Policy and Procedures
Related to Sexual Harassment and Sexual Violence

(including provisions required by the Title IX Regulations and Violence Against Women Act [VAWA])

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Policy and Procedures Related to Sexual Harassment and Sexual Violence (including provisions required by Title IX Regulations and the Violence Against Women Act (VAWA)[i]

I. DEFINITION AND PROHIBITION OF SEXUAL HARASSMENT

Clemson University prohibits discrimination on the basis of sex, including sexual harassment and sexual violence. (See Non-Discrimination and Anti-Harassment Policy.)

For the purposes of Title IX, sexual harassment includes the following three types of misconduct based on sex.

1. Any instance of quid pro quo harassment by a Clemson University employee which is defined as an employee conditioning the provision of an aid, benefit, or service of the university on an individual's participation in unwelcome sex. [Note: Quid pro quo offenses are not evaluated for severity, pervasiveness, offensiveness, or denial of equal educational access because the misconduct is sufficiently severe to deprive a person of equal access].
2. Any unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal educational access to a Clemson education program or activity.
3. Any instance of sexual assault (as defined in 20 USC 1092(f)(6)(A)(v)), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (as defined in 34 USC 1229(a)(8,10 or 30)).

For the purposes of Title VII, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

The University prohibits, and will not tolerate, sexual harassment.

II. DEFINITION OF AND PROHIBITION OF SEXUAL VIOLENCE (including VAWA Offenses)[ii]

The University's prohibition of discrimination on the basis of sex covers sexual violence. (See Non-Discrimination and Anti-Harassment Policy.)

Sexual violence consists of sexual acts perpetrated against a person's will or where a person is incapable of giving consent. The University prohibits, and will not tolerate, sexual violence. Sexual violence includes:

1. **Sexual Assault and/or Battery**: Any attempted or actual act of nonconsensual sexual intercourse, cunnilingus, fellatio, anal intercourse, or any intrusion, however slight, of any part of a person's body or of any other object into the oral, genital or anal openings of another person's body. This includes forcible or non-forcible sex offenses under the uniform crime reporting system of the Federal Bureau of Investigation:
   a. 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;
   b. 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 or physical incapacitation;
   c. Incest - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; and
   d. Statutory Rape - Sexual intercourse with a person who is under the statutory age of consent. (In South Carolina the legal age of statutory consent is 16. However, individuals as young as 14 years old are able to consent to have sex with a partner who is 18 years old or younger.)

2. **Dating/Relationship Violence**: Violence committed by a person who is, or has been, in a social relationship of a romantic or intimate nature with the victim where the existence of such relationship shall be based on the statement of the reporting party and on a) the length of the relationship, b) the type of the relationship and c) the frequency of interaction between the persons involved in the relationship. This includes sexual or physical abuse or the threat of such abuse. Dating Violence does not include acts covered under the definition of Domestic Violence.

3. **Domestic Violence**: A felony or misdemeanor crime of violence committed by:
   a. A current or former spouse or intimate partner of the victim;
   b. A person with whom the victim shares a child in common;
   c. A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
   d. A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
   e. 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 the jurisdiction in which the crime of violence occurred.

4. **Stalking**: A *course of conduct*[iii] directed at a specific person that would cause a *reasonable person*[iv] to -
   a. fear for the person's safety or the safety of others.
   b. suffer *substantial emotional distress*[v].[vi]
      Note: Further information and definitions of italicized terms are included in endnotes ii, iii, iv & v.

5. **Sexual Coercion**: The act of using pressure through threats, force, or alcohol or drugs in an attempt to have sexual contact with someone against his or her will.

6. **Nonconsensual Contact**: Any other nonconsensual conduct of a sexual nature including, but not limited to, touching, fondling, kissing, groping, or indecent exposure.

7. **Sexual Exploitation**: Sex-based cyber-harassment, peeping or other voyeurism, forcing others to view sexual activity, and/or the non-consensual photography, video or audio taping of sexual activity.

III. DEFINITION OF CONSENT

1. Consent requires speech or conduct indicating a freely given, un-coerced by means of threats or force, agreement to engage in sexual contact.

   The person giving consent must be able to:
   a. Understand the circumstances and implication of the sexual act;
   b. Make a reasoned decision concerning the sexual act; and
   c. Communicate that decision in an unambiguous manner.

NOTE: In the event of a conduct matter, consent is determined by evaluating the relevant facts and circumstances. For example, in the absence of mutually understandable words or actions, it is the responsibility of the initiator, or the person who wants to engage in the specific sexual activity, to make sure that he/she has the consent from his/her partner(s) prior to initiating sexual activity. A current or previous sexual relationship, or a previous sexual experience, are not sufficient, in themselves, to imply or constitute consent. A person may withdraw consent at any time prior to or during a specific sexual act by another person. Silence, passivity, or lack of physical resistance alone do not constitute consent.

2. **Inability to Consent:** Various factors may limit or negate a person's ability to consent to a sexual act. These include, but are not limited to, age, incapacitation (defined below) intellectual or other disability, or fear due to threats or force.

   In order to find a lack of consent under one of these circumstances, there must be both a finding that the complainant was unable to consent and a finding that the respondent knew or had reason to know the complainant

was unable to consent.

a. **Incapacitation:** Incapacitation is the physical and/or mental inability to make informed, rational judgments and decisions. It may be permanent or temporary. Someone who is asleep or unconscious is incapacitated. Someone can also be incapacitated by alcohol or other substances. Where alcohol or other substances are involved, incapacitation is determined by how the substance impacts a person's decision-making capacity, awareness of consequences, and ability to make informed judgments. Incapacitation is a state beyond intoxication, and a person is not incapacitated merely because of drinking or drug use.

   Intoxication of the respondent is not an excuse for failure to obtain consent or failure to know of the complainant's inability to consent.

b. **Mutual Incapacitation:** If there is evidence or an assertion that both participants in a specific sexual act may have been incapacitated at the time it occurred, the university will examine the conduct of both persons in its investigation. If either or both persons initiated and engaged in sexual activity with someone who was incapacitated, the university will impose sanctions based on all circumstances. The gender of any person will not be a factor in the selection of sanctions. Once the university has completed its investigation and adjudication of an incident (including appeals), no participant may later raise a claim of their own incapacitation.

IV. TITLE IX COORDINATOR

Title IX is a federal law, adopted in 1972, prohibiting most educational institutions from discrimination on the basis of sex. Title IX prohibits sexual harassment, including sexual violence. The Executive Director for Equity Compliance is the person(s) designated as the Title IX Coordinator by the University to oversee its Title IX compliance responsibilities.

The Title IX Coordinator may be contacted either by phone at (864) 656-3181 or email address, alesias@clemson.edu. The Title IX Coordinator's office is located at 223 Holtzendorff Hall.

V. OFFICIALS WITH AUTHORITY

An Official with Authority is an employee specifically designated by the University to implement corrective measures in response to sexual harassment. The University is deemed to have actual knowledge when an Official with Authority has notice of the allegation of sexual harassment. If an Official with Authority observes, is informed of, or otherwise learns of an act of sexual violence or other sexual harassment, they must report it to the Title IX Coordinator. The report should include available information identifying the nature of the incident, the date, location, the victim, and the alleged perpetrator. Officials with Authority may not keep

such information confidential.

Clemson University has designated the following employees as Officials with Authority:

1. The Vice President for Student Affairs and Dean of Students;
2. The Director of Human Resources;
3. Professional staff members in the Faculty and Staff Relations division of Human Resources;
4. Professional staff members in the Office of Access and Equity;
5. Professional staff members in the Office of Community and Ethical Standards (OCES); and
6. The Support Service Bureau Commander and Victim Advocates within Clemson University's Policy Department.

VI. PROCEDURES FOR REPORTING SEXUAL HARASSMENT AND SEXUAL VIOLENCE.[vii]

Clemson University strongly encourages all employees and students to report incidents of alleged sexual harassment and sexual violence. The University encourages reports of sexual harassment, including sexual violence, to be made as soon as possible to enable the University to more effectively investigate the allegations. The University will respond to and investigate claims of sexual harassment, including sexual violence, and it will take steps to prevent retaliation against any person making a complaint or participating in the investigation process. The University will provide fair treatment for any person against whom an allegation is made.

Described below are options for reporting sexual harassment, including sexual violence. A criminal complaint can be made simultaneously with a University complaint to the Title IX Coordinator.

1. Criminal Complaint

The Clemson University Police Department (CUPD) or, if the incident occurred elsewhere, other appropriate law enforcement agency will receive and investigate reports of alleged discrimination, harassment, and sexual violence that may constitute a crime. Criminal acts include sexual assault, sexual battery, and other forms of sexual violence. Clemson University encourages victims to meet with police officers as soon as possible so officers may gather information in a timely manner. The sooner law enforcement becomes involved, the greater the likelihood of identifying, arresting, and convicting the perpetrator. If a report is made to the CUPD, the department will provide an advocate to facilitate access to medical treatment and counseling services, regardless of the person's decision to pursue the matter criminally. To make a police report on campus, concerned persons should call 911 or 864-656-2222 immediately to reach the CUPD. The CUPD Victim's Advocate can be contacted at 864-656-5251. Away from campus, concerned persons

should call 911.[viii]

Although the University strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim's choice whether or not to make such a report. Victims have the right to decline involvement of the police. The Title IX Coordinator will assist any student or employee victim with notifying local police if they so desire. The Title IX Coordinator may be reached during regular business hours at 864-656-3181 or via email at alesias@clemson.edu. The Title IX Coordinator's office is located at 223 Holtzendorff Hall.[ix]

As time passes, evidence may dissipate or become lost or unavailable, making more difficult investigation, possible prosecution, disciplinary procedures, and court orders of protection from abuse related to the incident. If a victim chooses not to make a report to police regarding an incident, they nevertheless should consider speaking with CUPD or other law enforcement about preserving evidence. This may allow the victim to proceed at some later time with a criminal complaint.[x] See Section VIII below for additional information on seeking medical assistance and preserving evidence.

Victim's advocates in the applicable jurisdiction can assist victims with obtaining restraining orders, or other orders of protection, even if a criminal complaint is not filed.[xi]

Law Enforcement Agency	**Victim Advocate**	**Non-emergency line**
Clemson City Police Department	864-624-2012	864-624-2000
Pickens County Sheriff's Office	864-898-5634	864-898-5500
Oconee County Sheriff's Office	864-638-4247	864-638-4111
Anderson County Sheriff's Office	864-222-3952 864-222-6656	864-260-4400
Greenville County Sheriff's Office	864-467-4704	864-271-5210
Greenwood County Sheriff's Office	864-942-8628	864-942-8600
Charleston County Sheriff's Office	843-745-2250	843-743-7200

In addition to the criminal process or for harassment/discrimination complaints that are not violations of criminal law, any person who experiences or observes sexual harassment, including sexual violence, as prohibited by this policy, should report the matter immediately to the Title IX Coordinator.

University Resource	**Phone Number**	**Online Resource or Email Address**

Office of Human Resources	864-656-2000	Online reporting form
Office of Access & Equity	864-656-0620	https://www.clemson.edu/campus-life/campus-services/access/index.html
Office of Community & Ethical Standards	864-656-0510	https://www.clemson.edu/campus-life/student-conduct/incidentreport.html
Title IX Coordinator	864-656-3181	https://www.clemson.edu/campus-life/campus-services/access/title-ix/incident-report.html alesias@clemson.edu
Office of University Compliance and Ethics	864-656-8932	compliance@clemson.edu
Ethics/Safety Hotline	1-877-503-7283 (1-877-50FRAUD)	http://www.lighthouse-services.com/clemson

2. **If the Alleged Perpetrator is a Student**
   Any person who believes he or she has experienced sexual harassment, including sexual assault or other forms of sex-based violence, should contact the Title IX coordinator to inquire about filing a Title IX formal complaint. If the formal complaint is against a student and meets the requirements of Title IX, then the complaint will be referred to OCES, and the matter will proceed according to the Student Code of Conduct's procedures for Level I Sanctions.

   If it is determined that the complaint does not meet the requirements of Title IX, the Title IX coordinator will dismiss the matter for the purposes of Title IX. However, the alleged conduct may still be addressed by OCES pursuant to the Student Code of Conduct.

   More information on the Title IX Complaint process can be found at the following link. https://www.clemson.edu/campus-life/campus-services/access/title-ix/how-to-file.html

3. **If the Alleged Perpetrator is an Employee (Faculty or Staff) or Other Non- Student**
   Any person who believes he or she has experienced sexual harassment, including sexual assault or other forms of sex-based violence, should contact the Title IX coordinator to inquire about filing a Title IX formal complaint. If the formal complaint is against an employee and meets the requirements of Title IX, then the complaint will be referred to the Office of Human Resources (OHR), and the matter will proceed according to the Employee Title IX Process.

   If it is determined that the complaint does not meet the

requirements of Title IX, the Title IX coordinator will dismiss the matter for the purposes of Title IX and refer the matter to OHR for further review. The alleged conduct may still be addressed by OHR pursuant to the Non-Discrimination and Anti-Harassment Policy or other applicable university policies.

More information on the Title IX Complaint process can be found at the following link. https://www.clemson.edu/campus-life/campus-services/access/title-ix/how-to-file.html

The OHR complaint procedures can be found at: https://media.clemson.edu/humanres/policies_procedures/resolution-of-discrimination-harassment-retaliation-complaints-against-employees.pdf

When a student or employee reports to the University that they have been a victim of dating violence, domestic violence, sexual assault, or stalking, they will receive a written explanation of their rights and options. The explanation will cover: filing a report with law enforcement or with campus authorities; obtaining interim and protective measures; obtaining no-contact and similar orders from local authorities or the university; confidentiality of personally identifiable information in law enforcement record-keeping and the implementation of interim or protective measures; seeking assistance from counseling, health, mental health, victim advocacy, legal assistance, and other services for victims within the university and the community; requesting changes in academic, living, transportation, working situations or existing protective measures; and the university's procedures for disciplinary action.[xii]

VII. CONFIDENTIALITY OF ALLEGATIONS OF SEXUAL HARASSMENT OR SEXUAL VIOLENCE[xiii]

1. Reports to the Title IX Coordinator, OCES, A&E, the Office of Human Resources, the Office of University Compliance and Ethics, the Ethics/Safety Hotline, CUPD, Officials with Authority, and Other Non–Confidential Resources

If a complainant alleging sexual harassment or sexual violence requests that his/her name not be revealed to the alleged perpetrator, or asks that the University not investigate or seek action against the alleged perpetrator, the complainant must understand that honoring this request may severely limit the University's ability to fully respond to the complaint, including pursuing disciplinary action against the alleged perpetrator. All such requests will be referred to and reviewed by the Title IX Coordinator. The Title IX Coordinator will consider a range of factors in evaluating these requests including, among others:

a. Whether the Respondent has been implicated in other sexual violence matters;
b. Whether the Respondent threatened further violence against the

Complainant or others;

c. Whether the incident involved use of a weapon;
d. Whether the incident involved more than one perpetrator;
e. Whether the University possesses other means to obtain relevant evidence (e.g., security cameras, witnesses, or physical evidence); or
f. Any other relevant factors.

Following consideration of these factors, the University may determine that it must investigate and pursue resolution of the allegation to protect the rights, interests, and personal safety of the Clemson community. As such, the University may have to disclose the harassment allegation and the identity of the complainant to the accused, University officials, and others as appropriate. Nevertheless, information will only be shared on a limited basis and will be kept confidential to the extent permitted by law.

2. Reports to Confidential Resources

If a complainant wishes to speak to a confidential resource, the following are available:

a. **Counseling and Psychological Services (CAPS) for students**: Student victims of sexual violence can seek confidential crisis counseling services through Counseling and Psychological Services (CAPS). During normal business hours, CAPS can be contacted by calling 864-656-2451. After hours and on weekends, CAPS can be contacted by calling 864-656-2222 and asking for the CAPS on-call counselor.
b. **Employee Assistance Program**: The Office of Human Resources offers confidential, professional referral assistance to faculty and staff through the Employee Assistance Program at 864-656-3360 or 864-656-2726.
c. **County Resources**: Victims of sexual violence may seek crisis counseling services through the Pickens County Advocacy Center at 864-442-5500 or similar agency in their region. See Section X below.

3. Confidentiality of Information Reported to the Clemson University Police Department

The University provides many other, confidential and non-confidential resources to students and employees who have been victims of harassment/discrimination and sexual violence. See Section X for information on these resources.

The University has a duty to report sexual misconduct data to the Clemson University Police Department (CUPD) for federal statistical reporting purposes, as required by the Clery Act. All personally identifiable information remains confidential, but statistical information must be reported for publication in the University's

annual Security and Fire Safety Report. The report includes data on the type of incident and its general location on- or off-campus or in the surrounding area. No addresses are included. This report promotes safety by informing the community about the extent and nature of campus crime.

The CUPD also maintains a daily crime log. The log omits personally identifiable information, such as first and last names; home or other physical addresses, contact information; social security, driver's license, student identification, or passport numbers; or date of birth or racial, ethnic, or religious background.[xiv]

The CUPD may issue campus-wide timely warnings in the case of crimes that CUPD determines constitute a serious continuing threat to the campus community. Such warnings may contain personally identifiable information about suspects but will not include personally identifiable information relating to victims.

VIII. PROCEDURES FOR INVESTIGATION AND ADJUDICATION OF REPORTS/COMPLAINTS OF SEXUAL HARASSMENT, INCLUDING SEXUAL VIOLENCE, BY THE OFFICE OF COMMUNITY AND ETHICAL STANDARDS OR THE OFFICE OF HUMAN RESOURCES[xv] [xvi]

1. Elements of Investigation and Adjudication Procedures

a. All reports and complaints will be adjudicated under a standard of a preponderance of the evidence.[xvii]

b. Investigation and adjudication procedures shall be prompt, fair, and impartial. They will be conducted by officials who receive annual training on conducting fair and impartial investigations and adjudications, including issues related to dating violence, domestic violence, sexual assault, and stalking, and conducting an investigation and hearing process that protects victims' safety and promotes accountability. Such officials will have no conflict of interest or bias for or against a victim or respondent.[xviii]

c. The investigation shall be completed as promptly as possible. However, complicated cases, absence of witness, or other factors may extend the time frame.[xix]

d. Both the complainant and the respondent may bring an advisor, who may be an attorney, to any formal or informal meeting they attend concerning the complaint or to any hearing.[xx]

e. The complainant and respondent will receive timely notice of meetings at which their presence is requested or required, and provided timely and equal access to any information that will be used in informal or formal meetings during the investigation and adjudication process.[xxi]

f. In cases of sexual violence, both the complainant and respondent shall receive simultaneous written notification of the result of a disciplinary proceeding and of appeal rights, if any.[xxii]

2. Interim/Supportive Measures

The University may implement the following interim measures in responding to harassment/discrimination complaints. In cases involving sexual violence, interim measures will be provided if reasonably available and requested by a victim, regardless of whether a complaint or report has been made to campus or local law enforcement.

a. **No-Contact Orders:** A no-contact order may be issued to the complainant, the respondent, witnesses, or other individuals as appropriate under the circumstances.[xxiii]

b. **Interim Actions:** At any point during the process, interim actions may be taken to protect parties or witnesses to the investigation including, but not limited, to: no contact orders, separating the parties, reassignment, alternative work or student housing arrangements, providing an escort to promote the complainant's safe movement between classes and activities, or other temporary steps. Interim actions may become permanent, depending on the outcome of the investigation.[xxiv]

Interim and protective measures will, if possible, remain confidential. However, implementation of some interim or protective measures may require the University to disclose to other parties some personally identifying information about a complainant and/or respondent. Before information is shared, the University will advise the complainant or respondent about the information to be shared, with whom, and why the University believes sharing the information is necessary.[xxv]

3. Potential Sanctions

Persons found to be in violation of the Clemson University Non-Discrimination and Anti-Harassment Policy, which includes sexual assault, domestic violence, dating violence, and stalking, will be subject to prompt and appropriate corrective action, up to and including dismissal or termination from the University, or in the case of visitors, exclusion from University property and/or programs.

In cases involving violations by students, sanctions will be determined in accordance with the Student Code of Conduct. Possible sanctions include but are not limited to reprimand, disciplinary probation, eviction from university housing, suspension, dismissal, and notations on transcripts.

In cases involving violations by faculty or staff, sanctions may include but are not limited to oral or written reprimand, reassignment, demotion, suspension or termination of employment, and/or removal from campus. In cases involving violations by visitors or other third parties the

University will impose sanctions appropriate to the circumstances and its enforcement abilities.[xxvi]

IX. RETALIATION

No student or employee shall retaliate against anyone who makes a complaint or participates in any process related to the complaint. Retaliation is any conduct causing any interference, coercion, restraint or reprisal against a person making a complaint or against a person assisting in any way in the investigation, hearing and/or resolution of the complaint.

X. MEDICAL ASSISTANCE AND PRESERVATION OF EVIDENCE[xxvii]

After an incident of sexual violence, sexual assault, domestic violence, or dating violence, the victim should consider seeking medical attention as soon as possible. In South Carolina, evidence may be collected even if you choose not to make a report to law enforcement. (Baptist Easley Hospital offers physical evidence recovery kit collection and 24-hour access to medical practitioners specially trained in assisting sexual assault victims— 200 Fleetwood Dr., Easley, SC 29649 864-442-7200.)

It is important that a victim of a sexual assault not change clothing, bathe, douche, smoke, or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours in order to preserve evidence that may be necessary to prove criminal activity. If victims of sexual assault do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns such as sexually transmitted disease and/or pregnancy. Like other victims of sexual discrimination and harassment, victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to preserve evidence by saving text messages, instant messages, social networking pages, and other communications and to keep pictures, logs, and copies of any other documents, that could be useful to University hearing boards, investigators, or police.

XI. COUNSELING, MENTAL HEALTH, VICTIM ADVOCACY AND OTHER SERVICES FOR VICTIMS[xxviii]

Numerous on-campus and off-campus resources for counseling, mental health services, victim advocacy, and other services are available to victims. The University maintains a current listing of resources, including contact information, at this website:

https://www.clemson.edu/cusafety/victim-services.html

The University also publishes this listing in its Annual Security and Fire Safety Report.

XII. FILING WITH EXTERNAL AGENCIES

In addition to, or in lieu of, the procedures outlined above:

1. Students (either undergraduate or graduate) may file formal complaints with the following agency:

   United States Department of Education, Office for Civil Rights
   61 Forsyth St. S.W., Suite 19T70, Atlanta, GA 30303-3104
   Telephone: 404-562-6350; TDD: 404-331-7236
   (Must file within 180 calendar days from date of discrimination).

2. Employees may file formal complaints with the following agencies:

   South Carolina Human Affairs Commission
   2611 Forest Drive, Suite 200, Post Office Box 4490
   Columbia, SC 29240
   Telephone: 803-737-7800; TDD: 803-253-4125
   (Must file within 180 calendar days from date of discrimination).

   OR

   U.S. Equal Employment Opportunity Commission
   301 North Main Street, Suite 1402, Greenville, SC 29601
   Telephone: 864-241-4400; TDD: 864-241-4403
   (Must file within 300 calendar days from date of discriminatory act, or 30 days after receiving notice that the state or local agency has terminated its processing of the charge, whichever is earlier).

XIII. EDUCATION AND PREVENTION PROGRAMS[xxix]

Clemson University conducts comprehensive educational programming to prevent domestic violence, dating violence, sexual assault, and stalking. Educational programming includes primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students, staff and faculty. Among other points, the educational programming:

1. Identifies domestic violence, dating violence, sexual assault, and stalking as prohibited conduct;
2. Defines what behavior constitutes domestic violence, dating violence, sexual assault and stalking under university policies;
3. Includes the definitions of dating violence, domestic violence, sexual assault, and stalking in South Carolina;
4. Defines behavior and actions which constitute consent in the State of South Carolina;
5. Provides safe and positive options for bystander intervention that an individual may carry out to prevent harm or intervene when there is a risk of harm to a person other than the bystander;
6. Provides information on risk reduction so that students and employees may recognize warning signs of abusive behavior and ways to avoid potential risks;

7. Provides primary prevention programs that aim to prevent violence before it occurs;
8. Provides general information and University policies regarding sexual misconduct; including specific information on procedures victims should follow to report crimes of dating violence, domestic violence, sexual assault, and stalking; and
9. Provides University and area resources for victims of domestic violence, dating violence, sexual assault and stalking.

The University includes detailed information on its education and prevention programs in its Annual Security and Fire Safety Report.

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[i] Congress enacted the Violence Against Women Act (VAWA) in 1994 to provide a national response to domestic violence, dating violence, sexual assault, and stalking. The 2013 Congressional reauthorization of the Act included amendments to the Clery Act [20 U.S.C. 1092(f)] requiring colleges and universities receiving federal funds to include in their Clery Act Annual Security and Fire Safety Reports(ASR) policy statements concerning institutional educational programs and campaigns related to dating violence, domestic violence, sexual assault, and stalking, as well as policy statements concerning institutional procedures in cases of these forms of misconduct. Regulations implementing the Clery Act amendments were adopted in October 2014, 79 Fed. Reg. No. 202, p. 62752, 62783; 34 C.F.R. 668.46(b)(11); 34 C.F.R.668.46(j); 34 C.F.R. 668.46(k). Among other purposes, this policy supports the statements on educational programs and institutional procedures related to sexual violence included in the University's ASR..

[ii] [34 CFR 668.46(b)(11)(i); 34 CFR 668.46(j)(1)(i)(A); 34 CFR 668.46(a)]

[iii] [1] **Course of Conduct** means two or more acts, including but not limited to, acts in which a stalker 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.

[iv] [2] **Reasonable Person** means a reasonable person under similar circumstances and with similar identities to the complainant.

[v] [3] **Substantial Emotional Distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

[vi] [4] Stalking is not always directed at someone due to his/her gender/sex. Even if it is not related to sex or gender, it is prohibited and will be addressed through this policy and the appropriate procedures for handling complaints.

[vii] [34 CFR 668.46(b)(11)(ii)(B)]

[viii] [34 CFR 668.46(b)(ii)(C)(1)]

[ix] [34 CFR 668.46(b)(ii)(C)(2)(3)]

[x] [34 CFR 668.46(b)(ii)(A)]

[xi] [34 CFR 668.46(b)(ii)(D)]

[xii] [34 CFR 668.46(b)(11)(vii)]

[xiii] [34 CFR 668.46(b)(iii)(A)(B)]

[xiv] [34 CFR 668.46(b) (11)(ii)(A)]

[xv] [34 CFR 668.46(b)(vi)]

[xvi] [34 CFR 668.46(k)(1)(i)]

[xvii] [34 CFR 668.46(k)(1)(ii)] See also the Student Code of Conduct and the Employee Procedure for Complaints against Employees https://www.clemson.edu/human-resources/index.html

[xviii] [34 CFR 668.46(k)(2)(i),(ii)] [34 CFR 668.46(k)(i)(C)]

[xix] [34 CFR 668.46(k)(1)(i)]

[xx] [34 CFR 668.46(k)(2)(iii)]

[xxi] [34 CFR 668.46(k)(3)(i)(B)(2)(3)]

[xxii] [34 CFR 668.46(k)(2)(v)(A)(B)]

[xxiii] [34 CFR 668.46(11)(ii)(D)]

[xxiv] [34 CFR 668.46(k)(1)(iv)]

[xxv] [34 CFR 668.46(b)(11)(iv)(B)]

[xxvi] [34 CFR 668.46(k)(1)(iii)]

[xxvii] [34 CFR 668.46(b)(ii)(A)]

[xxviii] [34 CFR 668.46(b)(11)(iv)]

[xxix] [34 CFR 668.46(b)(11)(a)(i); 34 CFR 668.46(j)(1)(i)(A-F)]