A RESOURCE GUIDE FOR STUDENTS ON SEX/GENDER-BASED MISCONDUCT:
CAMPUS POLICIES, PROCEDURES, AND SERVICES

CHOICE  CONFIDENTIALITY  FAIRNESS

It’s not your fault, you’re not alone.

For questions and more information, please contact LRU’s Director of Compliance and Title IX Coordinator, Dawn.Floyd@lr.edu; [828-328-7040]
1. Go to a safe location as soon as you are able.
2. Seek immediate medical attention if you are injured or believe that you may have been exposed to an STI/STD or potential pregnancy.
3. Contact 911 or any of the following for immediate assistance:
   - Dawn Floyd, Title IX Coordinator at [828-328-7040]. Regular business hours, M-F.
   - Michael Dempsey, Deputy Title IX Coordinator: Asheville, at [828-407-4269]. Regular business hours, M-F.
   - Robyn Marren, Deputy Title IX Coordinator: Columbia, at [803-461-3277]. Regular business hours, M-F.
   - Katie Fisher, Dean of Students at [828-328-7246]. Regular business hours, M-F.
   - Residence Life Staff, including RAs and Directors, at [828.328.7249].
   - Office of Counseling Services at [828-328-7252]. Regular business hours, M-F.*
   - Student Health Center at [828-328-7181]. Regular business hours, M-F.*
   - Rev. Andrew Weisner, Campus Pastor at [828-781-1110]. Regular business hours, M-F.*

Note that campus officials may contact on-call staff from other departments when their offices are closed, or they are otherwise unavailable to assist immediately.

If you are off-campus and experiencing an emergency situation, you can call local police by dialing 911. You may also call the Hickory Police Department’s non-emergency line at [828-261-5551].

It is important that you preserve all potential evidence of an incident of sexual misconduct. 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 if you decide to pursue criminal charges. The University encourages victims to go to the emergency room and request a specially trained Sexual Assault Nurse Examiner (SANE) who will conduct the examination and collect the evidence. An evidentiary exam or a ‘rape kit,’ is used to collect evidence that can be used to prosecute someone for rape (non-consensual sexual intercourse). An evidentiary exam done within 72 hours of the assault 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.

Also, if you report to local law enforcement and/or have a rape kit completed, you can ask for an advocate to help you through the process. The advocate will usually be a trained trauma counselor from one of the organizations in the community. You can also request that your friend or family member accompany you.

Choose how to proceed. You have options and are encouraged to contact the Title IX Coordinator or the Deputy Title IX Coordinator at the Asheville or Columbia campus to discuss your options:

   1) Do nothing until you are ready;
   2) Pursue resolution by Lenoir-Rhyne; and/or
   3) Initiate criminal proceedings; and/or
   4) Initiate a civil process against the respondent.

You may pursue whatever combination of options is best for you. If you wish to have an incident investigated and resolved by Lenoir-Rhyne, students and employees should contact The Title IX Coordinator or Deputy Title IX Coordinator, and University procedures will be explained.

Those who want incidents to be handled criminally can also contact campus security or the police stationed 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 Deputy Title IX Coordinators for more information.

*Denotes that a resource is confidential.
REQUESTING CONFIDENTIALITY

If a victim/survivor wants to discuss an incident with someone on campus who does not have to report the incident, they can go to one of the confidential resources listed below, free of charge.

- Jenny Smith, *University Counselor* at [828-328-7252], Hickory & Columbia.
- Jennifer Drum, *University Counselor* at [828-328-7957], Hickory & Asheville.
- Jennifer Waugh, *University Counselor* at [828-328-7958], Hickory.
- Michael Spivey, *University Counselor*, at [828-328-7298], Hickory.
- Dr. Mark Fitzsimmons, *University Pastor* at [803-461-3213], Columbia.
- Dr. Rev. Bill Trexler, *University Pastor* at [828-253-0043], Asheville.
- 24/7 Hotline for Rape, Abuse, and Incest National Network (RAINN), at [800-656-4673].

If a victim/survivor chooses to talk with any other faculty and or staff and requests complete confidentiality, as a mandated reporter, 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 considered, including whether the University believes there to be a threat to the community based on the use of weapons, violence, pattern, predation, or threatening conduct by the person being accused.

In cases where your request for confidentiality is granted, the University will offer you available resources, supports, and remedies. You are not obligated to pursue formal resolution in order to access the resources that are available. If the University decides 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 resolutions may be limited as a result of the decision not to participate.

INCIDENTS INVOLVING MINORS

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

CONTACTING LAW ENFORCEMENT

As a victim/survivor, it is your choice to report the sexual misconduct 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 wish to the contrary. However, LRU will attempt to notify the victim before notifying law enforcement so the victim knows law enforcement is being contacted and can take necessary precautions.

GETTING A PROTECTIVE ORDER OR NO CONTACT ORDER

The Title IX Coordinator or Deputy Director (faculty, staff, and students), or The Dean of Student’s Office (students), 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, you can get a Civil No Contact Order (CNCO) by going to the courthouse and completing the necessary forms. 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. You may request a temporary order to be issued against the accused until the date of the hearing.
At the hearing, your request for a CNCO will be accepted or denied and if accepted, will be effective for one year.

In South Carolina, an Order of Protection is not the same thing as a Restraining Order. An Order of Protection has more strict requirements and can usually be enforced more quickly than a Restraining Order. 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.

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.

If you did not have the kind of romantic relationship 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 can contact your local Magistrate Court for the correct procedure.

LENOIR-RHYNE WILL PROVIDE ACCOMMODATIONS AND INTERIM MEASURES AFTER YOU REPORT— You can request academic accommodations through the Title IX Coordinator, a Deputy Title IX Coordinator, or the Dean of Students. The Dean of Students can help with changes to housing and employment arrangements, can offer to contact faculty to verify the need for academic relief, and can provide information about course withdrawal and withdrawal from the University.

**LRU SEX/GENDER-BASED MISCONDUCT**

Lenoir-Rhyne University is committed to creating and maintain 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, or demean members of the University community. This policy (the “Policy”) concerns Sex/Gender-Based Harassment, Discrimination, and Sexual Misconduct. Such conduct 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 Sex/Gender-Based Misconduct to bring such incidents to the attention of The Title IX Coordinator, a Deputy Title IX Coordinator, or a University employee. Accusations of Sex/Gender-Based Misconduct against any member of the University community will be addressed pursuant to the procedures established in this policy.

**SCOPE OF POLICY**

The Sex/Gender-Based Misconduct Policy is intended to supersede and replace all other policies in force at the University that address reporting and allegations of Sex/Gender-Based Harassment, Discrimination, or Sexual Misconduct. Moreover, the Policy governs all conduct, circumstances, procedures, and allegations that in any way involve Sex/Gender Based Misconduct, and to the extent any provision of any other University policy or procedure would conflict with or be inconsistent with the policy, this Policy controls.
CONSENT DEFINED:
All forms of Sex/Gender-Based 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—feely 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).

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**TYPES OF SEX/GENDER-BASED MISCONDUCT**

*The following are the definitions of conduct prohibited by the Sex/Gender-Based Misconduct Policy. Because Sex/Gender-Based Misconduct can take many forms, the list below is not intended to be exhaustive.*

**SEXUAL HARASSMENT:**
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 education opportunity or otherwise creates an intimidating, hostile, or offensive work or educational environment.

**SEXUAL EXPLOITATION:**
Occurs when a person takes advantage of another person for their 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.

**RETAILIATION:**
Any adverse action taken against a person because that person was engaged in an activity protected by this policy.

**NON-CONSENSUAL SEXUAL CONTACT:**
Any intentional sexual touching—either directly or over clothes, however slight, with any body part or object—without consent.

**NON-CONSENSUAL SEXUAL INTERCOURSE:**
Is penetration (anal, oral, or vaginal) of an individual by any part of another individual’s body or other object, without consent. It is also non-consensual sexual intercourse 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 use of alcohol or drugs, or if the individual suffers from a mental or physical disability.

**INTIMATE PARTNER VIOLENCE:**
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 party to a present or past relationship, commonly known as “dating violence” or “domestic violence.”

**SEX AND GENDER DISCRIMINATION:**
Actions that deprive other members of the community of educational or employment access, benefits, or opportunities on the basis of sex or gender.
CONSENT CONTINUED

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

- Coercion;
- Physical force, violence, or threat;
- Ignoring the objections of another person;
- Causing another’s intoxication or impairment through the use of drugs or alcohol;
- 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.

YOUR RIGHTS

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

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

SUPPORT
- Students have a right to be notified of their ability to access campus counseling and health services.
- Students and employees have a right to be notified of on- and off-campus supportive resources.
- All parties involved in sex/gender-based misconduct allegations will receive the information and assistance needed to effectively participate in all proceedings.

RESPONSE

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:

For Students:
- 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

For Faculty and Staff:
- Verbal or written warning
- Performance/behavior improvement plan
- “No contact” Order
- Required Counseling
- Required Training
- Demotion
- Suspension w/ or w/o pay
- Termination (staff/non-tenured faculty)
- Recommendation of Revocation of Tenure
- Recommendation of Termination

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RESOURCES

Title IX Coordinator
Dawn Barker Floyd
LRU Box #7137
Hickory Campus, Cromer 206 (A)
828. 328. 7040;
Dawn.Floyd@lr.edu

Deputy Title IX Coordinators
Asheville Campus
Michael Dempsey, Ed.D.
Dean and Director
828. 427. 4263;
Michael.Dempsey@lr.edu

Columbia Campus
Robyn Marren
Chief Operations Director
803.461.3277;
Robyn.Marren@lr.edu

Sex/Gender-Based Misconduct
Response Team (SMRT)
Dr. Katie Fisher
Dean of Students
828. 328.7246;
Katie.Fisher@lr.edu

Peter Kendall
Senior Vice President for
Administration and Finance
828.328.7728;
Peter.Kendall@lr.edu

Dr. Amy Wood
Assistant Provost and Dean of
Graduate and Adult Programs
828.328.7728;
Amy.Wood@lr.edu

Rick Nichols
Director of Human Resources
828.328.7387;
Rick.Nichols@lr.edu

Norris Yoder
Director of Safety and Security
828.328.7145;
Norris.Yoder@lr.edu

Confidential Resources
Jenny Smith
University Counselor
Hickory and Columbia
828.328.7252;
Jenny.Smith@lr.edu

Jennifer Drum
University Counselor
Hickory and Asheville
828.328.7957;
Jennifer.Drum@lr.edu

Michael Spivey
University Counselor
828.328.7298;
Michael.Spivey@lr.edu

Kellie Medley
Student Life Coordinator
Columbia
803.461.3237;
Kellie.Medley@lr.edu

Rev. Andrew Weisner
University Pastor
Hickory, Asheville, and Columbia
828.781.1110;
Andrew.Weisner@lr.edu

Dr. Mark Fitzsimmons
University Pastor
Columbia
803.461.3213;
Mark.Fitzsimmons@lr.edu

Rev. Dr. Bill Trexler
University Pastor
Asheville
828.253.4263;
wbtrexler@gmail.com

Hickory Campus
Student Health Center
828.328.7959

Security
Business Hours: 828.328.7145
24/7: 828.328.7146

Hickory Police Department
Non-Emergency, 24/7
828.328.5551

Family Guidance Center
828.322.1400; Fgcservices.com

Women's Resource Center
828.322.6333; www.wrhickory.org

Columbia Campus
Security Services
Business Hours: 803.461.3268
After-Hours: 828.303.6640

Columbia Police Department
Victim Services
803.545.3503

Asheville Campus
Asheville Police Department
828.252.1110

Helpmate Domestic Violence Services
828.254.0516; helpmateonline.org

Our Voice
828.255.7576; ourvoicenc.org

North Carolina State-Wide
Resources
North Carolina Coalition Against
Domestic Violence
Toll Free: 888.997.9124
919.956.9124; www.nccadv.org

North Carolina Victim Assistance
Network
Toll Free: 1.800.348.5068
919.83.2857; www.nc-van.org

North Carolina Legal Aid
Toll Free: 866.219.5262
www.legalaidnc.org

South Carolina State-Wide
Resources
Domestic Abuse Center,
for Richland County
803.791.1322;
www.domesticabusecenter.net

South Carolina Victim Assistance
Network
803.750.1200; www.scvan.org

National Hotline
Sexual Assault
1.800.656.467
www.rainn.org

Domestic Violence
1.800.799.7233
Live Chat Online; www.thehotline.org

Sexual Assault
S.C. Coalition Against Domestic
Violence and Sexual Assault
803.256.2900; www.scadvasa.org

Sexual Trauma Services
803.790.8208; www.stsm.org
Hotline: 803.771.7273

Intimate Partner Violence
SisterCare
830.926.0505; www.sistercare.org
Crisis Hotline: 803.765.9428

Safe Harbor Rescue Mission
864.467.1177; www.safeharborsc.org
Crisis Hotline: 1.800.291.2139

Nation-Wide Resources
National Coalition Against Domestic
Violence
303.839.1852; www.ncadv.org

National Sexual Violence
Resource Center
877.739.3895; www.nsvrc.org