

2019-2021  
Annual Security Report  
And  
Fire Safety Report



October 2022  
Spartanburg Methodist College  
1000 Powell Mill Road  
Spartanburg, SC 29301  
(864) 587-4000  
[www.smcsc.edu](http://www.smcsc.edu)

### **Message to Students, Faculty, and Staff:**

The mission of the Campus Safety Department is to support student learning by providing a campus environment that discourages crime and promotes safety through effective law enforcement and positive relations with the community. The Campus Safety Department is under the Student and Professional Development Division and reports to the Dean of Community Wellness.

Spartanburg Methodist College publishes and distributes an annual crime report to all current students, faculty, and staff. This report includes statistics for the years 2019- 2021. It is also given to any applicant for enrollment or employment upon request and can be mailed. It is prepared to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act). Each year, an e-mail notification is made to all enrolled students, faculty, and staff that provides the website to access this report. The Annual Crime report is also available on the Spartanburg Methodist College Website <https://www.smcsc.edu/the-experience/experience-community/#campus-safety>

Specifically, statistics on the occurrence of murder, sexual assault, robbery, aggravated assault, burglary, hate crimes, violence against women crimes, motor vehicle theft, and arson are included in the report. In addition, arrests for the following crimes occurring on campus will be included in the report: liquor law violations; drug violations; and weapon possessions. With the passing of the Higher Education Opportunity Act we are required to include the annual fire safety report outlining fire safety practices, standards and fire-related statistics.

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## **Policy for Annual Security Report (ASR) Completion**

The enclosed report and crime statistics were developed and compiled in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act), and amendments. Spartanburg Methodist College is required to have policies and procedures for the preparation of the Annual Security Report to include the required policies and procedures and the disclosure of statistics for incidents of reportable crimes. These crimes include Domestic Violence, Murder, Manslaughter, Robbery, Burglary, Motor Vehicle Theft, Dating Violence, Stalking, Sexual Assaults, Larceny, Vandalism, Intimidation, and Simple Assault. Further statistical information is gathered on the basis on a victim's ethnic, disability, social background, or group/trait status in relation to these crimes. This statistical information is gathered from Community Wellness/Community Life Incident Reports, Title IX Reports, Campus Safety Incident Reports, Facilities, and Spartanburg County Sheriff's department records request. This information is processed and used to construct the statistical sections of the ASR. The ASR Committee meets Bi-Annually to review the report as a whole to ensure that the document is current and present the up-to-date information. The ASR Committee is composed of members from the Spartanburg Methodist College Campus Safety Department, the Community Wellness Department, the Office of Title IX and Equal Opportunity. The information received from these entities is kept on file in the office of Title IX and Equal Opportunity and the Chief of Campus Safety. If you have any questions about anything contained in this report, please contact the Spartanburg Methodist College Campus Safety Department by dialing (864) 587-4003 or 4003 from an on-campus telephone.

## **Campus Location**

*Spartanburg Methodist College* (SMC) is located at 1000 Powell Mill Road, which is within Spartanburg County, and is provided emergency services by the SMC Campus Safety Department and Spartanburg County. Spartanburg County Emergency Services available to SMC include the Una Volunteer Fire Department, the Spartanburg County Sheriff's Office, Spartanburg EMS, and Spartanburg County Communication Services. The South Carolina Law Enforcement Division (S.L.E.D.), the South Carolina Department of Mental Health, and the City of Spartanburg Public Safety Department may also provide services as needed. The Spartanburg County Sheriff's Office provides various resources, crime related reports, and exchanges information, as deemed necessary. When an emergency situation occurs that requires outside assistance, Campus Safety Police and/or Security Officer will contact Spartanburg County Communication Services either through Duty Cell Phone or utilize the 800 MHZ Police radio. Campus Safety will also utilize neighboring agencies to help investigate criminal activity by coordination with the respective investigation agencies and local news media through services such as Crime Stoppers should the need arise.

## **Campus Security Authorities**

Campus Police, Campus Security, Community Life staff, individuals, or offices designated to receive crime reports and any officials with significant responsibility for campus and student activities are required by the Clery Act to report information for timely warnings and crime statistics. This includes those who serve in the role of athletic director, team coach, faculty advisors to student groups, and the Title IX coordinator. Training will be provided annually along with resources to record any information you receive.

## Campus Map



## Daily Crime Log

The Campus Safety Department maintains a daily log listing all reported crimes. The log lists the date, time reported, time occurred, general location, and disposition, if this information is known at the time the log is created. Certain information may temporarily be withheld to protect a victim or maintain the integrity of an in-progress criminal investigation. The daily crime log is available for public inspection during normal business hours at the Campus Safety Office.

## **EMERGENCY RESPONSE, EVACUATION, AND EMERGENCY PROCEDURES**

### **e2Campus Emergency Mass Notification System**

Students, Faculty, and Staff may register a telephone number in the e2Campus Notification System to receive emergency alerts. All students, faculty, and staff's email addresses are automatically enrolled in e2Campus Notification System.

### **Emergency Alert Process**

If any member of the campus community becomes aware of a significant emergency or dangerous situation on campus or in the residential halls, that individual must report it to the Campus Safety Office (**864-587-4003**) and/or Spartanburg County Communication Services (**911**) as soon as possible and without delay. Campus Safety personnel will confirm the emergency with the appropriate sources. Once confirmed, the Campus Safety Office will draft the emergency response and if possible, coordinate with the Dean of Community Wellness and Vice President of Marketing and initiate the alert. The content of the emergency alert and the segment of the campus community to receive the alert will be determined by the Chief of Campus Safety or his/her designee and if possible, the Dean of Community Wellness and the Vice President of Marketing. Individuals authorized to send the approved emergency alert text message and email include the Chief of Campus Safety and his/her designee, the Dean of Community Wellness, and the Vice President of Marketing.

As part of the emergency confirmation process, Campus Safety will determine if the emergency needs to be reported to the Spartanburg County Sheriff's Office. If there is a significant emergency that warrants the assistance of the Spartanburg County Sheriff's Office, Campus Safety will contact the Sheriff's Office and request assistance without delay.

Spartanburg Methodist College also requests that the Spartanburg County Sheriff's Office communicate with Campus Safety regarding any community emergencies or crimes that could impact the campus community.

Depending on the particular circumstances of the crime, especially in all situations that could pose an immediate threat to the community and individuals, the President or his designee may also post a notice on the Spartanburg Methodist College website. If there is a more immediate notification needed, a copy of the notice can be posted in each residence hall and/or campus building. A complete "Campus Crime Alert" may be sent later via email explaining the incident in detail. The Vice President for Marketing will notify the media and other outlets if warranted.

### **Tests of the e2Campus Emergency Mass Notification System**

At any given time, test alerts may be sent out to ensure proper function of the e2Campus Notification System. The results of each test are also reviewed to make sure that proper notifications are being completed. Alerts are sent out for emergencies, power and internet outages, and weather-related issues.

## Emergency Response and Evacuation Procedures

The emergency procedures are located at <https://www.smcsc.edu/the-experience/experience-community/#campus-safety> and provides information relevant to fires, evacuation procedures, bomb threats, active shooter, and weather emergencies.

### CAMPUS EVACUATION PROCEDURES

#### Building Evacuation:

1. All building evacuations will occur when a fire alarm sounds and/or upon notification by Campus Safety or the Facility Manager
2. When the building evacuation alarm is activated during an emergency, leave by the nearest marked exit or by the Building Evacuation Plan and alert others to do the same.
3. Assist the handicapped in exiting the building.
4. Once outside, proceed to a clear area that is at least 500 feet away from the affected building. Keep streets, fire lanes, hydrant area and walkways clear for emergency vehicles and personnel; know assembly points.
5. Do not return to an evacuated building unless told to do so by authorized persons.
6. After any evacuation, report to designated assembly point. Stay there until an accurate head count is taken. The Facility Manager will take attendance and assist in accounting for all building occupants.

#### Assembly Locations:

Building	Assembly Locations
Buchheit Administration Building	Grassy area near the Chapel
Hammond Residence Hall	Center Courtyard
Willard Residence Hall	Center Courtyard
Burgess Student Center	Center Courtyard
Montgomery Science Building	Center Courtyard
Walker Building	Center Courtyard
Moore Student Activities Building (Old Gym)	Judd Lawn
Parsons Residence Hall	Judd Lawn
Judd/Ballard Center/Judd Cellar	Kingman Lawn

Davis Mission Chapel	Campus Flagpole Circle
Kingman Residence Hall	Judd Lawn
Marsha and Jimmy Gibbs Welcome Center	Grassy area near the Chapel
Bridges Arena & Camak Auditorium	Ellis Courtyard
Bridges Residence Hall	Judd Lawn
Sparrow Residence Hall	Ellis Courtyard
Ellis Hall	Sparrow Courtyard

**If instructions are given for:**

A campus wide evacuation to an outdoor area, the assembly location is Nash Soccer Field.

A campus wide evacuation to an indoor area, the assembly location is Bridges Arena.

**FIRE**

1. The locations of fire extinguishers and exits are clearly marked in each campus building. Individuals are encouraged to become familiar with these locations, and to learn how to use the equipment. Training and information are provided periodically through Community Life staff and Campus Safety.
2. If a minor fire appears controllable, immediately contact Campus Safety. Then promptly direct the charge of the fire extinguisher toward the base of the flame.
3. If an emergency exists, activate the building alarm and then call Campus Safety.
4. In the case of large fires that do not appear controllable, immediately notify the fire Department (911) and Campus Safety (864-587-4003). Then evacuate all rooms and close all doors to confine the fire and reduce oxygen. Do not lock doors.
5. When the building fire alarm is sounded, an emergency exists. Walk quickly to the nearest marked exit and ask others to do the same.
6. Assist those with limited mobility in exiting the building. Accessibility resources will maintain a list of students with accessibility needs, Human Resources will maintain a list of Faculty and Staff who have accessibility needs. These lists will be made available to Campus Safety mobility at the beginning of each academic semester.
7. Once outside move to the designated evacuation location for the affected building(s). Keep streets and walkways clear for emergency vehicles and crews.
8. If requested, assist emergency crews as necessary.
9. A campus Field Command Post may be set up near the emergency site. Keep clear of the Command Post unless you have official business.

10. Do not return to an evacuated building unless an "All Clear" order is issued by a college official or emergency worker.
11. If you become trapped in a building on an upper floor during a fire and a window is available, place an article of clothing (shirt, coat, etc.) outside the window as a marker for rescue crews. If there is no window, stay near the floor where the air will be less toxic. Shout at regular intervals to alert emergency crews of your location.
12. After any evacuation, report to your designated evacuation location. Stay there until an accurate head count is taken. The Facility Manager will take attendance and assist in accounting for all building occupants.

### **BOMB THREAT**

1. If you observe a suspicious object or potential bomb on campus, do not handle the object. Clear the area and immediately call Campus Safety; if you cannot reach Campus Safety, call 911.
2. Any person receiving a phone call concerning a bomb threat should ask the caller:
  - When is the bomb going to explode?
  - Where is the bomb located?
  - What kind of bomb is it?
  - What does it look like?
  - What will make it explode?
  - Why did you place the bomb?
  - What is your name?
  - When did you place the bomb?
3. Keep talking to the caller as long as possible and record the following:
  - Time of the call.
  - Age and sex of the caller.
  - Speech pattern, accent, possible nationality, etc.
  - Emotional state of the caller.
  - Background Noise.
4. Immediately notify Campus Safety.
5. Campus Safety and/or College staff will conduct a detailed search. Employees may be asked to make a cursory search of their area for suspicious objects and, if something is found, to report the location to Campus Safety. If a suspicious object is found, the object should not be touched. Persons making a cursory search should not open drawers, cabinets or turn lights on or off.
6. If an emergency exists, activate the building fire alarm. Report the emergency to Campus Safety.
7. When the building fire alarm is sounded or when told to leave by college officials, walk quickly to the nearest marked exit and ask others to do the same.



8. Assist the limited mobility in exiting the building. Accessibility resources will maintain a list of students with accessibility needs, Human Resources will maintain a list of Faculty and Staff who have accessibility needs. These lists will be made available to Campus Safety mobility at the beginning of each academic semester.
9. Once outside, move to the designated evacuation area for the affected building. Keep streets and walkways clear for emergency vehicles and crews.
10. If requested, assist emergency crews as necessary.
11. Do not return to an evacuated building unless given an "All Clear" order by a College official or emergency worker.

## **ACTIVE SHOOTER**

### **A. Purpose:**

The purpose of this plan is to provide guidance and specific procedures for the handling of an active shooter incident by utilizing ALICE (Alert, Lockdown, Inform, Counter, and Evacuate) procedures.

### **B. Explanation of Terms:**

1. Active shooter: An Active Shooter is an individual actively engaged in killing or attempting to kill people in a confined and populated area.
2. Active shooter incident: Any incident involving an active shooter using a firearm and there is no pattern to the selection of their victims.

### **C. Objectives:**

The objectives of Spartanburg Methodist College are to locate and stop any active shooter(s) as quickly as possible. Because an active shooter is a threat to many people, the College will take all necessary, available, and appropriate actions to contain and control the situation as quickly as possible. Spartanburg Methodist College will employ ALICE procedures in response to these incidents.

### **D. Preplan considerations:**

1. Prepare a plan for an active shooter in advance. Determine possible escape routes and know where the nearest building exits are.
2. Discuss beforehand with people in your office where you will meet should you have to evacuate. Make it a place that is easily accessible and away from the scene.
3. Get to know your coworkers beforehand to know if they have any special skills. You may have current or prior military personnel, medically trained persons, or even people trained in martial arts that can help in this type of incident.

## **ALICE**

"ALICE" is an acronym for 5 steps you can utilize in order to increase your chances of surviving an Active Shooter incident. It is important to remember that the "ALICE" response does not follow a set of actions you "shall, must or will" do when confronted with an Active Shooter. While accountability, liability and responsibility are important, in this case survivability is the primary concern. Therefore, a proactive, options-based policy is necessary. Individuals may use any or

all parts of the response plan. While the ALICE acronym makes it easier to remember, it is not sequential or linear. In this type of incident, perception is the reality, and you must decide for yourself what is in your best interest.

### **ALERT**

Can be anything:

- Gunfire
- Witness
- PA Announcement
- Phone alert, text, or emergency messaging system

### **LOCKDOWN**

This is a semi-secure starting point from which to make survival decisions. If you decide not to evacuate, secure the room.

- Lock the door
- Cover any windows in the door if possible
- Tie down the door using belts, purse straps, shoelaces etc.
- Barricade the door with anything available (desks, chairs)
- Look for alternate escape routes (windows, other doors)
- Call 911
- Move out of the doorway in case gunfire comes through it
- Silence or place cell phones on vibrate
- Once secured, do not open the door for anyone. Police will enter the room when the situation is over. However, if information is received that the situation has changed and evacuation is possible, you should evacuate.
- Gather anything that can be utilized as a weapon (hot coffee, coffee mugs, chairs, scissors etc.) and mentally prepare to defend yourself or others
- Place yourself in a position to surprise the shooter should they enter the room

### **INFORM**

Using any means necessary to pass on real time information.

- Given in plain language
- Can be derived from 911 calls, video surveillance, etc.
- Who, what, where, when, and how information
- Can be used by people in the area or who may enter the scene to make common sense decisions
- Can be given by electronic messaging, PA announcements etc.

### **COUNTER**

This is a last resort when other options are not available or have failed. This is the use of simple, proactive techniques that will make the shooters ability to fire accurately more difficult. This is not fighting; this is countering the attack.

- To counter an attack, use noise, movement, distraction and when appropriate, the swarm technique to gain control
- Throw objects at the shooters head to disrupt the individual's aim.
- Create as much noise as possible
- The swarm technique involves grabbing the shooters limbs and head while taking them to the ground and restraining him there
- If you have gained control of the shooter, call 911 and tell the police where you are and listen to the officer's commands when they arrive on scene

## **EVACUATE**

Remove yourself from the danger zone as quickly as possible.

- Decide if you can safely evacuate
- Run as fast as you can
- Do not have anything in your hands and keep them visible as you exit the area
- Break out windows and attempt to quickly clear glass from the frame
- Go directly to a pre-determined rally point
- Follow all commands given by law enforcement
- Do not attempt to drive from the area.

## **OTHER ISSUES**

- Police Officers responding to the scene will have their weapons drawn and ready for use. They do not know who the shooter is and will probably point their weapons at occupants. Remain calm and follow any directions they may give. You may be asked questions, patted down or given instructions to exit certain ways.
- Responding officers are there to stop the active shooter as soon as possible. They will bypass wounded people and will not help you escape. Once the shooter has been neutralized, they will begin to provide other assistance.
- If you come into possession of a weapon, DO NOT carry or brandish it. Responding officers may believe you are the shooter and may engage you. If you must remove the weapon, ALICE recommends you place the weapon in a trashcan and carry it with you. If you come across Police, calmly tell them what you are carrying and why. Follow their commands.
- Be prepared to provide first aid. Think outside the box. Tampons and feminine napkins can be used to stop blood loss. Shoelaces and belts can be used as makeshift tourniquets. Remember, it maybe hours before injured people can be evacuated. Early intervention to control blood loss may save the life of a victim.
- If you are in lockdown for a long period of time, consider issues such as bathroom use, keeping people calm, etc.
- Consider setting up classrooms and offices to make it harder for a shooter to enter and acquire targets.

## **TIMELY WARNING AND COMMUNITY NOTIFICATION**

### **Timely Warning**

Timely warnings are issued whenever a crime or series of crimes, on campus or in the surrounding communities, is considered to pose a continuing risk to students, faculty and staff. Campus Safety is responsible for issuing timely warnings. Timely warnings are usually issued for assaults, robbery, sex offenses and arson known by campus authorities or communicated to the campus authorities by the Spartanburg County Sheriff's Office. These timely warnings may be made by text messaging, using the e2Campus Mass Notification System, and is sent to SMC email addresses, and registered telephones and cellular phones, Facebook, and Twitter. The notification will provide as much information as can be obtained from appropriate sources without jeopardizing an ongoing investigation and withholding as confidential the names of victims. Information in the notification will include a clearly stated warning, the location, time, and date the incident occurred, a description of the suspect(s), and a brief overview.

## **Community Notification**

SMC Campus Safety endeavors to be a safety partner within the community. Incidents that may be a safety concern which occur on SMC Campus could affect the neighboring community. To ensure these concerns are effectively communicated, SMC Campus Safety partners with Spartanburg Communications 911 and the Spartanburg Emergency Management Division to provide timely notification. The Chief of Campus Safety or their designee will determine the nature of the concern and whether a timely notification to the community is warranted. Should an incident that requires notification occurs, the Chief of Campus Safety or their designee will contact Spartanburg Communications 911 and request a reverse 911 call to all telephone recipients within a 0.20 mile radius. Should Spartanburg Communications 911 be unavailable, the Chief of Campus Safety or their designee will contact Robbie Swofford, Spartanburg Emergency Management Division, at 864-316-3014 to have the reverse 911 system activated through the Emergency Management System.

## **ANNUAL SECURITY REPORT POLICY STATEMENTS**

### **Confidential Reporting of Crime**

We encourage anyone who witnessed or has been a victim of a crime to immediately report the incident by calling Campus Safety. Crimes can be reported on a voluntary, confidential basis for inclusion in the Annual Security Report. Campus Safety can file a report on the details of an incident without revealing your identity. The purpose of a confidential report is to maintain anonymity; yet it allows Campus Safety to take steps to ensure your future safety and that of others. With such information, the college can keep an accurate record of the number of incidents involving students, employees and visitors and alert the campus community to potential danger if necessary. Reports filed on a confidential basis are counted and disclosed in the annual crime statistics for SMC. You may also call the Campus Conduct Hotline. The Campus Conduct Hotline provides a coordinated, seamless, accessible and anonymous way to report without fear of retaliation. There is no way for us to determine the identity of a caller if you use the Campus Conduct Hotline. The number for the Campus Conduct Hotline is:

**(866) 943-5787**

### **Campus Security Authorities**

Campus Police, Campus Security, Community Life staff, individuals, or offices designated to receive crime reports and any officials with significant responsibility for campus and student activities are required by the Clery Act to report information for timely warnings and crime statistics. This includes those who serve in the role of Athletic Director, team coach, faculty advisors to student groups and the Title IX coordinator. Training will be provided annually along with information to record any information you receive.

## **Access to Campus Facilities**

SMC is a private college which is open to the public. SMC maintains open fairly open access to its campus except in the areas marked no trespass which are the Willard Hall parking and the Softball field parking lot. During normal working hours, all college buildings are open for regular business. During non-business hours access to all college facilities is by admittance via the Campus Safety Department only with keys, cards and/or code.

## **Office of Campus Safety**

The SMC Campus Safety Department has a Chief of Campus Safety, full-time certified Campus Police Officers, and South Carolina Law Enforcement Division (SLED) certified Campus Security Officers. The Campus Police Officers are certified through the South Carolina Criminal Justice Academy and have full arrest powers with their jurisdiction including the campus and all roadways contiguous to the college's property. SMC's Campus Safety Department regularly patrols within its jurisdiction in marked police cars, a golf cart, and on foot and handles all calls for service including law enforcement, investigations, traffic enforcement and collision investigation, public assistance, and first aid. The Campus Security Officers also have the authority to make arrests. We provide service and protection twenty-four hours a day, seven days a week. The SMC Campus Safety Department is located in the basement of Kingman Residence Hall and welcomes visitors at any time.

We make ID cards for all faculty, staff and students, and are responsible for all vehicle registrations; we also serve as a Lost and Found location. Our entire staff can offer first aid/CPR to anyone who needs assistance while on our campus.

## **Memorandum of Understanding (MOU)**

There is no written memorandum of understanding (MOU) between SMC Office of Campus Safety and the Spartanburg County Sheriff's Office or the City of Spartanburg Public Safety Department because South Carolina state statute prohibits private colleges from having extended police powers into any jurisdiction for any reason. (SC Code § 59-116)

## **Reporting of Crime**

SMC encourages the campus community to make an accurate and prompt report of all crimes to Campus Safety, or the appropriate police agencies. Campus Safety can be reached by dialing (864) 587-4003 or 4003 from an on-campus telephone. A Campus Police Officer or a Security Officer will respond to all on-campus emergencies for assistance. If additional police or other emergency service is required and notification has not already been made, Campus Safety will make notification and assist as needed. Campus Safety is equipped with a radio, and cellular phones which gives them telephone access to an emergency 911 dispatcher through Spartanburg County. Specifically, crimes such as: Murder, Rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Domestic Violence, Dating Violence, Stalking, Larcenies or Hate Crimes should be reported immediately. Should a complainant wish to report a criminal occurrence to an office on campus other than Campus Safety, he/she should report the occurrence to the office(s) of the Dean of Community Wellness or the Director of Community Life. Dialing 9-911 from any campus phone will allow you to reach the Fire Department and EMS. Arrests and crimes reported through SMC Campus Safety Department to the South

Carolina State Law Enforcement Division become a part of the Uniform Crime reports that are submitted to the FBI.

### **Relationship between Campus Counseling and Health Services**

Campus counselors, campus health care providers and pastoral counselors are not required to submit numbers for preparation for this report. Referrals can be made to the Spartanburg County Sheriff's Office Victim's Assistance if needed.

### **Security Awareness Programs for Students, Faculty and Staff**

Through crime prevention sessions, educational handouts, and posters, SMC Campus Safety provides its students with information that should lead to the reporting and prevention of crime on campus as well as encouraging students and employees to be responsible for their own safety and the safety of others. In addition to this, the College Counseling Center, Community Wellness and Academic Support Services provide rape crisis and prevention information to students throughout each school year.

Professional and Student Development which includes Campus Safety, Community Wellness, Residence Life, and the Counseling Center, present various programs on Personal Safety and Theft prevention. Campus Safety facilitates programs for students each semester. Assistant Directors and Community Assistants also present a series of programs in the residence halls throughout each academic year. Periodically during the year, employees are encouraged to attend various programs. When time is of the essence, information is released to the campus community through e2Campus Alerts sent to the campus email, text message, Facebook and Twitter.

### **Campus Safety Escorts**

We encourage all members of the campus community to use common sense and practice good personal safety techniques at all times. Students and employees alike are encouraged to walk in pairs and groups especially during the hours of darkness. However, when this is not possible, please use the campus escort service. Available 24-hours a day, 7-days a week, this on-campus service is intended for those who need a security escort to/from class, residence hall or parking lots/facilities. To access the program, call 864-587-4003 and provide the following information to the officer that answers the phone: your name, phone number, current location, and where you wish to go. Please remain in your car or wait in the building until a Campus Safety Officer arrives.

### **Emergency Call Boxes**

Emergency call boxes are located in various parking lots around campus. The map can be located at <https://www.smcsc.edu/resources/campus-safety/locate-a-call-box/>. It shows a pinpoint location of where the call boxes are. To answer the call box; push the call button to talk. Release the call button to listen. The Campus Police or Security Officer will answer you back from their radio.

## **Off-Campus Behavior**

Certain activities of SMC students – even if originating off-campus – may be grounds for the College to investigate and take disciplinary action. Such circumstances may include, but are not limited to, the following:

- a violation of the *SMC Honor Code*
- a violation of any law or ordinance that brings discredit on the student and/or the institution
- responsibility for injury or threat of injury to another person
- violation of SMC's alcohol and other drug policies

In addition to the off-campus situations described above, the College may address other types of student behavior:

- Online profiles: Students should understand that material posted on “Facebook”, “Snapchat”, “Instagram”, “Twitter”, “TikTok” and similar public online sources may be viewed by virtually anyone, including college officials, potential employers, and people with harmful intentions. Care should be taken to avoid posting inappropriate material or information that reveals too many personal details. The College reserves the right to bring disciplinary action against students for photos or other content that violates the SMC Standards of Conduct.
- Hazing: Hazing is intentionally or recklessly engaging in acts that have a foreseeable potential for causing physical or emotional harm to any person for the purpose of initiation or admission into or affiliation with any team or group, whether formal or informal. Depending on the circumstances, such actions may include, but are not limited to, paddling, consumption of alcohol or gross mixtures, causing excessive fatigue, physical or psychological shock, blindfolding, road trips, morally degrading or humiliating games or events, and work sessions which interfere with scholastic requirements. Students involved in any hazing activities are subject to disciplinary action.

Disciplinary action may be taken against a SMC student whether or not the student is charged with or convicted of civil or other offenses for off-campus behavior. The College reserves the right to evaluate student behavior concerning continued enrollment at SMC, living on campus or in granting the privilege of returning for subsequent semesters. If a violation of civil law occurs on campus, the college may institute its own proceedings against the offender separate and distinct from any civil proceedings.

## **Employee Training**

(1) Campus SAVE Act for Employees – Sexual Violence Awareness; (2) Protecting Children on Campus: Preventing Sexual Abuse includes information about sexual abuse awareness training and was designed to meet Title IX requirements. This annual training is also provided to new Faculty and Staff when they begin employment at Spartanburg Methodist College. This training is offered through Vector Solutions.

## **Drug Free Workplace**

Spartanburg Methodist College has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs by its students and employees. The

College annually distributes in writing the policy and terms of its drug prevention program to students and staff through the *Policies and Procedures Manual* and the *Student Handbook*.

In keeping with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act amendments of 1989, SMC prohibits the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees on its property, in any vehicle owned or leased by SMC, or as part of any of its activities. It is illegal to manufacture, distribute, dispense, possess, or use a controlled substance or to unlawfully use or unlawfully possess alcohol on SMC's property or as part of any SMC sponsored activity.

Excessive alcohol consumption or the use of illicit substances impairs the user's ability to function, changes the user's behavior, and subjects the user to serious health risks, including disease, addiction, and death. Substance abuse, the use of unlawful substances (such as cocaine and marijuana), and the misuse of lawful substances (such as prescription medication and alcohol) pose a danger to students, fellow employees, and the general public. Substance abuse may adversely impact an employee's job performance, jeopardize the safety of other employees, our students, and impact College operations and/or equipment and will result in disciplinary action up to and including termination of employment.

SMC is committed to the safety and well-being of the SMC community and to the provision of a drug-free workplace. Thus, all employees of the College may be subject to urinalysis screening or breath alcohol test for suspected drug or alcohol use. The employee will be suspended until such time as test results are available. It is the expectation of the College that all employees comply with these regulations as a condition of employment. Refusal to consent to such a test will result in a presumption that the employee is under the influence of drugs or alcohol while on the job. If an employee violates this policy, SMC may take immediate disciplinary action, up to and including termination.

Also, SMC will report the employees to the appropriate officials for prosecution under state and federal law. Violation of state and/or federal law may result in penalties that may include fines, imprisonment, or both. Employees, as a condition of employment, are required to notify SMC within five (5) days of any arrest for a criminal drug or alcohol violation and again within five (5) days of criminal conviction for a violation.

### **Parental Notification and Alcohol and Drug Violations**

Spartanburg Methodist College hereby informs students of the Family Educational Rights and Privacy Act of 1974 (the "Buckley Amendment"). This act, as amended, stipulates that all students, regardless of age, who are or have attended an institution of post-secondary education have the right to inspect and review their educational records within a reasonable period (not to exceed 45 days) after making a request for such a review. In addition, this act was designed to protect the privacy of educational records and to provide guidelines for the correction of inaccurate or misleading data through informal and formal hearings. Students also have the right to file complaints with the U.S. Department of Education concerning alleged failures by the institution to comply with the act. Spartanburg Methodist College is in full compliance with the provisions of that legislation.

Amendments to The Family Educational Rights and Privacy Act in June of 2000 allow additional disclosure of certain disciplinary records without students' permission. Disclosure is allowed in situations involving crimes of violence and for violation of laws and campus policies related to alcohol and controlled substances. Disclosure is required in situations involving alleged sexual



assault. See the Spartanburg Methodist College Student Handbook for more specific explanations.

### **Policies on Alcohol and Other Drugs**

Both Federal and South Carolina state laws prohibit the use, possession, sale or offering for sale of narcotics, amphetamines, barbiturates, and hallucinogens. As a College supported by the United Methodist Church, Spartanburg Methodist College upholds these laws and will not interfere with the legal prosecution of any members of this community who violate them. The College cannot and will not protect a student against the penalties of the law nor provide a sanctuary free from such penalties. Law enforcement officers, when armed with proper documents, have a legal right to search any and all buildings (including residence halls) and vehicles on the campus, without prior notice to anyone at the College. Also, all residence hall rooms and vehicles on the campus are subject to inspection or search by authorized officials of the College.

Spartanburg Methodist College is fully in compliance with the "Drug Free Schools and Communities Act Amendments of 1989, Public Law 101-226, which requires that, as a condition of receiving funds or any other form of financial assistance under any Federal program, an institution of higher education must certify that it has adopted and implemented a program to prevent the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees" (Federal Register, April 24, 1990, pp. 17384-17398).

The College has an active drug education and prevention program for students and staff, and our standards of conduct clearly prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on or off campus, or as part of any of its activities. Offenders are subject to disciplinary action up to and including dismissal from the College, and/or prosecution under the law.

The Professional and Student Development Office designs, promotes and carries out a year-round program of alcohol and drug education that includes posters, exhibits, brochures, speakers and television presentations on the risks of alcohol and drug use and abuse. Information is available in the Counseling Center and in the College Health Center. Students and staff may receive confidential, and non-punitive, counseling for personal or family problems related to drug and alcohol use and abuse. Resources include the College Counseling, the College Chaplain and the Community Wellness Staff for resident students. Referral to the Forrester Center on a confidential basis is available. It should be understood, however, that counseling does not shield a student from discipline by legal or College authorities should drug, or alcohol use continue or should the student be apprehended.

### **Health Risks Associated with the Use of Alcohol**

#### **Short Term Risks:**

- Increased risks of accidents and injuries
- Alcohol-related traffic accidents (the leading cause of death for teens)
- Alcohol slows reaction time, decreases muscle coordination, and impairs vision
- Fatal overdose
- Unconsciousness or blackout
- Death by aspiration of vomit
- Nausea
- Gastritis

**Long-Term Risks:**

- Increased blood pressure
- Increased risk of heart attack
- Brain damage resulting in permanent psychosis
- Cancer of the mouth, esophagus or stomach
- Liver damage (cirrhosis, alcohol hepatitis, cancer)
- Ulcers and Gastritis
- Pancreatitis
- Birth defects
- In males--testicular atrophy and breast enlargement
- In females--increased risk of breast cancer
- Prolonged, excessive drinking can shorten life span by ten to twelve years.

**Health Risks Associated with the Use of Drugs****Amphetamines (Speed, Uppers):**

- Malnutrition
- Hallucinations
- Dependence, psychological and sometimes physical

**Deliriums (Aerosols, Lighter Fluid, Paint Thinner):**

- Permanent damage to lungs, brain, liver, bone marrow
- Loss of coordination, confusion, hallucinations
- Overdose causing convulsions, death

**Depressants (Barbiturates, Tranquilizers, Methaqualone):**

- Confusion, depression, loss of coordination
- Dependence, physical and psychological
- Coma, death (caused by overdose)
- Can be lethal when combined with alcohol

**Hallucinogens (LSD, PCP, DMT, STP, Mescaline):**

- Hallucinations, panic, irrational behaviors (which can lead to increased risk of accidents, injuries)
- Tolerance overdose leading to convulsions, coma, death
- Possible birth defects in children of LSD users

**Intravenous Drug Use:**

- Places one at risk for HIV infection (the virus causing AIDS) when needles are shared

**Marijuana and Hashish:**

- Chronic bronchitis
- Decreased vital capacity
- Increased risk of lung cancer
- In men lower levels of testosterone and increase in abnormal sperm count

**Stimulants (Cocaine):**

- Painful nosebleeds and nasal erosion
- Intense "downs" that result in physical and/or emotional discomfort

- Tolerance and physical dependence can develop

**Narcotics (Heroin, Morphine, Codeine, Opium):**

- Malnutrition
- Hepatitis
- Loss of judgment and self-control leading to increased risk of accidents, injuries
- Dependence
- Overdose leading to convulsions, coma, death

**ALCOHOL AND OTHER DRUGS CRIMINAL BEHAVIORS UNDER LOCAL, STATE, AND FEDERAL LAWS**

**A. Underage Drinking**

1. Purchase, order, pay for, or share the cost of alcohol if you are under age 21
2. Possess alcohol if you are under age 21
3. Consume alcohol if you are under age 21
4. Sell alcohol to, buy alcohol for, or furnish alcohol to anyone under age 21
5. Allow anyone under age 21 who possesses or consumes alcohol to remain in your home, apartment, or residence hall room, or in other property that you own or occupy

**B. False Identification**

1. Show or give false information about your name, age, or other identification to purchase or obtain alcohol if you are under age 21
2. Provide false information about the name, age, or other identification of another person under age 21 to purchase or obtain alcohol for that person

**C. Open Containers**

1. Have an open container of alcohol in your possession in any unlicensed public place
2. Have an open container of alcohol in your possession while driving or riding in or on a motor vehicle
3. Have an open container of alcohol in your possession while in or on a motor vehicle that is parked in or on a highway, street, or other place open to the public for parking

**D. Transportation**

1. Operate a vehicle under the influence. If you are under age 21, you are considered to be operating a vehicle under the influence if your blood alcohol level is .02 or higher and 0.08 at age 21.
2. Refuse an alcohol test
3. Consume alcohol while in a motor vehicle
4. Drive while under the influence of alcohol
5. Are in physical control of a vehicle while drinking or under the influence of alcohol

**E. Disorderly Conduct**

1. Be found on any highway or at any public place or public gathering in a grossly intoxicated condition or otherwise be behaving in a disorderly or boisterous manner
2. Discharge any gun, pistol, or other firearm while upon or within fifty yards of any public road or highway, except upon his own premises, while under the influence or feigning to be under the influence of intoxicating liquor, without just cause or excuse

#### F. Alcohol Sales

1. Hold an event where alcohol is sold or an event where alcohol is provided without charge, but there is an entrance fee, cover charge, or other fee, without an appropriate permit
2. Information on how to obtain a temporary liquor [license](#) is available from the South Carolina Department of Revenue, Alcohol Control Board.

#### G. Illicit Drugs

1. Sell or offer to sell any controlled substance, or prepare or package any controlled substance for sale
2. Distribute any controlled substance, unless authorized to do so by law
3. Knowingly obtain, possess, or use a controlled substance without a prescription

### **SOUTH CAROLINA ALCOHOL AND DRUG LAWS AND CRIMINAL SANCTIONS**

- A. Underage drinking: [SC Juvenile Justice Code 63-19-2440](#) provides that no person under the age of 21 shall purchase beer, ale, porter, wine, or other similar malt or fermented beverage.\*\* Penalty for Violation: Violation of this statute will result in a fine of not less than \$100 but not more than \$200 and successful completion of a South Carolina Department of Alcohol and Other Drug Abuse Services ([DAODAS](#))-approved alcohol prevention, education, or intervention program.
- B. False identification used to purchase alcohol for someone under 21: [SC State Statute 61-4-80](#) provides that it is unlawful to purchase beer or wine\*\* while on licensed premises to give the beer or wine\*\* to a person to whom beer or wine\*\* cannot lawfully be sold on the premises. Penalty for Violation: A person who violates the provisions of this section, upon conviction, (1) for a first offense, must be fined not less than \$200 nor more than \$300 or imprisoned not more than 30 days, or both; and (2) for a second or subsequent offense, must be fined not less than \$400 nor more than \$500 or imprisoned not more than 30 days, or both. [SC State Statute 61-4-90](#) provides that (A) it is unlawful for a person to transfer or give to a person under the age of 21 years for the purpose of consumption beer or wine\*\* in the State, unless the person under the age of 21 years is recruited and authorized by a law enforcement agency to test a person's compliance with laws relating to the unlawful transfer or sale of beer or wine\*\* to a minor. Penalty for Violation: A person who violates the provisions of this section, upon conviction, (1) for a first offense, must be fined not less than \$200 nor more than \$300 or imprisoned not more than 30 days, or both; and (2) for a second or subsequent offense, must be fined not less than \$400 nor more than \$500 or imprisoned not more than 30 days, or both.
- C. False identification used to purchase alcohol by someone under 21: [SC State Statute 61-4-60](#) provides that it is unlawful for a person to whom beer or wine\*\* cannot be lawfully sold to knowingly give false information concerning his/her age for the purpose of purchasing beer or wine.\*\* Penalty for Violation: A person who violates the provisions of this section, upon conviction, must be fined not less than \$100 nor more than \$200 or be imprisoned for not more than 30 days, or both.
- D. Open container in a motor vehicle: [SC State Statute 61-4-110](#) provides that it is unlawful for a person to have in his or her possession, except in the trunk or luggage compartment, beer or wine\*\* in an open container in a motor vehicle of any kind while

located upon the public highways or highway rights of way of this State. This section must not be construed to prohibit the transporting of beer or wine\*\*in a closed container, and this section does not apply to vehicles parked in legal parking places during functions such as sporting events where law enforcement officers are on duty for traffic control. Penalty for Violation: A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than \$100 or imprisoned for not more than 30 days.

- E. Furnishing or selling alcohol to someone under age 21: [SC State Statute 61-4-50](#) provides that it is unlawful for a person to sell beer, ale, porter, wine or other similar malt or fermented beverage\*\* to a person under 21 years of age. A person who makes a sale in violation of this section, upon conviction: (1) for a first offense, must be fined not less than \$200 dollars nor more than \$300 or imprisoned not more than 30 days, or both; and (2) for a second or subsequent offense, must be fined not less than \$400 nor more than \$500 or imprisoned not more than 30 days, or both. Failure of a person to require identification to verify a person's age is prima facie evidence of the violation of this section. Penalty for Violation: A person who violates the provisions of this section is required to successfully complete a [DAODAS](#)-approved merchant alcohol enforcement education program. The program must be a minimum of two hours and the cost to the person may not exceed \$50.
- F. Underage purchase, possession or consumption of alcohol: [SC Juvenile Justice Code 63-19- 2440](#) provides that it is unlawful for a person under the age of 21 to purchase, attempt to purchase, consume, or knowingly possess beer, ale, porter, wine, or other similar malt or fermented beverage.\*\* Possession is prima facie evidence that it was knowingly possessed. Notwithstanding another provision of law, if the law enforcement officer has probable cause to believe that a person is under age 21 and has consumed alcohol, the law enforcement officer or the person may request that the person submit to any available alcohol screening test using a device approved by the State Law Enforcement Division. Penalty for Violation: A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than \$100 nor more than \$200 or must be imprisoned for not more than 30 days, or both. A person who violates the provisions of this section also is required to complete successfully a [DAODAS](#)-approved alcohol prevention, education, or intervention program. The program must be a minimum of eight hours and the cost to the person may not exceed \$150.
- G. Driving while intoxicated: [SC State Statute 56-5-2930](#) provides that it is unlawful for a person to drive a motor vehicle within this State while under the influence of alcohol to the extent that the person's faculties to drive a motor vehicle are materially and appreciably impaired, under the influence of any other drug or a combination of other drugs or substances which cause impairment to the extent that the person's faculties to drive a motor vehicle are materially and appreciably impaired, or under the combined influence of alcohol and any other drug(s) or substances which cause impairment to the extent that the person's faculties to drive a motor vehicle are materially and appreciably impaired. Penalty for Violation: A person who violates the provisions of this section is guilty of the offense of driving under the influence.
- H. Driving with an unlawful alcohol concentration: [SC State Statute 56-5-2933](#) provides that it is unlawful for a person to drive a motor vehicle within this State while his/her alcohol concentration is 0.08 of one percent or more. Penalty for Violation: A person

who violates the provisions of this section is guilty of the offense of driving with an unlawful alcohol concentration and, upon conviction, entry of a plea of guilty or of nolo contendere, or forfeiture of bail must be punished as follows: For a first offense, by a fine of \$400 or imprisonment for not less than 48 hours nor more than 30 days. However, in lieu of the 48-hour minimum imprisonment, the court may provide for 48 hours of public service employment. For a second offense, by a fine of not less \$2100 nor more than \$5100 and imprisonment for not less than five days nor more than one year. For a third offense, by a fine of not less than \$3800 nor more than \$6300 dollars, and imprisonment for not less than 60 days nor more than three years. For a fourth or subsequent offense, by imprisonment for not less than one year nor more than five years.

- I. Refusing a chemical test for presence of alcohol, drugs, or a combination of alcohol and drugs: According to [SC State Statute 56-5-2950](#) (A), a person who drives a motor vehicle in this State is considered to have given consent to chemical tests of the person's breath, blood, or urine for the purpose of determining the presence of alcohol, drugs, or the combination of alcohol and drugs. Penalty for Violation: (B)(1) The person does not have to take the test or give the samples, but that person's privilege to drive must be suspended or denied for at least six months with the option of ending the suspension if the person enrolls in the Ignition Interlock Device Program.
- J. Disorderly conduct: [SC State Statute 16-17-530](#) (A) provides that it is unlawful for a person to (1) Be found on any highway or at any public place or public gathering in a grossly intoxicated condition or otherwise be conducting him/herself in a disorderly or boisterous manner; or (3) discharge any gun, pistol, or other firearm while upon or within 50 yards of any public road or highway, except upon his own premises, while under the influence or feigning to be under the influence of intoxicating liquor, without just cause or excuse. Penalty for Violation: A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than \$100 or be imprisoned for not more than 30 days. However, conditional discharge may be granted by the court in accordance with the provisions of this section upon approval by the circuit solicitor.
- K. Selling or distributing illicit drugs: [SC Statute 44-53-370](#) provides that, except as authorized by this article, it is unlawful for any person: (1) to manufacture, distribute, dispense, deliver, purchase, aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver, or purchase, or possess with the intent to manufacture, distribute, dispense, deliver, or purchase a controlled substance or a controlled substance analogue; (2) to create, distribute, dispense, deliver, or purchase, or aid, abet, attempt, or conspire to create, distribute, dispense, deliver, or purchase, or possess with intent to distribute, dispense, deliver, or purchase a counterfeit substance. Penalty for Violation: For a person who violates the provisions of this section for possession of controlled substances, bail shall not exceed the amount of the fine and the assessment provided pursuant to Section [SC State Statute 14-1-206](#), [SC State Statute 14-1-207](#), or [SC State Statute 14-1-208](#), whichever is applicable. A person charged under this item for a first offense for possession of controlled substances may forfeit bail by nonappearance. Upon forfeiture in general sessions court, the fine portion of the bail must be distributed as provided in [SC State Statute 14-1-205](#). The assessment portion of the bail must be distributed as provided in [SC State Statute 14-1-206](#), [SC State Statute 14-1-207](#), or [SC State Statute 14-1-208](#), whichever is applicable.

- L. Possessing or using illicit drugs: [SC State Statute 44-53-370](#) (c) provides that it is unlawful for any person knowingly or intentionally to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this article. Penalty for Violation: When a person is charged under this section for possession of controlled substances, bail shall not exceed the amount of the fine and the assessment provided pursuant to [SC State Statute 14-1-206](#), [SC State Statute 14-1-207](#), or [SC State Statute 14-1-208](#), whichever is applicable. A person charged under this item for a first offense for possession of controlled substances may forfeit bail by nonappearance. Upon forfeiture in general sessions court, the fine portion of the bail must be distributed as provided in [SC State Statute 14-1-205](#). The assessment portion of the bail must be distributed as provided in [SC State Statute 14-1-206](#), [SC State Statute 14-1-207](#), or [SC State Statute 14-1-208](#), whichever is applicable.
- M. Possessing or selling drug paraphernalia: [SC State Statute 44-53-391](#) (a) provides that it is unlawful to advertise for sale, manufacture, possess, sell or deliver, or to possess with intent to sell or deliver, paraphernalia. (b) In determining whether an object is paraphernalia, a court or other authority shall consider, in addition to all other logically relevant factors, the following:
1. Statements by an owner or by anyone in control of the object concerning its use;
  2. The proximity of the object to controlled substances;
  3. The existence of any residue of controlled substances on the object;
  4. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of law; the innocence of an owner, or of anyone in control of the object, as to a direct violation of law shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
  5. Instructions, oral or written, provided with the object concerning its use;
  6. Descriptive materials accompanying the object which explain or depict its use;
  7. National and local advertising concerning it use;
  8. The manner in which the object is displayed for sale;
  9. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
  10. Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;
  11. The existence and scope of legitimate uses for the object in the community;
  12. Expert testimony concerning its use.
- (c) Penalty for Violation: Any person found guilty of violating the provisions of this section shall be subject to a civil fine of not more than \$500 except that a corporation shall be subject to a civil fine of not more than \$50,000. Imposition of such fine shall not give rise to any disability or legal disadvantage based on conviction for a criminal offense.
- N. A complete list of South Carolina state drug statutes can be found at [SC Code of Laws, Title 44, Chapter 53: Poisons, Drugs, and Other Controlled Substances](#).



## FEDERAL DRUG LAWS AND CRIMINAL SANCTIONS

- A. Federal law prohibits the trafficking and illegal possession of controlled substances as outlined in [21 U.S. Code Section 841](#) and [21 U.S. Code Section 844](#). Penalty for Violation: Depending on the amount possessed, first offense maximum penalties for trafficking marijuana range from five years' imprisonment with a \$250,000 fine to imprisonment for life with a \$10 million fine for an individual, and from five years' imprisonment with a \$1 million fine to imprisonment for life with a \$50 million fine if not an individual. Also depending on the amount possessed, first offense maximum penalties for trafficking Class I and Class II controlled substances (methamphetamine, heroin, cocaine, cocaine base, PCP, LSD, fentanyl analogue) range from five years' imprisonment with a \$5 million fine to imprisonment for life with a \$10 million fine for an individual, and from five years' imprisonment with a \$25 million fine to imprisonment for life with a \$50 million fine if not an individual. First offense penalties for simple possession, [21 U.S. Code Section 844](#), range from at most one years' imprisonment or at least a \$1,000, fine or both; to at most 20 years' imprisonment and a fine of at least \$1,000.
- B. The most current and complete information regarding federal penalties for drug trafficking can be found at [U.S. DEA Drugs of Abuse, Federal Trafficking Penalties](#).
- C. Disclaimer
1. This information is provided as a general summary of the major applicable laws. Laws frequently are amended and reinterpreted, and the application of law to specific situations generally requires an analysis of all of the facts and circumstances. This information should not be substituted for specific legal advice.
  2. If you are charged with a crime it is a good idea to seek advice of an attorney. Updates to these laws generally are reflected on the websites mentioned here, but individuals ultimately are responsible for knowing the laws. This information should not be substituted for specific legal advice.
  3. Spartanburg Methodist College policies and rules are campus behavior and safety standards that may result in sanctions, educational outcomes, or penalties that are independent of any criminal considerations.
  4. Violation of the laws referenced previously also may be a violation of the Spartanburg Methodist College Student Conduct and could result in sanctions. It also should be noted that the College's expectations for appropriate behavior are higher than those under the law.

### Medical Amnesty Protocol (MAP)

The health and safety of students at Spartanburg Methodist College is a primary concern to the entire SMC community. The Medical Amnesty Protocol (MAP) promotes education and treatment for students who receive medical attention for an alcohol- or drug-related emergency to reduce the likelihood of future occurrences. Students are expected to contact Campus Safety or Community Wellness Staff when they believe assistance for an intoxicated/impaired student is needed (Good Samaritan Policy). The SMC staff will assist intoxicated/impaired individuals by providing or facilitating transportation to medical facilities. The names of the intoxicated/impaired student(s) will be recorded and submitted to the Director of Community Life or the Dean of Community Wellness or designee to enable follow-up to ensure the student(s) well-being. The student seeking the treatment and the student receiving the medical treatment in an alcohol- or



drug-related emergency would be granted amnesty from punitive College sanctions. Other non-punitive consequences, such as education or treatment, may be applied to the student receiving the treatment. This policy does not preclude disciplinary action regarding other violations of college standards such as visitation, damage to property, causing/threatening physical harm, etc. Further, this policy does not grant amnesty for criminal, civil, or legal consequences of federal, state, or local law.

For this policy to apply, the intoxicated/impaired student(s) must agree to a health response, i.e., timely completion of recommended alcohol education activities, assessment, and/or treatment as deemed appropriate by the Director of Community Life or the Dean of Community Wellness or designee. Serious or repeated incidents will prompt a higher degree of concern and action. Failure to complete the recommended follow-up will normally result in a disciplinary response and could prompt the imposition of a medical withdrawal. There is no maximum number of Good Samaritan calls that can be placed.

If an intoxicated/impaired student is confronted by a College official, medical assistance will still be provided (if needed); however, the student would not necessarily be excused from disciplinary action and the consequences of his or her decision to drink.

Although alcohol use does not carry the same legal consequences as illegal drugs, South Carolina law limits the purchase and consumption of alcoholic beverages to those 21 years of age or older. As a private church-related institution, SMC prohibits the use or possession of alcohol by students under 21 and those students who are over 21 and reside on campus with students are under 21. Further, students are subject to disciplinary action if they exhibit behavior or blood alcohol content that indicates intoxication, whether consumption occurred on or off campus.

**SMC's rules concerning alcohol include the following:**

- No one may possess or consume alcohol of any type while on College-sponsored trips away from campus.
- Students in a room with all occupants over the age of 21 are allowed to have alcohol.
- SMC students under the age of 21 are subject to discipline charges for possession or consumption of alcohol even in off-campus locations as such behavior is illegal in the state of South Carolina.
- Simply being in the presence of alcohol for someone under 21 on or off campus can be considered a violation. For example, if several students are in a residence hall room where only one bottle of beer is visible, all of those present may be subject to disciplinary action.
- Decisions about the likelihood of intoxication will usually be based on the student's appearance and/or behavior, without scientific verification. Campus Safety or Community Wellness Staff members may, however, choose to measure a student's blood alcohol content using an objective device and the results may be used as evidence in disciplinary proceedings.
- Empty alcoholic beverage containers, or signs or posters promoting alcohol may not be displayed in residence hall rooms or any other location on campus.
- No notices may be posted or distributed on campus by students or outside persons that promote the consumption of alcoholic beverages.

## Reporting of Incidents

Any member of the College community (student, faculty or staff) is expected to report incidents that could be violations of the Code. Reports of incidents should be made as follows:

<b>If incident concerns:</b>	<b>Report to:</b>
Academics	Instructor of course, appropriate Division Chair or Provost and Vice President for Academic Affairs
Current Students	Community Life Staff, Campus Safety or Dean of Community Wellness
Non-students	Campus Safety

Whenever possible, the person reporting an incident should complete an official SMC Incident Report Form. The form is available on the Student Development page of the SMC website.

All incidents that are handled by Community Life (professional staff or student staff) have incident reports written about them. These incident reports are written in 3<sup>rd</sup> person point of view. These incident reports have the opportunity to include all parties involved including but not limited to: Alleged, Victim, Complainant, Witness, or Staff.

## GENERAL PROCEDURES FOR CODE OF CONDUCT VIOLATIONS

### Reporting Complaints or Suspected Violations

The Code of Student Conduct does not replace or relieve any requirement of civil or criminal law. This means that complainants may bring complaints to the appropriate college official and file criminal or civil complaints. Complainants are encouraged to report violations of law to proper authorities on or off campus.

Spartanburg Methodist College is committed to the safety and well-being of all its community members. The college strives to create an environment that is free of acts of violence, sexual misconduct, harassment, and infringement of rights of privacy and property. The Office of Community Wellness is committed to assisting students, whether a respondent or complainant of an alleged incident, in identifying resources which, based on personal needs, will further support them throughout the student conduct process.

A complainant of an alleged incident does not have to be a member of the college community. If an alleged incident occurs off campus, even if the person involved is not a member of the college community, they may have the right to file a complaint with the Office of Community Life and/or Campus Safety. This is possible when the behavior is considered to have a substantial College interest, or in other words, the respondent is likely to endanger others, repeat the behavior, or interfere with the educational process and operation of the College. Any member of the college community who has a complaint against a SMC student or believes that another student has violated the Code of conduct or college policies should bring the complaint to the attention of the Office of Community Life and/or Campus Safety.

Any member of the SMC student body who has a complaint against a faculty or staff member at the college may bring that complaint to the Administrative Officer who oversees that person's

work at the College. If a student wishes to bring a complaint against a faculty or staff member, the student may request the assistance of the Dean of Community Wellness or another member of the college faculty or staff as an advocate in proceeding with the complaint.

### **Witness Violations**

Students who witness serious violations of the Code of conduct that are potentially harmful to the safety and well-being of other students or are a violation of local, state, or federal law may be charged with a violation or violations if they fail to remove themselves from such situations and/or report the incident to proper authorities.

### **Victim Rights of Student Conduct Violations**

Students who are a victim of a policy violation at Spartanburg Methodist College have the right to report any violation that has occurred. Victims of the student code of conduct have the option to file a police report with Campus Safety. If a student informs the Community Life office of a policy violation in which they were a victim, an incident report will be written, and an investigation will be started. The victim has the right to be involved with a judicial hearing against an alleged student. Victim's also have all the rights as a respondent and complainant that is outlined below.

## **STUDENT'S RIGHTS & RESPONSIBILITIES PER THE CODE OF STUDENT CONDUCT**

Both respondents (students responding to charges of Code of Conduct violations) and complainants (students or the College issuing complaints regarding violations of the Code of Student Conduct) have the following rights throughout the student conduct process:

- The right to be treated with dignity and respect.
- The right to receive nondiscriminatory treatment without regard to race, national origin, color, creed, religion, sex, age, disability, veteran status, sexual orientation, gender identity, political affiliation, or any other category protected by applicable state or federal law.
- The right to have case information kept private by Hearing Officers.
- The right to written notice of the charges against him/her including charge(s), date, time, and place of his/her hearing.
- The right to have all case information kept private by the college. The names of complainants will not be released to any other party without the written consent of the complainant. The names of respondents will only be released as permitted by the Family Educational Rights and Privacy Act of 1974.
- The right to have a support person from within SMC faculty/staff/student community to be present during the hearing process. Parents/guardians and attorneys are excluded.
- Complainants will be informed immediately of the outcome of the hearing and rationale for the outcome as permitted by federal and state laws, including but not limited to the Student Right-to-Know, Campus Security Act of 1990 and FERPA.
- The responsibility to know his/her rights and the policies and procedures of the College.
- The responsibility to respect the rights of every other student.
- The responsibility to support the right of SMC to establish institutional standards designed to achieve its purpose and goals.

## **Participants In the Student Conduct Process & Their Responsibilities**

Depending on the nature and severity of the complaint, the Director of Community Life will assign a hearing officer to determine responsibility. Any of the following hearing officers may impose sanctions that range from a written warning to separation from the college.

Student Conduct Hearing Officer is responsible for investigating allegations of misconduct; interviewing witnesses, victims, and the alleged; determining if a student (or students) is (are) responsible or not responsible; and issuing appropriate sanctions against responsible parties. For students, Area Coordinators (ACs) hear most first violations. If a student is alleged of another violation, another member of the Student Conduct team will hear the case. For all students, a fourth violation and beyond is heard by the Dean of Community Wellness. The Dean of Community Wellness or their designee reserves final authority for determining which Hearing Officer(s) adjudicates an incident.

The Dean of Community Wellness is the final point of appeal in non-academic matters. Additionally, the Dean of Community Wellness is the primary appeal for decisions that result in suspension or expulsion. He/she is the final point of appeal on all non-academic conduct matters.

## **Resolution Process for Student Code of Conduct Violations**

### **Incident Report**

In the majority of cases, an incident report is filed indicating an alleged violation of the Code of conduct. Alleged violations of the academic portion of the Code of Student Conduct are referred to the Provost or his/her designee. Alleged violations of non-academic matters of the Code of Student Conduct are referred to the Office of Community Life.

### **Investigation**

Once the report is filed, it is reviewed by the Hearing Officer to determine if further investigation is necessary. The responsibility for the investigative work necessary to substantiate a charge begins with the person reporting the alleged violation(s) and is continued in cooperation with the Dean of Community Wellness, Community Life, Campus Safety and/or others as appropriate.

### **Notification**

Once it is determined that a violation of the Code of conduct has likely occurred, a Notice of Charge letter will be sent to a student's SMC email. Charge letters will include the following:

- The Hearing Officer assigned to the hearing
- A description of the charges
- A hearing time, date, location for the hearing

Hearings will take place within 5 days of notification of a charge. Hearings will be scheduled based on the availability of the hearing officer and the alleged students class schedule. If a hearing needs to be rescheduled, the alleged student will need to let the hearing officer know at least 24 hours before the hearing. The hearing officer has the right to reschedule a hearing based on schedules of other parties involved or circumstances the hearing officer cannot control (i.e., college closure, inclement weather, etc.)

## **Witnesses**

The Hearing Officer may request that any witnesses provide testimony during a conduct hearing. A witness is any individual who has personal knowledge of the case being resolved (i.e., student, roommate, teammate, Community Assistant, police officer, etc.). Character witnesses are not permitted. A support person may not serve as a witness.

Both complainants and respondents have the right to provide the Administrative Hearing Officer with a list of witnesses that they propose appear during the hearing and a brief description of each proposed witness's connection to and/or knowledge of the issues in dispute no later than 24 hours prior to the hearing. During the hearing, the Hearing Officer will have the opportunity to question all witnesses who appear. A complainant may also assume the role of witness during a hearing.

## **Support Person**

Students have the right to have a support person from within SMC's faculty/staff/student community be present during the hearing process. Parents/guardians and attorneys are excluded. The support role is intended to comfort the complainant or respondent throughout the conduct hearing. A support person may communicate with the respondent privately, but he or she may not address the Hearing Officer, question witnesses, or have any other speaking role. It is not assumed that the support person either believes or disbelieves the respondent's perspective on the incident. A support person must maintain confidentiality regarding any and all communications related to the case.

## **Presentation of Testimony and Evidence**

During a hearing, the student may present any evidence or review any evidence against him/her. All evidence must be submitted to the Hearing Officer at least 24 hours prior to the scheduled hearing. Students may not have an attorney or persons who are not faculty, students, or staff members at the College present. During the hearing all incident reports will be read for the alleged. During a hearing the hearing officer will have the opportunity to investigate by asking questions to get more information. The alleged also has the opportunity to participate in answering these questions.

## **Determination of Responsibility**

After all testimony and evidence has been presented, the Hearing Officer will determine responsibility for each charge. At SMC, the standard used to determine whether or not a student is responsible for a policy violation is "preponderance of evidence." This means that according to the hearing officer, the alleged actions more likely occurred than not. This is different than the criminal justice system where the standard of proof is "beyond a reasonable doubt". All determination of responsibility will be issued to a student via their SMC email.

## **Notification of Outcome**

The respondent will receive a Notice of Hearing Outcome letter at their SMC email address generally within 5 class days of the completion of the hearing. The outcome letter will include the finding, any subsequent sanctions and instructions on the appeal process and be sent via the student's SMC email.

## **Sanctioning**

If a student is found responsible for one or more violations, the Hearing Officer will assign sanctions accordingly. Sanctions range from a written warning to expulsion. More information on sanctioning is below.

## **Access to Hearing Proceedings**

All hearings are normally closed to persons other than those specified as follows: Hearing Officer(s), the respondent, and one support person invited by the respondent. The Hearing Officer shall decide whether witnesses or others may be present at times other than when testifying. Under extenuating circumstances, the Hearing Officer may choose to allow other persons to be present for the evidentiary portions of the hearing (i.e., translators, grief counselors, law enforcement, etc.).

## **Abbreviated Procedures**

The provisions described above are available under most circumstances. However, the Dean of Community Wellness may authorize variances if normal procedures present a threat to the college environment. Abbreviated procedures may be used during the first and last weeks of the semester and during summer terms, or during any time when time limitations or other constraints present an obstacle to completing the proceedings.

## **Failure to Appear for Hearing**

Any accused student who fails to appear for his/her conduct hearing will have their meeting rescheduled. Any accused students who fail to appear a second time will forfeit his/her right to dispute the charges, and a hearing will be conducted in his/her absence. Responsibility will be decided based on the information available to the Hearing Officer.

## **Withdrawal Prior to Hearing**

Any accused student who withdraws from the college after the time of the alleged violation and before the time of the hearing must appear for a hearing prior to being re-admitted to the college.

## **Sanctions**

Any student found responsible for a violation of the Code of conduct will receive no less than a written warning. In this case, a written record of the hearing results will be placed in the student's disciplinary file.

All sanctions shall be completed by their respective due dates. Students who fail to complete sanctions by their due dates will have a hold placed on their account and may be placed on disciplinary probation and will receive new due dates. Students who fail to complete sanctions while on disciplinary probation will be suspended from the college.

The outcome of a student conduct hearing typically encompasses sanctioning that is:

### **Educational**

- Content knowledge - the sanction is designed to help the student to increase knowledge of content regarding a specific topic or special issue.

- Self-reflective - the sanction is designed to help the student to increase self-awareness of their behavior, meaning the appropriateness or inappropriateness.
- Impact on personal well-being - the sanction is designed to help the student to increase their self-awareness of the potential physical or psychological impact of their behavior.
- Impact on personal future - the sanction is designed to help the student to increase their self-awareness of the potential impact their behavior may have on relationships with others, academic major or course of study, or future career.

**Restorative** - the sanction is designed to help the student to increase their understanding of how their behavior impacted or potentially could have impacted others. In addition, the sanction may be designed to help the student to increase understanding of community and/or societal standards, the reasons for them, and how their actions may adversely affect their successful interaction within the community and/or society. The sanction is also intended to reestablish balance and order to the affected community.

**Consequential** - the sanction is designed as a strong deterrent to prevent subsequent violations of the Code of conduct or other college standards. In some cases, the sanction may be designed to separate a student from the institution.

Consideration will be given to the following when determining the appropriate sanction(s):

- The seriousness of the violation
- Precedence from the past and/or similar cases
- Whether or not the respondent was cooperative and honest
- The specific circumstances surrounding the violation; and whether or not the student has a prior conduct record(s), especially for similar offenses or for a pattern of behaviors inconsistent with the Honor Code

The possible sanctions listed below will be used by a hearing officer as a guideline for determining the consequences for an offense and will vary according to the severity of the behavior/action. **This list should not be considered inclusive of all possible sanctions but is simply a sample of sanctions that may apply in a given case.**

### **Academic Sanction**

The assignment of a grade on a test, assignment, or course as a result of academic misconduct.

### **Administrative Withdrawal**

Occasionally a student is disruptive to the community or educational process of the college. This may occur if the student is deemed to be a danger to himself/herself, other college community members, college property, and/or there is a reasonable doubt whether or not the student can benefit from the educational programs at the college. In such cases, the Dean of Community Wellness, or his/her designee, may impose an administrative withdrawal from the college. A student withdrawn under this procedure may not be re-enrolled in the college without approval of the Dean of Community Wellness, or his/her designee. Prior to approval for re-admittance, the Dean of Community Wellness, or designee, may outline certain requirements to be completed by the student.

Administrative withdrawal will become effective immediately and without prior notice when college officials or the Administrative Response Team feel that the continued presence of the student on campus will pose a threat to himself/herself, to others, or to the stability or continuance of normal college functions. Specific behaviors which may constitute grounds for administrative withdrawal may include, but are not limited to, suicide gestures or attempts; infliction of bodily harm; alcohol poisoning; drug overdose/abuse; refusal of medical transport; criminal charges; and concerns expressed by community members regarding extreme behavior.

If a currently enrolled student is charged with a crime that would also be a violation of college regulations, the student may be administratively withdrawn until the case has been resolved by the court system.

### **Community Service**

An assignment that provides unpaid service to a group or organization either on or off campus.

### **Confiscation**

Prohibited items removed from one's possession by college personnel or law enforcement agencies. May or may not include disposal.

### **Educational Assignment**

A writing and/or research assignment which discusses fact and theory about a topic related to the violation committed.

### **Expulsion**

Permanent removal from the college. This sanction is designed for serious violations or repeat offenses which jeopardize the College community to the degree that a student's permanent separation from the college is necessary. This sanction includes a ban from all college property.

### **Involuntary Relocation**

A required move from one's current residence hall room to a new location.

### **Monetary Fine**

A financial sanction.

### **Notice of No Contact**

Prohibition of direct or indirect physical, verbal, and/or written contact between students. Direct contact includes phone calls, letters, and/or intentionally going within sight of the listed person(s). Non-physical contact includes, but is not limited to, telephone calls, mail, e-mail, fax, text messages, social media, and written notes. Indirect contact includes messages through a third person or via social media at the direction of the respondent. SMC reserves the right to rearrange academic schedules and / or housing assignments to prohibit / reduce contact.



Failure to comply with this notice will result in judicial sanctioning and could result in suspension/expulsion from the college.

### **Parental Notification**

A student's parents may be notified as a result of certain judicial actions.

### **Disciplinary Probation**

Designed for serious or repeat violations. The next violation, regardless of the type of offense, may result in residential suspension, suspension from the college, or expulsion. The duration of probation is determined by the party issuing the sanctions.

### **Removal/Suspension from Campus Housing**

Designed for serious violations or repeat offenses. It is the loss of residential status and the privileges that accompany living in the residence halls, including a ban from the residence halls. The duration of the removal from the residence halls is determined by the party issuing the sanction.

### **Removal of Privileges**

Students may be restricted from representing the college or attending campus events. The duration of the removal of privileges is determined by the party issuing the sanction.

### **Restitution**

Payment for damages, cleanup, or replacement necessary as a result of the violation.

### **Suspension**

Temporary removal from the college. This sanction is designed for serious violations or repeat offenses. This includes a ban from all college property. The duration of the suspension is determined by the party issuing the sanction.

### **Interim Suspension**

In cases where a student is believed to pose an immediate threat to him / herself, to others, or to property on the campus, the Dean of Community Wellness or his/her designee may issue an interim suspension to that student. If a student is issued an interim suspension, he/she will be granted a hearing in accordance with the Code of conduct as soon as such a hearing can be reasonably and safely completed. Students who are placed on interim suspension must leave the campus immediately following that order and are not allowed to return without the written permission of Dean of Community Wellness.

### **Written Warning**

A formal reprimand that one's behavior is in violation of college standards.

## **APPEAL OF DISCIPLINARY FINDINGS & SANCTIONS**

A student who is found responsible for a violation of college policy may appeal the decision in writing within 48 hours of being notified of the written hearing results. All appeals should be sent to the Director of Community Life and will only be accepted if based on one or more of the following:

**New Evidence** – The student may claim that new evidence is available. The party or parties hearing the appeal must determine whether the new evidence is pertinent to the outcome of the case, whether it was reasonably available to the student at the time of the initial hearing, and whether the evidence might have led to a different outcome in the hearing.

**Improper Procedures** – The student may claim that improper procedures were used in the hearing, that such improprieties were not approved beforehand by the student, and that they affected the fundamental fairness of the hearing.

**Bias** – The student may claim that the hearing officer or panel was biased, showed malice toward the student, or displayed conflicts of interests

**Arbitrary Sanction** – The student may claim that the sanction imposed was too severe to fit the circumstances for the case.

### **NON-ACADEMIC VIOLATION APPEAL STRUCTURE**

After the Assistant Dean of Community Wellness receives an appeal, he/she will direct the appeal to the appropriate hearing officer or hear the appeal himself/herself. Appeals are assigned as follows:

- Student appeals of decisions, findings, and sanctions made by an Area Coordinator will be heard by the Director of Community Life.
- Student appeals of decisions, findings, and sanctions made by the Assistant Director of Community Life will be heard by the Director of Community Life.
- Student appeals of decisions, findings, and sanctions made by the Director of Community Life will be heard by the Dean of Community Wellness. The Dean of Community Wellness is the final point of appeal in non-academic matters
- All appeals of decisions that include suspension or expulsion will be heard by the Dean of Community Wellness or his/her designee.

### **Disciplinary Records**

Disciplinary records will remain on file and active until graduation or withdrawal. At that time, any written warnings will be expunged; any sanctions more severe than a written warning will remain in the conduct file for 7 years after graduation or withdrawal. Any sanctions involving suspension, expulsion or dismissal will be kept on file permanently.

## **TITLE IX DISCRIMINATION, HARASSMENT & SEXUAL MISCONDUCT**

### **Spartanburg Methodist College Sexual Harassment Policy**

Reference Documents: Section 520 & Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 et seq., Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 85 Fed. Reg. 30,026.

#### **Introduction**

It shall be the policy of Spartanburg Methodist College (SMC) to comply with all aspects of Title IX of the Education Amendments of 1972 and the associated regulations. This policy shall not govern compliance with any other anti-discrimination or anti-harassment statute, rule, or regulation.

SMC is committed to providing an inclusive and welcoming environment for all members of the College community. The College will take steps to eliminate sexual or gender-based misconduct, prevent its recurrence, and eliminate the effects of such misconduct. The College strictly prohibits sexual harassment, which includes sex or gender discrimination (including sexual orientation, gender identity, or pregnancy), sexual harassment, gender-based harassment, sexual violence, sexual exploitation, sexual assault, domestic violence, dating violence, and stalking.

SMC strictly prohibits retaliation by its students or employees against a person who exercises their rights or responsibilities under any provision of federal law or state law including Title IX, Title VII, the Violence Against Women Act (VAWA), or any applicable SMC policy.

SMC utilizes procedures that provide for the prompt, fair, and impartial investigation and resolution of cases involving sexual harassment. Students or employees who violate this policy are subject to disciplinary action, up to and including suspension, dismissal, or termination from SMC. Third parties who commit sexual harassment may have their relationships with SMC terminated and/or their privileges of being on SMC's campus withdrawn.

On May 19, 2020, the U.S. Department of Education issued a Final Rule under Title IX of the Education Amendments of 1972 that:

- Defines the meaning of "sexual harassment" (including forms of sex-based violence) • Addresses how SMC MUST respond to reports of misconduct falling within that definition of sexual harassment, and
- Mandates a grievance process that this institution MUST follow to comply with the law in these specific covered cases before issuing a disciplinary sanction against a person accused of sexual harassment. See, 85 Fed Reg. 30026 (May 19, 2020).

The full text of the Final Rule and its extensive Preamble are available here: <https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal>

Based on the Final Rule, SMC implemented the following Title IX Grievance Policy, effective August 14, 2020.

### **Title IX Grievance Policy and Other Campus Disciplinary Policies**

In recent years, “Title IX” cases have become a shorthand for any campus disciplinary process involving sex discrimination, including those arising from sexual harassment and sexual assault. Under the Final Rule, SMC must narrow both the geographic scope of its authority to act under Title IX and the types of “sexual harassment” that it must subject to its Title IX investigation and adjudication process. **Only** incidents falling within the Final Rule’s definition of sexual harassment will be investigated and, if appropriate, brought to a live hearing through the Title IX Grievance Policy defined below

SMC remains committed to addressing any violations of its policies, even those not meeting the narrow standards defined under the Title IX Final Rule.

Specifically, our campus has:

A SMC Code of Conduct that defines certain behavior as a violation of campus policy for students:

Sexual Harassment includes employee quid pro quo and unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to education programs or activity. This also includes Sexual Assault, Domestic Violence, Dating Violence, and Stalking.

Students who are found responsible for violating the sexual harassment policy may face disciplinary action based on the severity of the offense including the following:

- Educational Assignment
- Restitution
- Disciplinary Probation
- Interim Suspension
- Suspension
- Removal/Suspension from Campus Housing
- Expulsion

College employees who are found responsible for violating the sexual misconduct policy may face disciplinary action deemed appropriate by the College based on the severity of the offense including the following:

- Verbal Warning
- Written Warning(s)
- Required Counseling
- Suspension and/or Termination
- Removal from campus and/or no trespass orders
- Other punishment deemed necessary considering the behaviors

Visitors and other third parties will be subject to corrective action deemed appropriate by the College based on the severity of the offense and may include:

- Verbal Warning
- Written Warning(s)
- Removal from Campus
- No Trespass Orders
- Termination of Contractual or other arrangements

To the extent that the alleged misconduct falls outside the Title IX Grievance Policy, or misconduct falling outside the Title IX Grievance Policy is discovered in the course of investigating covered Title IX misconduct, SMC retains authority to investigate and adjudicate the allegations under the policies and procedures defined within the SMC Code of Conduct.

The elements established in the Title IX Grievance Policy under the Final Rule have no effect and are not transferable to any other policy of the College for any violation of the Code of Conduct, employment policies, or any civil rights violation except as narrowly defined in this Policy. This Policy does not set a precedent for other policies or processes of the College and may not be cited for or against any right or aspect of any other policy or process.

### **Effective Date**

The Title IX Grievance Policy became effective, August 14, 2020, and will only apply to sexual harassment alleged to have occurred on or after August 14, 2020. Incidents of sexual harassment alleged to have occurred prior to August 14, 2020, will be investigated and adjudicated according to the process in place at the time the incident allegedly occurred.

### **Revocation by Operation of Law**

Should any portion of the Title IX Final Rule, 85 Fed. Reg. 30026 (May 19, 2020), be stayed or held invalid by a court of law, or should the Title IX Final Rule be withdrawn or modified to not require the elements of this policy, this policy, or the invalidated elements of this policy, will be deemed revoked as of the publication date of the opinion or order and for all reports after that date, as well as any elements of the process that occur after that date if a case is not complete by that date of opinion or order publication. Should the Title IX Grievance Policy be revoked in this manner, any conduct covered under the Title IX Grievance Policy shall be investigated and adjudicated under the existing SMC Code of Conduct.

### **Notice of Non-Discrimination in Application**

The requirements and protections of this policy apply equally regardless of sex, sexual orientation, gender identity, gender expression, or other protected classes covered by federal or state law. All requirements and protections are equitably provided to individuals regardless of such status or status as a Complainant, Respondent, or Witness. Individuals who wish to file a complaint about the institution's policy or process may be referred to:

Keith James  
 Director, Title IX & Equal Opportunity  
 1000 Powell Mill Rd.  
 Spartanburg, SC 29301  
 864-587-4129  
[Smctix@smcsc.edu](mailto:Smctix@smcsc.edu)

Complaints or inquiries regarding harassment or discrimination may also be made to:

U.S. Equal Employment Opportunity Commission  
330 South Second Avenue  
Suite 720  
Minneapolis, MN 55401-2224  
1-800-669-4000  
Fax: 612-335-4044  
TTY: 1-800-669-6820  
Web: [www.eeoc.gov](http://www.eeoc.gov)

Office for Civil Rights  
U.S. Department of Education  
Lyndon Baines Johnson Department of Education Building  
400 Maryland Ave, SW  
Washington, DC 20202-1100  
Phone: 800-421-3481  
Fax: 202-453-6012  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)

### **Notice of Non-Discrimination Policy as to Students**

SMC admits students of any race, color, national, and ethnic origin to all the rights, privileges, programs, and activities generally accorded or made available to students at the school. It does not discriminate on the basis of race, color, national, and ethnic origin in administration of its educational policies, scholarship and loan programs, and athletic and other school-administered programs.

### **Notice of Non-Discrimination in Employment**

SMC does not discriminate on the basis of race, color, creed, religion, sex, age, national, or ethnic origin, disability, veteran status, sexual orientation, or any legally protected status in any personnel action regarding the recruiting, hiring, and promotion of faculty and staff members.

### **Definitions**

For the purposes of this Policy, the listed terms shall have the following definitions:

For the purposes of this Policy, the listed terms shall have the following definitions:

- a. *Actual Knowledge*. Notice of sexual harassment or allegations of sexual harassment to an institution's Title IX Coordinator or any institution official.
- b. *Bystander Intervention*. A philosophy and approach for prevention of various types of violence, which include bullying, sexual harassment, sexual assault, dating violence, etc.
- c. *Complainant*. An individual who is alleged to be the victim of conduct that could, after investigation, constitute sexual harassment.

- d. *Confidential Employee.* (1) Any employee who is a licensed medical, clinical, mental health professional, or ordained clergy when acting in that professional role; and (2) any employee providing administrative, operation, and/or relational support for such health care providers in the performances of their services. A confidential employee will not disclose information about sexual harassment to the Title IX Coordinator, or others, in a way that identifies the individual(s) involved without their permission (subject to the exception set forth in the Privacy and Confidentiality section of this policy).
- e. *Consent.* For purposes of this policy, consent is defined as affirmative, informed, voluntary, and active permission to engage in a mutually agreed upon sexual act or sexual contact. Consent is expressed by clear and unambiguous words or actions that a reasonable person not under the influence of alcohol and/or drugs would believe communicates a willingness to participate in a sexual act or contact. It is the responsibility of each person who wishes to engage in sexual acts or contacts to obtain consent. Silence, the lack of protest, or the absence of resistance does not indicate consent. Consent may also be initially given but withdrawn at any time. Consent to a past sexual act or contact does not imply consent to a future sexual act or contact. Consent to one form of a sexual act or contact does not imply consent to other forms of sexual acts or contacts. Being impaired, such as by drugs or alcohol, does not eliminate a person's responsibility to obtain consent.

Consent cannot be obtained:

- Using physical force, threats, intimidation, deception, or coercion.
- From one who is incapacitated, such as due to mental or physical condition or the use of alcohol or drugs.
- From one who is asleep or unconscious.
- From one who is not old enough to give consent under South Carolina law.

f. *Dating Violence.* Violence committed by the respondent:

- i. Who is or has been in a romantic or intimate relationship with the complainant; and
- ii. Where the existence of such a relationship shall be determined by considering the length of the relationship, the type of relationship, and the frequency of interactions between the complainant and respondent.

g. *Discrimination.* Unfair or unequal treatment of an individual or group based upon certain characteristics. Protected classification under this policy include sex, sexual orientation, gender identity, marital status, and pregnancy. Discrimination is a violation of this policy when it establishes a quid pro quo, creates a hostile environment, or is done for a prohibited purpose.

h. *Domestic Violence.* Violence committed by the respondent, who is:

- i. A current or former spouse or intimate partner of the complainant.
- ii. A person with whom the complainant shares a child in common.
- iii. Cohabiting with or has cohabited with the victim as a spouse or intimate partner.

- iv. Similarly situated to a spouse of the complainant under South Carolina's domestic or family violence laws or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of South Carolina.
- i. *Education Program or Activity*. Includes locations, events, or circumstances over which an institution exercises substantial control over both the respondent and the context in which the sexual harassment occurs, as well as in any building owned or controlled by a student organization that is officially recognized by the institution.
- j. *Employee*. Any person employed for wages or salary by SMC, in either full-time or part-time capacity, in any location or job. Examples include officers, faculty, staff, graduate assistants, and student employees. Employees include temporary, probationary, and regular employees.
- k. *Fondling*. The touching or the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or temporary or permanent mental incapacity.
- l. *Formal Complaint*. A document filed by a complainant (which either contains the complainant's signature or indicates that the complainant is the one filing the complaint) or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the institution investigate.
- m. *Gender Based Harassment*. Gender based harassment is a form of discrimination based on gender and includes acts of verbal, nonverbal, or physical aggressions, intimidation or hostility based on actual or perceived gender, sexual orientation, or gender identity, even if the acts do not involve conduct of a sexual nature. Gender based harassment also includes quid pro quo and hostile environment harassment.
- n. *Gender Based Misconduct*. Gender based misconduct is the broad term used to describe all prohibited discriminatory actions related to a victim's gender outlined in this policy.
- o. *Gender Identity*. A person's internal sense of being male, female, or some combination of male and female, or neither male nor female. A person's gender identity may be different than their biological sex.
- p. *Incapacitation*. Incapacitation means a person lacks the ability to make informed, rational judgments, about whether or not to engage in a sexual act or contact.
- q. *Preponderance of the Evidence*. Preponderance of the evidence is the evidentiary standard used in SMC's disciplinary procedures and investigation processes (including this policy). The facts must show that the responding party violated SMC policy by a preponderance of the evidence (i.e., it is more likely than not the respondent's actions violate SMC policy) before disciplinary sanctions will be applied. The respondent is presumed to be not responsible until and unless there is a determination of responsibility at the conclusion of the grievance process.
- r. *Privacy*. SMC will strive to keep the parties' information private. Information will only be shared with individuals who need to know to adequately respond to the reported incident.



- s. *Rape*. Penetration, no matter how slight, of the vagina or anus of the complainant with any body part or object by the respondent, or oral penetration of the complainant by a sex organ of the respondent, without the consent of the complainant.
- t. *Respondent*. An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
- u. *Responsible Employee*. SMC responsible employees include any employee who has the authority to take action to address the misconduct; has the duty to report misconduct; or is someone a student would reasonably believe has authority or a responsibility to report sexual harassment. Examples of responsible employees include presidents, vice-presidents, deans, directors, department heads, supervisors, professors, full-time faculty, part-time faculty, adjunct faculty, coaches, graduate assistants, community assistants, and resident directors. A responsible employee who has knowledge of sexual harassment but does not report it to the Title IX Coordinator is subject to discipline.
- v. *Retaliation*. Neither SMC nor any person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same set of facts or circumstances as a report or complaint of sex discrimination, or a report of formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX constitutes retaliation. The exercise of rights protected under the First Amendment does not constitute retaliation. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance process does not constitute retaliation, although a determination regarding responsibility, alone, is not sufficient to conclude any party made a materially false statement in bad faith. Complaints alleging retaliation may be filed pursuant to the grievance procedures for sex discrimination under Title IX. Retaliatory conduct is prohibited and will be cause for disciplinary action, up to and including suspension, expulsion, and/or termination. Retaliation occurs when an adverse action is taken against an individual for engaging in a protected activity (without a non-retaliatory reason).

Protect activity includes but is not limited to

- i. Opposing conduct reasonably believed to constitute discrimination, including harassment that violates an employment discrimination statute or that SMC policy prohibits.
  - ii. Filing a complaint about such practice.
  - iii. Seeking an accommodation under this policy.
  - iv. Testifying, assisting, or participating in any manner in an investigation or other proceeding related to a discrimination or other complaint.
- w. *Sex*. A person's biological status, based on biological traits such as genitalia, sex chromosomes, and internal reproductive organs.

- x. *Sexual Assault*. Either rape, fondling, incest, statutory rape, or any of the sexual offenses listed under South Carolina Criminal Code Sections 16-3 and 16-15 or by the FBI's Uniform Crime Reporting System.
- y. *Sexual Contact*. Any intentional sexual touching, whether or not through clothing or other covering, of another person's sexual or intimate body parts with an object or body part. Sexual contact also includes making another person touch themselves or another person in this manner; touching another person with one's sexual or intimate body parts; or the emission of bodily fluids on any person for sexual or aggressive desires.
- z. *Sexual Harassment*. Conduct on the basis of sex, constituting one (or more) of the following:
  - i. An employee of the institution conditioning the provision of an aid, benefit, or service of the institution on an individual's participation in unwelcome sexual conduct.
  - ii. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the institution's education program or activity,
  - iii. Sexual assault, dating violence, domestic violence, or stalking as defined in this section.
- aa. *Sexual Misconduct*. Sexual misconduct is the broad term used to describe all prohibited conduct of a sexual nature outlined in this policy.
- bb. *Sexual Orientation*. The sex or gender of those to whom one is attracted.
- cc. *Stalking*. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for his or her safety or the safety of others; or (b) suffer substantial emotional distress.
- dd. *Statutory Rape*. Sexual intercourse with a person who is under the statutory age of consent.
- ee. *Student*. All persons taking courses at and/or receiving instruction through SMC, whether credit hours are earned, full-time or part-time, pursuing undergraduate, non-degree, or professional studies.
- ff. *Supportive Measures*. Non-disciplinary, non-punitive individualized services offered as appropriate (as reasonably available) and without fee or charge to the complainant and/or respondent.
- gg. *Title IX*. Title IX is a federal civil rights law passed as part of the Education Amendments of 1972. This law protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance. Title IX states that, "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or subjected to discrimination under any education program or activity receiving Federal financial assistance.

## **Covered Sexual Harassment**

For the purposes of this Title IX Grievance Policy, “covered sexual harassment” includes any conduct on the basis of sex that satisfies one or more of the following:

1. An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo).
2. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the educational institution’s education program or activity.
3. Sexual Assault- (as defined in the Clery Act and in the above section), which includes any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent.
4. Dating Violence- (as defined above and in the Violence Against Women Act [VAWA] Amendments to the Clery Act).
5. Domestic Violence- (as defined above and in the Violence Against Women Act [VAWA] Amendments to the Clery Act).
6. Stalking- (as defined above and in the Violence Against Women Act [VAWA] Amendments to the Clery Act).

Note: Conduct that does not meet one or more of these criteria may still be prohibited under the SMC Student Code of Conduct.

## **Violence Against Women Act (VAWA)**

The Violence Against Women Act (VAWA) requires institutions of higher education to comply with certain campus safety and security-related requirements as a condition of participating in Title IV programs.

VAWA requires institutions to compile and report statistics about incidents of dating violence, domestic violence, sexual assault, and stalking.

As it relates to VAWA, the listed terms shall have the following definitions:

- a. *Dating Violence*-violence committed by the respondent:
  - a. Who is or has been in a romantic or intimate relationship with the complainant and.
  - b. Where the existence of such a relationship shall be determined by considering the length of the relationship, the type of relationship, and the frequency of interactions between the complainant and respondent.
- b. Domestic Violence-Violence committed by the respondent, who is:
  - a. A current or former spouse or intimate partner of the complainant.
  - b. A person with whom the complainant shares a child in common.
  - c. Cohabiting with or has cohabited with the victim as a spouse or intimate partner;

- d. Similarly situated to a spouse of the complainant; or
  - e. Any person against whose acts the complainant is protected under South Carolina domestic and family violence laws or by any other person against adult or youth victim who is protected from that person's acts under the domestic or family violence laws of South Carolina.
- c. Sexual Assault-either rape, fondling, incest, statutory rape, or any of the sexual offenses covered under South Carolina Criminal Law section 16-3 or by the FBI's Uniform Crime Reporting system.
- d. Stalking-Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for his or her safety or the safety of others; or (b) suffer substantial emotional distress.

## **Consent**

For the purposes of this Title IX Grievance Policy, "consent" means affirmative, conscious, and voluntary agreement to engage in sexual activity. Past consent does not imply future consent. Silence or absence of resistance does not imply consent. Consent must be clearly demonstrated through mutually understandable words and/or actions. Consent can be withdrawn at any time. Consent to one form of sexual activity cannot be assumed to be consent to any other form of sexual activity. Relying on nonverbal communications can lead to misunderstandings. Past consent to a particular activity does not constitute consent to similar acts in the future. Whether consent has been given will be determined contemporaneously with the activities in question.

Consent cannot be given by someone who is:

- Very young or very old
- Mentally or physically incapacitated
- Under the influence of alcohol or drugs
- Asleep
- Unconscious

## **Jurisdiction and Scope**

The Sexual Harassment Policy applies to members of the SMC community including students, faculty, staff, and administrators. The Policy covers all University programs and activities in the United States.

## **Education Program or Activity**

For the purposes of this Title IX Grievance Policy, SMC's "Education Program or Activity" includes:

- Any on-campus premises
- Any off-campus premises that SMC has substantial control over. This includes building or property owned or controlled by a recognized student organization.
- Activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of SMC's programs and activities over which SMC has substantial control.

## **Formal Complaint**

For the purposes of the Title IX Grievance Policy, a “formal complaint” is a document including an electronic submission filed by a complainant with a signature or other indication that the complainant is the person filing the formal complaint, or signed by the Title IX Coordinator, alleging sexual harassment against a respondent about conduct within SMC’s education program or activity and requesting initiation of the procedures consistent with the Title IX Grievance Policy to investigate the allegation of sexual harassment.

## **Complainant**

For the purposes of the Title IX Grievance Policy, a complainant is any individual who has reported being or is alleged to be the victim of conduct that could constitute covered sexual harassment as defined under this policy.

## **Respondent**

For purposes of this Title IX Grievance Policy, respondent means any individual who has been reported to be the perpetrator of conduct that could constitute covered sexual harassment as defined under this policy.

## **Relevant Evidence and Questions**

“Relevant” evidence and questions refer to any questions and evidence that tends to make an allegation of sexual harassment more or less likely to be true.

“Relevant” evidence and questions do not include the following types of evidence and questions, which are deemed “irrelevant” at all stages of the Title IX Grievance Process:

- Evidence and questions about the complainant’s sexual predisposition or prior sexual behavior unless:
  - o They are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or
  - o They concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent. 34 CFR § 106.45(6)(i).
- Evidence and questions that constitute, or seek disclosure of, information protected under a legally recognized privilege.
- Any party’s medical, psychological, and similar records unless the party has given voluntary, written consent. 85 Fed. Reg. 30026, 30294 (May 19, 2020).

## **Privacy vs. Confidentiality**

Consistent with Standards of Conduct references made to confidentiality refer to the ability of identified confidential resources to not report crimes and violations to law enforcement or college officials without permission, except for extreme circumstances, such as a health and/or safety emergency or child abuse. References made to privacy mean SMC offices and

employees who cannot guarantee confidentiality but will maintain privacy to the greatest extent possible, and information disclosed will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator, or designee, who is responsible for tracking patterns and spotting systemic issues. SMC will limit the disclosure as much as is practicable, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

SMC is committed to protecting the privacy of all individuals involved in an incident reported under the Sexual Harassment Policy. Every effort will be made to respect and safeguard the privacy interests of the individuals involved in a manner consistent with the need for a careful assessment of the allegations and any necessary steps to eliminate the misconduct, prevent its recurrence, and address its effects.

Privacy generally means that information related to a reported incident will only be shared with a limited number of individuals that “need to know” the information to assist the review, investigation and/or resolution of the incident. While not bound by confidentiality, these individuals will be discrete and respect the privacy of all individuals involved in the process. If a decision is made to pursue disciplinary action against a responding party, information related to the report will be shared with them. When the parties involved are students, information regarding a reported incident will not be shared with either party’s parents or guardians unless the party has signed a waiver that complies with FERPA or there is an articulable threat to the health or safety of the party or other individuals. SMC will share the final results of an investigation and the applicable sanctions with the complainant when the incident involved violent crime or sexual misconduct. The information that will be shared includes:

- i. The name of the accused student.
- ii. Any SMC policy that was broken and key findings that support the conclusion.
- iii. A description of the disciplinary action taken.

While a responsible employee cannot offer confidentiality to an individual who discloses an incident of prohibited conduct, the responsible employee will maintain the privacy of all individuals involved by sharing the information related to the report with only those who need to know as outlined above. Confidentiality means that information shared with a designated campus or community professional will only be disclosed with the party’s expressed written permission unless there is an imminent threat of harm to self or others. An individual can seek confidential assistance and support by speaking with specifically designated confidential employees and using confidential resources identified in this policy.

### **Confidential and Responsible Employees**

As set forth in the “definitions”, for purposes of reporting obligations under this policy, all SMC employees are designated as either “confidential employees” or “responsible employees”.

Responsible employees who fail to report incidents of sexual harassment when they knew or reasonably should have known about an incident of sexual harassment involving a SMC employee or student may be subject to discipline. SMC is required to investigate an allegation of sexual harassment when it has actual knowledge, as defined above.

Reports of sexual harassment can be made:

1. Online by submitting the form on the SMC Title IX webpage

## 2. Reporting in person to the Title IX Coordinator

### 3. Speaking with a responsible employee who will notify the Title IX Coordinator

Once the Title IX Coordinator has been notified, they will contact the Complainant to see if they wish to file a formal complaint, or the Coordinator may file a formal complaint on behalf of the College. Reports can be made any time after an incident involving sexual harassment occurs; however, the College encourages reports be made as soon as possible following an incident to ensure the most effective investigation possible. The College also strongly encourages reporting parties to report sexual harassment because it provides the College with the best opportunity to offer appropriate support, resources, and supportive measures to assist a reporting party, assess any health or safety risks posed by the alleged misconduct, take immediate and appropriate steps to investigate what occurred, and take prompt and effective action to end any misconduct, remedy its effects, and prevent its recurrence.

As stated in the “definitions”, individuals who want to keep their confidentiality may speak to a confidential employee. A confidential employee will not disclose information about sexual harassment to SMC’s Title IX Coordinator, or others in a way that identifies the involved individuals without the individual’s permission (unless required by law to do so).

Responsible employees are under an obligation to share information with the Title IX Coordinator when they know or reasonably should know about:

1. A student who has experienced sexual harassment, regarding of where or when the incident occurred.
2. An employee who has experienced sexual harassment only if the accused person is a SMC employee or student.

Responsible employees are required to share all relevant information of which they are or become aware of that is related to the incident, including the names of the involved individual(s) and witnesses and the date, location, and circumstances of the incident, if known. Responsible employees who know about an incident involving sexual harassment involving a student or employee who fail to report to the Title IX Coordinator may be subject to discipline. Responsible employees should not perform an investigation or attempt to discover additional information before contacting the Title IX Coordinator.

SMC realizes that in some instances a complainant may tell a responsible employee about an incident of sexual harassment but also request:

1. That their name and any other personally identifying information be confidential and not share with the responding party or others.
2. That no investigation be pursued.
3. No disciplinary action be taken.

The responsible employee should communicate these requests to the Title IX Coordinator. SMC will honor such requests if it is possible to do so while also protecting the health and safety of the SMC community and in compliance with state and federal law. The Title IX Coordinator will consider the totality of the known circumstances; the presence of any risks to the safety of the

campus community; the potential impact of such actions on the complainant; and the existence of other available and relevant information or evidence regarding the alleged conduct. If the reporting party's request to keep confidentiality can be honored, SMC may take other steps designed to eliminate the reported conduct, prevent its recurrence, and remedy its effects on the reporting party and the University community. If it is determined that SMC cannot honor the confidentiality request, the Title IX Coordinator will advise the complainant that SMC intends to proceed with an investigation but that the complainant is not required to participate in the investigation or in any other actions undertaken by the College. If the complainant declines to participate in the investigation, the Title IX Coordinator may continue the investigation process if it is possible to do so without the complainant's participation; however, SMC's ability to meaningfully investigate and respond may be limited.

### **Disability Accommodations**

This Policy does not alter any institutional obligations under federal disability laws including the Americans with Disabilities Act (ADA) of 1990, and Section 504 of the Rehabilitation Act of 1973. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during the Title IX Grievance Process that do not fundamentally alter the process. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other institutional programs and activities.

### **Making A Report Regarding Covered Sexual Harassment to the Institution**

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. The role of the Title IX Coordinator is to ensure compliance with federal and state law and regulations regarding Title IX. The Title IX Coordinator oversees the University's investigation, response to, and resolution of all reports of sexual harassment. The Title IX Coordinator organizes the mandatory training for individuals involved in the University's sexual harassment investigation and grievance process, which includes training on the definition of sexual harassment, the scope of the education program or activity, how to conduct an investigation and grievance process, including hearings and appeals, and how to serve impartially, including by avoiding prejudgments of the facts at issue, conflicts of interest, and bias. The Title IX Coordinator also assists students and employees in understanding their rights, responsibilities, and options for reporting potential misconduct and receiving support services.

Inquiries and/or concerns relating to Title IX or sexual and gender-based misconduct may be referred to SMC's Title IX Coordinator:

Keith James  
Director, Title IX & Equal Opportunity  
1000 Powell Mill Rd.  
Spartanburg, SC 29301  
864-587-4129  
[Smctix@smcsc.edu](mailto:Smctix@smcsc.edu)



Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address listed for the Title IX Coordinator.

The following Officials will provide privacy, but not confidentiality, upon receiving a report of conduct under this policy:

- The Title IX Coordinator
- Stacey Scarborough, Deputy Title IX Coordinator  
Instructional Designer, Online Programs  
[scarboroughS@smcsc.edu](mailto:scarboroughS@smcsc.edu)
- Deanna Unger, Deputy Title IX Coordinator  
Associate AD for Athletic Compliance  
Bridges Arena  
864-587-4362  
[UngerD@smcsc.edu](mailto:UngerD@smcsc.edu)

### **Campus Confidential Resources**

*\*\*Individuals may be able to report to these individuals without triggering a campus investigation. Normally, these employees will report no identifying information to SMC authorities without your permission. However, in some circumstances reporting may be required. \*\**

SMC Chaplain  
Phone: 864-587-4282

SMC Counseling Services  
Phone: 864-587-4356

SMC Health Services  
Phone: 864-587-4277

### **Off-Campus Confidential Resources**

SAFE Homes Rape Crisis Coalition  
24-hour hotline: 1-800-273-5066 or 864-583-9803

National Sexual Assault Hotline (RAINN)  
1-800-656-4673 (HOPE)  
Live chat: [www.ohl.rainn.org/online24/7](http://www.ohl.rainn.org/online24/7)

Domestic Violence Hotline  
1-800-799-7233 (SAFE)

Men's Domestic Abuse Helpline  
24-hour hotline: 1-888-743-5754

### **Reporting**

A complainant may choose to make a report to SMC to pursue resolution under this policy and may also choose to make a report to law enforcement. A complainant may pursue either, or both, of these options at the same time. If the complainant files a criminal complaint with local law enforcement, SMC will comply with reasonable law enforcement requests for cooperation. Such cooperation may require SMC to temporarily suspend the Title IX investigation while law enforcement gathers evidence.

## **Non-Investigatory Measures Available Under the Title IX Grievance Policy**

### *Supportive Measures*

Complainants (as defined above), who report allegations that could constitute covered sexual harassment under this policy, have the right to receive supportive measures from SMC regardless of whether they desire to file a complaint, which may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, no-contact orders, changes in work or housing locations, leaves of absences, or increased security and monitoring of certain areas of campus are appropriate. Supportive measures are non-disciplinary and non-punitive.

### *Emergency Removal*

SMC retains the authority to remove a respondent from SMC's program or activity on an emergency basis, where SMC (1) undertakes an individualized safety and health risk analysis and (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of covered sexual harassment justifies a removal.

If SMC determines such a removal is necessary, the respondent will be provided notice and an opportunity to challenge the decision immediately following the removal.

### *Administrative Leave*

SMC retains the authority to place a non-student employee respondent on administrative leave during the Title IX Grievance Process, consistent with SMC's Policies and Procedures manual.

## **The Title IX Grievance Process**

### *Filing a Formal Complaint*

The timeframe for the Title IX Grievance Process begins with the filing of a Formal Complaint. The Grievance Process will be concluded within a reasonably prompt manner, and no longer than ninety (90) business days after the filing of a Formal Complaint, provided that the process may be extended for a good reason, including but not limited to the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. The procedure for applying for extensions is described below. To file a Formal Complaint, a complainant must provide the Title IX Coordinator an electronic or written signed complaint describing the facts alleged. Complainants are only able to file a Formal Complaint under this Policy if they are currently participating in, or attempting to participate in, the education programs or activities, of SMC, including as an employee. For complainants who do not meet these criteria, SMC will utilize existing policies in the SMC Code of Conduct.

If a complainant does not wish to make a Formal Complaint, the Title IX Coordinator may determine a formal complaint is necessary. SMC will inform the complainant of this decision in writing, and the complainant need not participate in the process further but will receive all notices issues under this policy and process.

Nothing in the Title IX Grievance Policy prevents a complainant from seeking the assistance of state or local law enforcement alongside the appropriate on-campus process.

### Multi-Party Situations

SMC may consolidate Formal Complaints alleging covered sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of covered sexual harassment arise out of the same facts or circumstances.

### Determining Jurisdiction

The Title IX Coordinator or designee without a conflict of interest or bias, will determine if the Title IX Grievance Process should apply to a Formal Complaint. The Process will apply when ALL of the following elements are met, in the reasonable determination of the Title IX Coordinator or designee:

1. The conduct is alleged to have occurred on or after August 14, 2020.
2. The conduct is alleged to have occurred in the United States.
3. The conduct is alleged to have occurred in SMC's education program or activity.
4. The alleged conduct, if true, would constitute covered sexual harassment as defined in this policy.

If all the elements are met, SMC will investigate the allegations according to the Grievance Process.

### Allegations Potentially Falling Under Two Policies

If the alleged conduct, if true, includes conduct that would constitute covered sexual harassment and conduct that would not constitute covered sexual harassment, the Title IX Grievance Process will be applied in the investigation and adjudication of all the allegations.

### Mandatory Dismissal

If any one of these elements are not met, the Title IX Coordinator or designee without a conflict of interest or bias will notify the parties that the Formal Complaint is being dismissed for the purposes of the Title IX Grievance Policy. Each party may appeal this dismissal using the procedure outlined in "Appeals," below.

### Discretionary Dismissal

The Title IX Coordinator or designee without a conflict of interest or bias may dismiss a Formal Complaint under the Title IX Grievance Policy, or any specific allegations raised within that Formal Complaint, at any time during the investigation or hearing, if:

- A complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint, or any allegations raised in the Formal Complaint;
- The respondents are no longer enrolled or employed by SMC; or,
- Specific circumstances prevent SMC from gathering evidence sufficient to reach a determination regarding the Formal Complaint or allegations within the Formal Complaint.

Any party may appeal a dismissal determination using the process set forth in “Appeals,” below.

#### Notice of Dismissal

Upon reaching a decision that the Formal Complaint will be dismissed, SMC will promptly send written notice of the dismissal of the Formal Complaint or any specific allegation within the Formal Complaint, and the reason for the dismissal, simultaneously to the parties through their SMC email accounts. It is the responsibility of parties to maintain and regularly check their email accounts.

#### Notice of Removal from Title IX to Code of Conduct

Upon dismissal for the purposes of Title IX, SMC retains discretion to utilize the SMC Code of Conduct to determine if a violation of the Code of Conduct has occurred. If so, SMC will promptly send written notice of the dismissal of the Formal Complaint under the Title IX Grievance Process and removal of the allegations to the conduct process.

#### Notice of Allegations

The Title IX Coordinator will draft and provide the Notice of Allegations (NOA) to any party to the allegations of sexual harassment. Such notice will occur as soon as practicable, but no more than five (5) business days after the institution receives a Formal Complaint of the allegations, if there are no extenuating circumstances.

The parties will be notified via their SMC email account if they are a student or employee, and by other reasonable means if they are neither.

SMC will provide sufficient time for the parties to review the NOA and prepare a response before any initial interview.

The Title IX Coordinator or designee may determine that the Formal Complaint must be dismissed under the mandatory grounds listed above and will issue a Notice of Dismissal. If such a determination is made, any party to the allegations of sexual harassment identified in the Formal Complaint will receive the Notice of Dismissal in conjunction with, or in separate correspondence after the NOA.

The NOA will include the following:

- Notice of SMC’s Title IX Grievance Process and a hyperlink to a copy of the process.
- Notice of the allegations potentially constituting covered sexual harassment, and sufficient details known at the time the Notice is issued, such as the identities of the parties involved in the incident, if known, including the complainant, the conduct allegedly constituting covered sexual harassment, and the date and location of the alleged incident if known.

- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, as required under 34 C.F.R. § 106.45(b)(5)(iv).
- A statement that before the conclusion of the investigation, the parties may inspect and review evidence that before the conclusion of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which SMC does not intend to rely on when reaching a determination regarding responsibility, and evidence that both tends to prove or disprove the allegations, whether obtained from a party or other source, as required by 34 C.F.R. § 106.45(b)(5)(vi).

### Ongoing Notice

If, during the investigation, SMC decides to investigate allegations about the Complainant or Respondent that are not included in the NOA and are otherwise covered “sexual harassment” falling within the Title IX Grievance Process, SMC will notify the parties whose identities are known of the additional allegations by their SMC email accounts or other reasonable means. The parties will be provided sufficient time to review the additional allegations to prepare a response before any initial interview regarding those additional charges.

### Advisor of Choice and Preparation of Advisor of Choice

SMC will provide the parties equal access to advisors and support persons; any restrictions on advisor participation will be applied equally.

SMC has a long-standing practice of requiring students to participate in the process directly and not through and advocate or representative. Students participating as a Complainant or Respondent in this process may be accompanied by an Advisor of Choice to any meeting or hearing to which they are required or eligible to attend. The Advisor of Choice is not an advocate. Except where explicitly stated by this Policy, as consistent with the Final Rule, Advisors of Choice shall not participate directly in the process as per standard policy and practice of SMC.

SMC will not intentionally schedule meetings or hearings on dates where the Advisors of Choice for all parties are not available, provided that the Advisors act reasonably in providing available dates and work collegially to find dates and times that meet all schedules.

SMC’s obligations to investigate and adjudicate in a prompt timeframe under Title IX and other college policies apply to matters governed under this Policy, and SMC cannot agree to extensive delays solely to accommodate the schedule of an Advisor of Choice. The determination of what is reasonable shall be made by the Title IX Coordinator or designee. SMC will not be obligated to delay a meeting or hearing under this process more than five (5) business days due to the unavailability of an Advisor of Choice and may offer the party the opportunity to obtain a different Advisor of Choice or utilize one provided by SMC.

### Notice of Meetings and Interviews

SMC will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings with a party, with sufficient time for the party to prepare to participate.

### Delays

Each party may request a one-time delay in the Grievance Process of up to five (5) business days for good cause (granted or denied in the sole judgment of the Title IX Coordinator or designee) provided that the requestor provides reasonable notice, and the delay does not overly inconvenience other parties.

For example, a request to take a five-day pause made an hour before a hearing for which multiple parties and their advisors have traveled to and prepared for shall generally not be granted, while a request for a five day pause in the middle of investigation interviews to allow a party to obtain certain documentary evidence shall generally be granted.

The Title IX Coordinator or designee shall have sole judgment to grant further pauses in the Process.

## **Title IX Investigations**

### General Rules of Investigation

The Title IX Coordinator and/or an investigator designated by the Title IX Coordinator will perform an investigation under a reasonably prompt timeframe of the conduct alleged to constitute sexual harassment after issuing the NOA.

SMC and not the parties, has the burden of proof and the burden of gathering evidence, i.e., the responsibility of showing a violation of this Policy has occurred. This burden does not rest with either party, and either party may decide not to share their account of what occurred or may decide not to participate in an investigation or hearing. This does not shift the burden of proof away from SMC and does not indicate responsibility.

SMC cannot access, consider, or disclose medical records without a waiver from the party (or parent, if applicable) to whom the records belong or of whom the records include information. SMC will provide equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, (i.e., evidence that tends to prove and disprove the allegations) as described below.

Evidence that will be available for inspection and review by the parties will be any evidence that is directly related to the allegations raised in the Formal Complaint. It will include any:

1. Evidence that is relevant, even if that evidence does not end up being relied upon by the institution in making a determination regarding responsibility.
2. Inculpatory and exculpatory evidence (i.e., evidence that tends to prove and disprove the allegations) that is directly related to the allegations, whether obtained from a party or other source.

All parties must submit any evidence they would like the investigator to consider prior to when the parties' time to inspect and review evidence begins.

SMC will send the evidence made available for each party and each party's advisor, if any, to inspect and review [through an electronic format or hard copy]. SMC is not under an obligation

to use any specific process or technology to provide the evidence and shall have the sole discretion in terms of determining format and any restrictions or limitations on access.

The parties will have ten (10) business days to inspect and review the evidence and submit a written response by email to the investigator. The investigator will consider the parties' written responses before completing the Investigative Report.

SMC may provide the parties five (5) business days after the initial inspection and review of evidence, and before the investigator completes their Investigative Report, to provide additional evidence in response to their inspection and review of the evidence, and then provide the parties five (5) business days to inspect, review, and respond to the party's additional evidence through a written response to the investigator. Those written responses may be disclosed to the parties.

Any evidence subject to inspection and review will be available at any hearing, including for purposes of cross-examination.

The parties and their advisors must sign an agreement not to disseminate any of the evidence subject to inspection and review or use such evidence for any purpose unrelated to the Title IX Grievance process.

The parties and their advisors agree not to photograph or otherwise copy the evidence.

#### *Inclusion of Evidence Not Directly Related to the Allegations*

Evidence obtained in the investigation that is determined in the reasoned judgment of the investigator not to be directly related to the allegations in the Formal Complaint will be included in the appendices to the investigative report.

#### *Investigative Report*

The Title IX Coordinator and/or an investigator designated by the Title IX Coordinator will create an Investigative Report that fairly summarizes relevant evidence and will provide that Report to the parties at least ten (10) business days prior to the hearing in an electronic format or a hard copy for each party's review and written response.

The Investigative Report is not intended to catalog all evidence obtained by the investigator, but only to provide a fair summary of that evidence.

Only relevant evidence (including both inculpatory and exculpatory—i.e., tending to prove and disprove the allegations) will be referenced in the Investigative Report.

The investigator may redact irrelevant information from the Investigative Report when that information is contained in documents or evidence that is/are otherwise relevant.

### **Title IX Grievance Hearings**

#### *General Rules of Hearings*

SMC will not issue a disciplinary sanction arising from an allegation of covered sexual harassment without holding a live hearing.

The live hearing may be conducted with all parties physically present in the same geographic location, or at SMC's discretion, any or all parties, witnesses, and other participants may appear at a live hearing virtually through Microsoft Teams. This technology will enable participants to simultaneously see and hear each other. At its discretion, SMC may delay or adjourn a hearing based on technological errors not within a party's control.

All proceedings will be recorded through audiovisual recording or transcript. That recording or transcript will be made available to the parties for inspection and review.

Prior to obtaining access to any evidence, the parties and their advisors must sign an agreement not to disseminate any of the testimony heard or evidence obtained in the hearing or use such testimony or evidence for any purpose unrelated to the Title IX Grievance Process. Once signed, this Agreement may not be withdrawn.

#### Continuances or Granting Extensions

SMC may determine those multiple sessions or a continuance (i.e., pausing the hearing until a later date or time) is needed to complete a hearing. If so, SMC will notify all participants and endeavor to accommodate all participants' schedules and complete the hearing as promptly as practicable.

As a general rule, no new evidence or witnesses may be submitted during a live hearing.

If a party identifies new evidence or witnesses that were not reasonably available prior to the live hearing and could affect the outcome of the matter, the party may request that such evidence or witnesses be considered at the live hearing.

The Decision-Maker will consider this request and make a determination regarding (1) whether such evidence or witness testimony was actually unavailable by reasonable effort prior the hearing, and (2) whether such evidence or witness testimony could affect the outcome of the matter. The party offering the newly discovered evidence or witness has the burden of establishing these questions by a preponderance of the evidence.

If the Decision-maker answers in the affirmative to both questions, then the parties will be granted a reasonable pause in the hearing to review the evidence or prepare for questioning of the witness.

#### Participants in the Live-Hearing

Live hearings are not public, and the only individuals permitted to participate in the hearing are as follows:

Complainant and Respondent [The Parties']

1. The parties cannot waive the right to a live hearing.
2. SMC may still proceed with a live hearing in the absence of a party and may reach a determination of responsibility in their absence, including through any evidence gathered and statements made. 85 Fed. Reg. 30026, 30361 (May 19, 2020). a. Please note in the originally released Final Rule, prior statements made by a party had to be excluded in the maker of the statement did not submit to cross-examination. However, in August



2021, the Department of Education announced they would “immediately cease enforcement of the part of § 106.45(b)(6)(i) regarding the prohibition against statements not subject to cross-examination.” Letter to Students, Educators, and Other Stakeholders Victims’ Rights Law Center et al. v. Cardona (PDF)

3. SMC will not threaten, coerce, intimidate, or discriminate against the party in an attempt to secure the party’s participation. See 34 CFR § 106.71; see also 85 Fed. Reg. 30026, 30216 (May 19, 2020).
4. The decision-maker cannot draw an inference about the determination regarding responsibility based solely on a party’s absence from the live hearing or refusal to answer cross-examination or other questions. See 34 C.F.R. § 106.45(b)(6)(i).

#### The Decision-Maker

1. The hearing body will consist of a panel of two (2) decision-makers.
2. No member of the hearing body will also have served as the Title IX Coordinator, Title IX Investigator, or advisor to any party in the case, nor may any member of the hearing body serve on the appeals body on the case.
3. No member of the hearing body will have a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to a particular case.
4. The hearing body will be trained on topics including how to serve impartially, issues of relevance, including how to apply the rape shield protections provided for complainants, and any technology to be used at the hearing.
5. The parties will have an opportunity to raise an objection regarding a decision-maker’s actual or perceived conflicts of interest or bias at the commencement of the live-hearing.

#### Advisor of Choice

1. The parties have the right to select an advisor of their choice, who may be, but does not have to be, an attorney.
2. The advisor of choice may accompany the parties to any meeting or hearing they are permitted to attend, but may not speak for the party, except for the purpose of cross-examination and direct examination.
3. The parties are not permitted to conduct cross-examination; it must be conducted by the advisor. As a result, if a party does not select an advisor, SMC will select an advisor to serve in this role for the limited purpose of conducting the cross-examination at no fee or charge to the party.
4. The advisor is not prohibited from having a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.
5. The advisor is not prohibited from being a witness in the matter.
6. If a party does not attend the live hearing, the party’s advisor may appear and conduct cross examination on their behalf. 85 Fed. Reg. 30026, 30340 (May 19, 2020).
7. If neither a party nor their advisor appear at the hearing, SMC will provide an advisor to appear on behalf of the non-appearing party. 85 Fed. Reg. 30026, 30339-40 (May 19, 2020).

## Witnesses

1. Witnesses cannot be compelled to participate in the live hearing and have the right not to participate in the hearing free from retaliation. 85 Fed. Reg. 30026, 30360 (May 19, 2020).
2. If a witness does not submit to cross-examination, as described below, the decision-maker cannot rely on any statements by that witness in reaching a determination regarding responsibility, including any statement relayed by the absent witness to a witness or a party who testifies at the live hearing. 85 Fed. Reg. 30026, 30347 (May 19, 2020).

## Hearing Procedures

For all live hearings conducted under this Title IX Grievance Process, the procedure will be as follows:

1. Decision-maker/Administrative Hearing Officer will open and establish rules and expectations for the hearing.
2. The Parties will be given the opportunity to provide opening statements.
3. Decision-maker will ask questions of the Parties and Witnesses.
4. Parties will be given the opportunity for live cross-examination after Decision-maker conducts its initial round of questioning. During the Parties' cross-examination, the decision-maker will have the authority to pause cross-examination at any time for the purpose of asking their own follow up questions; and any time necessary to enforce the established rules of decorum.
5. Should a Party or Party's advisor choose not to cross-examine a Party or Witness; the Party shall affirmatively waive cross-examination through a written or oral statement to the Decision-maker. A Party's waiver of cross-examination does not eliminate the ability of the Decision-maker to use statements made by the Party.

## Live Cross-Examination Procedure

Each party's advisor will conduct live cross-examination of the other party or parties and witnesses. During this live cross-examination the advisor will ask the other party or parties and witnesses relevant questions and follow-up questions, including those challenging credibility, directly, orally, and in real time.

Before any cross-examination question is answered, the decision-maker will determine if the question is relevant. Cross-examination questions that are duplicative of those already asked including by the decision-maker may be deemed irrelevant if they have been asked and answered.

## Review of Transcript/Recording

The recording/transcript of the hearing will be available for review by the parties within ten (10) business days unless there are extenuating circumstances. The recording/transcript of the hearing will not be provided to parties or advisors of choice.

## **Determination Regarding Responsibility**

### **Standard of Proof**

SMC uses the preponderance of the evidence standard for investigations and determinations regarding responsibility of formal complaints covered under this Policy. This means that the investigation and hearing determine whether it is more likely than not that a violation of the Policy occurred.

### **General Considerations for Evaluating Testimony and Evidence**

While the opportunity for cross-examination is required in all Title IX hearings, determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the decision-maker.

Decision-makers shall not draw inferences regarding a party or witness' credibility based on the party or witness' status as a complainant, respondent, or witness, nor shall it base its judgments in stereotypes about how a party or witness would or should act under the circumstances.

Generally, credibility judgments should rest on the demeanor of the party or witness, the plausibility of their testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence.

Still, credibility judgments should not rest on whether a party or witness' testimony is non-linear or incomplete, or if the party is displaying stress or anxiety.

Decision-makers will afford the highest weight relative to other testimony to first-hand testimony by parties and witnesses regarding their own memory of specific facts that occurred. Both inculpatory and exculpatory (i.e., tending to prove and disprove the allegations) evidence will be weighed in equal fashion.

Except where specifically barred by the Title IX Final Rule, a witness' testimony regarding third-party knowledge of facts at issue will be allowed but will generally be accorded lower weight than testimony regarding direct knowledge of specific facts that occurred.

The Final Rule requires that SMC allow parties to call "expert witnesses" for direct and cross examination. SMC does not provide for expert witnesses in other proceedings. While the expert witness will be allowed to testify and be cross-examined as required by the Final Rule, the decision-maker will be instructed to afford lower weight to non-factual testimony of the expert relative to fact witnesses, and any expert testimony that is not directed to the specific facts that occurred in the case will be afforded lower weight relative to fact witnesses, regardless of whether the expert witness testimony is the subject of cross-examination and regardless of whether all parties present experts as witnesses. The Final Rule requires that SMC allow parties to call character witnesses to testify. SMC does not provide for character witnesses in other proceedings. While the character witnesses will be allowed to testify and be cross-examined as required by the Final Rule, the decision-maker will be instructed to afford very low weight to any non-factual character testimony of any witness.

The Final Rule requires that SMC admit and allow testimony regarding polygraph tests ("lie detector tests") and other procedures that are outside of standard use in academic and non-academic conduct processes. While the processes and testimony about them will be allowed to testify and be cross-examined as required by the Final Rule, the decision-maker will be instructed to afford lower weight to such processes relative to the testimony of fact witnesses.

Where a party or witness' conduct or statements demonstrate that the party or witness is engaging in retaliatory conduct, including but not limited to witness tampering and intimidation, the Decision-maker may draw an adverse inference as to that party or witness' credibility.

### *Components of the Determination Regarding Responsibility*

The written "Determination Regarding Responsibility" will be issued simultaneously to all parties through their SMC email account, or other reasonable means as necessary. The Determination will include:

1. Identification of the allegations potentially constituting covered sexual harassment.
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held.
3. Finding of fact supporting the determination.
4. Conclusions regarding which section of the SMC Code of Student Conduct, if any, the respondent has or has not violated.
5. For each allegation:
  - a. A statement of, and rationale for, a determination regarding responsibility.
  - b. A statement of, and rationale for, any disciplinary sanctions the recipient imposes on the respondent.
  - c. A statement of, and rationale for, whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the complainant.
6. The recipient's procedures and the permitted reasons for the complainant and respondent to appeal (described below in "Appeal").

### *Timeline of Determination Regarding Responsibility*

If there are no extenuating circumstances, the determination regarding responsibility will be issued by SMC within ten (10) business days of the completion of the hearing.

### *Finality*

The determination regarding responsibility becomes final either on the date that SMC provides the parties with the written determination of the result of the appeal, if an appeal is filed consistent with the procedures and timeline outlined in "Appeals" below, or if an appeal is not filed, the date on which the opportunity to appeal expires.

### **Appeals**

Each party may appeal (1) the dismissal of a formal complaint or any included allegations and/or (2) a determination regarding responsibility. To appeal, a party must submit their written appeal within five (5) business days of being notified of the decision, indicating the grounds for appeal.

The limited grounds for appeal available are as follows:

- Procedural irregularity that affected the outcome of the matter (i.e., a failure to follow SMC's own procedures).

- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter.
- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general, that affected the outcome of the matter.
- Contention that the sanction is inappropriate relative to the severity of the violation.

The submission of appeal stays any sanctions for the pendency of an appeal. Supportive measures and remote learning opportunities remain available during the pendency of the appeal.

If a party appeals, SMC will as soon as practicable notify the other party in writing of the appeal, however, the time for appeal shall be offered equitably to all parties and shall not be extended for any party solely because the other party filed an appeal.

Appeals may be no longer than five (5) pages (including attachments). Appeals should be submitted in electronic format using ARIAL or TIMES NEW ROMAN, 12-point font, and single-spaced. Appeals should use footnotes, not endnotes. Appeals that do not meet these standards may be returned to the party for correction, but the time for appeal will not be extended unless there is evidence that technical malfunction caused the appeal document not to meet these standards.

Appeals will be decided by a Deputy Title IX Coordinator or designee who will be free of conflict of interest and bias, and will not serve as an investigator, Title IX Coordinator, or hearing decision-maker in the same matter.

Outcome of appeal will be provided in writing simultaneously to both parties and included rationale for the decision.

## **Retaliation**

SMC will keep the identity of any individual who has made a report or complaint of sex discrimination confidential, including the identity of any individual who has made a report or filed a Formal Complaint of sexual harassment under this Title IX Grievance Policy, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding under this Title IX Grievance Policy.

No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations.

No person may intimidate, threaten, coerce, or discriminate against any individual because the individual has made a report or complaint, testified, assisted, or participated, or refused to participate in any manner in an investigation, proceeding, or hearing under this Title IX Grievance Policy.

Any intimidation, threats, coercion, or discrimination, for the purpose of interfering with any right or privilege secured by Title IX, or its implementing regulations constitutes retaliation. This

includes any charges filed against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but that arise from the same facts or circumstances as a report or complaint of sex discrimination or a Formal Complaint of sexual harassment.

Complaints alleging retaliation may be filed according to SMC's grievance procedures for employees, listed in section K of the SMC Policies and Procedures manual.

### **Behavioral Intervention Team (BIT)/Campus Action for Response and Evaluation (CARE) Team**

The mission is to ensure student and campus safety by monitoring student behavior and provide early intervention support services. The purpose of the BIT/CARE is to monitor student behavior and early intervention support services. The team is comprised of key faculty and staff members. The team members are not disciplinarians but rather act as a screening team and education resource to the campus. The role of the team is to monitor student behavior that may appear questionable or potentially destructive and intervene for safety and support. The behavior is typically not disruptive enough to require disciplinary action or counseling services. However, counseling services and disciplinary action may be utilized if warranted. The key is becoming more aware of the student and offering support services early in the process that could prevent escalation and crisis.

### **Facilities Maintenance Policies**

SMC has installed and maintains exterior lighting around its buildings and parking lots, as well as additional sidewalk and street lighting to keep the campus well lit. While maintaining an attractive campus, grounds crews keep shrubs and hedges cut to an acceptable standard of safety. Community Wellness staff, Housekeeping, and Maintenance personnel are on duty during business hours and regularly report any facility maintenance problems noted by them. Also, students and faculty are encouraged to report any safety or maintenance problems to the Vice-President of Facilities, who has employees that respond to these problems as promptly as possible. SMC also has a Campus Safety committee that you can report information to.

### **Off Campus Housing**

Residence hall students are subject to housing regulations contained in the Student Handbook that is available online. Commuter students are not subject to college housing regulations unless they are visiting the residence halls. The college provides no arrangements for a student to live in off-campus housing and be recognized as a residential student.

Students who are eligible to live in an apartment, or other community housing off campus, are recognized by the college as commuter students. SMC has no authority or responsibility to patrol or enforce housing regulations or law or maintain facilities where commuter students live. The college maintains only one campus and provides no institutional recognition to student organizations to live in off-campus housing. No reports are provided by the local police concerning crimes that occur individually or collectively to students who live off campus.

### **Access to Residence Halls**

Each residence hall is supervised by a Community Life staff member. These staff members are responsible for the day-to-day operation of the residence halls which include, but are not limited

to reporting work requests, supervising Community Assistants, enforcing college policies and procedures, provide personal and academic assistance to students and planning educational and social programs.

Community Assistants are students, who have completed a rigorous selection, background check and training program. They live on the floor with students and are there to assist students with personal and academic issues, connections to campus, mediate conflicts, report needed repairs and enforce campus policies and procedures.

The Bridges, Judd, Kingman, Sparrow, Parsons, and Hammond Residence Halls have computerized card access control entry into these residence halls. Willard Residence Hall has keypad entry. Entry is only allowed to authorized people at authorized times. With the card access control system, each authorized person receives with their card a token. This restricts access to residents only. Each card is programmable and allows or denies access. If a card is lost or stolen, the card can be replaced quickly and easily. An additional benefit of access control is report capability. The system provides reports of all card activity, including whether access was granted or denied, and why. A record of all entries to an area can be maintained.

### **Sex Offender Registry and Access to Related Information**

Incarceration may remove a sex offender from the streets, but it does nothing to prevent the offender from committing another crime when released. The Federal Campus Sex Crimes Prevention Act requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in the State to provide notice, as required under State law, to each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student. In South Carolina convicted sex offenders must register with the County Sheriff's Office where they reside.

The State Law Enforcement Division (SLED) maintains a system for making certain Registry information available via the Internet. The Web address for the SLED State Sex Offender Registry is: <http://scor.sled.sc.gov/GeographicalSearch.aspx> and allows you to search for Offenders by Name, City, County, or Zip Code. The information available includes the offender's name; sex, race, age, date of birth, height, weight, eye, hair and skin color; last reported address, any scars, marks or tattoos, aliases used; the date of conviction, the statute violated; if the offender is a predator; and a photograph if available.

### **MISSING STUDENT NOTIFICATION**

**Definition:** A student may be officially classified as "missing" when efforts described below indicate that the whereabouts of the student have been unknown for 24 hours or more.

**Registering contact information:** All resident students will be required to register confidential contact information to be used if it is determined that the student is missing. The Campus Safety Department will have access to the Colleague information system to access any needed student personal information to utilize in an effort to locate missing students.

**Reporting missing persons:** Anyone who believes that a student may be missing should contact Campus Safety.

### **Steps to be taken within the first 24 hours:**

The Campus Safety Officer who receives such a report will take the following actions:

1. Attempt to locate the missing student by telephone, email, and/or personal visit to the student's assigned residence hall room if applicable and will attempt to locate the student's vehicle if it is registered on campus.
  - a. If the student is located by this process, Campus Safety will notify the person who was originally concerned that the student has been located.
  - b. If the student is not located by this process, Campus Safety will take the following additional steps:
2. For a missing resident student notify the Dean of Community Wellness, Director of Community Life. The appropriate members of the Community Life staff will then attempt to locate the missing student by such actions as contacting any known friends of the student, contacting faculty members for classes in which the missing student is registered, and any other such contacts that might be available.
3. For a missing commuter student, Campus Safety will attempt to locate the student by such actions as contacting any known friends of the student, contacting faculty members for classes in which the missing student is registered when possible, and any other such contacts that might be available.
4. If the missing student is located as the result of any of the above actions, Campus Safety will notify the person who was originally concerned that the student has been located.
5. If the missing student is not located as a result of any of the above actions, Campus Safety will create an Incident Report form that includes the information provided by the person who believes the student is missing.

### **Steps to be taken if the student is still missing 24 hours after the initial report:**

6. Campus Safety will notify the Dean of Community Wellness, the Director of Community Life.
7. The Director of Campus Safety or their designee will attempt to notify the person listed on the student's Colleague profile.
8. If the missing student is under 18 years of age and not an emancipated individual, the Dean of Community Wellness, the Director of Community Life or Director of Campus Safety will contact the student's custodial parent or legal guardian.
9. If the missing student is not under 18 or is emancipated, and did not register a contact person, then Campus Safety will conduct further investigation as appropriate, and may enlist the assistance of other law enforcement agencies.

### **Resource Information**

Campus Safety (24 hours/day)	(864) 587-4003 (x 4003 from a campus phone)
Dean of Community Wellness	(864) 699-4632
Academic Affairs	(864) 587-4256
Health Services	(864) 587-4277



Community Life (864) 978-7098

Counseling Services (864) 699-4649

EMS/Una Fire Department 911

**Other Important Resources**

Campus Conduct Hotline (866) 943-5787

Spartanburg Medical Center (864) 560-6000

SAFE Homes Rape Crisis Coalition (800) 273-5066 or (864) 583-9803

<http://www.rainn.org> – Rape, Abuse and Incest National Network

## **CRIME STATISTICS**

Statistical information is available relating to violations that are tracked under the Clery Act, Violence Against Women's Act (VAWA), hate crimes, and their corresponding definitions associated with South Carolina Code of Laws.

All definitions and statutes can be referenced at [www.scstatehouse.gov/code/statmast.php](http://www.scstatehouse.gov/code/statmast.php).

For Liquor Law violations, reference Title 61, Chapter 6 (SC Code § 61-6) of the South Carolina Code of Laws. For Drug Law violations, reference Title 44, Chapter 53 (SC Code § 44-53). For Illegal Weapon Possession violations, reference Title 16 (SC Code §16) and Title 23, Chapter 31 (SC Code § 23-31). For all other Crimes and Offenses, reference Title 16 (SC Code §16).

### **Definitions**

#### **Murder/Non-Negligent manslaughter**

"Murder" is the killing of any person with malice aforethought, either express or implied.

#### **Negligent Manslaughter**

With regard to the crime of involuntary manslaughter, criminal negligence is defined as the reckless disregard of the safety of others.

#### **Sex Offenses**

Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

##### **Forcible**

Rape – The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Fondling – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

##### **Non-Forcible**

Incest: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by South Carolina law. Statutory Rape: Non-forcible sexual intercourse with a person who is under the statutory age of consent. In South Carolina the age of consent is 16.

#### **Domestic Violence**

Violence, on the basis of sex, committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, or by a person

who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of South Carolina, or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of South Carolina. \*To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

### **Dating Violence**

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

Dating Violence does not include acts covered under the definition of domestic violence.

Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

### **Stalking**

Engaging in a course of conduct, based on sex, directed at a specific person, which would cause a reasonable person to (1) fear for the person's safety or the safety of others or (2) suffer substantial emotional distress. For the purposes of this definition— Course of conduct means two or more acts, including, but not limited to, acts in which the respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. • Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant. • Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling

### **Robbery**

Taking or attempting to take anything of value from the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

### **Aggravated Assault**

Unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. Usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

## **Burglary**

Unlawful entry of a structure to commit a felony or a theft.

## **Motor Vehicle Theft**

The theft or attempted theft of a motor vehicle. There are three classes of motor vehicles: (1) autos, (2) trucks and buses, (3) and other vehicles.

## **Arson**

Willful or malicious burning or attempt to burn with or without intent to defraud a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

## **Disciplinary Actions**

Under the Clery Act we must report arrests and referrals for disciplinary action for liquor law violations, drug law violations, and illegal weapons possession.

## **Liquor Law Violations**

The violation of state or local laws or ordinances prohibiting the manufacture, sale, transporting, furnishing, possession of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the above. (Drunkenness and driving under the influence are not included in this definition.)

## **Drug Law Violations**

The violations of laws prohibiting production, cultivation, manufacture, distribution, sale, purchase, use and possession of any controlled drug or narcotic substance. The relevant substances include opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

## **Illegal Weapons Possession**

The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons, carrying deadly weapons, concealed deadly weapons, concealed or openly; and attempts to commit any of the above.

## **Hate Crimes**

A crime that manifests evidence that the victim was intentionally selected because of the perpetrator's bias, or the perpetrator perceived the person to be in one of the protected group categories: race, gender, religion, sexual orientation, ethnicity and disability. A hate crime is not a separate, distinct crime, but is the commission of a criminal offense which was motivated by the offender's bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, gender identity, religion, disability, sexual orientation, ethnicity or

national origin. The following crimes are not listed unless the crime was motivated by bias: larceny-theft, simple assault, intimidation and destruction, damage, or vandalism of property.

### **Clery Act Geographic Categories**

Institutions are required to report separately crimes occurring on campus, in or on non-campus buildings or property, and on public property.

#### **Campus**

Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the College in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and building or property that is within or reasonably contiguous to that is owned by the College but controlled by another person, is frequently used by students, and supports institutional purposes, such as a food or other retail vendor.

#### **Non-Campus Property**

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

#### **Public Property**

All public property, including thoroughfares, streets, sidewalks, and parking facilities, which is within the campus, or immediately adjacent to and accessible from the campus

### **Three-Year Crime Reports**

(Includes reported offenses occurring on the SMC campus from Jan. 1-Dec. 31 of each year.)

<b>Criminal Offense - On Campus</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
Murder/Non-negligent manslaughter	0	0	0
Manslaughter by Negligence	0	0	0
Rape	3	1	1
Fondling	0	0	0
Incest	0	0	0
Statutory rape	0	0	0
Robbery	0	0	1
Aggravated assault	0	0	0
Burglary	1	1	1
Motor vehicle theft	0	2	0
Arson	0	0	0
<b>Unfounded</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>Criminal Offense – Residence Halls</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
Murder/Non-negligent manslaughter	0	0	0
Manslaughter by Negligence	0	0	0
Rape	3	1	1
Fondling	0	0	0
Incest	0	0	0
Statutory rape	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	1	1	1
Motor vehicle theft	0	0	0
Arson	0	0	0
<b>Unfounded</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>Criminal Offense – Public Property</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
Murder/Non-negligent manslaughter	0	0	0
Manslaughter by Negligence	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory rape	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Arson	0	0	0
<b>Unfounded</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>Criminal Offense – Non-Campus</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
Murder/Non-negligent manslaughter	0	0	0
Manslaughter by Negligence	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory rape	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Arson	0	0	0
<b>Unfounded</b>	<b>0</b>	<b>0</b>	<b>0</b>

## Hate Crime Reports

Hate crimes also include incidents of larceny/theft, simple assault, intimidation, or destruction of property that were motivated by bias.

2019									
Hate Crimes - On Campus	Total	Race	Religion	Sexual Orientation	Gender	Disability	Ethnicity	National Origin	Gender Identity
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Simple assault	0	0	0	0	0	0	0	0	0
Larceny-theft	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/damage /vandalism of property	0	0	0	0	0	0	0	0	0
<b>Unfounded</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

2019									
Hate Crimes – Residence Halls	Total	Race	Religion	Sexual Orientation	Gender	Disability	Ethnicity	National Origin	Gender Identity
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0

Motor vehicle theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Simple assault	0	0	0	0	0	0	0	0	0
Larceny-theft	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/damage /vandalism of property	0	0	0	0	0	0	0	0	0
<b>Unfounded</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

2019 Hate Crimes – Public Property	Total	Race	Religion	Sexual Orientation	Gender	Disability	Ethnicity	National Origin	Gender Identity
Murder/Non- negligent manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Simple assault	0	0	0	0	0	0	0	0	0
Larceny-theft	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/damage /vandalism of property	0	0	0	0	0	0	0	0	0
<b>Unfounded</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>



2019									
Hate Crimes – Non-Campus	Total	Race	Religion	Sexual Orientation	Gender	Disability	Ethnicity	National Origin	Gender Identity
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Simple assault	0	0	0	0	0	0	0	0	0
Larceny-theft	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/damage /vandalism of property	0	0	0	0	0	0	0	0	0
<b>Unfounded</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

2020									
Hate Crimes – On Campus	Total	Race	Religion	Sexual Orientation	Gender	Disability	Ethnicity	National Origin	Gender Identity
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Simple assault	0	0	0	0	0	0	0	0	0

Larceny-theft	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/damage /vandalism of property	0	0	0	0	0	0	0	0	0
<b>Unfounded</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

2020									
Hate Crimes – Residence Halls	Total	Race	Religion	Sexual Orientation	Gender	Disability	Ethnicity	National Origin	Gender Identity
Murder/Non- negligent manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Simple assault	0	0	0	0	0	0	0	0	0
Larceny-theft	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/damage /vandalism of property	0	0	0	0	0	0	0	0	0
<b>Unfounded</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

2020									
Hate Crimes – Public Property	Total	Race	Religion	Sexual Orientation	Gender	Disability	Ethnicity	National Origin	Gender Identity
Murder/Non- negligent manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0

Statutory rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Simple assault	0	0	0	0	0	0	0	0	0
Larceny-theft	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/damage /vandalism of property	0	0	0	0	0	0	0	0	0
<b>Unfounded</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

2020									
Hate Crimes – Non-Campus	Total	Race	Religion	Sexual Orientation	Gender	Disability	Ethnicity	National Origin	Gender Identity
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Simple assault	0	0	0	0	0	0	0	0	0
Larceny-theft	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/damage /vandalism of property	0	0	0	0	0	0	0	0	0
<b>Unfounded</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

2021									
Hate Crimes – On Campus	Total	Race	Religion	Sexual Orientation	Gender	Disability	Ethnicity	National Origin	Gender Identity
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Simple assault	0	0	0	0	0	0	0	0	0
Larceny-theft	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/damage /vandalism of property	0	0	0	0	0	0	0	0	0
<b>Unfounded</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

2021									
Hate Crimes – Residence Halls	Total	Race	Religion	Sexual Orientation	Gender	Disability	Ethnicity	National Origin	Gender Identity
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Simple assault	0	0	0	0	0	0	0	0	0

Larceny-theft	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/damage /vandalism of property	0	0	0	0	0	0	0	0	0
<b>Unfounded</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

2021									
Hate Crimes – Public Property	Total	Race	Religion	Sexual Orientation	Gender	Disability	Ethnicity	National Origin	Gender Identity
Murder/Non- negligent manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Simple assault	0	0	0	0	0	0	0	0	0
Larceny-theft	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/damage /vandalism of property	0	0	0	0	0	0	0	0	0
<b>Unfounded</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

2021									
Hate Crimes - Non Campus	Total	Race	Religion	Sexual Orientation	Gender	Disability	Ethnicity	National Origin	Gender Identity
Murder/Non- negligent manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory rape	0	0	0	0	0	0	0	0	0

Robbery	0	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Simple assault	0	0	0	0	0	0	0	0	0
Larceny-theft	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/damage /vandalism of property	0	0	0	0	0	0	0	0	0
<b>Unfounded</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

### Violence Against Women Act (VAWA)

VAWA-Criminal Offense – Residence Halls	2019	2020	2021
Domestic Violence	2	0	0
Dating Violence	0	0	0
Stalking	0	0	0

VAWA-Criminal Offense – On Campus	2019	2020	2021
Domestic Violence	2	0	0
Dating Violence	0	0	0
Stalking	0	0	0

VAWA-Criminal Offense – Public Property	2019	2020	2021
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0

VAWA-Criminal Offense – Non-Campus	2019	2020	2021
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0

### Arrests

Arrests - Criminal Offense – Residence Halls	2019	2020	2021
Weapons: Carrying, Possessing, etc.	0	0	0
Drug Abuse Violations	0	0	0
Liquor Law Violations	0	0	0

Arrests - Criminal Offense – On Campus	2019	2020	2021
Weapons: Carrying, Possessing, etc.	0	0	0
Drug Abuse Violations	0	0	0
Liquor Law Violations	0	0	0

Arrests - Criminal Offense – Public Property	2019	2020	2021
Weapons: Carrying, Possessing, etc.	0	0	0
Drug Abuse Violations	0	0	0
Liquor Law Violations	0	0	0

Arrests-Criminal Offense – Non-Campus	2019	2020	2021
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0

### Disciplinary Actions

Disciplinary Actions - Criminal Offense – Residence Halls	2019	2020	2021
Weapons: Carrying, Possessing, etc.	6	0	1
Drug Abuse Violations	23	13	6
Liquor Law Violations	23	15	18

Disciplinary Actions - Criminal Offense – On Campus	2019	2020	2021
Weapons: Carrying, Possessing, etc.	6	0	1
Drug Abuse Violations	24	13	6
Liquor Law Violations	27	15	18

Disciplinary Actions - Criminal Offense – Public Property	2019	2020	2021
Weapons: Carrying, Possessing, etc.	0	0	0
Drug Abuse Violations	0	0	0
Liquor Law Violations	0	0	0

Disciplinary Actions - Criminal Offense – Non-Campus	2019	2020	2021
Weapons: Carrying, Possessing, etc.	0	0	0
Drug Abuse Violations	0	0	0
Liquor Law Violations	0	0	0

### Unfounded Crimes

UNFOUNDED CRIMES	2019	2020	2021
Total Unfounded Crimes	0	0	0

## **FIRE SAFETY**

The Higher Education Opportunity Act (Public Law 110-315) requires all academic institutions to produce an annual fire safety report outlining fire safety practices, standards and fire-related statistics.

Fire Safety is a primary concern on the Spartanburg Methodist College campus, especially in the residence halls. Students residing in campus housing must adhere carefully to fire safety regulations. For safety reasons, all students will exit college buildings when a fire alarm sounds. Tampering with fire safety equipment is a serious violation of SMC rules. Any violation of this policy will be referred through the discipline process. Students may face dismissal from SMC for violation of fire safety rules and/or be prosecuted.

The UNA Community Fire Department is located at 1025 Hayne St, Spartanburg, SC 29301; less than 5 minutes from the campus.

Fire drills are conducted each semester in each residential building. An outside fire safety vendor checks the fire extinguishers in every building. Every Fire Safety Alarm System is inspected by a licensed contractor. Fire Prevention Seminars are presented each school year or as requested by students, faculty and staff. Fire statistics are being collected and will include the number of fires and the cause, fire-related death, injuries and the value of the property damaged. A fire log is kept and will include the nature of the fire, the date the fire occurred, the time of day the fire occurred, and the general location of the fire. 911 Fire calls go to the Spartanburg County Dispatch, who in turn notifies us and the fire department.

### **Evacuation When Alarm Is Sounded**

Evacuation of College buildings is mandatory when a fire alarm sounds.

1. When the alarm sounds close any open windows in your rooms and exit the residence hall or campus building immediately.
2. If your room door is closed, do not open it until you feel the surface. If there is heat or thick smoke present, remain in your room and wait for assistance. Open the windows if breathing becomes difficult. Signal the Fire Department, Campus Safety Staff, or Community Life Staff by hanging preferably a white towel from the window and by telephoning Campus Safety at 864-587-4003 to indicate your condition and location. If you cannot reach Campus Safety, call 911, and report your condition. Do not break the windows as this may help spread smoke into your room. Your room door will protect you as long as it remains closed. If there is no heat present, open the door slowly, leave the room, closing the door on your way out and escaping through the nearest exit. Avoid smoke at all times. If necessary, change from one stairwell to another to avoid passing through the smoke.
3. Upon leaving the building, go to your assigned area and remain there until you are given permission to return to the building.

Any member of the campus community who becomes aware of any active or past fire should notify Campus Safety, Community Life staff, Maintenance, or the Vice President for Facilities.



## **Assembly Sites for Fire Evacuation**

<u>Building</u>	<u>Assembly Locations</u>
Buchheit Administration Building	Grassy area near the Chapel
Hammond Residence Hall	Student Center Courtyard
Willard Residence Hall	Student Center Courtyard
Burgess Student Center	Student Center Courtyard
Montgomery Science Building	Student Center Courtyard
Walker Building	Student Center Courtyard
Montgomery Science Annex	Gravel Parking Lot
Moore Student Activities Building (Old Gym)	Judd Lawn
Parsons Residence Hall	Judd Hall Lawn
Judd/Ballard Center/Coffee Shop	Kingman Hall Lawn
Davis Mission Chapel	Campus Flagpole @ Circle
Kingman Residence Hall	Judd Hall Lawn
Buchheit Board Room/Vassey Information Technology Center	Grassy area near the Chapel
Barrett Learning Ctr. /Bridges Arena, Camak Auditorium	Ellis Courtyard
Bridges Residence Hall	Judd Lawn
Sparrow Residence Hall	Ellis Courtyard
Ellis Hall	Sparrow Courtyard

## **Fire Log**

The fire log is available for public inspection during normal business hours, 8:00 a.m. - 5:00 Monday through Friday in the Campus Safety Office. If a fire has been reported the log would contain the date the fire was reported, the nature of the fire, the date and time of the fire and the general location of the fire. If a caller dials 911 that information would also be recorded. The fire log will be current for the academic year and the Campus Safety Office will archive logs for the previous years.

## **Policy Statements**

### **Appliances**

Cooking appliances are prohibited in the residence halls due to the fire hazard threat they pose.

### **Smoking**

Spartanburg Methodist College prohibits the use of tobacco products as a health risk and fire hazard. We have been a tobacco-free campus since July 1, 2012. Smoking and use of tobacco products and any simulated tobacco products (such as vapor cigarettes) are not permitted anywhere on the campus, including all campus buildings, sidewalks, parking lots, building entrances and commons areas. Smoking in vehicles parked on campus is also prohibited.

### **Items Not Allowed in Residence Halls**

- Appliances or Hot plates
- Toaster ovens/Air Fryers
- George Foreman-type grills
- Space Heaters
- Candles or Incense
- Electric blankets
- Halogen, Lava or Multi-bulb Lamps

Fire and safety regulations make it necessary to limit the use of electrical appliances in the residence halls. Because of sanitation and fire safety concerns, no cooking is allowed in residence hall rooms. Small refrigerators and microwave ovens will be allowed in rooms. For fire safety reasons, students are not permitted to “rewire” their rooms in any manner. All electrical extension cords must be a minimum of 14 gauges and must be used with a surge protector. An excess of extension cords in rooms is not allowed. Multiple electrical socket connections are not permitted. Safety regulations prohibit the use of lofts in residence hall rooms, or additional furniture not provided by the college, unless approved by the Community Life Staff.

Federal law requires Spartanburg Methodist College to disclose statistical data on all fires that occur in on-campus student housing facilities each calendar year. It is important that all fires be reported to the Campus Safety Office so that they can be included in the Fire Safety Report.

### **Policies Regarding Fire Safety Education and Training Programs**

Fire drills are conducted each semester in each building. An outside fire safety vendor checks the fire extinguishers in every building. Fire Prevention Seminars are presented each school year or as requested by students, faculty and staff. Fire statistics are being collected and will include the number of fires and the cause, fire-related death, injuries, and the value of the property damaged. The first fire drill is scheduled within the first ten days of school to acquaint new residents with the sound of the alarm and evacuation procedures. A meeting is held right after the drill to critique the results of the drill, review evacuation procedures, and to explain the importance of complying with these procedures.

## Plans for Future Improvements

Spartanburg Methodist College monitors and continues to enhance the fire alarm systems in the residence hall buildings and other buildings on campus. The fire alarm panel in the Sparrow Residence Hall has been converted to a wireless system.

## Fire Safety Statistics

Year	Location	Fire	Cause	# Deaths Reported	# Injuries Reported	Value of Property Damage
2021	Bridges Residence Hall	0		n/a	n/a	n/a
	Hammond Residence Hall	0		n/a	n/a	n/a
	Judd Residence Hall	0		n/a	n/a	n/a
	Kingman Residence Hall	0		n/a	n/a	n/a
	Parsons Residence Hall	0		n/a	n/a	n/a
	Sparrow Residence Hall	0		n/a	n/a	n/a
	Willard Residence Hall	0		n/a	n/a	n/a

Below is a list of the residence hall fire safety systems.

Year	Location	Smoke Detectors	Sprinkler Systems	Portable Fire Extinguishers
2021	Bridges Residence Hall	X	X	X
	Hammond Residence Hall	X	X	X
	Judd Residence Hall	X	X	X
	Kingman Residence Hall	X		X
	Parsons Residence Hall	X		X
	Sparrow Residence Hall	X	X	X
	Willard Residence Hall	X		X

