

RESOURCE GUIDE FOR SEX/GENDER MISCONDUCT:

UNIVERSITY POLICIES, PROCEDURES AND SERVICES



CHOICE | CONFIDENTIALITY | FAIRNESS

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

For questions and more information, please contact LR Director of Compliance and Title IX Coordinator, Leah Reynolds at leah.reynolds@lr.edu or 828.328.7040

**LENOIR~RHYNE
UNIVERSITY**

IF YOU HAVE EXPERIENCED SEX/GENDER MISCONDUCT

IMMEDIATE STEPS

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

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

Contact 911 or any of the following for immediate assistance:

- Hickory Public Safety at 828.328.7146 (24/7)
- Columbia Public Safety at 803.461.3268 (24/7)
- Asheville Police Department at 828.252.1110

WITHIN 24 HOURS

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

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

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

Consider making a report. Please change the “Consider making a report” language to “You are encouraged to report what happened to the Title IX Coordinator or any Mandatory Reporter at the University. To make a report or file a Formal Complaint, you can complete the form here: lr.edu/title-ix/submit-report-or-file-formal-complaint. You also have the option to speak to a Confidential Resource. Confidential Resources are located here: lr.edu/title-ix/resources.

AT ANY TIME

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

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

REQUESTING CONFIDENTIALITY

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

CONFIDENTIAL REPORTING

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

Mandatory Reporting

At Lenoir-Rhyne University (“LR”), employees who are not designated as confidential (listed below), are mandatory reporters. Mandatory Reporters are required to report any information of sex-based discrimination and sex-based harassment, which includes sexual assault, dating violence, domestic violence, stalking, and sexual harassment (collectively “Title IX incidents”), to the Title IX Coordinator. Title IX incidents will be taken seriously when notice is given to the University. LR makes every effort to resolve Title IX incidents in a prompt, equitable, and impartial manner.

You may request confidentiality and/or that the Title IX Coordinator provide you with supportive measures and resources without initiating a formal resolution process. The Title IX Coordinator will weigh requests for confidentiality against LR’s need to stop sex-based discrimination and sex-based harassment, prevent its reoccurrence, and remedy any effects. Generally, the University will be able to respect the wishes of the Complainant to be anonymous unless the following conduct is involved: threats, weapons, violence, minors, pattern behavior, or predation.

Regardless of whether you make a Formal Complaint, the University will offer you supportive measures. You are not obligated to pursue a formal resolution to access supportive measures or resources. If the Title IX Coordinator decides that a formal resolution is necessary, you are not obligated to participate in the resolution process. Keep in mind that the ability of the University to stop, prevent, and remedy may be limited if you choose to remain anonymous or not participate in the formal grievance process.

LENOIR-RHYNE WILL PROVIDE SUPPORTIVE MEASURES AFTER YOU REPORT—Even if you are seeking confidentiality you can request supportive measures through the Title IX Coordinator, or a Title IX Deputy Coordinator. The Title IX Coordinator will then work with the Dean of Student Life, Dean of the Graduate School, and others as necessary to ensure that you are provided with academic and other supportive measures you request, regardless of whether you make a formal report regarding the incident (see p.8 for more information on supportive measures).

INCIDENTS INVOLVING MINORS

Please be aware that institutional duties with respect to minors (those under the age of 16) may require reporting sex/gender-based misconduct incidents to North Carolina or South Carolina state agencies and/or local law enforcement. As a result, confidentiality cannot be guaranteed in sex/gender-based misconduct incidents involving minors.

CONTACTING LAW ENFORCEMENT

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

LR'S TITLE IX POLICIES

Sex/gender misconduct, including sexual harassment, sexual violence, dating and domestic violence, and stalking are violations of University Policy (for a complete copy of the Policies, see www.lr.edu/title-ix/policies-and-procedures). A number of federal laws and regulations, including Title IX, the Violence Against Women Act, and the Clery Act mandate how institutions respond to such allegations. Many types of sex/gender misconduct also constitute violations of state law.

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

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

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

WHAT IS CONSENT?

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

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

- (a) Coercion;
- (b) Physical force, violence, or threat;
- (c) Ignoring the objections of another person;
- (d) Causing another's intoxication or impairment through the use of drugs or alcohol; or

(e) Taking advantage of another person's incapacitation, state of intimidation, helplessness, or other inability to consent.

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

TYPES OF SEX/GENDER-BASED MISCONDUCT

The following are definitions of conduct that is prohibited under the Non-Discrimination, Harassment, and Anti-Retaliation Policy. Sex/gender misconduct can take many forms. The conduct below is not intended to be exhaustive. For the full policy and definitions, see [lr.edu/titleix](https://www.lsu.edu/titleix).

SEX-BASED HARASSMENT is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including:

- 1) Quid Pro Quo Harassment, which is defined as an employee, agent, or other person authorized by LR to provide an aid, benefit, or service under LR's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct.
- 2) Hostile Environment Harassment which is defined as unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from LR's program or activity (i.e., creates a hostile environment).

SEXUAL ASSAULT which is defined as an offense classified as forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation and includes:

- a) Sex Offenses, defined to include any sexual act directed against another person, without the consent of the complainant, including instances in which the complainant is incapable of giving consent.
- b) Rape, defined as penetration no matter how slight, of the vagina or anus with any body part or oral penetration by a

sex organ of another person, without the consent of the complainant.

- c) Sodomy, defined as oral or anal penetration of the complainant by the respondent, without the consent of the complainant, including instances where the complainant is incapable of giving consent because of their age or because of temporary or permanent mental or physical incapacity.
- d) Sexual Assault with an Object, defined as respondent's use of an object or instrument to unlawfully penetrate, however slight, the genital or anal opening of the body of the complainant, without the consent of the complainant, including instances where the complainant is incapable of giving consent because of their age or because of their temporary or permanent mental or physical capacity.
- e) Fondling, defined as the touching of the private body parts of another person (buttocks, groin, breast) for the purpose of sexual gratification, forcibly and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- f) Incest, defined as non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by North Carolina law.

g) Statutory Rape, defined as non-forcible sexual intercourse with a person who is under the statutory age of consent of 16.

DATING VIOLENCE, defined as

- a) Violence committed by a person;
- b) Who is or has been in a social relationship of a romantic nature or intimate nature with the victim; and
- c) Where the existence of such a relationship shall be determined based on a consideration of the following factors
 - a. The length of the relationship;
 - b. The type of relationship;
 - c. The frequency of interaction between the persons involved in the relationship.

DOMESTIC VIOLENCE, which is defined as

- a) Felony or misdemeanor crimes committed by a person who:
 - a. Is a current or former spouse or intimate partner of the victim under

the family or domestic violence laws of North Carolina, or a person similarly situated to a spouse of the victim;

- b. Is cohabitating or has cohabitated with the victim as a spouse or intimate partner;
- c. Shares a child in common with the victim; or
- d. Commits acts against a youth or adult who is protected from those acts under the family or domestic violence laws of North Carolina.

STALKING, which is defined as

- a) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - a. Fear for the person's safety or the safety of others; or
 - b. Suffer substantial emotional distress.

PROCEDURES

Under the Procedures heading, it should read: Lenoir-Rhyne University's procedures for reports of sex/gender misconduct are detailed fully at: lr.edu/titleix.

INTAKE

The Complainant may make a report to any Mandatory Reporter, who will be obligated to report the conduct to the Title IX Coordinator. The Title IX Coordinator will reach out to the Complainant and provide information on supportive measures, resources, and options available to address the conduct. The formal grievance process is private. The University will protect the privacy of the parties consistent with federal law.

INVESTIGATIONS

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

DECISION-MAKING

The single Decision-maker will have the opportunity to question the Investigator and the parties during either a Hearing or Review Meeting. The parties will be given the opportunity to make statements to the single Decision-maker. Only the single Decision-maker will ask the parties questions during a Review Meeting.

STANDARD OF EVIDENCE

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

PRIOR SEXUAL HISTORY

Evidence about the Complainant's sexual interests or prior sexual conduct, unless that evidence is offered to prove that someone

other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to the alleged conduct at issue in the Formal Complaint, is prohibited.

FINAL DETERMINATION

The single Decision-maker will provide a written decision on each allegation within the investigation report. This written decision will include a description of the alleged Policy violation, information about the policies and procedures used to evaluate the allegations, the Decision-maker's evaluation of the evidence, the Decision-maker's determination about whether a Policy violation occurred, any sanctions imposed, and a summary of the appeal's procedures.

RISK REDUCTION

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

REDUCING THE RISK OF VICTIMIZATION

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

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

- Show your potential partner respect if you are in a position of initiating sexual behavior.
- If a potential partner says "no," accept it and don't push. If you want a "yes," ask for it, and don't proceed without clear permission.
- Clearly communicate your intentions to your potential sexual partners, and give them a chance to share their intentions and/or boundaries with you.

APPEALS

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

- Respect personal boundaries. If you are unsure what's okay in any interaction, ask.
- Avoid ambiguity. Don't make assumptions about consent. If you have questions or are unclear, you don't have consent.
- Don't take advantage of the fact that someone may be under the influence of drugs or alcohol, even if that person chose to become that way.
- Recognize when your potential partner is giving you mixed messages. This should be an indication to stop and communicate about what both of you want to happen.
- Do not assume that someone's silence or passivity is an indication of consent. Pay attention to verbal and non-verbal signals to avoid misreading intentions.
- Understand that consent to one type of sexual behavior does not automatically grant consent to other types of sexual behaviors.
- Understand that exerting power and control over another through sex is unacceptable conduct.

YOUR RIGHTS

- To be treated fairly and with respect by University officials.
- To be free from retaliation
- To have access to University resources and supportive measures
- To have an advisor of your choice accompany you through all aspects of the process, including
 - During an interview, Review Meeting, or Hearing (Under the 2020 Policy)
 - Private consultation with the party during interviews, Review Meetings, or Hearing;
 - Assistance with the party's exercise of any right during the resolution process
- A fair and impartial investigation
- Equitable treatment of Complainants and Respondents by the University which includes;
 - Providing remedies to a Complainant where a determination of responsibility has been made against the Respondent, and by using procedures that comply with Title IX and University Policies when investigating and resolving allegations of Prohibited Conduct before the imposition of any sanctions or other actions that are not Supportive Measures against a Respondent (remedies must be designed to restore or preserve equal access to the University's education program or activity)
 - Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence; and
 - Apply any provisions, rules, or practices used to investigate and resolve complaints under the Policies equally to all parties.
- A resolution process that is prompt and equitable and provides an opportunity for the parties to be heard;

- Timely written notice of:
 - The reported violation, including the date, time, and location of the alleged conduct and range of potential sanctions associated with the alleged violation
 - The party's rights and responsibilities under the University's policies and procedures and information regarding other civil and criminal options
 - The date, time, and location of each hearing, meeting, or interview that the party is required or permitted to attend
 - A final determination made by the Decision-maker regarding whether a policy violation occurred and the basis for the determination;
 - Any sanction imposed, as permitted by law; and
 - The party's rights to appeal and a description of the appeal process.
- Participation in the Resolution Process, including;
 - Access to the case file and evidence regarding the incident obtained by the University during the investigation or considered by the Decision-maker;
 - The opportunity to provide testimony to the Decision-maker at a Review Meeting or Hearing
 - The ability to submit evidence, witnesses, and suggested specific questions posed to the other party involved in the Resolution Process by the investigator or Decision-maker;
 - To provide and review testimony electronically;
 - To review and provide written responses to reports and proposed findings; and
 - The ability to appeal a determination

UNIVERSITY RESPONSE

SUPPORTIVE MEASURES

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

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

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

POTENTIAL REMEDIES FOLLOWING ADJUDICATION OF REPORT

Potential Sanctions for **Students** Found in Violation of Sex/Gender Non-Discrimination and Anti-Retaliation Policy:

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

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

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

RESOURCES & PROGRAMS

TITLE IX COORDINATOR

Hickory Campus:

Leah Reynolds, Ed.D.

Title IX Coordinator

Lineberger 104

leah.reynolds@lr.edu or

828.328.7040

DEPUTY TITLE IX COORDINATORS

Revonda Reed

Assistant Vice President and Director of Human Resources

Hickory Campus

revonda.reed@lr.edu

828.328.7387

Harry Titus, Ed.D.

Dean of Students, Assistant Vice President of Student Affairs

Hickory Campus

harry.titus@lr.edu

828.328.7246

CONFIDENTIAL RESOURCES

Hickory Campus:

All Counselors, Interns, and Practicum Students in Cornerstone Counseling

To connect with a counselor, call 828.328.7959

The Rev. Todd Cutter

University Pastor, Director of Spiritual Life and Director of Counseling Services

todd.cutter@lr.edu

828.328.7373

Mary Fran Sears

Physician Assistant

Maryfran.sears@lr.edu

828.328.7959

Asheville Campus:

The Rev. Elizabeth Rawlings

revelizabethrawlings@gmail.com

206.919.8584

HICKORY CAMPUS AND LOCAL RESOURCES

Student Health Center

828.328.7959

Public Safety

Business Hours

at 828.328.7145;

828.328.7146 (24/7)

Hickory Police Department Non-Emergency

24/7 at 828.328.5551

Family Guidance Center

828.322.1400

fgcservices.com

Sexual Assault Crisis Line:

828.302.6952

Domestic/Dating Violence

Crisis Line: 828.228.1787

Women's Resource Center

828.322.6333

wrchickory.org

COLUMBIA CAMPUS AND LOCAL RESOURCES

Public Safety

Business Hrs: 803.461.3268

After Hours: 828.303.6640

Columbia Police

Department 803.545.3500

ASHEVILLE CAMPUS AND LOCAL RESOURCES

Asheville Police Department

828.252.1110

Helpmate Domestic Violence Services

828.254.0516 (hotline)

helpmateonline.org

Our Voice

828.255.7576 (crisis line)

ourvoicenc.org

NORTH CAROLINA STATE-WIDE RESOURCES

North Carolina Coalition Against Sexual Assault

919.871.1015

nccadv.org

North Carolina Coalition Against Domestic Violence

919.956.9124

nccadv.org

North Carolina Victim Assistance Network

800.348.5068 (toll free)

919.831.2857

nc-van.org

North Carolina Legal Aid

Toll Free:

866.219.5262

legalaiddnc.org

SOUTH CAROLINA STATE-WIDE RESOURCES

Domestic Abuse Center for Richland County

803.791.1322

domesticabusecenter.net

South Carolina Victim Assistance Network

803.750.1200

scvan.org

NATIONAL HOTLINES

Sexual Assault

800.656.4673

rainn.org

Domestic Violence

800.799.7233

Live chat online:

thehotline.org

SEXUAL ASSAULT

South Carolina Coalition Against Domestic Violence and Sexual Assault

803.256.2900

scadvasa.org

Pathways to Healing

803.790.8208

Hotline: 803.771.7273

stsm.org

PROGRAMS

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

BYSTANDER INTERVENTION PROGRAM: LR offers bystander intervention programming to all new students in an effort to ensure that each member of the campus community

is invested in creating a safe campus environment for themselves and others. Program participants are instructed on safe options for preventing harm and intervening when a risk of sex/gender discrimination and misconduct exists.

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

LR NOTICE OF NON-DISCRIMINATION

lr.edu/title-ix

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