

# RESOURCE GUIDE FOR SEX/GENDER 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 Title IX Coordinator  
Avery Staley at [avery.staley@lr.edu](mailto:avery.staley@lr.edu) or 828.328.7443.

**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

## WITHIN 24 HOURS

**Seek out confidential support.** You may want to talk to a confidential counselor or pastor 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 and other potential evidence.

**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 whether you want to make a formal complaint, and 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 for the details of which they are aware about an incident of sex/gender harassment, discrimination and retaliation (including sexual assault, dating violence, domestic violence, stalking, sexual exploitation, and sexual harassment). They share this information immediately with the Title IX Coordinator. Incidents of sex/gender discrimination and misconduct will be taken seriously when notice is given to the University. LR makes every effort to resolve these matters 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.

**LENOIR-RHYNE WILL PROVIDE SUPPORTIVE MEASURES AFTER YOU REPORT**—Even if you are seeking confidentiality 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 (see p.8 for more information on supportive measures).

# 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.

## CONTACTING LAW ENFORCEMENT

It is your choice to report the sex/gender harassment, 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/survivor before notifying law enforcement so the victim/survivor 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, dating and domestic violence and retaliation are violations of University Policy (for a complete copy of the Policy see [lr.edu/titleix](http://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 state law.

Members of the campus community, guests, and visitors have a right to be free from sex/gender harassment, 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 non-discrimination 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, harassment and/or retaliation 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](http://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](http://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](http://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:** Unwelcome conduct by students or employees on the basis of sex or gender including sexual orientation, gender identity, pregnant or parenting status.

**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 harassment, discrimination and retaliation are detailed fully at [lr.edu/titleix](http://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. The 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, collect evidence and prepare investigation reports.

## HEARINGS

The Grievance 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 a complainant is not considered unless it is determined to be highly relevant. 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, harassment and retaliation 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 Non-Discrimination and Anti-Retaliation Policy for further details, at [lr.edu/title-IX](http://lr.edu/title-IX).

# RISK REDUCTION

While victim-blaming is never appropriate, and LR fully recognizes that those who commit sex/gender harassment, 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, harassment and/or retaliation.

## 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 HARASSMENT, 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 an advisor 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, respondents, and witnesses have a right to be free from retaliation.

## SUPPORT

- Students and employees have a right to be notified of on- and off-campus supportive resources, including counseling and health services.
- All parties involved in sex/gender-based misconduct allegations will receive the information and assistance needed to effectively participate in all proceedings.
- Parties 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 Non-Discrimination and Anti-Retaliation 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:**

**Avery Staley, J.D.**

Title IX Coordinator  
Lineberger 208  
828.328.7443  
avery.staley@lr.edu

## TITLE IX DEPUTY COORDINATORS

**Hickory Campus:**

**Leah Reynolds, Ed.D.**

Deputy Title IX Coordinator  
215.292.6386  
leah.reynolds@lr.edu

**Asheville Campus:**

**Michael Dempsey, Ed.D.**

Dean and Director  
828.427.4263  
michael.dempsey@lr.edu

**Columbia Campus:**

**Brent Driggers, Ph.D.**

Associate Dean  
and Professor  
803.461.3231  
brent.driggers@lr.edu

## OTHER RESOURCES

**Katie Fisher, Ph.D.**

Dean of Student Life  
828.328.7246  
katie.fisher@lr.edu

**Amy Wood, Ph.D.**

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

**Angelene Fortune**

Assistant Vice President for  
Human Resources  
828.328.7387  
angela.fortune@lr.edu

**Norris Yoder**

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

## CONFIDENTIAL RESOURCES

**Hickory Campus:**

**Sarah Chase**

University Counselor  
828.328.7957  
sarah.chase2@lr.edu

**Kellie Medley**

University Counselor  
828.328.7181  
kellie.medley@lr.edu

**Rev. Todd Cutter**

University Pastor  
828.328.7373  
todd.cutter@lr.edu

**Mary Fran Sears**

Physician Assistant  
828.328.7958  
maryfran.sears@lr.edu

**Columbia Campus:**

**Jenais Means**

LR Counseling Services  
803.814.5573  
collaborativemeans.com

**Asheville Campus:**

**Tara Chandler**

LR Counseling Services  
828.575.9760  
www.acaps-nc.org

**Rev. Elizabeth Rawlings**

University Pastor  
elizabeth.rawlings@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.

**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  
at 828.328.7145;  
828.328.7146 (24/7)

**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

**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**  
803.545.3500

## **ASHEVILLE CAMPUS AND LOCAL RESOURCES**

**Asheville Police Department**  
828.252.1110

**Helpmate Domestic  
Violence Services**  
828.254.0516 (hotline)  
helpmateonline.org

**Our Voice**  
828.255.7576 (crisis line)  
ourvoicenc.org

## **NORTH CAROLINA STATE-WIDE RESOURCES**

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

**North Carolina Coalition  
Against Domestic Violence**  
919.956.9124  
nccadv.org

**North Carolina Victim  
Assistance Network**  
800.348.5068 (toll free)  
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**  
800.656.4673  
rainn.org

**Domestic Violence**  
800.799.7233  
Live chat online:  
thehotline.org

## **SEXUAL ASSAULT**

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

**Pathways to Healing**  
803.790.8208  
Hotline: 803.771.7273  
stsm.org

## **INTIMATE PARTNER VIOLENCE**

**SisterCare**  
830.926.0505  
Crisis Hotline:  
803.765.9428  
sistercare.org

## **NATION-WIDE RESOURCES**

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

**National Sexual Violence  
Resource Center**  
877.739.3895 (toll free)  
nsvrc.org

## **LR NOTICE OF NON-DISCRIMINATION**

[lr.edu/title-ix](http://lr.edu/title-ix)

# 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.

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.

## 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.

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 3:

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

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

## OPTION 4:

Report at local police department or Health Center.

Provided option of reporting to local police department.

## OPTION 5:

Confidential report through community sexual assault advocacy agency or hotline.