming, purchasing or attempting to purchase beer, wine, or liquor under 21yrs. old
- Lying or providing false information about your age to purchase beer, wine, or liquor
- Lending a driver's license or personal identification card to any other person
- Providing false information on an application to obtain a driver's license or personal identification card
- Altering a driver's license
- Selling or issuing a false driver's license
- Using someone else's driver's license or personal identification card
- Using an altered driver's license or identification card containing false information. Violating any alcohol-related laws if you are a student

Additional penalties (besides those cited previously) include:

- ineligibility for state-funded grants and/or scholarships (e.g., the LIFE Scholarship) for one year upon second conviction; and
- ineligibility for the refundable state individual income tax credit.
S.C. Code Ann. Sections 59-149-90, 59-149-20, 59-113-20, 59-142-10, 12-6-3385

Providing Alcohol to Underage Youth and Allowing Underage Drinking Giving beer, wine, or liquor to anyone who is under the age of 21, including serving anyone in your home except your child or spouse

A fine of \$470 to \$677.50 and/or imprisonment for up to 30 days for the first offense.

A fine of \$885 to \$1,092 and/or imprisonment for up to 30 days for a second or subsequent offense.

S.C. Code Ann. Sections 61-4-90, 61-6-4070

Selling beer, wine, or liquor to anyone under the age of 21

A fine of \$200 to \$300 and/or imprisonment for up to 30 days for the first offense

A fine of \$400 to \$500 and/or imprisonment for up to 30 days for a second or subsequent offense.

Mandatory completion of an approved merchant education program.

S.C. Code Ann. Sections 61-6-4080, 61-4-50

Purchasing beer, wine, or liquor for someone who cannot lawfully buy these beverages A fine up to \$677.50 and/or imprisonment for up to 30 days for the first offense

A fine up to \$1,090 and/or imprisonment for up to 30 days for a second or subsequent offense S.C. Code Ann. Sections 61-4-80, 61-6-4075

Allowing underage drinking to occur in a hotel/motel room you have rented

A fine of up to \$500 or imprisonment for up to 30 days
S.C. Code Ann. Section 45-2-40 (C)

OFFENSES RELATED TO ALCOHOL USE AMONG THE GENERAL POPULATION

NOTE: Likely actual fines (including court costs and administrative fees).

OPEN CONTAINERS

Having an open container of beer or wine in a moving vehicle of any kind, except in the trunk or luggage compartment

A fine of up to \$260.50 or imprisonment for up to 30 days .
S.C. Code Ann. Section 61-4-110

Having an open container of liquor anywhere that is not allowed by state law. (Examples of approved locations include private residences, hotel/motel rooms, licensed establishments, etc.)

A fine of up to \$262.50 or imprisonment for up to 30 days
S.C. Code Ann. Sections 61-6-2600, 61-6-4020, 61-6-4710

UNDERAGE YOUTH AND DUI

Suspension or denial of issuance of driver's license for six months or one year if you have been convicted of driving under the influence (DUI) or driving with a BAC of .02% or higher while under the age of 21, within the five years preceding the violation mandatory enrollment and completion of an Alcohol and Drug Safety Action Program (ADSAP) if license is suspended. S.C. Code Ann. Section 56-1-286

Driving a motor vehicle with a BAC of .02% or higher if you are under the age of 21. Suspension of driver's license for three months. Suspension of driver's license for six months if you have had a DUI conviction within the past five years. Mandatory enrollment and completion of an ADSAP if license is suspended.
S.C. Code Ann. Section 56-1-286

Operating a motor vehicle while under the influence of alcohol. If you have a BAC of .08% or higher, it will be inferred that you were driving while under the influence of alcohol. A BAC that is at least .05% but less than .10% may be considered with other evidence to determine guilt or innocence. A fine of up to \$400 and/or imprisonment from 48 hours to 30 days and suspension of driver's license for six months for a first offense. A fine of \$2,000 to \$5,000 and imprisonment not less than 5 days to one year and suspension of driver's license for one year for a second offense. A fine of \$3,800 to \$6,300 and imprisonment from 60 days to three years, and suspension of driver's license for two years for a third offense. Imprisonment from one to five years and permanent revocation of driver's license for a fourth or subsequent offense. If the third offense occurs within five years of the first offense, the driver's license is suspended for four years. If the third or subsequent offense occurs within 10 years of the first offense, the vehicle used must be confiscated if the offender is the owner or a resident of the household of the owner. Mandatory enrollment and completion of an ADSAP if license is suspended. A third or subsequent offense is considered a felony offense. The name and address of any person whose license is suspended shall be released to the public.

S.C. Code Ann. Sections 56-5-2930, 56-5-2990, 56-5-2940, 56-5-3000, 56-5-6240, 56-5- 2933

Driving a motor vehicle with a BAC of .15% or higher

Mandatory suspension of driver's license for 30 days. Suspension of driver's license for 60 days if you have had a prior DUI conviction within the past 10 years.
S.C. Code Ann. Sections 56-5-2950, 56-5-2951

Refusing to submit to testing to determine your blood alcohol concentration (BAC) level if you are under the age of 21
Suspension of driver's license for six months to one year. Suspension of driver's license for one year if you have had a prior DUI conviction within the past 5 years.
S.C. Code Ann. Section 56-1-286 (F)

Driving a vehicle while under the influence of alcohol or other drugs and causing great bodily injury to any other person
Mandatory fine of \$5,100 to \$10,100 and imprisonment for 30 days to 15 years. This crime is considered a felony offense.
S.C. Code Ann. Section 56-5-2945

Driving a vehicle while under the influence of alcohol or other drugs and causing death to any other person
Mandatory fine of \$10,100 to \$25,100 and imprisonment for one to 25 years. This crime is considered a felony offense.
S.C. Code Ann. Section 56-5-2945

Commission of a felony DUI offense

Additional penalties (besides fines and imprisonment as identified above) include:

- ineligibility to vote until sentence is served (including probation and parole);
- possible denial of entry to the armed forces or restriction in regard to certain jobs within the armed forces;
- ineligibility to work for a federal law enforcement agency;
- possible denial of employment by federal or state agencies; and
- ineligibility to file to run for any office in the state or its political subdivisions until 15 years or more after the completion of sentence (including probation and parole).

S.C. Code Ann. Sections 7-5-170, 7-5-120, AETC 36-2002, AR-601-210 S.C. Const. Art. VI, §1, Art. III, §7

NOTE: All convictions are placed on a permanent criminal record. All alcohol offenses are misdemeanors except a felony DUI conviction. For underage drinking laws, alcohol offenses can be "stacked." In other words, a person charged and convicted of three separate offenses can receive all three fines or jail terms, not just the largest of the three.

Persons convicted of first offense DUI:

- Are required to show proof of financial responsibility to the Department of Highways and Public Transportation, usually in the form of a guarantee of high-risk insurance coverage, for three years.
- Are required to complete an Alcohol and Drug Safety Action Program (ADSAP) before becoming eligible to apply to the Department of Highways and Public Transportation for driver's license reinstatement.
- May be eligible for a provisional driver's license upon meeting requirements. All accidents resulting in injury or death of a person under age 21 as a result of DUI are investigated.

PUBLIC DRINKING

Being grossly intoxicated on any highway or at any public place or public gathering

A fine of up to \$100 or imprisonment for up to 30 days
S.C. Code Ann. Section 16-17-530

Consuming alcoholic liquor in a public conveyance

A fine of up to \$100 or imprisonment for up to 30 days
S.C. Code Ann. Section 61-6-4720

SELLING OR POSSESSING KEGS

Selling a keg of beer without the proper tag or forms

A fine of up to \$675 for the first offense and a fine of up to \$1,090 for a second or subsequent offense.
S.C. Code Ann. Section 61-4-1920

Possessing a keg of beer that does not have the proper tag

A fine of up to \$1,090 and/or imprisonment for up to 30 days

S.C. Code Ann. Section 61-4-1930

Removing, altering, or obliterating the tag on a keg of beer

A fine of up to \$1,090 and/or imprisonment for up to 30 days

S.C. Code Ann. Section 61-4-1940

BE AWARE THAT STATE ALCOHOL LAWS ARE SUBJECT TO CHANGE

INFORMATION ON SOUTH CAROLINA DRUG LAWS

The following is a partial list of South Carolina's drug laws. For more information and a complete list of laws relating to offenses, please see Chapter 53, Title 44 of the South Carolina Code of Laws, as amended.

MARIJUANA—HASHISH

Possession of 1 ounce or less of marijuana, or 10 grams or less of hashish

- First offense: Not more than 30 days of imprisonment and/or a fine of not less than \$100 nor more than \$200; \$570 with court fees.
- Second or subsequent offense: Not more than one year and/or \$200 to \$1,000 (Section 44-53-370(d){3})

Manufacture, distribution, or possession with the intent to distribute

- First offense: Not more than five years and/or not more than \$5,000
- Second offense: Not more than 10 years and/or not more than \$10,000
- Third or subsequent offense: Not less than five years nor more than 20 years and/or not more than \$20,000 (Section 44-53-370(b){2})

Trafficking (10 lbs. to 100 lbs. of marijuana)

- First offense: Not less than one year nor more than 10 years and \$10,000
- Second offense: Not less than five years nor more than 20 years and \$15,000
- Third or subsequent offense: 25 years and \$25,000 (Section 44-53-370(e){1}{a})

Trafficking (100 lbs. to 2,000 lbs. of marijuana, or 100 to 1,000 marijuana plants regardless of weight)

- 25 years and \$25,000 (Section 44-53-370(e){1}{b})

Trafficking (2,000 lbs. to 10,000 lbs. or more of marijuana, or 10,000 or more marijuana plants regardless of weight)

- Not less than 25 years and \$50,000 (Section 44-53-370(e){1}{c})

LSD, COCAINE AND HEROIN

LSD Possession

- First offense: Not more than three years and/or not more than \$5,000
- Second offense: Not more than ten years nor more than \$7,500

- Third or subsequent offense: Not more than ten years and/or not more than \$12, 500 (Section 44-53-375{d}{1})

Cocaine Possession (less than one gram)

- First offense: Not more than three years and/or not more than \$5,000
- Second offense: Not more than ten years nor more than \$7,500
- Third or subsequent offense: Not more than ten years and/or not more than \$12, 500 (Section 44-53-375{d}{3})

Manufacture, distribution, or possession with the intent to distribute cocaine (10 grains < 10 grams)

- First offense: Not more than 15 years and/or not more than \$25,000
- Second offense: Not less than 5 years nor more than 30 years and/or not more than \$50,000 (Section 44-53-370 {d}{4})

Trafficking cocaine (10 grams to 28 grams)

- First offense: Not less than three years nor more than 10 years and \$25,000
- Second offense: Not less than five years nor more than 30 years and \$50,000 (Section 44-53-370{e}{2}{A})

Manufacture, distribution, or possession with the intent to distribute heroin, opium, or morphine (2 grains < 4 grains).

- First offense: Not less than 15 years and \$25,000
- Second or subsequent offense: 5-30 years and \$50,000 (Section 44-53-370{e}{3}{a})

ANABOLIC STEROIDS

Possession of 10 or fewer dosage units without a valid prescription

- First offense: Not more than six months and/or not more than \$1,000
- Second or subsequent offense: Not more than one year and/or not more than \$2,000 (Section 44-53-1530{2})

Possession of 10 to 100 dosage units without a valid prescription

- First offense: Not more than one year and/or not more than \$2,000
- Second or subsequent offense: Not more than two years and/or not more than \$3,000 (Section 44-53-1530{3})

Possession of more than 100 dosage units without a valid prescription

- First offense: Not more than five years and/or not more than \$5,000
- Second or subsequent offense: Not more than 10 years and/or not more than \$10,000 (Section 44-53-1530{4})

SUSPENSION OF DRIVER'S LICENSE In addition to the above, the driver's license of any person convicted of a controlled substance violation involving hashish or marijuana must be suspended for a period of six months. The driver's license of any person convicted of any other controlled substance violation must be suspended for a period of one year. (Section 56-1-286(a))

Possessing PRESCRIPTION DRUGS without a valid prescription is illegal. For example, Adderall and Ritalin are prescription stimulants often prescribed for Attention Deficit Hyperactivity Disorder (ADHD). Both of these drugs are classified as Schedule II controlled substances, as are cocaine and heroin. Unlawful distribution of Adderall or Ritalin, which means either the sale or simply giving the drug to another person, is a felony carrying up to five years in prison. Additionally, if the offense occurs on or within a half-mile of the college campus, an additional crime of distribution in

proximity to a school as been committed, which is a felony carrying a 10-year sentence. A person who has in their possession one of these drugs, without a valid prescription, is guilty of a misdemeanor carrying a penalty of up to two years in prison.

Miscellaneous State Laws

Distribution of controlled substance within proximity of a school. (Distance from school, public park, or playground, or college or university is a radius of one-half mile.) Fine is not more than \$10,000 and imprisonment to be less than 10 years. For crack cocaine, the fine is between \$10,000 and 15,000 and prison between 10 and 15 years. For purchase, the fine will not exceed \$1,000 and not exceed one year of prison. Any violation of this section is considered a separate offense. (Section 44-53-445)

Illegal acts involving persons under 17-years-old. Any use of persons under the age of 17 by persons over the age of 17 in the violation of Section 44-53-370 and 375, or the receipt of controlled substance from a person under 17 is considered a felony with punishment between 5 and 15 years. Any violation of this section is considered a separate offense. (Section 44-53-577)

Illegal acts involving persons under 17 years old and controlled substances. It is unlawful for any person at least 17 years old to knowingly use, hire, coerce, or employ a person under 17 years old to violate a controlled substance law. Violation of this section is a separate offense and punishment is imprisonment for not less than five years up to 15 years. (Section 44-53-577)

Unlawful to advertise for sale, manufacture, possess, sell, or deliver, or to possess with intent to sell or deliver drug paraphernalia. Any person convicted can be fined no more than \$500; a corporation can be fined up to \$50,000. (Section 44-53-391)

Distribution of controlled substances to persons under 18-years- old. Distribution of a narcotic drug, LSD, and crack cocaine is guilty of a felony and upon conviction must be imprisoned not more than 20 years or fined not more than \$30,000, or both, and the sentence may not be suspended and probation may not be granted. Distribution of any other controlled substance to a person under 18 is guilty of a misdemeanor, and upon conviction must be imprisoned not more than 10 years or fined not more than \$10,000 or both. (Section 44-53-440).

BE AWARE THAT STATE DRUG LAWS ARE SUBJECT TO CHANGE

Information on Federal Drug Laws

The following is a partial list of federal drug laws and penalties. Penalties are set by sentencing guidelines in Federal Court. For more information and a complete list of the laws relating to drug offenses, please see Title 21 of the U.S. Code of Laws, as amended.

Possession of a controlled substance without a valid prescription

- First offense: Not more than one year and/or less than \$1,000
- Second offense: Not less than 15 days nor more than two years and not less than \$2,500 • Third or subsequent offense: Not less than 90 days nor more than three years and not less than \$5,000
(Statute - 21 U.S.C.A. Section 844(a))

Possession of a mixture or substance which contains cocaine base

- First offense: If the amount exceeds 5 grams, not less than five years nor more than 20 years and/or a fine of \$1,000
- Second offense: If the amount exceeds 3 grams, not less than five years nor more than 20 years and/or a fine of \$1,000

- Third offense: If the amount exceeds 1 gram, not less than five years nor more than 20 years and/or a fine of \$1,000
(Statute - 21 U.S.C.A. Section 844(a))

Distribution of controlled substances to persons under the age of 21

- First offense: Imprisonment (for not less than one year) and/or a fine, neither to exceed twice that authorized by 21 U.S.C.A. Section 841 (b)
- Second offense: Imprisonment (for not less than one year) and/or a fine, neither to exceed three times that authorized by 21 U.S.C.A. Section 841 (b) Statute 21 U.S.C.A. Section 859
- Third offense: Life imprisonment
(Statute - 21 U.S.C.A. Section 841(b)(1)(A))

Manufacture, distribution, or possession with intent to manufacture or distribute controlled substances in or on, or within 1,000 feet of the real property compromising a public or private elementary, vocational, secondary school, college, junior college, or university, or a playground, or within 100 feet of a public or private youth center, public swimming pool, or video arcade

- First offense: Imprisonment (for not less than one year) and/or a fine, neither to exceed that authorized by 21 U.S.C.A. Section 841 (b)
- Second offense: Not less than three years nor more than life (or three times that authorized by an offense, whichever is greater) and/or a fine not to exceed three times that authorized by 21 U.S.C.A. Section 841 (b)
- Third offense: Life imprisonment
(Statutes - 21 U.S.C.A. Section 860; and 21 U.S.C.A. Section 841 (b)(1)(a))

Manufacture, distribution, or possession with intent to manufacture or distribute:

- 1 kilogram or more of a mixture or substance containing a detectable amount of heroin; or
- 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine; or
- 50 grams or more of a mixture or substance which contains cocaine base; or
- 100 grams or more of PCP or 1 kilogram or more of a mixture or substance containing a detectable amount of PCP; or
- 10 grams or more of a mixture or substance containing a detectable amount of LSD; or
- 100 kilograms or more of a mixture or substance containing a detectable amount of marijuana, or 1,000 or more marijuana plants regardless of weight; or
- 100 grams or more of methamphetamine, or 1 kilogram or more of a mixture or substance containing a detectable amount of methamphetamine.

- First offense: Not less than 10 years nor more than life (if death or serious bodily harm results from the use of such substance, imprisonment shall be for not less than 20 years nor more 47 than life) and/or a fine not to exceed the greater of that authorized by Title 18 of the U.S. Code or \$4,000,000
- Second offense: Not less than 20 years nor more than life (if death or serious bodily harm results from the use of such substance, imprisonment shall be for life) and/or a fine not to exceed the greater of that authorized by Title 18 of the U.S. Code or \$8,000,000
- Third offense: Life imprisonment (Statute - 21 U.S.C.A. Section 841(b)(1)(A))

Manufacture, distribution, or possession with the intent to manufacture or distribute:

- 100 grams or more of a mixture or substance containing a detectable amount of heroin; or
- 500 grams or more of a mixture or substance containing a detectable amount of cocaine; or
- 5 grams or more of a mixture or substance which contains cocaine;
- 10 grams or more of PCP or 100 grams or more of a mixture or substance containing a detectable amount of PCP; or
- 1 gram or more of a mixture or substance containing a detectable amount of LSD; or
- 100 kilograms or more of a mixture or substance containing a detectable amount or marijuana, or 100 or more marijuana

plants regardless of weight; or

g) 100 grams or more of methamphetamine, or 100 grams or more of a mixture or substance containing a detectable amount of methamphetamine

- First offense: Not less than five years nor more than 40 years (if death or serious bodily injury results from the use of such substance, imprisonment shall be for not less than 20 years or more than life) and/or a fine not to exceed the greater of that authorized by Title 18 of the U.S. Code or \$2,000,000
- Second or subsequent offenses: Not less than 10 years nor more than life (if death or serious bodily harm results from the use of such substance, imprisonment shall be for life) and/or a fine not to exceed the greater of twice that authorized by Title 18 of the U.S. Code or \$4,000,000
(Statute - 21. S.C.A. Section 841 {b}{1}{B})

Manufacture, distribution, or possession with intent to manufacture or distribute:

a) 50 kilograms or less of marijuana (except in the case of 50 or more marijuana plants regardless of weight); or

b) 10 kilograms or less of hashish, or 1 kilogram or less of hashish

- First offense: Not more than five years and/or a fine not to exceed the greater of that authorized by Title 18 or \$250,000
- Second or subsequent offenses: Not more than 10 years and/or a fine not to exceed the greater of twice that authorized by Title 18 or \$500,000
(Statute - 21 U.S.C.A. Section 841{b}{1}{D})

Manufacture, distribution, or possession with the intent to manufacture or distribute any controlled substance listed in Schedule I or II (e.g., LSD, heroin, opium, morphine) of 21 U.S.C.A. Section 812 (except as provided elsewhere):

- First offense: Not more than 20 years (if death or serious bodily injury results from the use of such substance, imprisonment shall be for not less than 20 years nor more than life) and/or a fine not to exceed the greater of that authorized by Title 18 of the U.S. Code or \$1,000
- Second or subsequent offenses: Not more than 30 years (if death or serious bodily injury results from the use of such substance, imprisonment shall be for life) and/or a fine not to exceed the greater of twice that authorized by Title 18 of the U.S. Code or \$2,000,000
(Statute - U.S.C.A. Section 841{b}{1}{C})

Manufacture, distribution, or possession with intent to manufacture or distribute any controlled substance listed in Schedule IV of 21 U.S.C.A. Section 812:

- First offense: Not more than three years and/or a fine not to exceed the greater of that authorized by Title 18 of the U.S. Code or \$250,000
- Second or subsequent offenses: Not more than six years and/or a fine not to exceed the greater of twice that authorized by Title 18 of the U.S. Code or \$500,000
(Statute - 21 U.S.C.A. Section 841{b}{2})

Manufacture, distribution, or possession with intent to manufacture or distribute a controlled substance listed in Schedule V of 21 U.S.C.A. Section 812:

- First offense: Not more than one year and/or a fine not to exceed the greater of that authorized by Title 18 of the U.S. Code or \$100,000
- Second or subsequent offenses: Not more than two years and/or a fine not to exceed the greater of twice that authorized by Title 18 of the U.S. Code of \$200,000
(Statute - 21 U.S.C.A. Section 841{b}{3})

BE AWARE THAT DRUG LAWS ARE SUBJECT TO CHANGE.

ANNUAL CRIME STATISTICS

The charts that follow disclose statistics for offenses committed in certain geographic locations associated with the institution. These locations have definitions specific to the Clery Act and are described as follows:

On Campus: 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, any building or property that is within or reasonably contiguous that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes such as a food or other retail vendor. ([Core campus map used for data collection of campus crime statistics](#))

Non-Campus Building or Property: Any building or property owned or controlled by a institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution; or any building or property owned or controlled by a student organization that is officially recognized by the institution.

Public Property: All public property, including thoroughfares, streets, sidewalks, and parking facilities within the campus, or immediately adjacent to and accessible from the campus.

Annual Crime Statistics

Statistics are provided for the most recent calendar year (2011) and the preceding two years (2009 and 2010).

<i>Total Criminal Offenses Occurring On Campus Property Offense</i>	2009	2010	2011
Murder/Non-negligent manslaughter	0	0	0
Forcible sex offenses (including forcible rape)	6	6 ¹	6 ²

¹ Of the 6 incidents in 2010, 2 students elected to report to law enforcement and 4 students chose to privately seek assistance from the Office of Victim Services (formerly C.A.R.E).

² Of the 6 incidents in 2011, 2 students elected to report to law enforcement and 4 students chose to privately seek assistance from the Office of Victim Services (formerly C.A.R.E).

Non-forcible sex offenses (incest/statutory rape)	0	0	0
Robbery	0	0	1
Aggravated assault	0	2	0
Burglary	11	4	7
Motor vehicle theft	0	1	0
Arson	0	0	0
Negligent manslaughter	0	0	0

<i>Of the Total Criminal Offenses Occurring on Campus Those within Residence Halls Offense</i>	2009	2010	2011
Murder/Non-negligent manslaughter	0	0	0
Forcible sex offenses (including forcible rape)	6	6	6 ³
Non-forcible sex offenses (incest/statutory rape)	0	0	0
Robbery	0	0	0
Aggravated assault	0	2	0
Burglary	8	1	2
Motor vehicle theft	0	0	0
Arson	0	0	0
Negligent manslaughter	0	0	0

<i>Criminal Offenses Non-campus Buildings/Property</i>	2009	2010	2011
Murder/Non-negligent manslaughter	0	0	0
Forcible sex offenses (including forcible rape)	0	0	0
Non-forcible sex offenses (incest/statutory rape)	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Arson	0	0	0
Negligent manslaughter	0	0	0

Non-campus buildings include: Patriot's Point Sports Complex, Grice Marine Facility, classrooms at the North

³ Of the 6 incidents in 2010, 2 students elected to report to law enforcement and 4 students chose to privately seek assistance from the Office of Victim Services (formerly C.A.R.E).

<i>Total Criminal Offenses On Public Property</i>	2009	2010	2011
Murder/Non-negligent manslaughter	0	0	0
Forcible sex offenses (including forcible rape)	0	0	2
Non-forcible sex offenses (incest/statutory rape)	0	0	0
Robbery	2	0	4
Aggravated assault	2	0	2
Burglary	0	0	0
Motor vehicle theft	1	0	1
Arson	0	0	0
Negligent manslaughter	0	0	0

<i>Total Number Of Arrests Occurring On Campus</i>	2009	2010	2011
Liquor law violations	0	16	12
Drug law violations	11	5	2
Illegal weapons possessions	0	0	0

<i>Arrests Occurring on Campus Within Residence Halls</i>	2009	2010	2011
Liquor law violations	0	0	10
Drug law violations	0	0	2
Illegal weapons possessions	0	0	0

<i>Arrests Occurring on Non-campus Property</i>	2009	2010	2011
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Liquor law violations	0	0	2
Drug law violations	0	0	0
Illegal weapons possessions	0	0	0
	2009	2010	2011
<i>Arrests Occurring on Public Property</i>			
Liquor law violations	0	5	4
Drug law violations	7	0	2
Illegal weapons possessions	0	0	0

	2009	2010	2011
<i>Total Number Disciplinary Actions/Judicial Referrals Occurring On Campus</i>			
Liquor law violations	231	153	379*
Drug law violations	29	68	121*
Illegal weapons possessions	0	0	0

	2009	2010	2011
<i>Disciplinary Actions/Judicial Referrals Occurring In Residence Halls</i>			
Liquor law violations	221	153	373*
Drug law violations	29	68	119*
Illegal weapons possessions	0	0	0

	2009	2010	2011
<i>Disciplinary Actions/Judicial Referrals Occurring on Non-campus Property</i>			
Liquor law violations	0	0	0
Drug law violations	0	0	0
Illegal weapons possessions	0	0	0

	2009	2010	2011
<i>Disciplinary Actions/Judicial Referrals Occurring on Public Property</i>			
Liquor law violations	3	4	0
Drug law violations	0	0	0
Illegal weapons possessions	0	0	0

*The referral numbers for 2011 are significantly higher because the U.S. Department of Education redefined in 2011 how referrals are to be counted. This redefinition and affiliated examples can be found on pages 70-71 of The Handbook for

Campus Safety and Security Reporting. The U.S. Department of Education now requires that institutions of higher education count as a referral ALL students listed within any sort of disciplinary report, whether or not they are charged with a conduct violation. Many of the students captured within these numbers were NOT charged with a conduct violation.

Hate Crime Statistics

Institutions are required to report statistics for certain bias-motivated crimes and crimes involving bodily injury to any person in which the victim is intentionally selected because of the actual or perceived race, gender, religion, sexual orientation, ethnicity or disability of the victim.

<i>Total Hate Crime Offenses Occurring On Campus Property</i>	2009	2010	2011
Murder/Non-negligent manslaughter	0	0	0
Forcible sex offenses (including forcible rape)	0	0	0
Non-forcible sex offenses (incest/statutory rape)	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Arson	0	0	0
Negligent manslaughter	0	0	0
Larceny-theft	0	0	0
Simple Assault	0	0	0
Intimidation	0	0	1
Vandalism	0	3	6

<i>Hate Offenses Occurring On Campus In Residence Halls</i>	2009	2010	2011
Murder/Non-negligent manslaughter	0	0	0
Forcible sex offenses (including forcible rape)	0	0	0
Non-forcible sex offenses (incest/statutory rape)	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0

Burglary	0	0	0
Motor vehicle theft	0	0	0
Arson	0	0	0
Negligent manslaughter	0	0	0
Larceny-theft	0	0	0
Simple Assault	0	0	0
Intimidation	0	0	1
Vandalism	0	0	0

<i>Hate Offenses Occurring Non-campus Buildings/Property</i>	2009	2010	2011
Murder/Non-negligent manslaughter	0	0	0
Forcible sex offenses (including forcible rape)	0	0	0
Non-forcible sex offenses (incest/statutory rape)	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Arson	0	0	0
Negligent manslaughter	0	0	0
Larceny-theft	0	0	0
Simple Assault	0	0	0
Intimidation	0	0	0
Vandalism	0	0	0

<i>Hate Offenses Occurring on Public Property</i>	2009	2010	2011
Murder/Non-negligent manslaughter	0	0	0
Forcible sex offenses (including forcible rape)	0	0	0
Non-forcible sex offenses (incest/statutory rape)	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Arson	0	0	0
Negligent manslaughter	0	0	0
Larceny-theft	0	0	0
Simple Assault	0	0	0
Intimidation	0	0	0
Vandalism	0	0	0

FIRE SAFETY REPORT

In compliance with the Higher Education Opportunity Act of 2008, the fire report that follows highlights fire safety information. Included in this report are policies and programs that promote fire safety, information on types of fire safety systems for each on-campus student housing facility, the numbers of fire drills conducted throughout the year, and statistics that represent the number of fires, the cause of each fire, any deaths or the number of injuries requiring medical treatment, and the value of property damage related to any on-campus fire.

While fire safety is the responsibility of each of us as members of the campus community, the oversight of fire prevention rests with the College of Charleston Fire and EMS. The Department of Public Safety, Fire and EMS is located at 81B St. Philip Street, Charleston, SC 29424.

The Director of Fire and EMS is designated as the College Fire Marshal and coordinates all fire safety activities at the College in conjunction with the City of Charleston Fire Department. Within the scope of responsibilities, the Director and his staff routinely conduct fire/safety inspections of all facilities and equipment, initiates fire drills, handles all fire-related investigations and reports, coordinates ongoing training/certification efforts for department staff members, collaborates with community and state emergency management teams, and makes recommendations concerning improvements in fire safety to appropriate administrative representatives.

The College of Charleston has the largest token ring addressable fire alarm network on the east coast. This system provides immediate identification of the specific location of activated alarms and is also capable of identifying problems with alarm equipment or tampering with devices.

Fire Drills are conducted 4 times a year in accordance with NFPA requirements. This consists of 1 night time drill, 1 unannounced drill and 2 other drills conducted at various times throughout the academic school year. Educational sessions for all residence hall assistants are held prior to fall semester. These sessions focus on procedures for building evacuation and the proper operation of fire extinguishers. A fire simulation exercise is conducted as part of training to provide exposure to the dynamics involved in a fire and to evaluate the proficiency of all involved.

Fire safety is promoted during new student orientation sessions. In accordance with National Fire Protection Association requirements, four fire drills are held throughout the academic year. The first fire drill is scheduled early in the fall semester to acquaint new residents with the sound of the building alarm and evacuation procedures. A follow-up mandatory hall meeting with students is held the following evening after the initial drill to critique the results of the drill, present fire safety tips (ex., how to use a fire extinguisher), review evacuation procedures, and to explain the importance of complying with these procedures.

Policies within the Residence Halls

To report a fire call 843.953.5611 immediately. The dispatcher who answers your call is trained in handling emergencies.

Each time a fire alarm sounds, it is mandatory for all students and guests to evacuate the building. Residents who remain in the building during a fire alarm will be subject to disciplinary action. Once evacuated, residents must remain outside until at their designated assembly sites until re-entry to the building has been cleared by College of Charleston Fire and EMS or City of Charleston Fire Department officials.

Assembly Sites: These locations are provided for your safety and to allow the Fire Department personnel adequate access to the building. When an alarm sounds, students must assemble in the following areas:

Berry: Across St. Philip Street in front of the Bell Building parking lot.

Buist/Rutledge Rivers:

R. S. Small Library side exit - Intersection of College Promenade Greenway

Coming Street side exit - Grassy area of the horseshoe parking lot near Coming St.

Hawkins Lounge side exit - Intersection of College Promenade and Greenway

College Lodge: On sidewalk on the side of the building move down to King or St. Philip Streets.

Craig: Exit the hall and walk down the sidewalk to the front of the education center

George Street: Across George Street to the parking lot.

Historic Houses: Across the street from the house.

Kelly House: Across St. Philip Street in the Charleston Water Systems parking lot.

Liberty Street: Across Liberty St., down St. Philip St. toward the Education Building.

McAlister: Across St. Philip Street in front of the parking garage.

McConnell: "P" Parking Lot behind Fraternity Row.

1 Warren Place: Across the street in front of 10 Warren Place.

10 and 20 Warren Place: At the far side of the parking lot.

No items are to be hung from or placed over smoke detectors or sprinklers or placed over lighting fixtures within any building. Students are prohibited from tampering with any barrier (including but not limited to all locks, gates, doors, barricades, chains, enclosures, signs, tags or seals) installed by or under direction of fire officials. Students found in violation of this policy will be subject to disciplinary action.

Fire safety equipment, including smoke alarms, are provided in each room and are maintained regularly by Fire and EMS. An intermittent beep from a smoke detector should be reported to Fire and EMS at 843.953.5499 between 8:30 am and 5:00 pm Monday through Friday, or to Campus Police at 843.953.5611 after hours and on weekends. Do not remove batteries or attempt to change batteries.

Anyone found guilty of tampering with or damaging fire and safety equipment is subject to judicial action. Sanctions may involve monetary fines, community service, and, in more severe cases, suspension from residential facilities.

Cooking/Cooking Appliances

Residents are required to remain in the room when using a stove or oven in a common kitchen. Certain cooking appliances are prohibited in the residence halls due to the fire hazard threat they pose. These include coffee makers without an automatic shut off switch, any open-coil heating appliance (such as a toaster), electric griddles, Foreman-type grills and waffle makers. Residents in upperclassman housing with a full kitchen may have a toaster or Foreman-type grill provided the item remains in the kitchen. To determine whether a certain appliance is authorized, contact a Residence Life staff member.

Smoking

Smoking is not permitted inside any residence hall or historic house at the College of Charleston. Smoking is also prohibited within 25 feet of a building entrance. Faculty, staff and students who wish to smoke may do so outside at the designated smoking areas where proper ash receptacles exist. Smokers must properly dispose of cigarette/cigar remains in designated receptacles. Designated smoking areas can be found in the Kelly House courtyard, McAlister courtyard, McConnell courtyard, and the College Lodge parking deck.

Items Not Allowed in Residence Halls

(listed at <http://reslife.cofc.edu/?page=movein>)

- Automatic drip coffee makers
- Candles/incense - nothing with an open flame
- Cappuccino/Espresso machines
- Cooking appliances/machines with open coils
- Electric blankets
- Explosives/fireworks
- Extension cords
- Grills (charcoal, propane, George Foreman-type)
- Halogen lamps
- Heating pads
- Hot plates
- Incense and incense burners
- Lighter fluid or other combustible items
- Multi-plug outlet (without surge protector)
- Open coil water/coffee warmers
- Space heaters
- Toaster/toaster ovens

Fire Log

A fire log is available for public inspection, upon request, during normal business hours, 8:30 a.m. – 5:00 p.m. Monday through Friday at 81B St. Philip Street, Charleston, SC 29424. Two business days are required for a request for any portion of the log older than sixty days. The fire log contains the date the fire was reported, the nature of the fire, the date and time of the fire and the general location of the fire. The fire log will be current for the academic year and the Department of Public Safety will archive logs for the previous six years. (See the Handbook for Campus Safety and Security Reporting (2011) – Chapter 12).

FIRE PROTECTION EQUIPMENT AND FIRE STATISTICS IN RESIDENCE HALLS in the attached charts:

[Fire Protection Equipment in Residence Halls](#) (pdf)

[Fire Statistics](#) (pdf)