

## Allen University's Annual Security Report 2022



### Overview

The Allen University Campus Police Department is the campus law enforcement service agency for the campus and those areas under the university's authority. All the officers in the department have been entrusted with the duty and responsibility to serve and protect the Allen University campus and the surrounding community. The campus police officers are duly sworn state constables with statewide arrest authority as established by the South Carolina Law Enforcement Division.

### Annual Report

Schools must publish an annual report every year by October 1st that contains 3 years of campus crime statistics and certain security policy statements including sexual assault policies which assure basic victims' rights, the law enforcement authority of campus police and where students should go to report crimes. The report is to be made available automatically to all current students and employees while prospective students and employees are to be notified of its existence and afforded an opportunity to request a copy. Schools can comply using the Internet so long as the required recipients are notified and provided the exact Internet address where the report can be found, and paper copies are available upon request. A copy of the statistics must also be provided to the U.S. Department of Education.

### Campus Police and Safety

In order to provide a safe, lawful, and orderly campus environment, Allen University employs trained police officers to help to protect the faculty, staff, students, and property of Allen University.

- ✓ The Campus Police Office is open 24 hours a day, 365 days a year.
- ✓ Campus Police secure the residence hall doors at 12:00 midnight. Entrance after closing will be permitted upon presentation of an Allen University ID to gain entry.
- ✓ Student parking in designated areas is permitted with a valid decal.
- ✓ The police patrol includes the residence halls and all Allen University property on and off campus.

## **Procedure for Reporting Incidents, Crimes and Emergencies**

The following procedures should be taken when reporting any incident, crime, suspicious behavior, or emergency immediately:

- ✓ If any of the above occurs in the residence halls, immediately contact the Residence Hall Director, Residence Hall Coordinator or Campus Police.
- ✓ If any of the above occurs on campus outside of the residence halls, contact Campus Police at (803) 223-4544 immediately.
- ✓ If any of the above occurs away from the campus, call 911 immediately.

## **Distribution**

Each student, faculty, and/or staff member at Allen University may request a copy of this information at any time. The information is also available on the Allen University website.

## **Department of Campus Police, Practices and Procedures**

The Allen University Campus Police Department falls within the Division of Student Affairs. The Campus Police officers derive law enforcement authority from the State of South Carolina and possess full arrest powers. They are empowered and mandated to enforce all federal, state, and local laws. All officers and supervisors are armed and must undergo annual firearms qualifications.

In addition to firearms, they also carry oleo-resin capsicum spray and a baton. Most of the college's campus facilities operate under an open concept, allowing freedom of movement for members of the college community. All buildings are secured at night, weekends, or whenever they are not in use. The department performs a variety of law enforcement duties, including investigation of criminal activity, apprehension of criminals, traffic enforcement, emergency response and special assignments. The officers' conduct foot and vehicle patrols of the campus, residence halls, and off campus areas 24 hours per day, seven days a week. The department also has a close working relationship with the Columbia Police Department, Richland County Sheriff's Department, and other surrounding police departments, thus giving the department a broader police authority on any property contiguous to the College.

## **Training**

Officers are mandated to successfully complete a comprehensive training program, approved by the Law Enforcement Training Advisory Council, at the South Carolina Criminal Justice Academy located in Columbia, South Carolina certifying officers as either a Class 1 or Class 3 BLE/Basic Law Enforcement

Campus Police Officer recruits are assigned to a field training officer and must complete five (5) more weeks of additional training. Police officers must also complete every three (3) years, 40

Continuing Law Enforcement education (CLEE) hours with one (1) legal update and CDV (Criminal Domestic Violence) presented by the academy, each year of the three (3) year period to maintain Basic Law Enforcement Certification.

## **Crime Statistics**

Each school must disclose crime statistics for the campus, unobstructed public areas immediately adjacent to or running through the campus, and certain non-campus facilities including Greek housing and remote classrooms. The statistics must be gathered from campus police or security, local law enforcement, and other school officials who have "significant responsibility for student and campus activities" such as student judicial affairs directors. Professional mental health and religious counselors are exempt from reporting obligations but may refer patients to a confidential reporting system which the school has to indicate whether it has such a reporting mechanism.

Crimes are reported in the following categories:

### **Murder/Non-negligent manslaughter**

The willful (non-negligent) killing of one human being by another.

### **Manslaughter by Negligence**

The killing of another person through gross negligence.

### **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.

### **Incest**

Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

### **Statutory Rape**

Sexual intercourse with a person who is under the statutory age of consent.

### **Robbery**

The 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**

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied using a weapon or by means likely to produce death or great bodily harm.

**Burglary**

The unlawful entry of a structure to commit a felony o/r a theft.

**Motor vehicle theft**

The theft or attempted theft of a motor vehicle.

**Arson**

Any 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.

**Liquor Law Violations:** The violations of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages.

**Drug Law Violations:** The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, importation of any controlled drug or narcotic substance.

**Weapon Law Violations:** The violation of laws or ordinances prohibiting the manufacture, sale, purchase, possession, transportation, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons.

Schools are also required to report the following three types of incidents if they result in either an arrest or disciplinary referral: 1.) Liquor Law Violations; 2.) Drug Law Violations; and 3.) Illegal Weapons Possession. If both an arrest and referral are made only the arrest is counted.

The statistics are also broken down geographically into "on campus," "residential facilities for students on-campus," non-campus buildings, or "on public property" such as streets and sidewalks. Schools can use a map to denote these areas. The report must also indicate if any of the reported incidents, or any other crime involving bodily injury, was a "hate crime."

**This information is furnished in compliance with the Clery Act (the Student Right-To-Know and Campus Security Act of 1990). Reports listed below do not necessarily mean that a crime occurred or that arrests and/or convictions resulted.**

Criminal offense	Total occurrences on campus		
	2019	2020	2021
a. <u>Murder/Non-negligent manslaughter</u>	0	0	0
b. <u>Manslaughter by Negligence</u>	0	0	0
c. <u>Rape</u>	0	0	0
d. <u>Fondling</u>	0	0	1
e. <u>Incest</u>	0	0	0
f. <u>Statutory rape</u>	0	0	0
g. <u>Robbery</u>	0	0	0
h. <u>Aggravated assault</u>	1	1	0
i. <u>Burglary</u>	0	0	0
j. <u>Motor vehicle theft</u>	0	0	0
k. <u>Arson</u>	0	0	0





### Fire Drills and Safety Procedures

In accordance with state law and for the safety of the students, fire drills will be conducted at each residence hall various times throughout the semester. All persons must vacate the buildings during the drills and remain outside until instructed to return by residence hall staff. Evacuation procedures will be posted in each residence hall. Smoke detectors are in each room and fire extinguishers are located on each floor of the residence hall.

The possession of candles, incense, and other open flame products or materials, which are inherently fire hazards, are prohibited. Residents are advised to keep a flashlight on hand in the event of an extended power failure. Any violation of the Student Code of Conduct may result in a sanction that may result in restitution, warning, probation, and suspension/expulsion.

### Fire statistics

Summary of Fires									
Name of Facility	2019			2020			2021		
	Fires	Injuries	Deaths	Fires	Injuries	Deaths	Fires	Injuries	Deaths
Coppin Hall	0	0	0	0	0	0	0	0	0
Preston W. Williams II Dormitory	0	0	0	0	0	0	0	0	0
Deloris W. Williams Dormitory	0	0	0	0	0	0	1	0	0
Reid Hall	0	0	0	0	0	0	0	0	0
Richard Allen Apt.	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0

On March 7, 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013 (VAWA) (Pub. Law 113 -4), which, among other provisions, amended section 485(f) of the Higher Education Act of 1965, otherwise known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).



These changes to the Clery Act Regulations require institutions to collect and report information regarding incidents of dating violence, domestic violence, sexual assault, and stalking that occur on an institution's Clery Geography and are reported to a Campus /Police /Security Authority or to local law enforcement agencies. This requirement also empowers institutions to disclose statistics of such incidents in their Annual Security Reports (ASRs) and the Campus Safety and Security Survey and to maintain credible documentation that substantiates the institution's crime statistics. The below statistics are provided below in compliance of this new regulation.

Hierarchy Rule: the requirement in the FBI's UCR program that, for purposes of reporting crimes in that system, when more than one criminal offense is committed during a single incident, only the most serious offense is to be included in the institution's Clery Act statistics.

Larceny-theft, simple assault, intimidation, and destruction, damage, or vandalism of property, and of other crimes involving bodily injury to any person, in which the victim is intentionally selected because of the actual or perceived race, gender, religion, national origin, sexual orientation, gender identity, ethnicity, or disability of the victim that are reported to campus security authorities or local police agencies, which data shall be collected and reported according to category of prejudice (Hate Crime).

Domestic violence, dating violence, and stalking incidents that were reported to campus security authorities or local police agencies, which data shall be collected and reported according to category of VAWA.

Allen University reports of stalking by complainant reports. Stalking activities in more than one calendar year or in more than one location within the institution's Clery Act-reportable areas will be recorded as separate occurrences. The Chief of Police will determine when to report a new crime of stalking involving the same victim and perpetrator.

Situations in which an individual is a victim of a sex offense and a murder during the same incident will be included in both categories under Allen University.

For purposes of reporting the statistics with the crimes described below, an institution of higher education shall distinguish, by means of separate categories, any criminal offenses that occur.

1. The terms "dating violence", "domestic violence", and "stalking" have the meaning given such terms in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).
2. The term "campus" means: (I) any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and (II) property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is used by students, and supports institutional .

3. The term “on campus building or property” means: (I) any building or property owned or controlled by a student organization recognized by the institution; and (II) any building or property (other than a branch campus) owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution’s educational purposes, is used by students, and is not within the same reasonably contiguous geographic area of the institution.
- 4.
5. The term “public property” means all public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the University’s education purpose.
  
6. The term “sexual assault” means an offense classified as a forcible or nonforcible sex under the FBI UCR.

## **Definitions**

Offenses prohibited under Allen University policy include but are not limited to sex discrimination (including sexual orientation discrimination and gender identity or gender expression discrimination), sexual harassment, sexual violence to include non-consensual sexual contact, non-consensual sexual intercourse, sexual coercion, domestic/dating violence, stalking, and sexual exploitation.

**A. Sex Discrimination:** includes sexual harassment and is defined as conduct directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment that adversely affects their employment or education, or institutional benefits, on account of sex or gender (including sexual orientation, gender identity, and gender expression discrimination). It may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

**B. Sexual Harassment:** Sexual harassment is a form of sex discrimination. Sexual harassment is unwelcome and discriminatory speech or conduct undertaken because of an individual’s gender or is sexual in nature and is so severe, pervasive, or persistent, objectively and subjectively offensive that it has the systematic effect of unreasonably interfering with or depriving someone of educational, institutional, or employment access, benefits, activities, or opportunities. Students, employees, and visitors who are subject to or who witness unwelcome conduct of a sexual nature are encouraged to report the incident(s) to the Title IX Officer or any Allen University employee.

**1. Hostile Environment:** Sexual Harassment includes conduct that is sufficiently severe, pervasive, or persistent, objectively and subjectively offensive that it alters the conditions of

education or employment or institutional benefits of a reasonable person with the same characteristics of the victim of the harassing conduct. Whether conduct is harassing is based upon examining a totality of circumstances, including but not limited to:

- The frequency of the conduct;
- The nature and severity of the conduct;
- Whether the conduct was physically threatening;
- Whether the conduct was deliberate, repeated humiliation based upon sex;
- The effect of the conduct on the alleged victim's mental or emotional state from the perspective of a reasonable person;
- Whether the conduct was directed at more than one person;
- Whether the conduct arose in the context of other discriminatory conduct;
- Continued or repeated verbal abuse of a sexual nature, such as gratuitous suggestive sexually explicit jokes;
- Whether the speech or conduct deserves constitutional protections.

**2. Quid Pro Quo Sexual Harassment** exists when individuals in positions of authority over the complainant:

- Make unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature and;
- Indicate, explicitly or implicitly, that failure to submit to or the rejection of such conduct will result in adverse educational or employment action or where participation in an educational program or institutional activity or benefit is conditioned upon the complainant's submission to such activity.

#### **Examples of Harassment:**

- An instructor insists that a student have sex with him/her in exchange for a good grade. **This is harassment regardless of whether the student agrees to the request.**
- A student repeatedly sends sexually oriented jokes around in an email list him or her
- created, even when asked to stop, causing one recipient to avoid the sender on campus
- and in the dorms in which they both live.
- The instructor probes for explicit details, and demands that students respond to him or
- her, though they are clearly uncomfortable and hesitant.
- An ex-girlfriend widely spreads false stories about her sex life with her former boyfriend
- to his clear discomfort.

3. **Sexual Violence** refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (*e.g.*, due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). Several different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual violence can be carried out by school employees, other students, or third parties.
4. **Non-Consensual Sexual Contact** is any intentional touching, however slight, whether clothed or unclothed, of the victim's intimate body parts (primarily genital area, groin, inner thigh, buttock or breast) with any object or body part, without consent and/or by force. It also includes the touching of any part of a victim's body using the perpetrator's genitalia and/or forcing the victim to touch the intimate areas of the perpetrator or any contact in a sexual manner even if not involving contact of or by breasts, buttocks, groin, genitals, mouth or other orifice. This definition includes sexual battery and sexual misconduct.
5. **Non-Consensual Sexual Intercourse** is defined as any sexual intercourse or penetration of the anal, oral, vaginal, genital opening of the victim, including sexual intercourse or penetration by any part of a person's body or by the use of an object, however slight, by one person to another without consent or against the victim's will. This definition includes rape and sexual assault, sexual misconduct, and sexual violence.

**a) Rape:** 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. This definition includes any gender of victim or perpetrator. Sexual penetration means 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. This definition also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.

**b) Sexual Coercion** is the act of using pressure (including physical pressure, verbal pressure or emotional pressure), alcohol, medications, drugs, or force to have sexual contact against someone's will or with someone who has already refused. This includes rape, sexual assault, sexual exploitation and sexual misconduct.

6. **Dating violence** is violence between individuals in the following circumstances.

- The party 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 a consideration

of the following factors

- Length of the relationship
- Type of relationship
- Frequency of interaction between the persons involved in the relationship

**Domestic Violence** under Allen University policy means violence committed by a current or former spouse of the victim;

- A person with whom the victim shares a child in common;
  - A person who is cohabitating with or has cohabitated with the victim as a spouse;
  - A person similarly situated to a spouse of the victim under South Carolina domestic or family domestic violence laws
  - Any other person that commits an act against an adult or youth victim who is protected from that person's acts under South Carolina Domestic violence laws.
1. **Sexual Exploitation** occurs when a person takes non-consensual, unjust or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior may not otherwise constitute one of the other sexual misconduct offenses.
  2. **Stalking**, defined as repetitive and/or menacing pursuit, following, harassment and/or interference with the peace and/or safety of a member of the community or the safety of any of the immediate family members of the community.
  3. **Retaliation** is any attempt to penalize or take an adverse employment, educational or institutional benefit action, including but not limited to making threats, intimidation, reprisals or other adverse action, against a person because of participation in a complaint or the investigation of discrimination, sexual harassment or sexual misconduct.

## Consent

Consent is the act of willingly agreeing to engage in sexual contact or conduct. Individuals who consent to sex must be able to understand what they are doing. Under this policy, "No" always means "No," and the absence of "No" may not mean "Yes".

1. **Consent** is informed, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, if those words or actions create mutually understandable permission regarding the conditions of sexual activity.
2. Consent to one form of sexual activity cannot imply consent to other forms of sexual activity.
3. Previous relationships or consent does not imply consent to future sexual acts.
4. Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion. Coercion is unreasonable pressure for sexual activity.
5. In order to give effective consent, one must be of legal age and have the capacity to consent. Incapacity may result from mental disability, intellectual disability, unconsciousness/sleep, age, or use of alcohol, drugs, medication, and/or other substances. Consent given by someone who one should know to be, or based on the circumstances, reasonably should have

known to be, mentally or physically incapacitated, is a policy violation. Incapacitation is a state where someone cannot make rational, reasonable decisions because he or she lacks capacity to give knowing consent. Note: indications of consent are irrelevant if the initiator knows or should reasonably have known of the incapacity of the other person.

6. Examples of when a person should know the other is **incapacitated** include, but are not limited to:

- The amount of alcohol, medication or drugs consumed
- Imbalance or stumbling
- Slurred speech
- Lack of consciousness or inability to control bodily functions or movements or vomiting

Violence against women Offenses - On Campus

Crime	Total occurrences On Campus		
	2019	2020	2021
a. <u>Domestic violence</u>	0	0	0
b. <u>Dating violence</u>	0	0	0
c. <u>Stalking</u>	0	0	0

Violence against women Offenses - On-campus Student Housing Facilities

Crime	Total occurrences in On-campus Student Housing Facilities		
	2019	2020	2021
a. <u>Domestic violence</u>	0	0	0
b. <u>Dating violence</u>	0	0	0
c. <u>Stalking</u>	0	0	0

Violation against women Offenses – Non campus

Crime	Total occurrences in or on Non campus buildings or property		
	2019	2020	2021
a. <u>Domestic violence</u>	0	0	0
b. <u>Dating violence</u>	0	0	0
c. <u>Stalking</u>	0	0	0

Violence against women Offenses - Public Property

Crime	Total occurrences on Public Property		
	2019	2020	2021
a. <u>Domestic violence</u>	0	0	0
b. <u>Dating violence</u>	0	0	0
c. <u>Stalking</u>	0	0	0

### Access to Timely Information

Schools are also required to provide "timely warnings" and a separate more extensive public crime log. It is these requirements which are most likely to affect the day to day lives of students. The timely warning requirement is somewhat subjective and is only triggered when the school considers a crime to pose an ongoing "threat to students and employees" while the log records all incidents reported to the campus police or security department.

Timely warnings cover a broader source of reports (campus police or security, other campus officials, and off-campus law enforcement) than the crime log but are limited to those crime categories required in the annual report. The crime log includes only incidents reported to the campus police or security department but covers all crimes not just those required in the annual report, meaning crimes like theft are included in the log. State crime definitions may be used.

Schools that maintain a police or security department are required to disclose in the public crime log "any crime that occurred on campus...or within the patrol jurisdiction of the campus police or the campus security department and is reported to the campus police or security department." The log is required to include the "nature, date, time, and general location of each crime" as well as its disposition if known. Incidents are to be included within two business days, but certain limited information may be withheld to protect victim confidentiality, ensure the integrity of ongoing investigations, or to keep a suspect from fleeing. Only the most limited information necessary may be withheld and even then, it must be released "once the adverse effect...is no longer likely to occur." The log must be publicly available during normal business hours. This means that in addition to students and employees the general public such as parents or members of the local press may access it. Logs remain 60 days and subsequently must be available within 2 business days of a request. Allen University has launched the Yellow Jacket RAVE campus messenger system for the campus community. Campus-wide alerts, breaking news and severe weather information can be distributed through this system. All students are encouraged to register for this service. Go to <http://alerts.allenuniversity.edu> or [www.getrave.com](http://www.getrave.com) and create your account.

### Missing person policy

After investigating the missing person report, should the Allen University Police Department determine that the student is missing, and has been missing for more than 24 hours, the Allen University Police Department will notify the student's missing person contact, no later than 24 hours after the student is determined to be missing. If the missing student is under the age of 18 and is not an emancipated individual, the Allen University Police Department will notify the student's parent or legal guardian within 24 hours after making the determination that the student has been missing

for 24 hours. As required by law, the Allen University Police Department, regardless if the missing student is over the age of 18, or is an emancipated minor, will inform the local law enforcement agency with jurisdiction in the area the student was reported missing, of any missing student in order to inform them that the Allen University Police Department has conducted an initial investigation and has determined that a student is missing.

This notification will be made no later than 24 hours after the student is determined to be missing. In addition to registering an emergency contact, students residing in on-campus housing have the option to identify, confidentially, an individual to be contacted by Allen University in the event the student is determined to be missing for more than 24 hours. Students who wish to identify a confidential contact can do so through the Office of Residence Life. This confidential contact information will be accessible only to authorize campus officials and law enforcement and it will not be disclosed outside of a missing person investigation.

### **Policy on Sexual Assault**

No student shall participate or engage in sexual harassment or assault of another student, faculty or staff. Allen University complies with Title IX.

**Criminal Sexual assault** is any act that constitutes a sexual assault or interpersonal violence of another person will not be tolerated and is a violation of the university's code of conduct and may result in sanctions ranging from probation to expulsion. Disciplinary action on the part of the university does not preclude the possibility of criminal charges against the individual.

**Sexual Harassment** is unwanted or offensive sexual behavior that has the purpose or effect of creating a hostile or stressful living, learning, or working environment, or whenever toleration of such conduct or rejection of it is the basis for a personnel or academic decision affecting an individual. Examples of behavior that may constitute sexual harassment include, but are not limited to, sexual advances, any form of retaliation or threat of retaliation against an individual who rejects such advances, sexual epithets, jokes, or comments, comment or inquiry about an individual's body or sexual experiences, unwelcome leering, whistling, brushing against the body, sexual gestures, and displaying sexually suggestive images. A single incident of sexual assault or other serious sexual misconduct may be sufficiently severe to constitute sexual harassment. Disciplinary action includes suspension or expulsion, civil and possible criminal sanctions.

As members of the university community, all individuals are expected to comply with and abide by university policies and guidelines, including Title IX, federal, state, and local laws, whether on-campus or off campus.

**Sexual Violence** may include the following sanction on the student(s) found responsible.

**Expulsion** – Termination of student status for an indefinite period. The conditions for readmission, if any, shall be stated in the hearing outcome letter. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student's record in the Registrar's Office. If a transcript is requested, a letter will be sent with the transcript to the requesting party/institution stating the student has been expelled for conduct reasons. Only unofficial transcripts will be released to the student directly. Expulsion becomes a permanent part of a student's conduct record. Any refund of tuition



or fees will be subject to university's normal withdrawal policy. Expulsion should be reserved and used only in cases involving the most severe instances of misconduct.

The complainant has the right to be informed of the outcome. Both parties will be notified in writing by certified mail within five business days after the hearing at the same time. Both parties have the right to appeal the decision reached through the hearing proceedings within five days after the hearing.

### **Allen University Official /Designee**

The designation of an Allen University official responsible for prescribed actions shall automatically include the official's designee in instances where an official is unable, unavailable or has concluded that the official may have a conflict of interest that causes the official to recuse from involvement in the matter. The official's designee shall have the same authority as the official in matters involving this policy.

### **Recordkeeping Protocol**

Allen University will document all reports and complaints of sex discrimination and provide copies of those reports to the Title IX Officer. Title IX Office will maintain a secured electronic file system of all Title IX cases, reports, and complaints by academic year. The cases will include all information related to the individual case, which includes but is not limited to the initial complaint, letters sent to all parties, response from the respondent, immediate assistance, investigation notes, mediation agreement if applicable, notice of a hearing, committee selection, hearing notes, hearing decision, written notice of the outcome. The time period to maintain the case records will be indefinitely. The confidential reporting of the number of incidents and types will be sent to Allen University Police for the preparation of the Annual Crimes Report.

### **Prevention and Education**

#### **A. Education**

Allen University requires all employees to take the following education training courses on an annual basis. Employees may be required to be recertified on demand. Failure to have a certification of this required training may result in appropriate disciplinary action. Additional in-person trainings are also offered periodically and on request.

#### **B. Bystander Intervention**

If you witness a policy violation, or behaviors that may lead to a policy violation, there are a variety of things you can do as a bystander:

- Divert the intended victim (e.g., "help me out of here; I don't feel well")
- Distract the perpetrator (e.g., "looks like your car is being towed")
- Delegate to a person of authority (e.g., if at a night club let the bartender/bouncer know of the situation)

- Direct, confront the perpetrator (e.g., “don’t speak to him/her in that manner; you are going to get yourself into trouble”)

### **C. Risk Reduction Tips**

Risk reduction tips can often take a victim-blaming tone, even unintentionally. With no intention to blame victims, and with recognition that only those who commit sexual violence are responsible for those actions, these suggestions may nevertheless help you reduce your risk of experiencing a non-consensual sexual act.

- Make your limits known as early as possible.
- Be aware of your alcohol intake. Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
- Take care of your friends or colleagues and ask that they take care of you.

### **D. Potential Aggressor**

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you reduce your risk for being accused of sexual misconduct:

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- Understand and respect personal boundaries.
- **DON’T MAKE ASSUMPTIONS** about consent; about someone’s sexual availability; about whether they are attracted to you; about how far you can go; or about whether they are physically and/or mentally able to consent.
- If there are any questions or ambiguity, then you **DO NOT** have consent.
- Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. You must respect the timeline for sexual behaviors with which they are comfortable.
- Don’t take advantage of someone’s drunkenness or drugged state, even if they did it to themselves.
- Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size.
- Don’t abuse that power. Understand that consent to one form of sexual behavior does not automatically imply consent to other forms of sexual behavior.
- Silence and passivity cannot be interpreted as an indication of consent.
- Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

## **Training**

Training on sexual misconduct, discrimination, harassment, and violence is included in the Allen University (Human Resources) orientation and training program.

In-person training for student groups and students will be conducted through a variety of presentations, student orientation programs, and other meetings. In-person training for Active Bystander Intervention skills may include on-going campus campaigns and information at a variety of events concerning the policy and appropriate behaviors. An informational website and brochures devoted to educating students will be presented at prevention workshops.

Mandatory training for employees will be provided through in-person training on sexual misconduct, discrimination, harassment, and violence and mandatory reporting through new employee orientations and other periodic training opportunities and upon request. In-person training for Active Bystander Intervention skills may include ongoing campus campaigns and information at a variety of events that concerns the policy and appropriate behaviors, including Bystander Intervention. Informational website and brochures devoted to educating employees will be available for distribution.

## **Retaliation**

Federal civil rights laws, including Title IX, make it unlawful to retaliate against an individual for the purpose of interfering with any right or privilege secured by these laws. This means that if an individual brings concerns about possible civil rights problems to a school's attention, including publicly opposing sexual violence or filing a sexual violence complaint with the school or any state or federal agency, it is unlawful for the school to retaliate against that individual for doing so. It is also unlawful to retaliate against an individual because he or she testified, or participated in any manner, in an OCR or school's investigation or proceeding. Therefore, if a student, parent, teacher, coach, or other individual complains formally or informally about sexual violence or participates in an OCR or school's investigation or proceedings related to sexual violence, the school is prohibited from retaliating (including intimidating, threatening, coercing, or in any way discriminating against the individual) because of the individual's complaint or participation.

## **Disciplinary Sanctions**

Disciplinary sanctions are imposed to protect the college community from inappropriate behaviors that are detrimental to the educational process and to assist students in identifying acceptable parameters of their activities, as well as the consequences of their behavior. The severity of the sanctions may range from a disciplinary warning to expulsion depending upon the severity and/or frequency of the violation. The Judiciary Committee evaluates each case on an individual basis. Under the law, the accused is afforded the right to "due process." Both the accused and the accuser are entitled to have others present during campus disciplinary proceedings and shall be informed of the outcome of any such proceedings.

## **Emergency Response and Behavioral Intervention Team**

The university has an established Behavioral Intervention Team which includes a representative from the Campus Police, the Vice President for Student Affairs, Residential Hall Directors, Counseling Services, and other staff. The Behavioral Intervention Team will respond to emergencies that pose a threat to students, faculty, and staff at the University. Any additional notification will include the use of email. Each student is *required* to use their campus issued email address. Each student is also encouraged to sign up for the RAVE Emergency Notification System.

## **STUDENT CODE OF CONDUCT**

The Allen University Code of Conduct to which students must adhere describes the behavior expected of a student, both as an individual and as an ambassador of the University. This Code of Conduct applies to student organizations and each student who is enrolled, whether a residential or day student, on campus or off, during or between semesters.

Allen University students are expected to show proper respect to university faculty, staff, and administrators and maintain democratic, friendly attitudes towards their fellow students. A student who willfully violates this Code of Conduct will be subject to sanctions suited to the circumstances.

The following statements constitute the official record of all general conduct policies and regulations at Allen University. Students are expected to abide by these regulations and staff and administrators are expected to enforce them. These regulations should be read broadly and are not designed to define prohibitive conduct in exhaustive terms.

Additional policies and regulations may be promulgated during the year. Announcements will be made upon adoption of the changes or additions.

### **Violations**

Violations of the Student Code of Conduct sections listed below could lead to separation (suspension, expulsion, or civil and criminal procedures) from the University, dismissed from the University.

### **Destruction of Property**

No student shall willfully or maliciously deface, mutilate, burn, destroy or otherwise damage a dwelling place, building or property on university premises; nor shall any student willfully conceal, mutilate, or destroy any property belonging to another student. Subject to suspension, expulsion, or civil and criminal procedures.

### **Civil Offenses**

This applies to all students enrolled at the university. If applicable, appropriate sanctioning will be administered and a notation that the student was withdrawn for disciplinary reasons will be placed on his/her transcript All sanctions can be imposed administratively.

### **Arson**

No student shall set or cause to be set any fire that has the potential for jeopardizing lives or destroying University property; nor shall a student possess, sell, furnish, or use any incendiary or explosive device on campus; nor shall a student tamper with any fire equipment or make or cause to be made a false alarm. Organizations which commit offenses against local, state, or federal laws are subject to prosecution by those authorities and will be subject to university conduct action when their conduct violates the University Student Code of Conduct.

### **Group Assault**

No student shall inflict any act of violence through a mob, gang affiliation or group of students. Students perpetrating these acts will be subject to suspension or expulsion without hearing or appeal.

### **Disorderly Conduct**

No student shall verbally assault any member of the faculty, administration, staff, visitors to campus or other members of the student body; nor shall a student behave in a disorderly manner so as to cause a breach of the peace on university premises or at any of the functions sponsored or supervised by the University. Students perpetrating these acts will be subject to social probation or suspension.

### **Disruptive Behavior**

No student shall behave in a manner that is disruptive to the lives of other individuals and of the University intending to or having the effect of limiting the ability of any individual or the University to perform functions or assigned duties effectively. Subject to social probation or suspension.

### **Profanity/Abusive Language**

No student shall use profanity or abusive language. Students will be subject to social probation or suspension.

### **Disregard for Authority**

No student shall disregard directions or requests of any University official. Student(s) will be subject to social probation or suspension.

### **Excessive Noise**

No student shall use excessively loud noise or noisy speech on university premises. Students will be subject to disciplinary procedures.

### **Forgery**

No student shall forge someone else's signature for any purpose. Student(s) will be subject to disciplinary procedures.

### **Fraud**

No student shall deliberately deceive another individual or the University to secure unfair or unlawful gain. Subjective to disciplinary procedures.

### **Defamation**

No student shall make false statements regarding another individual or the University. Subjective to

disciplinary procedures.

### **Gambling**

No student shall engage in games of chance or skill for money or property. Subjective to disciplinary procedures.

### **Hazing**

No student shall participate in any form of hazing on or off campus. Subjective to suspension, expulsion, and criminal procedures.

### **Public Indecency**

No student shall engage in lewd sexual acts in public which includes, but not limited to, exposure of sexual organs, indecent caressing or fondling of oneself or others, or appearance in a state of partial or complete nudity. Subjective to social probation and suspension.

### **Sexual Activity**

No student shall engage in any sexual activity, heterosexual or homosexual, on campus. Subjective to disciplinary procedures.

### **Plagiarism**

No student shall plagiarize or represent as one's owned ideas or words of someone else. Subjective to disciplinary procedures.

### **Sale of Property**

No student shall sell any property that does not belong to him/her. Subjective to suspension or criminal procedures.

### **Theft or Misappropriation**

No student shall seize, receive or conceal property without the knowledge of the property's owner. Subjective to suspension, expulsion, or civil and criminal procedure

### **Acts of Violence:**

#### **Allen University Policy on Acts of Violence**

There will be **zero tolerance** for any act of violence to include any act whereby a student strikes another student, faculty member or any employee of the University. Such an act will be punishable immediate suspension.

#### **Policy on Weapons**

Weapons of any sort are prohibitive on the University property. Subjective to suspension or expulsion. The suspension/expulsion will not be subject to a committee hearing or deliberation; therefore, appeals are not granted.

#### **Policy on Smoking**

No student shall smoke on university premises. Subjective to discipline procedures.

## **Policy on Drugs**

No student should possess, manufacture, sell, distribute, or use narcotics, barbiturates, amphetamines, LSD, or other hallucinogens or any other drugs classified as illegal, dangerous or controlled substances by local, state or federal statutes and regulations, unless prescribed for that student by a medical doctor. Subjective to expulsion and criminal procedures. Expulsion will not be subject to a committee hearing or deliberation; therefore, appeals are not granted.

## **Alcohol Policy**

No student should possess, consume or be in the presence of any alcoholic beverage while on campus or while representing the University off-campus. No student shall entertain any guest who possesses any alcoholic beverage on campus; nor shall alcoholic beverage containers be used for decoration in the residence hall. Subjective to social probation or suspension.

## **Smoke Free and Tobacco Free Campus Policy at Allen University**

### **Statement of Purpose**

This policy will promote a safe and healthy environment at the University. The purpose of the policy consists of the following: (1) protect the public health and welfare by prohibiting smoking and the use of tobacco products on the campus of the University, (2) guarantee the right of nonsmokers to breathe smoke free air, while recognizing that the need to breathe smoke free air shall have priority over the desire to smoke, and (3) encourage a healthier, more productive living and learning environment for all students, staff, and faculty at Allen. The provisions of this policy apply 24 hours a day, seven days a week to all students, staff, faculty, guests, visitors, volunteers, contractors and vendors.

### **Definitions**

“E-cigarette” means any electronic oral device, such as one composed of a heating element, battery, and/or electronic circuit, which provides a vapor of nicotine or any other substances, and the use or inhalation of which simulates smoking.

“Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, including a hookah pipe, or any other lighted or heated tobacco or plant product, including marijuana, intended for inhalation, in any manner or in any form.

“Tobacco Product” means any substance containing tobacco leaf, including but not limited to, cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, blunts, clove cigarettes, or any other preparation of tobacco.

“Tobacco Related” applies to the use of a tobacco brand or corporate name; trademark, logo, symbol, or motto; selling message; recognizable pattern or colors; or any other product identical to or similar to, or identifiable with, those used for any brand of tobacco products or company that manufactures tobacco products.

The University discourages the use of tobacco products by all covered individuals on properties adjacent to the campus.

## **Enforcement and Compliance**

- Students who use tobacco products on the campus will be reported to the Students Affairs Office. A second offense by a student will result in the mandatory attendance of a cessation workshop. A third offense by a student will result in a \$25.00 fine. Additional offenses will result in a \$50.00 fine and disciplinary action.
- Staff who use tobacco products on the campus will be reported to their immediate supervisor. A second offense by a staff member will result in the mandatory attendance of a cessation workshop. A third offense by a staff member will result in a \$25.00 fine. Additional offenses will result in a \$50.00 fine and disciplinary action by Human Resources.
- Faculty who use tobacco products on the campus will be reported to the Academic Affairs Office. A second offense by a faculty member will result in the mandatory attendance of a cessation workshop. A third offense by a faculty member will result in a \$25.00 fine. Additional offenses will result in a \$50.00 fine and disciplinary action by Human Resources.
- Guests/Visitors/Volunteers/Contractors/Vendors who use tobacco products on the campus will be reminded of the policy. If the violation of the policy continues then the incident will be reported to the Campus Police Department for enforcement purposes up to and including guests/volunteers/visitors/contractors/vendors being asked to leave the

## **Student Conduct Process**

The Student Conduct Process extends the proposition that “academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students, and the general well-being of society.”

As such, the University strives to maintain an educational community, which fosters the development of students who are ethically sensitive and responsible persons. Allen University strives to protect this educational community and to maintain social discipline among its students and student organizations. Consistent with its purposes, reasonable efforts will be made to foster the personal and social development of those students who are held accountable for violations of university social regulations.

Please note that third parties (lawyers, counselors, parents, cousins, etc.) are not allowed to participate in any of our internal judicial or student conduct processes of the University in maintaining social discipline. It describes the process to be followed when there is a violation of any part of this Code.

## **Authority and Responsibility**

Responsibility for good conduct rests with students as individuals. Student organizations have similar responsibilities for maintaining good conduct among their members and guests and at activities they sponsor. All members of the University community are expected to use reasonable judgment in their daily campus life and to show due concern for the welfare and rights of others.



The Vice President for Student Affairs is authorized and responsible for the total operation of the Student Code of Conduct system. This responsibility includes leading the formulation and implementation of rules, policies, and procedures governing student life. He/she provides oversight of the judicial procedures in cooperation with other appropriate University officials.

### **Student Non-Academic Grievance/Compliant and Appeal Process Policy Statement**

Allen University recognizes the importance of providing a prompt and efficient procedure for resolving non-academic grievances or appeals fairly and equitably. A non-academic grievance or appeal alleges discrimination by a university employee based on race, color, sex, religion, national origin, age, disability; it may also involve personal behavior or university policy.

Accordingly, students are encouraged to use the non-academic grievance or appeal process without fear of reprisal for initiating the process or for participating in its resolution. A non-academic grievance or appeal is an allegation by a student concerning (1) a university employee (from among the faculty, staff, or administration), (2) administrative policies, procedures, regulations, or requirements of the university, (3) actions impeding a campus climate of intellectual diversity; (4) student employment, or (5) a university program, service or activity. Students shall have the right to file a grievance and/or appeal according to established procedures.

### **Procedures**

The procedures below will be followed to resolve a non-academic grievance or appeal:

1. The student shall file a written grievance or complaint to the Office of the Vice President for Student Affairs about the action that forms the basis of the grievance. The complaint shall contain a clear and concise statement of the grievance, the remedies sought, and a request for a meeting and including further action to be taken, if any, shall be attached to the written grievance.
2. The respondent shall schedule a meeting with the student within ten class days of the filed grievance, complaint, or appeal to discuss the matter. A written reply by the respondent to the student indicating the results of the meeting and including further action to be taken, if any, shall be attached to the written grievance.
3. If the student is not satisfied with the results of the reply, and wants the grievance to be considered further, the student shall appeal in writing to the Vice President for Student Affairs to seek a resolution. This consultation must begin within ten (10) class days after the conclusion of the reply with the respondent. A written reply by the Vice President for Student Affairs to the student indicating the results of the meeting and including further action to be taken, if any, shall be attached to the written appeal.
4. The decision of the Vice President for Student Affairs shall become the final campus decision on the grievance or appeal. A written reply by the Vice President for Student Affairs to the student indicating the results of the meeting and including further action to be taken, if any, shall be attached to the written grievance or appeal. The student and appropriate university officials be attached to the written grievance or appeal. The student and appropriate university officials shall be notified in writing of the decision within ten class

days after the last consideration of the grievance or appeal.

5. Written documentation of the student's complaint or grievance shall remain in the Office of Academic Affairs and Student Life for one academic year. At the end of the academic year the documentation shall be destroyed.

Students should be aware that their faculty advisor, Counseling Services, and the Student Government Association may be resource areas where students may receive assistance with a grievance or appeal. The time limit may be extended upon approval of a written request submitted to the Vice President for Student Affairs

Disciplinary Actions - On Campus

Crime	Number of persons referred for Disciplinary Action		
	2019	2020	2021
a. <u>Weapons: carrying, possessing, etc.</u>	1	0	3
b. <u>Drug abuse violations</u>	5	1	4
c. <u>Liquor law violations</u>	0	2	1

Disciplinary Actions - On-campus Student Housing Facilities

Crime	Number of persons referred for Disciplinary Action		
	2019	2020	2021
a. <u>Weapons: carrying, possessing, etc.</u>	1	0	3
b. <u>Drug abuse violations</u>	1	4	4
c. <u>Liquor law violations</u>	2	2	1

Disciplinary Actions – Non campus

Crime	2019	2020	2021
a. <u>Weapons: carrying, possessing, etc.</u>	0	0	0
b. <u>Drug abuse violations</u>	0	0	0
c. <u>Liquor law violations</u>	0	0	0

Disciplinary Actions - Public Property

Crime	Number of persons referred for Disciplinary Action		
	2019	2020	2021
a. <u>Weapons: carrying, possessing, etc.</u>	0	0	0
b. <u>Drug abuse violations</u>	0	0	0
c. <u>Liquor law violations</u>	0	0	0

**Allen University Policy on Sexual Assault/Harassment**

Allen University strives to maintain an environment in which the dignity and self-worth of all members of the educational community are respected. It prohibits sexual harassment of employees or students and sexual assault on employees or students. Sexual harassment can be directed at a person of the same or opposite sex. Behaviors considered as sexual harassment include unwelcomed sexual advances, requests for sexual favors, language, graphic material, or physical conduct of a sexual nature. Students who believe that they have been harassed or need advice as to what constitutes sexual harassment should immediately contact the Vice President of Academic Affairs and Student Life. Sexual assault in any form including stranger rape, date rape, gang rape or acquaintance rape will not be tolerated. Inquiries concerning sexual assault or sexual harassment will be treated as a formal complaint and an investigation will follow. Confidentiality will be respected for those making inquiry. Allen University will investigate all complaints expeditiously and professionally. Where investigations confirm the allegations, appropriate corrective action will be taken. Students who violate this policy will be subject to appropriate disciplinary action which may include counseling, disciplinary probation, suspension, expulsion, and referral to the proper law enforcement authorities for prosecution. A student charged with sexual assault and/or harassment can be prosecuted under South Carolina criminal statutes and disciplined for violating the Allen University Student Code of Conduct.