



**Lenoir-Rhyne University's  
Resource Guide on  
Sexual Misconduct:  
Victim/Survivor Services,  
Policies and Procedures**

**Includes information for all LRU campuses -  
Hickory, Asheville and Columbia**

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Lenoir-Rhyne University, in compliance with the Campus SaVE Act, has prepared this resource guide for students about dating violence, domestic violence, sexual assault, and stalking. This resource guide is useful for victims/survivors of any form of sex discrimination, someone that wants to help a victim, and anyone seeking additional information on these topics.

### **What is Sexual Assault, Domestic Violence, Dating Violence and Stalking?**

- **Sexual assault** is sexual intercourse, oral sex, groping, touching, or other sexual contact without the consent of one of the parties.
- **Dating violence and domestic violence** (also called “relationship violence” or “relationship abuse”) are crimes of violence perpetrated by one member of a romantic, intimate partnership against the other member. Former spouses or intimate partners can also perpetrate dating or domestic violence.
- **Stalking** is two or more acts directed at a specific person that would cause a reasonable person to (a) fear for their safety or the safety of others or (b) suffer substantial emotional distress.

### **Important Things to Know**

- ✓ **It is not your fault that you were sexually assaulted or physically or emotionally abused.** You may feel guilty, shameful, embarrassed, powerless, disoriented, angry and in denial. These are all common reactions to abuse.
- ✓ **You are not alone.** This guide will give you information about people that can help you both on- and off-campus.

Dating violence, domestic violence, sexual assault, and stalking are all prohibited by Lenoir-Rhyne’s policies. Dating violence, domestic violence, sexual assault, and stalking are all criminal offenses under North Carolina and South Carolina law, even though they may be called by different names. For more detailed definitions of these offenses, please refer to North Carolina law at the website for N.C.’s General Statutes, including Criminal statutes - <http://www.ncleg.net/gascripts/Statutes/StatutesTOC.pl?Chapter=0014>. For South Carolina, refer to the website for the South Carolina Code of Laws - <http://www.scstatehouse.gov/code/statmast.php>.

### **What Do I Do Immediately If I’m the Victim of Sexual Assault, Relationship Violence, or Stalking?**

If you have been assaulted or abused and/or ARE IN IMMEDIATE DANGER, the first thing to do is to GO SOMEWHERE SAFE. If you feel that you are in danger and you are on-campus, call 9-911 or LRU’s Security at #7146. If you are off-campus contact 911.

You should also seek emotional support from a friend, a faculty or staff member, or confidential support from the Counseling Center. The Counseling Center can provide information and help you to explore your options.

### **Should I Preserve Evidence?**

Yes, you should preserve all potential evidence of an incident of sexual assault, dating violence, domestic violence, and stalking if possible. A victim should seek medical help within 72 hours of a sexual assault so that any physical evidence can be preserved for use at a later date should that be necessary. A friend or family member can drive the victim to the hospital, or the victim can contact LR's Department of Security Services for a ride to the hospital. The University encourages victims to go to the emergency room and request a specially trained Sexual Assault Nurse Examiner (SANE) who will conduct an examination and collect physical evidence. An evidentiary exam, sometimes called a rape kit, is used to collect evidence that can be used to prosecute someone for sexual assault or rape. Trained nurses, called SANE nurses are available to provide empathetic care, collect evidence, and connect you with an advocate and/or law enforcement. An evidentiary exam can be done within 72 hours of an assault, and is most effective if the victim hasn't brushed their teeth, showered, urinated, or changed clothing. **You do not have to report to the police to get an evidentiary exam. You may ask for an anonymous exam. The anonymous exam kit is kept for one year if you decide to report the crime later.** Note: There will not be any results available from an anonymous kit until a report has been made to the police.

### **Locations where you can receive a sexual assault evidentiary exam 24 hours a day:**

#### **Hickory, North Carolina**

Catawba Valley Medical Center  
810 Fairgrove Church Road SE  
Hickory, NC 28602  
(828) 326-3000

#### **Asheville, North Carolina**

Mission Hospital  
509 Biltmore Avenue  
Asheville, NC 28801  
(828) 213-1111

#### **Columbia, South Carolina**

Palmetto Health Richland  
5 Richland Medical Park Drive  
Columbia, SC 29203  
(803) 434-7000

In all cases of dating violence, domestic violence, sexual assault, and stalking, victims are encouraged to preserve other evidence including, but not limited to, handwritten or

electronic communications such as text messages, telephone messages and emails, videos and/or photographs of the incident and/or injuries.

### **Does Lenoir-Rhyne have confidential resources available to help me?**

Yes, victims should feel comfortable accessing any of the resources listed below even if they do not want to report the incident to University officials. None of the resources listed below are obligated to provide information to the University. These individuals listed below will maintain the confidentiality of matters reported to them, except in cases of an immediate threat or danger or the abuse of a minor.

#### **CONFIDENTIAL RESOURCES**

- Jenny Smith, University Counselor, 828.328.7252, [Jenny.Smith@lr.edu](mailto:Jenny.Smith@lr.edu) (Hickory and Columbia)
- Jennifer Drum, University Counselor, 828.328.7957, [Jennifer.Drum@lr.edu](mailto:Jennifer.Drum@lr.edu) (Hickory and Asheville)
- Andrew Weisner, University Pastor, 828.781.1110  
[Andrew.Weisner@lr.edu](mailto:Andrew.Weisner@lr.edu) (Hickory, Asheville, Columbia)
- Pastor Gary Dreier, 803.461.3222, [gary.dreier@lr.edu](mailto:gary.dreier@lr.edu) (Columbia)
- Pastor Christopher Webb, 828.253.0043, [Christopher.Webb@lr.edu](mailto:Christopher.Webb@lr.edu) (Asheville)

**For purposes of reporting under the Clery Act, these individuals will submit anonymous statistical information to the Security Department without revealing your identity, unless they believe it would be harmful to their client, patient or parishioner.**

**Important Note:** If you are a student and you contact a faculty or staff member about your incident, the faculty or staff member must report it to the Title IX Coordinator. However, the faculty or staff member should also encourage you to seek confidential assistance through the resources above or another appropriate resource.

If you are an employee that has experienced some form of sexual or relationship violence, you may contact the Director of Human Resources or the Title IX Coordinator and they can assist you with obtaining confidential counseling services.

### **What are other on-campus and off-campus resources available to me?**

Below are additional on-campus and off-campus health and safety resources available to all victims of sexual assault, dating violence, domestic violence and stalking:

#### **HICKORY CAMPUS**

- Student Health Center 828.328.7959

- Hickory Campus Security (during “Fishbowl” business hours):  
828.328.7145; 24 hours a day 828.328.7146 (mobile)
- Hickory Police Department 828.328.5551
- Sexual Assault
  - Family Guidance Center (828) 322-1400; <http://www.fgcservices.com/>
- Domestic Violence
  - Family Guidance Center (828) 322-1400; <http://www.fgcservices.com/>
  - Women’s Resource Center (828) 322-6333;  
<http://www.wrchickory.org/>

### ASHEVILLE CAMPUS

- Asheville Police Department Victim Services 828.259.5912
- Asheville – Buncombe County Sheriff’s Department 828.250.4503
- Asheville Police Department – .828.252.1110; or call 911
- Sexual Assault
  - <http://www.ourvoicenc.org/> Our Voice Rape Crisis Services  
828.255.7576
  - <http://www.nccasa.org/> North Carolina Coalition Against  
Sexual Assault (919) 871-1015
- Domestic Violence
  - <http://www.helpmateonline.org/>
  - <http://www.ashevillecares.org/helpmate.html>
  - [http://www.nc-  
van.org/directory/buncombe/HelpmateInc.html](http://www.nc-van.org/directory/buncombe/HelpmateInc.html)

### COLUMBIA CAMPUS

- Security Services – 803.461.3268; 828.303-6640 (after-hours) or call 911
- Sexual Trauma Center 803.771.7273
- SC Coalition Against Domestic Violence and Sexual Assault  
803.256.2900; <http://www.sccadvasa.org/>
- Columbia Police Department Victim Services 803.545.3503
- Sexual Assault
  - <http://www.sccadvasa.org/>
  - <https://www.stsm.org/>
  - <http://www.aardvarc.org/rape/states/scrp.shtml>
- Domestic Violence
  - <http://www.sccadvasa.org/>
  - <http://sistercare.org/>

- <http://safeharborsc.org/>

### NORTH CAROLINA STATE-WIDE RESOURCES

- Additional information about victim resources available in North Carolina, including legal assistance, is available at <http://www.nccourts.org/forms/Documents/1074.pdf>
- North Carolina Coalition Against Sexual Assault: [www.nccasa.org](http://www.nccasa.org); (919) 871-1015
- North Carolina Coalition Against Domestic Violence: [www.nccadv.org](http://www.nccadv.org); Toll Free (888) 997-9124
- North Carolina Victim Assistance Network: [www.nc-van.org](http://www.nc-van.org); Toll Free (800) 348-5068
- North Carolina Legal Aid: [www.legalaidnc.org](http://www.legalaidnc.org); Toll Free (866) 219-5262
- Jamie Kimball Foundation for Courage: <http://www.jkffc.org>; (704) 408-1144

### SOUTH CAROLINA STATE-WIDE RESOURCES

- SC Coalition Against Domestic Violence and Sexual Assault 803.256.2900; <http://www.sccadvasa.org/>
- Domestic Abuse Center 803.791.1322 (for Richland County); <http://www.domesticabusecenter.net/resources-for-victimssurvivors/>
- South Carolina Victim Assistance Network <http://www.scvan.org/links-to-helpful-resources.html>

### NATION-WIDE RESOURCES

- Rape, Abuse and Incest National Network (RAINN): <https://rainn.org/> **Hotline (available 24/7): (800) 656-HOPE (4673)**
- National Domestic Violence Hotline: <http://www.thehotline.org/> **Hotline (available 24/7) (800) 799-7233; TTY (800) 787-3224; Live Chat Online (also available 24/7)**
- Battered Women's Justice Project: <http://www.bwjp.org/>
- National Coalition Against Domestic Violence: <http://www.ncadv.org/>
- National Sexual Violence Resource Center: <http://www.nsvrc.org/> - Toll Free (877) 739.3895

## **How do I report the incident to LRU and who should I report to?**

The University encourages you to report the incident to the Title IX Coordinator, a Deputy Title IX Coordinator, or a member of the Sexual Misconduct Response Team (SMRT), because by reporting the incident, you will be safer and you will be connected with important and valuable resources and assistance. Below is their contact information:

### a) Title IX Coordinators

#### Title IX Coordinator

Dawn Barker Floyd  
Director of Compliance/Title IX Coordinator  
Lenoir-Rhyne University  
Hickory Campus - Cromer 206(A)  
828.328.7040; [dawn.floyd@lr.edu](mailto:dawn.floyd@lr.edu) or [TitleIXCoordinator@lr.edu](mailto:TitleIXCoordinator@lr.edu)

#### Title IX Deputy Coordinators

##### **Asheville Campus**

Michael M. Dempsey, Ed.D.  
Deputy Title IX Coordinator  
Dean and Director, Center for Graduate Studies of Asheville  
Lenoir-Rhyne University  
36 Montford Ave.  
Asheville, NC 28801  
(828) 407-4269  
[michael.dempsey@lr.edu](mailto:michael.dempsey@lr.edu)

##### **Columbia Campus**

Robyn Marren  
Deputy Title IX Coordinator  
Director of Finance and Administration  
Lutheran Theological Southern Seminary  
Center for Graduate Studies of Columbia  
Lenoir-Rhyne University  
4201 N. Main St.  
Columbia, SC 29203  
(803) 461-3277  
[robyn.marren@lr.edu](mailto:robyn.marren@lr.edu)

b) Sexual Misconduct Response Team

○ Dr. Katie Fisher

Dean of Students

828.328.7246; [katie.fisher@lr.edu](mailto:katie.fisher@lr.edu)

○ Peter Kendall

Senior Vice President for Administration and Finance

828.328.7100; [peter.kendall@lr.edu](mailto:peter.kendall@lr.edu)

○ Dr. Amy Wood

Assistant Provost and Dean Graduate and Adult Programs

828.328.7728; [amy.wood@lr.edu](mailto:amy.wood@lr.edu)

○ The Reverend Jenn Casey

Director of Enrollment Management – Columbia

803.461.3297; [jennifer.casey@lr.edu](mailto:jennifer.casey@lr.edu)

○ Rick Nichols

Director of Human Resources

828.328.7387; [rick.nichols@lr.edu](mailto:rick.nichols@lr.edu)

○ Norris Yoder

Director of Safety and Security

828.328.7450; [norris.yoder@lr.edu](mailto:norris.yoder@lr.edu)

**In sum, below are your options for reporting:**

1. Go to the hospital for an evidentiary exam;
2. Report to local police;
3. Report to LRU's Security Services;
4. Report to a confidential resource on campus, including a Counselor or a Pastor;
5. Report to the Title IX Coordinator, a Deputy Title IX Coordinator, or a member of the LRU SMRT;
6. Report to a faculty or staff member;
7. Report to an outside agency such as a rape crisis center.

### **As a victim/survivor, is it my choice whether law enforcement is contacted?**

A victim of sexual assault, dating violence, domestic violence, or stalking has three options regarding contacting law enforcement:

1. You can notify law enforcement authorities, including:  
LRU's Department of Security Services: Emergency 9-911 or 9-328-5551; from a campus phone - 0 or 7146; from a non-campus phone (828) 328-7146  
Hickory Police Department: Emergency 911; Non-Emergency (828) 324-2060  
Asheville Police Department: Emergency 911; Non-Emergency (828) 252-1110  
Columbia Police Department: Emergency 911; Non-Emergency (803) 545-3500
2. You can ask the Title IX Coordinator, a Deputy Title IX Coordinator, or a member of the LRU Sexual Misconduct Response Team to help you notify appropriate law enforcement;
3. You can choose not to report the incident to law enforcement.

Please note that if your incident, or any other incident, poses an ongoing threat to the health and safety of the LRU community, the University can notify law enforcement despite a victim/survivor's wishes to the contrary. However, LRU will attempt to notify the victim first - before we inform law enforcement - so that the victim knows it is happening and can take necessary precautions.

### **Can I get a Protective Order or No Contact Order against the perpetrator?**

The Dean of Students Office (students) or Human Resources (faculty or staff) can help facilitate with LRU's Department of Security Services for an on-campus no-contact order for members of the University community.

**In North Carolina**, if you already have a court-ordered DVPO or CNCO, Lenoir-Rhyne's Department of Security Services will honor these orders if brought to its attention whether issued in North Carolina or any other state. When a victim obtains a DVPO or CNCO, it should be presented to the Department of Security Services to be kept on file and the victim should keep a valid copy of the order to be presented upon request.

### **What is a Domestic Violence Protective Order (DVPO)?**

A DVPO is an order that provides protection for you and others from contact with someone with whom you have an intimate or familial relationship.

#### **Qualifications for a DVPO in North Carolina (50B)**

- Must be a resident of the County in NC where you are seeking order
- Must have a valid address for the person you are seeking the order against.
- Must have one of the following relationships with the defendant:
  - o Married or Divorced

- o Persons of the opposite sex who are not married but live together or have lived together in the past
- o Have a child in common
- o Parent and child or grandparent and grandchild (must be at least 16 years old)
- o Current or former household member
- o Persons of the opposite sex who are in or have been in dating relationship

For more specific information about Catawba County (Hickory) go to:

<http://www.nccourts.org/County/Catawba/Staff/DA/Domestic.asp>

For more specific information about Buncombe County (Asheville) go to:

<http://www.nccourts.org/County/Buncombe/Staff/DA/Domestic.asp>

Information available on these websites above about DVPO's include the following:

North Carolina General Statutes Chapter 50B provides that victims of domestic violence can get an order of protection from the Court. Domestic Violence Restraining Orders ("50B", restraining orders, or DVPO's) are civil orders limiting the contact a person may have with a victim and the statutes provide for two types:

An Ex Parte Domestic Violence Protective Order is a temporary order that is available if there is a danger of serious and immediate injury to a qualifying adult or to a minor child. Such an order may be applied for at the Clerk of Superior Court's office during normal hours and the victim will be required to appear before a judge to explain the need for an order of protection. If a judge finds that there is danger to the victim or a minor child, the judge can issue an emergency ex parte order of protection with any provisions the judge feels is needed to protect the victim or the minor child. Such an order is good for ten days.

If an ex parte order is requested and the judge feels it is not an emergency, a hearing date will be set. This hearing will allow the judge to decide if an order of protection should be issued without the other party being present. If the judge issues an emergency ex parte order, a hearing will still be required in order that the judge may decide whether another order, one lasting for one year, is necessary.

If a victim wishes to ask the judge for the year-long order, he or she will be required to come to court again. Otherwise, the judge will not grant the longer lasting order and the emergency order will expire. Once granted, this order becomes effective in every county of the state. Nevertheless, it is important that the victim keep a copy with them so that

law enforcement officers in another county will be able to determine that such an order is in effect.

If the police are called, and if they have probable cause to believe that the person against whom the order is written has violated it, Section 50B-4(b) requires that they take the person into custody. He or she will be brought before a magistrate and a Magistrate's Order for Violation of a 50B obtained. Defendant will then be subject to restrictive conditions of the "48-hour" rule and its bond and conditions of release guidelines will apply.

### **What is a Civil No Contact Order (CNCO)?**

**In North Carolina**, a CNCO is an order that provides protection from nonconsensual sexual conduct and stalking from someone with whom you do not have an intimate or familial relationship, such as an acquaintance, co-worker, fellow student, or stranger.

#### **Qualifications for a CNCO (50C)**

- Must be a resident of the County in NC where you are seeking the order
- Must have a valid address for the person you are seeking the order against.
- Has had an unlawful act committed against them by another person not involved in a personal relationship as defined in the qualifications for a DVPO (50B)

To get a CNCO or “no contact order” or “restraining order” as it is often called, you should go to the courthouse and complete the necessary forms. You may request a temporary order be issued against the accused until the date of the hearing. You will then attend the hearing, at which time your request for a CNCO will be granted or denied. If granted, the CNCO is usually effective for one year. However, you can request to have the Order extended.

For more information, see

[http://www.womenslaw.org/laws\\_state\\_type.php?id=13916&state\\_code=NC](http://www.womenslaw.org/laws_state_type.php?id=13916&state_code=NC)

### **What if I live in South Carolina? Can I get a restraining order in South Carolina?**

**In South Carolina**, an Order of Protection is not the same thing as a Restraining Order. These terms are often used interchangeably, but an Order of Protection has more strict requirements and can usually be enforced more quickly than a Restraining Order. There are several different types of Restraining Orders. Both Orders of Protection and Restraining Orders are issued by Judges.

**Orders of Protection:** You may be able to get an Order of Protection if the abuser is a spouse, former spouse, the other parent of your child, or a person of the opposite sex that you live with or used to live with romantically.

- An Order of Protection is a court order to keep the abuser from abusing or threatening you. It may also temporarily address issues of child custody, support, visitation, and property.
- You can apply for it after physical domestic violence, threats of bodily harm, or sexual crimes have occurred.
- The petition for an Order of Protection should be filed with the Clerk of Court in the county where you live, where the abuser lives, or where you last lived together.
- You can file a petition for an Order of Protection on your own. An attorney may be helpful, but is not necessary. There is no filing fee. A domestic violence advocate may be able to help you with the paperwork.
- A hearing will be scheduled in Family Court. You will need to speak in court and provide as much additional evidence as possible about the abuse. If there are witnesses to the abuse, they should go to court with you.

**Restraining Orders:** If you did not have the kind of romantic relationship with the abuser that is required to get an Order of Protection, you may be able to get a Restraining Order in Magistrate Court ordering the abuser to stay away from you.

- You should contact your local Magistrate Court for the correct procedure.
- There may be a filing fee. You will need to bring proof and/or witnesses to court on the day of your hearing to prove that you need a Restraining Order.
- You may seek a Mutual Restraining Order which prevents both parties from doing something. Sometimes judges grant Mutual Restraining Orders instead of granting an Order of Protection. Sometimes two people agree to a Mutual Restraining Order not to harass each other. You should be careful about agreeing to a Mutual Restraining Order if you really need an Order of Protection. Mutual Restraining Orders have the same effect on both people. They do not imply that one person was at fault.

**For the information above and more, see**

<http://www.sclegal.org/LinkClick.aspx?fileticket=8%2FOtynoSBeA%3D&tabid=1943&language=en-US>

**Will Lenoir-Rhyne provide accommodations and interim measures after I report?**

Yes. One common effect of sexual assault, dating violence, domestic violence, and stalking is a loss in the ability to concentrate. You may find that you are having difficulty fulfilling your academic commitments. You can request academic accommodations through the Dean of Students. The Dean of Students can (1) offer to contact faculty to

verify the need for academic relief; and (2) provide information about course withdrawals and withdrawal from the University.

The Dean of Students can also help with emergency housing, changes to your University housing, University employment arrangements, and certain travel accommodations. The Dean can also coordinate arrangements with the Office of Disability Services and/or the Office of International Programs, as necessary to provide you with support. The Dean of Students will maintain your confidentiality to the extent possible while assisting with requesting and coordinating requested accommodations.

The Title IX Coordinator and Dean of Students will assist the complainant in connecting with both on-campus and off-campus resources, including counseling, health, mental health, victim advocacy, legal assistance, and other services, if requested. Many of those resources are listed above.

The Dean of Students, in consultation with the Title IX Coordinator, will also determine whether any interim measures are necessary, including but not limited to interim suspension of the accused individual pending the resolution of the complaint.

For employees, the Director of Human Resources or Title IX Coordinator will assist victims/survivors if they are having difficulty fulfilling their work commitments. You can request accommodations or employment arrangements through the Human Resources office or Title IX Coordinator, and they can also help the complainant in connecting with on- and off-campus resources, including counseling, health, mental health, victim advocacy, legal assistance, and other services.

**If I request confidentiality, will my report remain confidential?**

If a victim/survivor wants to discuss the sexual assault, dating violence, domestic violence, or stalking incident with someone on campus who does not have to report the incident, he or she can go to one of the confidential resources discussed above.

If a victim/survivor chooses to talk with any other faculty or staff and requests complete confidentiality, that person is still required to notify the Title IX Coordinator. In many cases, the Title IX Coordinator will be able to respect a request for complete confidentiality. However, several factors must be weighted before making the final decision, which are:

1. the seriousness of the alleged sexual misconduct, relationship violence, or stalking;
2. whether there have been other complaints of sexual misconduct, relationship violence, or stalking against the same accused at the University or any other school or in the nature of prior criminal charges;
3. whether the accused threatened further sexual misconduct or violence against the victim/survivor or others;

4. whether the sexual misconduct was committed by multiple accused;
5. whether the sexual misconduct or relationship violence involved use of a weapon;
6. the age of the victim/survivor;
7. whether the University possesses other means to obtain relevant evidence of the sexual misconduct, relationship violence, or stalking;
8. whether the complaint reveals a pattern of conduct at a particular location or by a particular individual and/or student group or organization; and
9. the accused's right to receive information about the allegations if the information is maintained by the University as an "education record" under FERPA.

Respecting a victim/survivor's request for confidentiality will limit the University's ability to respond completely to the allegations. Even if a victim/survivor decides not to request confidentiality, the Title IX Coordinator and other involved University officials will only discuss the case with individuals who need to know. Furthermore, information about the incident, including the victim/survivor's name, is part of the student's "education record" under FERPA. Therefore, documentation about the incident is generally protected from public disclosure.

### **How do I know if I am involved in an unhealthy or abusive relationship?**

Unhealthy relationships are marked by characteristics such as disrespect, power and control. It is important for you to be able to recognize signs of unhealthy relationships before they escalate into abuse or violence. Some characteristics of unhealthy relationships include:

- *Control.* One dating partner makes all the decisions and tells the other what to do, what to wear, or who to spend time with. He or she is unreasonably jealous, and/or tries to isolate the other partner from his or her friends and family.
- *Hostility.* One dating partner picks a fight with or antagonizes the other dating partner. This may lead to one dating partner changing his or her behavior in order to avoid upsetting the other.
- *Dishonesty.* One dating partner lies to or keeps information from the other. One dating partner steals from the other.
- *Disrespect.* One dating partner makes fun of the opinions and interests of the other partner or destroys something that belongs to the partner.
- *Dependence.* One dating partner feels that he or she "cannot live without" the other. He or she may threaten to do something drastic if the relationship ends.

- *Intimidation.* One dating partner tries to control aspects of the other's life by making the other partner fearful or timid. One dating partner may attempt to keep his or her partner from friends and family or threaten violence or a break-up.
- *Physical violence.* One partner uses force to get his or her way (such as hitting, slapping, grabbing, or shoving).
- *Sexual violence.* One dating partner pressures or forces the other into sexual activity against his or her will or without consent.<sup>1</sup>

It is important to understand the value of respect and the characteristics of healthy and unhealthy relationships so you can recognize and prevent violence before it starts.

\* Information from <http://youth.gov/youth-topics/teen-dating-violence/characteristics>

Also, violence can occur in any relationship, including same-sex partnerships. Lesbian, Gay, Bisexual, Transgender and Queer individuals may have the added pressure of not wanting to “out” themselves to seek help. Please know that LRU will support and help LGBTQ members of our community.

**I have a friend that told me they were a victim of sexual or relationship violence. How can I help?**

1. Believe them
  - a. Let your friend know that it is not their fault;
  - b. Avoid blaming the victim for what happened. Don't ask questions like “why didn't you fight back?” or “were you drinking?” or “what were you wearing?”;
  - c. Let them know they didn't deserve to be hurt;
  - d. Ask them how you can help.
2. Listen to them
  - a. Listen with patience;
  - b. Don't be judgmental;
  - c. Silence is okay;
  - d. Let your friend know that their emotions are normal;
  - e. Empower your friend to make their own decisions about what they want to do.
3. Support them
  - a. If the person is in crisis, don't leave them alone. Stay with them or find another person they trust who can stay with them;
  - b. Let them know you will help them report to the police or University officials;

- c. Drive them or arrange for them to be driven to the hospital if they have been sexually or physical assaulted;
- d. Tell them about resources both on- and off-campus;
- e. Keep up your support for your friend even if you disagree with their response to the incident;
- f. Seek support for yourself, especially if you start to feel overwhelmed.

**Will the University protect me from retaliation for reporting the incident to University officials?**

Yes. Retaliation is any adverse action taken against a person participating in a protected activity such as reporting an incident. Retaliation in any form against complainants, witnesses or others that participate in the process is prohibited by LRU and will not be tolerated. If you are involved in an incident and experience retaliation, please inform the Title IX Coordinator, a Deputy Title IX Coordinator or a member of the SMRT.

**Does LRU offer prevention and awareness programming on sexual assault, dating violence, domestic violence and stalking?**

Yes. All incoming students and new employees are provided with education and training on risk reduction of sexual violence, dating violence, domestic violence, stalking and consent. LRU also provides ongoing awareness and prevention campaigns throughout the school year to students, faculty and staff through web-based programming, New Student and New Employee Orientation Programs, the Convocation program, Dean of Students office, Department of Security Services, the First Year Experience class, the Transfer Class, and the Compliance/Title IX Office, among others.

**What are Lenoir-Rhyne's Policies and Procedures for Responding to reports of sexual misconduct, dating violence, domestic violence and stalking?**

When a report is received, the University will respond in a prompt manner. All sexual misconduct, dating violence, domestic violence, and stalking cases will be resolved within 60 days of receiving notice, unless there are extenuating circumstances. The Title IX Coordinator will talk with the Complainant and the Respondent separately in order to gather facts surrounding the incident in question. The Coordinator will also interview any witnesses that are identified by the parties and gather other physical and documentary evidence. Throughout the process, both the Complainant and the Respondent are entitled to the same rights and opportunities, including having an advisor present at any related meeting or hearing, providing evidence to support their side, and appealing any decisions.

Below is the sexual misconduct grievance policy:

## **POLICY STATEMENT**

**TITLE:** SEXUAL MISCONDUCT

**CAMPUSES:** HICKORY, COLUMBIA AND ASHEVILLE

**DIVISION/DEPARTMENT:** UNIVERSITY-WIDE

**INDIVIDUALS AFFECTED:** ALL LENOIR-RHYNE FACULTY, STAFF AND STUDENTS

**POLICY UPDATED:** AUGUST 30, 2016

### **POLICY STATEMENT**

Lenoir-Rhyne University (LRU) is committed to creating and maintaining a safe and healthy environment where all members of the community, students, faculty, staff and guests are treated with respect and dignity at all times. The University wishes to make explicit its abhorrence of language, behavior, and attitudes that intimidate, offend or demean members of the University community. This policy concerns one form of gender-based discrimination: Sexual Misconduct. Sexual Misconduct of any type by any member of the University community (which includes, without limitation, faculty, staff, students, and their guests) is strictly prohibited. The University encourages those who experience or observe forms of Sexual Misconduct to bring such incidents to the attention of those individuals that carry special responsibility for responding to allegations of Sexual Misconduct. Accusations of Sexual Misconduct against any member of the University community will be expeditiously investigated and adjudicated pursuant to the procedures established in this policy statement.

#### **1) SCOPE OF POLICY**

This Sexual Misconduct Policy is intended to supersede and replace all other policies in force at the University that address the reporting and adjudication of allegations of Sexual Misconduct. Moreover, this policy shall govern all conduct, circumstances, procedures and allegations that in any way involve Sexual Misconduct, and to the extent any provision of any other University policy or procedure would conflict with or be inconsistent with this policy, this policy shall control.

#### **2) TYPES OF SEXUAL MISCONDUCT**

Below are several forms of behaviors prohibited by this Policy (collectively referred to as "Sexual Misconduct"). Because Sexual Misconduct can take many forms, the list below is not intended to be exhaustive.

- a) Sexual Harassment: The determination of what constitutes sexual harassment varies depending on the circumstances of each individual situation, but it generally encompasses any unwelcome or non-consensual gender-based or sexual conduct (whether verbal, visual, physical, or otherwise) that is so severe, persistent or pervasive that it interferes with a person's work or educational opportunity or otherwise creates an intimidating, hostile, or offensive work or educational environment. Sexual Harassment includes, without limitation, any threatening, inappropriate, unrelenting or abusive sexually explicit language or behavior towards another individual. Sexual harassment can be directed towards individuals or groups, and it includes saying or doing things directly to someone, during a phone conversation, during an online conversation, in print or on clothing.
  
- b) Sexual Exploitation: Sexual exploitation occurs when a person takes advantage of another person for his or her own benefit (or for 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 happen in committed relationships, between friends, between strangers, and between colleagues. Sexual exploitation includes a broad range of behaviors including, but not limited to: non-consensual video or audio taping of a sexual activity, non-consensual photography of a sexual nature, allowing other individuals to observe an act of sex without the knowledge or consent of the other partner, voyeurism, prostitution of another person, knowingly transmitting a sexually transmitted infection (STI) or HIV to another person, prostituting another person (personally gaining money, privilege or power from the sexual activities of another), exposing one's genitals in a non-consensual circumstance or inducing someone else to expose their genitals without consent.
  
- c) Stalking: Stalking is non-consensual sexual or gender-based conduct directed at a specific person that would cause a reasonable person to feel fear for themselves or others or to suffer substantial emotional distress. Stalking is serious, often violent, and can escalate over time. Stalking behaviors include, but are not limited to: someone repeatedly calling, including hang ups; following someone; sending unwanted gifts, letters, cards, or emails and/or other electronic messages; damage to a residence, car or other property; monitoring phone calls or computer use; threatening to hurt someone, or their family, friends or pets. Often, behavior that constitutes stalking also violates a wide range of laws and University policies, but the conduct rises to the level of Sexual Misconduct when it is undertaken as a result of sexual or gender-based motivations.
  
- d) Sexual Assault (or attempts to commit the same): Sexual assault is defined as any intentional sexual touching, either directly or over clothes, however slight, with any body part or object, without consent. Sexual assault includes the forced touching of the

intimate parts of another individual. Such force can be physical or emotional (by threat, intimidation, pressure, or coercion, etc.).

Rape is one especially egregious form of Sexual Assault, and it is defined as sexual penetration (anal, oral, or vaginal) of the individual by any part of another individual's body or other object, without consent. It is also considered rape if the victim has a reasonable fear that the individual or another will be injured if the individual does not give consent, is incapable of giving consent or is prevented from resisting due to physical or mental incapacity, which may include but is not limited to the influence of alcohol or drugs, or if the individual suffers from a mental or physical disability.

- e) Dating Violence & Domestic Violence: Dating and Domestic Violence, sometimes referred to as "relationship abuse" or "relationship violence," is when one partner to 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 other party to a present or past intimate relationship, commonly known as "dating violence" and "domestic violence." It also includes, without limitation, any act or threatened act of violence against a person who is, or has been involved in, a dating, spousal, sexual, or other intimate relationship with the perpetrator. It may involve one act or an ongoing pattern of behavior. Intimate partner abuse can encompass a broad range of behavior, including, but not limited to, physical violence, sexual violence, emotional violence, and economic abuse. Intimate partner abuse may take the form of threats, assault, property damage, or violence or threat of violence to one's self, one's sexual or romantic partner, or to the family members or friends of the sexual or romantic partner. Intimate partner violence affects individuals of all genders, gender identities, gender expressions, and sexual orientations.

### 3) CONSENT DEFINED

Sexual Misconduct can take many forms, but all forms of Sexual Misconduct result from behavior taken towards 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 obtained from a person who lacks capacity (whether due to drugs, alcohol, mental incapacity, or other incapacity), and consent cannot be obtained by any of the following means: (a) coercion; (b) physical force, violence, threat, or intimidation; (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. For clarification, the University defines certain key elements of consent as follows:

- a) Force: the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent.
- b) Coercion: unreasonable pressure for sexual activity.
- c) Incapacitation: Any condition in which someone cannot make rational, reasonable 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). Incapacitation may result from mental or physical disability, alcohol, drugs, sleep, involuntary physical restraint, or from taking date rape drugs.

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.

#### 4) **REPORTING, HEALTH AND SAFETY AND CONFIDENTIAL ASSISTANCE**

**Students, faculty and staff who believe that they are victims of Sexual Misconduct are strongly encouraged to contact the Title IX Coordinator, a Deputy Title IX Coordinator or one of the following individuals that comprise the LRU Sexual Misconduct Response Team (SMRT) to report an a incident of Sexual Misconduct, particularly if the incident happened on campus. Faculty and staff that become aware of acts of Sexual Misconduct involving a student are required to contact the Title IX Coordinator, a Deputy Title IX Coordinator, or one of the following individuals that comprise the Sexual Misconduct Response Team (SMRT) to report an a incident of Sexual Misconduct.**

Individuals who have been the victim of Sexual Misconduct should consider using the University's resources available to assist them in caring for themselves. A full list of these resources can be found below. A complete list of resources, counseling, health, and mental health services, as well as all other rights and options available to the complainant (including the option to pursue criminal charges), will be provided to the individual upon the reporting of such conduct.

- c) Title IX Coordinators

## **Title IX Coordinator**

Dawn Barker Floyd  
Director of Compliance/Title IX Coordinator  
Lenoir-Rhyne University Box #7137  
Hickory Campus, Cromer 206(A)  
828.328.7040  
[Dawn.Floyd@lr.edu](mailto:Dawn.Floyd@lr.edu)

## **Deputy Title IX Coordinators**

### **Asheville Campus**

Michael M. Dempsey, Ed.D.  
Deputy Title IX Coordinator  
Dean and Director  
Center for Graduate Studies of Asheville  
Lenoir-Rhyne University  
36 Montford Ave.  
Asheville, NC 28801  
(828) 407-4269  
[michael.dempsey@lr.edu](mailto:michael.dempsey@lr.edu)

### **Columbia Campus**

Robyn Marren  
Deputy Title IX Coordinator  
Director of Finance and Administration  
Lenoir-Rhyne University  
Lutheran Theological Southern Seminary  
Center for Graduate Studies of Columbia  
4201 N. Main St.  
Columbia, SC 29203  
(803) 461-3277  
[robyn.marren@lr.edu](mailto:robyn.marren@lr.edu)

## **Sexual Misconduct Response Team (SMRT)**

- Dr. Katie Fisher  
Dean of Students  
828.328.7246  
[katie.fisher@lr.edu](mailto:katie.fisher@lr.edu)

- Peter Kendall  
Senior Vice President for Administration and Finance  
828.328.7100  
[peter.kendall@lr.edu](mailto:peter.kendall@lr.edu)
  
- Dr. Amy Wood  
Assistant Provost and Dean Graduate and Adult Programs  
828.3287728  
[amy.wood@lr.edu](mailto:amy.wood@lr.edu)
  
- The Reverend Jenn Casey  
Director of Enrollment Management – Columbia  
803.461.3297  
[jennifer.casey@lr.edu](mailto:jennifer.casey@lr.edu)
  
- Rick Nichols  
Director of Human Resources  
828-328-7387  
[rick.nichols@lr.edu](mailto:rick.nichols@lr.edu)
  
- Norris Yoder  
Director of Safety and Security  
828.328.7450  
[norris.yoder@lr.edu](mailto:norris.yoder@lr.edu)

d) Health and Safety Resources

The following health and safety resources are available to all victims of sexual misconduct:

HICKORY CAMPUS

- Student Health Center 828.328.7959
  - Hickory Campus Security (during “Fishbowl” business hours):  
828.328.7145; 24 hours a day 828.328.7146 (mobile)
- Hickory Police Department 828.328.5551
- Sexual Assault
  - Family Guidance Center (828) 322-1400; <http://www.fgcservices.com/>
- Domestic Violence
  - Family Guidance Center (828) 322-1400; <http://www.fgcservices.com/>

- Women’s Resource Center (828) 322-6333;  
<http://www.wrchickory.org/>

### ASHEVILLE CAMPUS

- Asheville Police Department Victim Services 828.259.5912
- Asheville – Buncombe County Sheriff’s Department 828.250.4503
- Asheville Police Department – .828.252.1110; or call 911
- Sexual Assault
  - <http://www.ourvoicenc.org/> Our Voice Rape Crisis Services 828.255.7576
  - <http://www.nccasa.org/> North Carolina Coalition Against Sexual Assault (919) 871-1015
- Domestic Violence
  - <http://www.helpmateonline.org/>
  - <http://www.ashevillecares.org/helpmate.html>
  - <http://www.nc-van.org/directory/buncombe/HelpmateInc.html>

### COLUMBIA CAMPUS

- Security Services – 803.461.3268; 828.303-6640 (after-hours) or call 911
- Sexual Trauma Center 803.771.7273
- SC Coalition Against Domestic Violence and Sexual Assault 803.256.2900; <http://www.sccadvasa.org/>
- Columbia Police Department Victim Services 803.545.3503
- Sexual Assault
  - <http://www.sccadvasa.org/>
  - <https://www.stsm.org/>
  - <http://www.aardvarc.org/rape/states/scrp.shtml>
- Domestic Violence
  - <http://www.sccadvasa.org/>
  - <http://sistercare.org/>
  - <http://safeharborsc.org/>

### NORTH CAROLINA STATE-WIDE RESOURCES

- Additional information about victim resources available in North Carolina, including legal assistance, is available at <http://www.nccourts.org/forms/Documents/1074.pdf>
- North Carolina Coalition Against Sexual Assault: [www.nccasa.org](http://www.nccasa.org);

- (919) 871-1015
- North Carolina Coalition Against Domestic Violence: [www.nccadv.org](http://www.nccadv.org); Toll Free (888) 997-9124
- North Carolina Victim Assistance Network: [www.nc-van.org](http://www.nc-van.org); Toll Free (800) 348-5068
- North Carolina Legal Aid: [www.legalaidnc.org](http://www.legalaidnc.org); Toll Free (866) 219-5262
- Jamie Kimball Foundation for Courage: <http://www.jkffc.org>; (704) 408-1144

#### SOUTH CAROLINA STATE-WIDE RESOURCES

- SC Coalition Against Domestic Violence and Sexual Assault 803.256.2900; <http://www.sccadvasa.org/>
- Domestic Abuse Center 803.791.1322 (for Richland County); <http://www.domesticabusecenter.net/resources-for-victimssurvivors/>
- South Carolina Victim Assistance Network <http://www.scvan.org/links-to-helpful-resources.html>

#### NATION-WIDE RESOURCES

- Rape, Abuse and Incest National Network (RAINN): <https://rainn.org/> **Hotline (available 24/7): (800) 656-HOPE (4673)**
- National Domestic Violence Hotline: <http://www.thehotline.org/> **Hotline (available 24/7) (800) 799-7233; TTY (800) 787-3224; Live Chat Online (also available 24/7)**
- Battered Women's Justice Project: <http://www.bwjp.org/>
- National Coalition Against Domestic Violence: <http://www.ncadv.org/>
- National Sexual Violence Resource Center: <http://www.nsvrc.org/> - Toll Free (877) 739.3895

#### e) Confidential Assistance

These individuals listed below will maintain the confidentiality of matters reported to them, except in cases of immediate threat or danger or the abuse of a minor. For purposes of reporting under the Clery Act, these individuals will submit anonymous statistical information, unless they believe it would be harmful to their client, patient or parishioner.

- Jenny Smith, University Counselor, 828.328.7252, [Jenny.Smith@lr.edu](mailto:Jenny.Smith@lr.edu) (Hickory and Columbia)

- Jennifer Drum, University Counselor, 828.328.7957, [Jennifer.Drum@lr.edu](mailto:Jennifer.Drum@lr.edu) (Hickory and Asheville)
- Andrew Weisner, University Pastor, 828.781.1110 [Andrew.Weisner@lr.edu](mailto:Andrew.Weisner@lr.edu) (Hickory, Asheville, Columbia)
- Pastor Gary Dreier, 803.461.3222, [gary.dreier@lr.edu](mailto:gary.dreier@lr.edu) (Columbia)
- Pastor Christopher Webb, 828.253.0043, [Christopher.webb@lr.edu](mailto:Christopher.webb@lr.edu) (Asheville)

If a faculty or staff member is contacted by an individual who wishes to maintain anonymity or confidentiality concerning any alleged Sexual Misconduct, the faculty or staff member must report the contact to the Title IX Coordinator, a Deputy Title IX Coordinator, or an individual on the LRU SMRT; however, such faculty or staff member should also encourage the individual to seek confidential assistance through the resources above or another appropriate resource.

## 5) **SELF-CARE**

If you believe you have been the victim of Rape or Sexual Assault, in addition to using the resources above, it is recommended that you do the following if it does not interfere with your health, safety or wellbeing. Such actions will help ensure the preservation of evidence that may be useful in subsequent investigations:

- Go to a safe place
- Do not shower or bathe
- Do not urinate, if possible
- Do not eat, drink, smoke or brush your teeth if oral contact took place
- Do not destroy or wash the clothes you were wearing. If you change, place your clothes in a paper bag
- Seek medical treatment immediately

In addition to the grievance process described below, individuals aware of alleged Sexual Misconduct are encouraged to file a report with appropriate law enforcement authorities, which include Campus Security and the Hickory Police Department. The filing of a report does not obligate an alleged victim to pursue charges if s/he does not want to pursue them, but it does make filing of charges easier if the alleged victim changes his/her mind at a later date. LRU will assist the alleged victim in pursuing whichever option(s) he or she chooses. An individual desiring anonymity can seek the assistance of the University Counselor, who may be able to file a report with law enforcement that includes the details of the incident without revealing the alleged victim's identity.

## 6) REMEDIAL ASSISTANCE

The University aims to assist those involved with alleged Sexual Misconduct in any way reasonably possible. Therefore, in connection with alleged Sexual Misconduct, an individual may contact the Title IX Coordinator, a Deputy Coordinator, or any member of the LRU SMRT to request assistance in the following forms: (1) an escort between classes; (2) separating the complainant and alleged perpetrator from classes; (3) work re-assignment, relocation, or leave of absence; (4) moving the complainant or alleged perpetrator to a different residence hall; (5) counseling services; (6) medical services; (7) academic support services, such as tutoring; (8) re-taking or withdrawing from a class without penalty; (9) entering a “no contact” order; and (10) other reasonable requests for assistance. These options may be requested at any time before, during or after a Sexual Misconduct Grievance proceeding has commenced. Such requests will be reviewed by the Title IX Coordinator and the LRU SMRT on a case-by-case basis, and all reasonable requests will be granted.

## 7) SEXUAL MISCONDUCT GRIEVANCE PROCEDURES

**The procedures described below are the means by which all grievances or other complaints involving allegations of Sexual Misconduct asserted against any member of the University community must be investigated and resolved.** These procedures do not replace, nor are they intended to replicate, the state and federal criminal or judicial systems that are available to persons who wish to file a criminal or civil complaint or take other action in such forums. Instead, these policies and procedures are designed to address allegations of Sexual Misconduct and the impact such misconduct has on other members of the University community. All members of the University community are bound by these policies and procedures, as well as the resulting outcome of any proceedings hereunder. All aspects of these policies and procedures are designed to provide a prompt, equitable, fair and impartial investigation and resolution of grievances asserted against members of the University community. These policies and procedures further ensure that LRU will take steps to prevent recurrence of any discriminatory or harassing conduct and will correct its discriminatory effects, as needed.

### a) Overview and Special Considerations

LRU’s Sexual Misconduct Grievance Procedures follow a four-step process: (1) initiation of grievance; (2) neutral investigation; (3) adjudication by LRU’s Sexual Misconduct Review Board; (4) discretionary appeal to the University President, as further explained below. There are several other University policies that are designed to address important concerns that sometimes accompany allegations of Sexual Misconduct. These policies include but are not limited to:

- 1) Confidentiality: An individual asserting an incident of Sexual Misconduct may request to remain anonymous and/or that a grievance not be pursued against the alleged perpetrator. Upon such request, the University will take reasonable steps to

investigate and respond to the incident consistent with the individual's request, but the University cannot ensure confidentiality or anonymity in every instance. Similarly, if a complainant insists that his or her name or other identifiable information not be disclosed to the alleged perpetrator, the complainant should be aware that the University's ability to respond may be limited. In appropriate circumstances, LRU reserves the right to pursue the Sexual Misconduct Grievance process without the cooperation or participation of the victim (for example, in situations where the alleged perpetrator is believed to be a potential threat to the University community). In such cases, LRU's highest priority will be to maintain a safe and discrimination-free environment for all members of the University Community, but it will take reasonable measures to maintain the victim's confidentiality where reasonably possible. Moreover, in all publicly-available record keeping required by law, the University will not to publish any personally identifying information about the victim, to the extent permitted by law.

- 2) Retaliation: Retaliation resulting from the report of an incident of Sexual Misconduct will not be tolerated by the University, and the University will not only take steps to prevent retaliation but also take strong responsive action if it occurs, whether or not any Sexual Misconduct Grievance proceedings are pending. If the complainant or the respondent feels that s/he has been the subject of retaliation, s/he should contact the Title IX Coordinator, a Deputy Title IX Coordinator, or a member of the LRU SMRT, identified above.
- 3) Amnesty: All members of the University community are encouraged to report incidents of Sexual Misconduct, even though they may feel their own use of alcohol or other drugs may have been a factor or may expose them to disciplinary action. Because of the seriousness of Sexual Misconduct, the University does not want any such circumstances to inhibit the reporting of Sexual Misconduct. In order to encourage reporting, the University will not charge complainants, respondents, or witnesses of Sexual Misconduct for violations of the University drug or alcohol policies.
- 4) Protective Measures: As noted above under "Remedial Assistance for Victims," upon request, the University will work with victims to ensure appropriate protective measures are in place before, during and after a Sexual Misconduct Grievance proceeding has commenced.

b) Grievance Procedures

The LRU Sexual Misconduct Grievance Procedures are as follows:

1) Initiation of a Grievance

- a) The complaining individual (“complainant”) should initiate a grievance by reporting the alleged Sexual Misconduct to the Title IX Coordinator, a Deputy Title IX Coordinator, or any member of the LRU SMRT. Although there is no period of time within which a Sexual Misconduct Grievance must be reported, the complainant should report the incident to the Title IX Coordinator, a Deputy Title IX Coordinator, or a member of the LRU SMRT as soon as reasonably possible after the incident giving rise to the grievance, as a failure to timely report an incident may impede the investigation of the allegations.
- b) Upon receipt of a grievance from a complainant by the Title IX Coordinator, a Deputy Title IX Coordinator, or a member of the SMRT, the Title IX Coordinator will provide the complainant information regarding LRU’s policies and resources pertaining to Sexual Misconduct, Title IX and Campus SaVE Act.
- c) Based on the allegations of the complainant, the Title IX Coordinator will make an initial determination of whether any violation of the University Sexual Misconduct may have occurred under any version of complainant’s allegations.
- d) If the Title IX Coordinator determines that a violation of the University Sexual Misconduct may have occurred, the Title IX Coordinator will then complete a Sexual Misconduct Grievance Form and present it for signature by the complainant. By signing the Sexual Misconduct Grievance Form, the complainant attests to the truthfulness of the allegations therein, to the best of his or her knowledge. Regardless of whether complainant signs the Sexual Misconduct Grievance Form, the Title IX Coordinator will provide a copy of the completed Sexual Misconduct Grievance Form to the individual against whom the grievance is asserted (the “respondent”) and to the complainant.
- e) Before proceeding with any investigation or grievance processes, the Title IX Coordinator will seek to obtain the complainant’s written consent to do so. If the complainant does not consent, the University must honor its legal obligations to investigate the complainant’s allegations and, if necessary to maintain a safe and discrimination-free environment for all members of the University Community, pursue a grievance against the accused individual. In such a case, however, the University will take reasonable measures to ensure confidentiality or anonymity of the complainant.

2) Neutral Investigation

- a) After the grievance form is submitted to the complainant and respondent, the Title IX Coordinator shall conduct a prompt, thorough, neutral and fact-based investigation of the allegations made by the complainant.
- b) After completing the investigation, the Title IX Coordinator shall issue a written report of his/her findings to the complainant, the respondent, and the members of the LRU SMRT.
- c) The Title IX Coordinator shall then promptly contact the chair of the Sexual Misconduct Review Board to schedule a hearing before the Board.
- d) Upon request (and to the extent permissible by law), any and all materials supporting the Title IX Coordinator's report will be made available to both the complainant and the respondent.

3) Sexual Misconduct Review Board

- a) **Board Constitution:** The Sexual Misconduct Review Board (SMRB) is responsible for adjudicating all Sexual Misconduct Grievances. The SMRB will be a five-member board composed of two faculty members, two staff members and one additional member of either the faculty or staff. A five-member board will be constituted by the random selection of five individuals from a pool of ten individuals (five faculty and five staff) for each new grievance hearing. The ten member pool of SMRB members will be appointed by the President for staggered three-year terms. A chairperson of the SMRB will also be designated by the President for each new grievance hearing. The Dean of Students and the Senior Vice President for Administration and Finance will serve the SMRB as non-voting administrative assistants. All members of the SMRB pool shall receive specialized annual training to assist them with the sensitive issues that often accompany Sexual Misconduct. The University's Title IX Coordinator and Deputy Title IX Coordinators shall not serve as members of the SMRB.

b) Pre-Hearing Procedures

- 1) The chairperson of the SMRB will schedule a hearing of the SMRB no later than ten days (absent significant exigent circumstances, in which case a later date may be allowed) after the Title IX Coordinator's written report of its findings is issued to the complainant, the respondent and the members of the LRU SMRT.

- 2) Prior to the hearing, the SMRB shall review the report issued by the Title IX Coordinator, as well as any materials supporting the report.
- 3) No later than 5 days before the hearing, any member of SMRB who has a real or perceived conflict of interest will disclose the same to the parties. Complainant and respondent will each be given an opportunity to request the recusal of any members(s) of the SMRB which request shall be decided by the LRU SMRT, in its sole discretion. Any recused member shall be replaced by the President's appointment of another appropriately qualified individual.

c) Hearing Procedures

- 1) At the hearing, complainant and respondent will be allowed to have one advisor of their choosing attend, which person may be legal counsel. Such advisor may only counsel their advisee and may not participate in the hearing or present any evidence or argument on behalf of their advisee.
- 2) The complainant, the respondent and all witnesses will be required to swear or affirm, that their testimony presented to the SMRB is true and honest. An audio recording of all hearings (but not any deliberations) before the SMRB shall be taken.
- 3) The SMRB has broad authority and discretion to conduct the hearing in any way it deems appropriate. Upon request by either party or at the SMRB's initiation, the hearing will be conducted such that a party does not have to be physically present in the same room as the other party, provided that the parties will be allowed to listen to and review each other's presentations of evidence in real time.
- 4) Both complainant and respondent will be given a fair opportunity to present their positions in whatever form deemed appropriate by the SMRB. Without limitation, live testimony, documentary evidence and all other forms of evidence may be allowed by the SMRB. The SMRB has the authority to call witnesses and review evidence not presented by either party, and it may question any witness and review other evidence presented by a party. Without limitation, the SMRB may require the testimony of the Title IX Coordinator who conducted the investigation.
- 5) The SMRB will determine, by majority vote, whether the respondent is responsible for the Grievance alleged, based on whether it is "more likely than

not” that the respondent committed the Grievance. Within 2 days after its hearing, the SMRB will render a written decision in the matter explaining the rationale therefor, including any sanction that the SMRB deems appropriate, which shall be provided to all parties simultaneously, along with instructions regarding how to pursue an appeal. Absent an appeal, the decision of the SMRB shall be final and binding on the parties.

**d) Discretionary Appeal**

- 1) Both the complainant and the respondent will have the right to request an appeal of the outcome within five days of the issuance of a written decision by the SMRB.
- 2) In the event that an appeal is requested, the President will request a review of the proceedings by five individuals in the pool of potential SMRB members who did not serve on the SMRB when the grievance was first heard. This group of individuals will:
  - a. Make a preliminary determination of whether an appeal is allowed. Such an appeal will only be allowed when the hearing before the SMRB involved a material deviation from the procedures outlined herein and such deviation may have actually affected the outcome of the proceedings in a significant way.
  - b. If an appeal is not allowed, then the request for an appeal shall be denied and the decision of the SMRB shall be final. If, however, an appeal is allowed, the appeals board will:
    - i. Review the transcript of the proceedings before the SMRB, along with any and all evidence presented to the SMRB;
    - ii. Allow the complainant and respondent a fair opportunity to supplement the record, as appropriate; and
    - iii. Render a written decision in the matter explaining the rationale therefor, including any sanction that the individual deems appropriate, which shall be provided to all parties simultaneously. Such decision shall be final and binding on the parties.

e) Sanctions for Grievances

1) A wide range of sanctions is available as discipline in any given Sexual Misconduct Grievance proceeding. By way of example only, the following sanctions may be assessed against a person who is deemed responsible for the alleged conduct.

a. For Faculty and Staff

Verbal or written warning  
Performance/behavior improvement plan  
“No contact” Order  
Required Counseling  
Required training  
Demotion  
Suspension without pay  
Suspension with pay  
Termination (of staff member or non-tenured faculty)  
Recommendation of Revocation of Tenure (in the case of faculty)  
Recommendation of Termination (in the case of faculty)

b. For Students

Verbal or written warning  
“No contact” Order  
Restitution for loss, damages or service 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 the Residence area  
Exclusion from some or all areas of campus or University facilities  
Disciplinary suspension  
Disciplinary expulsion

Depending on the severity, likelihood of repetition, and potential threat to the University environment, more severe sanctions may be assessed against an individual.

For questions about this Guide, or for more information, please contact:  
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