

RESOURCE GUIDE FOR STUDENTS ON SEX/GENDER- BASED MISCONDUCT:

UNIVERSITY POLICIES, PROCEDURES AND SERVICES



CHOICE | CONFIDENTIALITY | FAIRNESS

It's not your fault. You are not alone.

For questions and more information, please contact LR Director of Compliance and Title IX Coordinator Dawn Floyd at dawn.floyd@lr.edu or 828.328.7040.

**LENOIR~RHYNE
UNIVERSITY**

IF YOU HAVE EXPERIENCED SEX/GENDER DISCRIMINATION AND MISCONDUCT

IMMEDIATE STEPS

Go to a safe location as soon as you are able and contact someone you trust.

Seek immediate medical attention if you are injured or you or others are involved in a continuing threat to your safety and security.

Contact 911 or any of the following for immediate assistance:

- Hickory Public Safety at 828.328.7146 (24/7)
- Columbia Public Safety at 803.461.3268 (24/7)
- Asheville Police Department at 828.252.1110
- Residence Life Staff, including RAs and Directors, at 828.328.7249

WITHIN 24 HOURS

Seek out confidential support. You may want to talk to a confidential counselor for support and advice. They will talk with you about your options for additional support services and reporting.

Get medical attention for a sexual or physical assault. A medical provider can check for and treat physical injury, sexually transmitted infections, and pregnancy. You do not need to make a formal report or press charges to seek medical care.

Preserve evidence. After sexual violence, do not shower until you have considered whether to have a no-cost forensic sexual assault examination at the hospital, within 96 hours of the assault, and save the clothes you were wearing (unwashed) in a paper or cloth bag. After sexual violence, relationship violence, and/or stalking, take photos of any damage or injury and keep communication records.

Consider making a report. You are encouraged to report what happened to the Title IX Coordinator or a Title IX Deputy Coordinator. You can decide how much you would like to participate in any investigation process. You can also report to another staff or faculty, who will help you and connect you with people who can help like the Title IX Coordinator, Confidential Resources, Student Life, or Public Safety.

AT ANY TIME

Lenoir-Rhyne can help. Campus-based resources, like the Title IX Coordinator, Dean of Student Life, Residence Life, and Public Safety staff can help and can direct you to important resources both on- and off-campus.

Those who want incidents to be handled criminally can also contact Public Safety, or the police station, where the assault occurred. A campus official is available to accompany students in making such reports, if desired. Contact the Title IX Coordinator or one of the Title IX Deputy Coordinators for more information.

REQUESTING CONFIDENTIALITY

To make informed choices, all parties should be aware of confidentiality and privacy issues, as well as institutional mandatory reporting requirements.

CONFIDENTIAL REPORTING

If reporting students wish that details of an incident be kept confidential, they should speak with campus mental health counselors, health service providers, and/or campus pastors. A complete list of confidential resources for each campus is included on page 9. Local resources, such as rape crisis centers, are also confidential. On-campus and local confidential resources have no duty to report your information to the Title IX Coordinator or any other University official.

MANDATED REPORTING

At Lenoir-Rhyne University, employees who are not designated as confidential (listed above), are mandated reporters (also called “responsible employees”) for the details of which they are aware about an incident of sex/gender discrimination and misconduct (including sexual assault, dating violence, domestic violence, stalking, sexual exploitation, and sexual harassment). They share this information immediately with the Title IX Coordinator. Giving a mandated reporter notice of an incident constitutes notice to the University. Incidents of sex/gender discrimination and misconduct will be taken seriously when notice is given to the University. Such incidents are resolved in a prompt and equitable manner.

You may request confidentiality and/or that the Title IX Coordinator provide you with remedies and resources without initiating a formal resolution process. The Title IX Coordinator will weigh requests for confidentiality against the University’s need to address and remedy discrimination under Title IX. Generally, the University will be able to respect your wishes unless it believes there is a threat to the community.

Regardless of whether you make a formal complaint, the University will offer you supportive measures. You are not obligated to pursue formal resolution in order to access the resources that are available. If the University decides that it is obligated to pursue a formal resolution based on the notice you have given, you are not obligated to participate in the resolution process. However, the ability of the University to enforce its policies or provide some remedies may be limited as a result of your decision not to participate.

INCIDENTS INVOLVING MINORS

Please be aware that institutional duties with respect to minors (those under the age of 18) may require reporting sex/gender-based misconduct incidents to North Carolina or South Carolina state agencies and/or local law enforcement. As a result, confidentiality cannot be guaranteed in sex/gender-based misconduct incidents involving minors.

LENOIR-RHYNE WILL PROVIDE SUPPORTIVE MEASURES AFTER YOU REPORT—You can request supportive measures through the Title IX Coordinator, or a Title IX Deputy Coordinator. The Title IX Coordinator will then work with the Dean of Student Life, Dean of the Graduate School, and others as necessary to ensure that you are provided with academic and other supportive measures you request, regardless of whether you make a formal report regarding the incident.

CONTACTING LAW ENFORCEMENT

As a victim/survivor, it is your choice to report the sex/gender discrimination and misconduct to law enforcement. LR can assist you in the process of reporting to law enforcement. Please note that if your incident, or any other incident, poses an ongoing threat to the health and safety of the LR community, the University can notify law enforcement despite a victim/survivor's wish to the contrary. However, LR will attempt to notify the victim before notifying law enforcement so the victim knows law enforcement is being contacted and can take necessary precautions.

LR SEX/GENDER NON-DISCRIMINATION AND ANTI-RETALIATION

Sex/gender discrimination and misconduct, including sexual harassment, sexual violence, sexual exploitation, and dating and domestic violence are violations of University Policy (for a complete copy of the Policy see lr.edu/titleix). A number of federal laws and regulations, including Title IX, the Violence Against Women Act, and the Clery Act mandate how institutions respond to such allegations. Many types of sex/gender discrimination and misconduct also constitute violations of North or South Carolina law.

Members of the campus community, guests, and visitors have a right to be free from sex/gender discrimination and misconduct. All members of the community must conduct themselves in a way that does not infringe upon the rights of others. The University's sex/gender discrimination and misconduct policy is intended to define expectations for appropriate conduct and outline resolution processes to address conduct that does not meet these expectations. When individuals accused of sex/gender discrimination and misconduct are found to be in violation of the policy, Lenoir-Rhyne University will impose serious sanctions, as noted in the policy.

All members of the campus community, guests, and visitors are protected by this policy regardless of their sexual orientation or gender identity. The University has jurisdiction over all acts of sex/gender discrimination and misconduct involving members of the campus community, no matter where they occur, whether on- or off-campus. For more details on the policy, please refer to lr.edu/titleix.

Additional information about campus crime, state laws, and disclosures related to sex/gender discrimination and misconduct can be found in the University's Annual Security Report, which you can access at lr.edu/student-life/campus-safety.

WHAT IS CONSENT?

All forms of Sex/Gender-Based Misconduct result from behavior taken toward another person without the other person's consent. Lenoir-Rhyne University defines consent as: Clear, knowing, and voluntary words or actions—freely and actively given—that indicate a willingness to participate in mutually agreed upon sexual activity or actions. Consent is present when a reasonable person in the same situation would consider the words or actions of the parties involved an expression of willing permission to do the same thing, in the same way, at the same time. Consent cannot be gained from a person who lacks capacity (whether due to drugs, alcohol, mental incapacity, or other incapacity).

In addition to being unable to obtain consent from someone who lacks capacity, consent cannot also be obtained by way of any of the following means:

- (a) Coercion;
- (b) Physical force, violence, or threat;
- (c) Ignoring the objections of another person;
- (d) Causing another's intoxication or impairment through the use of drugs or alcohol; or
- (e) Taking advantage of another person's incapacitation, state of intimidation, helplessness, or other inability to consent.

Further, consent must be ongoing, and consent to any one act does not constitute consent to any other act. Consent can be withdrawn at any time, even if previously given. It is the responsibility of the one who desires a certain sexual activity to make sure they have consent from their partner.

TYPES OF SEX/GENDER-BASED MISCONDUCT

The following are the definitions of conduct prohibited by the Sex/Gender-Based Misconduct Policy. Because sex/gender discrimination and misconduct can take many forms, the list below is not intended to be exhaustive. For the full policy and definitions, see the policy at lr.edu/titleix.

SEXUAL HARASSMENT: Generally, encompasses any unwelcome gender-based or sexual conduct, whether verbal, visual, physical, or otherwise—that is so severe, pervasive and objectively offensive that it interferes with a person's work or education opportunity.

SEXUAL EXPLOITATION: Occurs when a person takes advantage of another person for his or her own benefit (or the benefit of anyone other than the one being exploited) by doing something sexual without the consent of the person being exploited. Sexual exploitation can occur in committed relationships, between friends, between strangers, and between colleagues.

STALKING: Non-consensual sexual or gender-based conduct directed at a specific person that would cause a reasonable person to fear for themselves or others, or to suffer substantial emotional distress.

SEX OFFENSES: A sex act directed toward another person without their consent, or where the person is unable to give consent.

DATING AND DOMESTIC VIOLENCE: When one partner in an intimate relationship uses abuse (whether physical, emotional, psychological, or otherwise) to gain power and control over the other person. It includes physical violence against the party to a present or past relationship, commonly known as "dating violence" or "domestic violence."

SEX AND GENDER DISCRIMINATION: Actions that deprive other members of the community of educational or employment access, benefits, or opportunities on the basis of sex or gender including sexual orientation and gender identity.

RETALIATION: Retaliation is a form of sex discrimination that is prohibited largely to promote reporting of, and cooperation with, investigations and policy resolutions involving sex/gender-based misconduct. It is any adverse action, or intimidation, or threat, or coercion taken against a person participating in a protected activity because that person was engaged in an activity protected by this Policy.

PROCEDURES

Lenoir-Rhyne University's procedures for reports of sex/gender discrimination and misconduct are detailed fully at lr.edu/titleix.

INTAKE

The complainant may report to any University mandated reporter, who will then report to the Title IX Coordinator or a Title IX Deputy Coordinator. A Title IX Coordinator will then meet with and assist the complainant with making choices and accessing supportive measures.

The formal grievance process is confidential. The University will protect the privacy of parties, consistent with federal law. Any release of information about a resolution will be accomplished without the inclusion of identifying information about the parties, to the extent permissible by law.

INVESTIGATIONS

A trained investigator will provide an investigation that is prompt, thorough, reliable, equitable, fair, and impartial. The investigator will interview the parties and witnesses, and prepare investigation reports.

HEARINGS

The Greivance Process Hearing Panel will have the opportunity to question the investigator, parties, and witnesses during the hearing. The parties may make opening and closing statements to address the issues raised in the investigator's report. The parties can also ask questions of each other through their advisors.

STANDARD OF EVIDENCE

LR uses a preponderance of the evidence standard. Decision-makers consider whether, given the available credible evidence, it is more likely than not that a violation occurred.

PAST HISTORY

The past sexual history of an individual is not considered unless it is determined to be highly relevant by the Board. The existence of pattern behavior by a responding party may be relevant to the finding and sanction imposed. Both parties will be notified in advance if such information has been deemed relevant and will be considered during the process.

FINAL DETERMINATION

The parties will be informed in writing of the outcome of the resolution, without significant delay between the notifications to each party. This notice will include the procedures for appealing the decision, any change to the results that occurs prior to the time that such results become final, and when results are considered to be final.

APPEALS

All parties involved in sex/gender discrimination and misconduct proceedings may appeal decisions within the required time on one or more of the grounds set forth in LR's Policy. All parties are included in any appeal reconsideration and have equal rights of participation. There is only one level of appeal. That decision is final. See LR's Sex/Gender Discrimination and Misconduct Policy for further details, at lr.edu/titleix.

RISK REDUCTION

While victim-blaming is never appropriate, and LR fully recognizes that those who commit sex/gender discrimination and misconduct are responsible for their actions, LR provides the suggestions that follow to help individuals reduce their risk of being victimized and their risk of committing acts of sex/gender discrimination and misconduct.

REDUCING THE RISK OF VICTIMIZATION

- Make any limits/boundaries you may have known as early as possible.
- Clearly and firmly articulate consent or lack of consent.
- Remove yourself, if possible, from an aggressor's physical presence.
- Reach out for help, either from someone who is physically nearby or by calling someone. People around you may be waiting for a signal that you need help.
- Take affirmative responsibility for your alcohol and/or drug consumption, which can increase vulnerability.
- Look out for your friends, and ask them to look out for you. Respect them, and ask them to respect you, but be willing to challenge each other about high-risk choices.

REDUCING THE RISK OF BEING ACCUSED OF SEX/GENDER DISCRIMINATION AND MISCONDUCT

- Show your potential partner respect if you are in a position of initiating sexual behavior.
- If a potential partner says “no,” accept it and don't push. If you want a “yes,” ask for it, and don't proceed without clear permission.
- Clearly communicate your intentions to your potential sexual partners, and give them a chance to share their intentions and/or boundaries with you.
- Respect personal boundaries. If you are unsure what's okay in any interaction, ask.
- Avoid ambiguity. Don't make assumptions about consent. If you have questions or are unclear, you don't have consent.
- Don't take advantage of the fact that someone may be under the influence of drugs or alcohol, even if that person chose to become that way.
- Recognize when your potential partner is giving you mixed messages. This should be an indication to stop and communicate about what both of you want to happen.
- Recognize that even if you don't think you are intimidating in any way, your potential partner may be intimidated by or fearful of you, perhaps because of your sex, physical size, or a position of power or authority you may hold.
- Do not assume that someone's silence or passivity is an indication of consent. Pay attention to verbal and non-verbal signals to avoid misreading intentions.
- Understand that consent to one type of sexual behavior does not automatically grant consent to other types of sexual behaviors.
- Understand that exerting power and control over another through sex is unacceptable conduct.

YOUR RIGHTS

Lenoir-Rhyne University strives to provide members of the campus community with fair and equitable resolution processes that include both formal and informal options.

REPORTING

- Complainants have the right to notify law enforcement of incidents and to receive assistance from campus personnel in doing so.
- Complainants may decline to report to law enforcement if they wish.
- Complainants have the right to have their allegations investigated and resolved internally by the University.

FAIRNESS

- All members of the campus community have the right to have reported incidents addressed according to the University procedures.
- All parties have equal opportunities to have a support person of their choosing or offered by the institution present throughout all resolution proceedings.
- All parties have the right to written notice of the outcome of sex/gender-based misconduct resolution proceedings.
- Complainants and witnesses will receive amnesty for minor infractions (e.g., alcohol and drug violations).
- Complainants, their supporters, and witnesses have a right to be free from retaliation.

SUPPORT

- Students have a right to be notified of their ability to access campus counseling and health services.
- Students and employees have a right to be notified of on- and off-campus supportive resources.
- All parties involved in sex/gender-based misconduct allegations will receive the information and assistance needed to effectively participate in all proceedings.
- Complainants have the right to seek mutual no contact orders, or similar lawful orders issued by criminal or civil courts, and may seek the help of the Title IX Coordinator or Public Safety in requesting and/or enforcing.

UNIVERSITY RESPONSE

SUPPORTIVE MEASURES

The University may take whatever steps are deemed necessary to appropriately respond to allegations of Sex/Gender-Based Misconduct and keep members of the community safe. Measures include but are not limited to:

- Assistance with reporting incidents to local police
- Referring to counseling and health services
- Referring to Employee Assistance Program
- Providing education to the community
- Altering the housing situation of the complainant or respondent at their request
- Altering work arrangements for employees
- Providing campus escorts
- Providing transportation assistance
- Implementing mutual contact limitations between the parties
- Offering academic accommodations, including adjustments to deadlines, course schedules, etc.
- Implementing campus trespass orders
- Assistance pursuing legal remedies like protective orders
- Issuing interim suspensions pending a hearing

These measures are available regardless of whether a reporting party seeks formal resolution or makes a crime report.

POTENTIAL REMEDIES FOLLOWING ADJUDICATION OF REPORT

Potential Sanctions for **Students** Found in Violation of Sex/Gender Discrimination and Misconduct Policy:

- Verbal or written warning
- “No contact” order
- Restitution for loss, damages, or costs
- Service projects and/or opportunities for education within the University setting or local community
- Disciplinary probation
- Disciplinary probation with suspension of privileges
- Eviction from residence area
- Exclusion from some or all areas of campus or University facilities
- Disciplinary suspension
- Disciplinary expulsion

Potential Sanctions for **Faculty and Staff** Found in Violation of the Policy:

- Verbal or written warning
- Performance/behavior improvement plan
- “No contact” order
- Required counseling
- Required training
- Demotion
- Suspension with or without pay
- Termination (staff/non-tenured faculty)
- Recommendation of revocation of tenure
- Recommendation of termination

RESOURCES & PROGRAMS

TITLE IX COORDINATOR

Hickory Campus:

Dawn Barker Floyd

Director of Compliance and
Title IX Coordinator
LRU Box 7137
Cromer 206 (A)
828.328.7040
dawn.floyd@lr.edu

TITLE IX DEPUTY COORDINATORS

Asheville Campus:

Dr. Michael Dempsey

Dean and Director
828.427.4263
michael.dempsey@lr.edu

Columbia Campus:

Robyn Marren

Chief Operations Director
803.461.3277
robyn.marren@lr.edu

OTHER RESOURCES

Dr. Katie Fisher

Assistant Provost
and Dean of Student Life
828.328.7246
katie.fisher@lr.edu

Jeremy Shreve

Vice President for
Administration and Finance
828.328.7100
jeremy.shreve@lr.edu

Dr. Amy Wood

Assistant Provost and Dean
of The Graduate School
828.328.7728
amy.wood@lr.edu

Angela Fortune

Director of Human Resources
828.328.7387
angela.fortune@lr.edu

Norris Yoder

Director of Public Safety
828.328.7145
norris.yoder@lr.edu

Jonathan Rink

Assistant Dean and
Director of Residence and
Campus Life
828.328.7249
jonathan.rink@lr.edu

CONFIDENTIAL RESOURCES

Jenny Smith

University Counselor
828.328.7252
jenny.smith@lr.edu

Michael Spivey

University Counselor
828.328.7298
michael.spivey@lr.edu

Kellie Medley

University Counselor
828.328.7181
kellie.medley@lr.edu

Rev. Todd Cutter

University Hickory Pastor
todd.cutter@lr.edu

Rev. Jesse Canniff-Kuhn

University Pastor Columbia
803.461.3213
jesse.canniffkuhn2@lr.edu

PROGRAMS

VAWA/CLERY TRAINING: Incoming students and new employees are provided with education and training on awareness and risk reduction of sexual violence, dating violence, domestic violence, stalking, and consent in compliance with the Violence Against Women Act.

TITLE IX ADVISORY COMMITTEE: A committee of student, faculty, and staff members meet to survey the campus climate in relation to sex/gender discrimination and misconduct. The group focuses on ensuring campus compliance with relevant policies and laws, prevention, and education, and for ensuring that community members are aware of their rights and obligations under federal law.

BYSTANDER INTERVENTION PROGRAM: LR offers bystander intervention programming to all new students in an effort to ensure that each member of the campus community is invested in creating a safe campus environment for themselves and others. Program participants are instructed on safe options for preventing harm and intervening when a risk of sex/gender discrimination and misconduct exists.

ONGOING CAMPAIGNS: Ongoing awareness and prevention campaigns are provided throughout the school year to students, faculty, and staff.

HICKORY CAMPUS AND LOCAL RESOURCES

Student Health Center
828.328.7959

Public Safety
Business Hours: 24/7
at 828.328.7145;
828.328.7146

**Hickory Police Department
Non-Emergency**
24/7 at 828.328.5551

Family Guidance Center
828.322.1400
fgcservices.com

Sexual Assault Crisis Line:
828.302.6952

Domestic/Dating Violence
Crisis Line: 828.228.1787

Court Advocate:
828.405.8899

Women's Resource Center
828.322.6333
wrchickory.org

COLUMBIA CAMPUS AND LOCAL RESOURCES

Public Safety
Business Hrs: 803.461.3268
After Hours: 828.303.6640

**Columbia Police
Department Victim Services**
803.545.3503

ASHEVILLE CAMPUS AND LOCAL RESOURCES

Asheville Police Department
828.252.1110

**Helpmate Domestic
Violence Services**
828.254.0516
helpmateonline.org

Our Voice
828.255.7576
ourvoicenc.org

NORTH CAROLINA STATE-WIDE RESOURCES

**North Carolina Coalition
Against Sexual Assault**
919.871.1015
nccadv.org

**North Carolina Coalition
Against Domestic Violence**
Toll Free: 888.997.9124
919.956.9124
nccadv.org

**North Carolina Victim
Assistance Network**
Toll Free:
800.348.5068
919.831.2857
nc-van.org

North Carolina Legal Aid
Toll Free:
866.219.5262
legalaidnc.org

SOUTH CAROLINA STATE-WIDE RESOURCES

**Domestic Abuse Center
for Richland County**
803.791.1322
domesticabusecenter.net

**South Carolina Victim
Assistance Network**
803.750.1200
scvan.org

NATIONAL HOTLINES

Sexual Assault
800.656.467
rainn.org

Domestic Violence
800.799.7233
Live chat online:
theline.org

SEXUAL ASSAULT

**South Carolina Coalition
Against Domestic Violence
and Sexual Assault**
803.256.2900
scadvsa.org

Sexual Trauma Services
803.790.8208
Hotline: 803.771.7273
stsm.org

INTIMATE PARTNER VIOLENCE

SisterCare
830.926.0505
Crisis Hotline:
803.765.9428
sistercare.org

Safe Harbor Rescue Mission
864.467.1177
Crisis Hotline:
800.291.2139
safeharborsc.org

NATION-WIDE RESOURCES

**National Coalition
Against Domestic Violence**
303.839.1852
ncadv.org

**National Sexual Violence
Resource Center**
877.739.3895
nsvrc.org

LR NOTICE OF NON-DISCRIMINATION

lr.edu/titleix

COMPLAINANT

You may choose one or more options. We encourage medical treatment and counseling for all options.

OPTION 1:

Medical treatment and optional evidence collection at hospital emergency room.

Local police and sexual assault advocacy agency respond to hospital. Provide options to speak to one or both and receive services.

OPTION 2:

Non-confidential report to Title IX Coordinator or other LR employee.

If reported to faculty or staff, referred to a Title IX Coordinator.

OPTION 3:

Confidential report at University Counseling, University Pastor, or Health Center.

Provided option for seeking counseling from on- or off-campus support.

Provided option of reporting to local police.

Provided options to seek medical treatment and optional evidence collection at hospital.

OPTION 4:

Report at local police department or Health Center.

Provided option of reporting the incident to local sexual assault advocacy agency and/or University.

OPTION 5:

Confidential report through community sexual assault advocacy agency or hotline.

Provided option of reporting to local police department.

Provided option for seeking counseling from on- or off- campus support.

Provided option for reporting to local police.

Provided options to seek medical treatment and optional evidence collection at hospital.

Provided option of receiving supportive measures and making a formal complaint.

Provided option to seek medical treatment and optional evidence collection at hospital.