

# UNIVERSITY POLICIES

## Discrimination, Harassment, and Retaliation\*

Francis Marion University does not discriminate on the basis of race, color, national origin, sex, disability, religion, age, or veteran status in its programs and activities. The following person has been designated to handle inquiries regarding discrimination, harassment, and/or retaliatory complaints regarding harassment.

Vice President for Administration  
P.O. Box 100547  
Florence, S.C. 29502-0547  
105 Stokes Administration Building  
Tel. No. 843-661-1146

Harassment is unwelcome offensive conduct, written, verbal, or physical, that occurs when a reasonable person would find that such conduct creates an intimidating, hostile, or offensive educational, work, or living environment. A hostile environment is created when speech and/or actions are so severe, persistent, or pervasive as to limit or deny one's ability to participate in or benefit from an activity or educational program.

The University procedures are intended to protect the rights of both the complainant and the accused, protect privacy, and prevent retaliation. Unwelcome behavior that may be construed as discrimination or harassment should be reported. However, intentionally false allegations will not be tolerated and may result in sanctions. The University is obligated to investigate any reports of discrimination or harassment and will consider action as warranted.

No one may be subject to restraint, interference, coercion, reprisal, or retaliation for seeking information about discrimination or harassment, bringing a good faith complaint, or serving as a witness.

This policy is not intended to infringe on the rights of members of the faculty to exercise academic freedom within the framework of the teaching and learning environment of the University.

## Hazing Policy

As noted above in Standard of Conduct 18, the University will take action against any club or organization which has committed an act of hazing as defined by the code. In addition, such organizations and their individual members face criminal prosecution under the laws of the state of South Carolina. Below is a description of the law under which such action may be taken.

According to South Carolina law: "It is unlawful for any person to intentionally or recklessly engage in acts which have a foreseeable potential for causing physical harm to any person for the purpose of initiation or admission into or affiliation with any chartered student, fraternal, or sororal chartered organization. Fraternity, sorority, or other organization for the purposes of this section means those chartered fraternities, sororities, or other organizations operating in connection with a school, college, or university, but

shall not include fraternal organizations with a minimum age limit of 21 that do not operate in connection with a school, college, or university. This section does not include customary athletic events or similar contests or competitions, or military training whether state, federal, or educational." It is also unlawful for any person to knowingly permit or assist any person in committing acts made unlawful by the above or to fail to report promptly any information within his/her knowledge of acts made unlawful by the above to the chief executive officer of the appropriate school, college, or university.

The implied or express consent of a person to acts which violate the above does not constitute a defense to violations of these sections.

Any violator of the law is subject to criminal conviction and may be fined, jailed, or both.

## Grade Change Policy

If a mistake was made in calculating or recording a term grade, the instructor of the course may change the grade. A change of grade may occur only within one calendar year from the receipt of the grade.

1. A faculty member seeking to change a student's term grade because of a mistake must request the change on the appropriate form, which may be obtained from the Office of the Registrar.
2. The department chairperson or dean shall approve or disapprove change of grade requests. If approved, the requests will be sent to the Registrar with instructions to make the necessary corrections on the official record.

If a student wishes to appeal a grade in a course, he/ she has the right to do so. In order to appeal a grade, the student must follow the grade appeals process listed below (for more information, see *the University Catalog*).

## GRADE APPEALS POLICY

### Grade Appeals Committee

**MEMBERSHIP:** The Grade Appeals Committee will consist of five faculty members to be elected by the faculty at large. The committee will elect the chair.

**FUNCTION:** The committee will hear final course grade appeals not resolved at the level of the academic unit.

**GROUND FOR APPEAL:** Unless the faculty member has acted in an arbitrary or capricious manner in the assignment of the final course grade in question or unless the instructor's grading policy is in violation of the guidelines established by the University or his/her own policies as noted in the syllabus or other written documents, it is the right of the instructor to determine whether or not the final course grade should be changed.

**PROCEDURES:** The committee will meet as necessary, and is called by the Committee Chair. Appeals for grade changes may not be made after 60 days from the date the grade was given. The

\*The FRANCIS MARION UNIVERSITY SEXUAL MISCONDUCT (TITLE IX) POLICIES AND PROCEDURES, adopted August 14, 2015, supersedes all statements in this handbook concerning discrimination, harassment, sexual misconduct, and retaliation. The final edition of 2015-16 FMU Student Handbook, to be posted by Sept. 6, will incorporate all changes necessitated by the new policy.

following procedures will be followed:

1. The student will first attempt to resolve the issue by consulting with the instructor.
2. If the issue is unresolved after consultation with the instructor, the student will then consult with the department chair/school dean to attempt a resolution.
3. If the matter is not resolved after consultation with the instructor and the chair/dean, then the student may petition the chair/dean who will forward the matter to the Grade Appeals Committee. The petition must include the following items: a completed petition form signed by the instructor of the course (unless the instructor is no longer a member of the Francis Marion University faculty), the student's adviser, and the chair/dean of the academic unit that offered the course; a letter explaining the basis for the grade appeal; and if applicable, supporting documents and a list of any other evidence to be presented. The student's argument will be limited to statements from the student and the evidence delineated in the petition.
4. Upon receipt of a completed grade appeal petition, the chair of the Grade Appeals Committee will promptly inform the faculty member, the appropriate department chair/school dean, and the Provost. The committee chair will also make available to the faculty member a copy of the petition and the supporting documentation.
5. The Grade Appeals Committee, upon receipt of a student's grade appeal petition, might seek additional information and advice, as it deems necessary. In some cases, the committee may conduct a hearing, as when the student, faculty member, or committee members might ask for one. Because this hearing is for informational purposes only, it should not replicate judicial proceedings. No legal counsel shall be permitted to appear.
6. Within ten workdays after a decision, the Chair of the Grade Appeals Committee will notify the student, the faculty member, the appropriate department chair/school dean, and the Provost of the committee's findings and recommendations. If the Grade Appeals Committee, through its inquiries and deliberations, determines that the grade should be changed, it will request that the instructor makes the change, providing the instructor with a written explanation of its reasons. Should the instructor decline, he or she will provide an explanation for refusing.
7. If after considering the instructor's explanation the Grade Appeals Committee concludes that it would be unjust to allow the original grade to stand, the Committee may then recommend to the appropriate department chair/school dean that the grade be changed. The chair/dean in consultation with the instructor will assign the appropriate grade. Only the chair/dean, upon the written recommendation of the Grade Appeals Committee, has the authority to effect a change in grade over the objection of the instructor who assigned the grade.

Petition forms for filing a grade appeal are available at the offices of academic department chairpersons.

## English Language Proficiency

English has been designated the primary language of all faculty

members at Francis Marion University since fall 1991. "Primary" language is defined as written and spoken English comparable to that of a native speaker. If the University considers employing on its full-time teaching faculty a candidate whose second language is English, that candidate will:

1. Give a lecture in his/her discipline in English to students and faculty who will assess the candidate's fluency in English on the basis of being able to comprehend fully the content of the lecture.
2. Submit a letter of interest and, when applicable, additional samples of written work.

The English Fluency in Higher Education Act of the South Carolina General Assembly requires that each public institution provides assurance that there exists an adequate procedure for students to report grievances concerning the inability of instructors to be understood in their spoken or written English. At FMU, students should state such a grievance in a scheduled meeting with the chairperson of the department or dean of the school involved.

The department chairperson or school dean will then arrange for a meeting among the chairperson or dean, the grieving student(s), and the instructor. It is the responsibility of the chairperson or dean to find a satisfactory resolution to the grievance and to report the resolution to the Provost.

## Demonstrations Policy

Recognizing the rights of free speech and peaceful assembly as guaranteed by the First Amendment of the United States Constitution, and as fundamental to the democratic process, the University supports the rights of students to express their views or to peacefully protest and peacefully dissent against actions and opinions with which they disagree.

The University also recognizes a concurrent obligation to develop policies and procedures which safeguard this freedom of expression but which, at the same time, will maintain on the campus an atmosphere conducive to academic work, preserving the dignity and seriousness of University ceremonies and public exercises and respecting the private rights of all individuals. Thus, the University has established regulations intended to regulate the time, place and manner of such activities in compliance with the constitution in order that demonstrations do not prohibit the freedoms or rights of other members of the University community.

The following regulations are intended to enumerate the essential provisions necessary to reconcile freedom of assembly with responsibility in any campus meeting conducted for the purpose of expressing opinions of the participants.

1. Gatherings should be reviewed by the vice president for Student Affairs and the University Space Committee to ensure that they comply with all time, space and manner regulations.
2. Gatherings may be conducted in areas which are generally available to the public, provided that such gatherings:
  - a. Are conducted in an orderly and peaceful manner.
  - b. Do not obstruct in any way pedestrian or vehicular traffic.
  - c. Do not interfere with classes, scheduled meetings, events, ceremonies or with other essential processes of the University.
  - d. Are held in assigned meeting rooms inside a building.
3. Meetings which would impose an unusual demand upon staff

or facilities must have approval regardless of where they are held on campus.

4. Violation of the above stated policy or any University regulations which occur during such a gathering will result in appropriate disciplinary action.
5. Persons who are not members of the University community, as well as those who are, may not engage in activities which disrupt, obstruct, or in any way interfere with the pursuits of teaching, learning, campus activities, or any other University process.

## Student Room Entry Policy

Francis Marion University reserves the right for authorized University personnel to enter student residential rooms and apartments (hereinafter referred to as room(s) for the following reasons:

1. In order to perform routine custodial services, to make improvements and repairs, and to provide routine maintenance services. This may include agents of the University providing contracted services.
2. For the purposes of inspection to ensure that health, fire, and safety standards are maintained. This may include agents of the University providing contracted services.
3. In emergency situations in which entry is deemed necessary to protect the lives and/or safety of students or other persons present at the time of the emergency, or to perform emergency repairs to prevent damage to persons or property. This may include law enforcement and other University personnel.
4. For the purposes of enforcement of the University Code of Student Conduct when it is believed that an illegal act, or an act which violates University standards of conduct, is taking place or has taken place, in order to collect information regarding the alleged violation and/or when failure to do so may result in the destruction of evidence of the alleged violation. This may include any University personnel other than law enforcement personnel.
5. By law enforcement officers in the performance of their statutory duties and in accordance with legally defined procedures governing search and seizure.

## Procedures

In situations one (1) and two (2) above, every effort will be made to provide at least 24 hours advance notice to the residents of the room and to allow the presence of the residents during the entry of the room by University personnel. The presence of the residents is not required in order for these types of entry to take place.

In situation three (3), four (4) and five (5) above, advance notice of the entry is likely to be impossible and the presence of residents is not necessary.

In all of the situations described above every effort will be made to provide notice of the room entry if residents are not present at the time of the entry. This notification will include a Francis Marion University "Room Entry Notification Form." If the entry is made for law enforcement purposes related to a properly executed search warrant then the appropriate legal notification procedures will be made by law enforcement personnel.

**Procedure for Room Entry** - When a University official desires

to make a room entry, she/he should knock on the door of the room, identify herself/himself by name and position, and allow an appropriate amount of time for residents to open the door. Should an appropriate time elapse and the door not be opened by residents, the University official should announce that he/she is about to enter the room by use of a key. After such notice, the official may do so. There are some circumstances in which it may not be safe or otherwise appropriate to follow these procedures. In those cases, University officials may let themselves into the room by use of a key without notice. The official may be asked to justify this decision should subsequent disciplinary action be taken against the residents of the room and /or other actions occur which make such justification necessary.

**Procedure for Room Inspection** - A room inspection is conducted for the purposes of determining if certain services must be provided within a room and/or if violations of University policy, the University Code of Student Conduct, or local, state or federal laws are occurring or have occurred. This may include any University official other than law enforcement personnel.

**Procedure for Room Search** - In order for a University room search to take place, permission must be granted in advance by the Dean of Students, the vice president for Student Affairs, or their designee, or the resident(s) of the room must give consent. University officials may enter a room as noted above in order to conduct such a search. At the time of the search, if the search has been approved as noted above, those conducting the search will be in possession of a permission to search form which indicates such approval. This notice will be presented to a resident of the room at the time of the search if a resident is available. If a resident is not available, then the notice along with a room entry notification form will be left in plain view in the room.

If circumstances necessitate that University officials make a room entry in order to determine if a violation of University policy is taking place, has taken place, or will take place, they may request permission of the resident(s) of the room to allow them to search. If consent is given by the resident(s), the resident(s) and University official should complete a Consent to Search.

Form in lieu of the above stated policy description. Residents may be present in the room during a search unless their presence becomes disruptive. Disruptive students may be removed from the room and will be subject to disciplinary action and possible criminal prosecution. Items found during the search which may violate University policy or local, state or federal law will be confiscated. If items are confiscated a list of those items will be provided to the resident and/or left in the room.

## DEFINITIONS

**Room Entry** - A room entry is defined as any entry into a student's private living quarters for the purposes of conducting University business. Personal visits by University staff (e.g. Resident Assistants) to student rooms are not considered a room entry for the purposes of this policy.

**Room Inspection** - A room inspection is defined as an entry into a student's private living quarters for the purpose of conducting University business and may include the physical examination of the furniture, fixtures and other items of University owned or maintained property within the room. It may include the opening of drawers, closets, etc. but should not include the movement of a resident's



personal belongs except in the case in which this is necessary to visually examine University owned or maintained property.

**University Room Search** - A University room search is defined as the entry into a student's private living quarters for the purpose of conducting University business and the enforcement of the University Code of Student Conduct or other policies. It may include the close physical examination of all fixtures, furnishings, personal property and other items within the room. Items found during such a search which appear to violate University policy may be confiscated and may be destroyed based upon the actual nature of the items. Potentially illegal items found during such a search will be turned over to law enforcement personnel for possible criminal prosecution. Such a search may not be instigated for law enforcement purposes and may not occur at the request of law enforcement personnel for such purposes. Such a search may be conducted by University officials other than Campus Police officers. At least two University officials must be present during any search. Items discovered in the room which may be illegal or in violation of University policy may be used as evidence in judicial hearings.

**Search for Law Enforcement Purposes** - A search for law enforcement purposes is defined by local, state and federal laws and is governed by the Fourth Amendment to the U.S. Constitution. Permission for such a search must be approved by appropriate and duly constituted legal authorities and will not be conducted by University personnel other than law enforcement personnel. Every effort will be made to assure that a University official is present during such a search.

**University Official** - For the purposes of this policy the term University official shall refer to any University employee (whether full-time or part-time, student or nonstudent) acting in his or her official capacity and within the bounds of his/her authority.

**Private Living Quarters** - Private living quarters, for the purpose of this policy, is defined as any area of the residence hall except common areas such as study rooms, hallways, bathrooms, etc. In the apartments, these are defined as the entire apartment.

**Consent** - Consent is defined as the oral or written permission to perform an act.

**Plain View** - Plain view is defined as anything which may be seen from a central location in a room (e.g. on a desk or bed, on the floor, etc.).

## Literature Distribution Policy

The publicizing of events or programs sponsored by the University, University departments, or officially recognized student organizations is a necessary part of insuring the success of these functions. The University has appropriate designated areas for the purpose of providing a place for appropriate departments, groups, organizations, and individuals to post or distribute their respective notices. The purpose of these procedures is to outline guidelines for the general posting and distribution of publicity material(s) as well as guidelines for the use of designated places on campus for the posting of said material(s). Requests for exceptions to any part of this policy must be made in writing to the Office of Student Affairs. All materials must be submitted for approval prior to posting. Approval may be given by the Office of Student Affairs for general posting, or by the individual department for posting on departmental bulletin boards.

## Policy

1. Only recognized student organizations, University departments, academic units, faculty, staff, and students may post or distribute materials on campus. All commercial posting by off-campus businesses, organizations, entities, and individuals is prohibited unless sponsored by a recognized student organization, University department, or academic unit. Posted materials must clearly identify the sponsoring entity.
2. Posted materials must clearly promote the activity publicized and the sponsoring University organization as its primary message, rather than the commercial advancement of the non-University affiliated entity or product. If the name, logo, trademark, slogan, or similar identifier of a non-University affiliated entity or product appears on printed material, it must not appear as the dominant message. Materials may not advocate illegal activity, or any activity that is in conflict with the mission of the University. Materials posted or distributed must be in accordance with all University policies as well as local, state, and federal laws. Promotion of activities involving alcohol may not be the primary focus of any materials posted.
3. The expiration date on all printed materials for posting will be a maximum of two weeks from the date of approval for all flyers (11 inches x 17 inches or less) and one week from the date of approval for all banners (larger than 11 inches x 17 inches). It is the responsibility of the event sponsor or individual to remove the materials on or before the expiration date.
4. The University reserves the right to deny approval for materials that advertise events in conflict with previously scheduled University activities or with the mission of the University.
5. Flyers may be posted only on bulletin boards or other approved areas. It is prohibited for flyers, posters, banners or any other form of advertisement to be posted on vehicles, trash cans, sidewalks, support columns, lamp posts, buildings, trees, signs, signposts, or any other area which does not fall under one of the appropriate categories outlined in this policy. The use of chalk, paint, or other related substance for advertisement on these surfaces is strictly prohibited.
6. Flyers may be posted only on bulletin boards as designated below, upon receiving the proper approval:
  - Official University Notices - Only items sponsored by the University or an official University department may be placed on bulletin boards or areas designated in this manner.
  - Student and Organization News - Only items sponsored by officially recognized and registered student organizations may be posted on bulletin boards or areas designated in this manner.
  - General Use - Items may be posted by individual members of the FMU community on bulletin boards or areas designated in this manner.
  - Department Bulletin Boards - Only items approved by the department responsible for the bulletin board may be posted on these boards.
  - Only tacks or staples may be used to attach flyers to bulletin boards. Flyers may not be adhered to any painted surfaces, door frames, doors, windows, or walls.

Exceptions to this guideline may be made by the Dean of Students Office, or the University official responsible for the space. Only one copy of each posting is allowed on an individual bulletin board.

7. The unauthorized removal, defacement, or posting over of any materials posted in accordance with this policy is prohibited.

## Guidelines

The following guidelines must be followed in regards to posting or distributing materials in the designated locations:

- Classrooms - Posting or distribution of materials is prohibited in classrooms.
- Academic Buildings - Most bulletin boards in academic buildings are for the use of academic departments for official notices. Academic buildings may have bulletin boards designated for other uses as indicated. Distribution of materials in the academic buildings is prohibited. Departmental approval is required to post materials on any departmentally sponsored bulletin boards.
- Student Residential Facilities - Distribution and posting of materials in the residential areas of campus is strictly prohibited. Bulletin boards inside residence halls are for the official use of the housing and residence life staff only. All materials posted in the residence halls must be approved by the director of housing. In the Housing Office Complex, there may be bulletin boards designated for other uses as indicated.
- Ervin Dining Hall - Flyers may be placed only on bulletin boards as designated in policy #6. Generally, distribution of materials is prohibited in the Ervin Dining Hall unless promoting an official University activity. The director of dining services may consider special requests.
- Rogers Library - Distribution and posting of materials in the library is strictly prohibited. Bulletin boards inside the library are for official use only. All materials posted in the Rogers Library must be approved by the dean of the library.
- Smith University Center - Distribution and posting of materials in UC is acceptable with published guidelines. Flyers may be placed only on bulletin boards as designated in policy #6. There are bulletin boards and other areas specifically designated for larger banners. Banners (printed items larger than 11 inches x 17 inches) may be posted (using string or rope) ONLY in the designated areas of the Smith University Center under the direction of the building coordinator. Distribution of materials in the Smith University Center may be done only if sponsored by a University department or officially recognized student organization, and appropriate procedures are followed regarding space reservation.
- Stokes Administration Building - Most bulletin boards in SAB are for the use of University departments for official notices. Some bulletin boards may be designated for other uses as indicated. Distribution of materials in the SAB is prohibited. Departmental approval is required to post materials to any departmentally sponsored bulletin boards.
- Building Breezeways (between Cauthen Educational Media Center, Founders Hall, and Fine Arts Center - Flyers may be placed only on bulletin boards as designated in policy #6. Otherwise, distribution and posting of materials must adhere to all published guidelines.

- Exterior areas of campus - Flyers are typically prohibited from being posted in exterior portions of campus. Special bulletin boards may be available for student organization news or official University notices. Flyers may not be distributed in parking lots or on parked cars. Personal distribution of materials in exterior areas of campus may be approved on a limited basis and only with prior approval of appropriate University officials. Distribution of these materials must not interfere with the normal function of the University or disrupt the flow of traffic (pedestrian or vehicular).

Failure to adhere to this policy may result in, but is not limited to, the loss of posting/distribution privileges, student judicial action, or restriction from campus.

## Political Activity Policy

Francis Marion University recognizes and appreciates interest by students in the political process related to local, state and federal governments. Student participation in campus and governmental political campaigns is a natural and desirable result of participation in the University community and the enfranchisement of 18-year olds. Accordingly, it is the intent of the University to provide, within the constraints of University regulations and local, state and federal laws, a campus environment in which students may participate fully in appropriate political activity. Toward that end, the following guidelines shall apply to political activity of students on the Francis Marion University campus.

Registered student organizations may invite candidates for public office to speak on or in University property or facilities so long as the University is able to provide reasonably equal facilities to all other candidates for the same political office. Scheduling of politically related activities shall be handled in accordance with applicable University regulations. Student organizations must coordinate these activities with the administration in order to avoid scheduling conflicts and logistical needs. In most cases, student organizations should coordinate political activities and speakers with members of the Political Science department.

## Electronic Communication

Every student is provided an FMU email account which is for official electronic FMU communication with students. Students are required to check this email account on a regular basis. Francis Marion University may use these addresses provided to communicate regarding emergency situations, schedule changes, class cancellations, or important meetings. Students are responsible for all communications sent by the University, its officers, employees, or representatives to these student email accounts. Assistance regarding these email accounts can be obtained from Campus Technology's Help Desk in the Stanton Academic Computer Center.

## Requests to Report to an Administrative Office

Such requests, including a summons to any meeting regarding potential judicial action or to a judicial hearing, must be promptly carried out. When the request to report at a specific time and date conflicts with a student's schedule, requests for a change of time MUST be made prior to the time and date specified. Every effort

will be made to avoid conflicts with student's classes. When this is unavoidable, the Dean of Students Office will provide, upon request, a notice of necessary class absence for the student to provide to the instructor.

## Access to Campus

The University's campus and facilities shall be Restricted to students, faculty, staff, guests and invitees except on such occasions when all or part of the campus, buildings, and other facilities are open to the general public.

University students are expected to obtain and carry with them at all times when on campus, a University ID card (FMU Card). This card is the property of the University and must be surrendered upon request by University officials.

All University personnel (faculty, staff, administrators) and students shall provide acceptable identification (FMU ID Card, driver's license, fee receipt, etc.) when requested to do so by Campus Police Officers or other University officials. University personnel who refuse to give acceptable identification shall be subject to appropriate University action. For students, this will include charges for violation of Standard of Conduct, #5 - Failure to comply with the directions of a University official.

Invitees, visitors and guests to the Francis Marion University campus shall provide identification and/or qualifications if requested to do so by Campus Police Officers or other University officials. Persons who are unable or unwilling to give acceptable identification and/or qualifications shall be requested to leave the campus and if they refuse, shall be subject to lawful removal and prosecution including, but not limited to, the injunctive process.

On occasions when public events are held on campus, (e.g. intercollegiate athletic contests, concerts, lectures, etc.) the University shall be considered open to all persons desirous of attending such events.

Guests, visitors and invitees shall honor University rules, regulations and policies concerning the use of, and conduct in, University facilities or grounds. Violations of the rules, regulations or policies may result in lawful removal from the campus, prosecution, and withdrawal of visitation privileges. All University personnel are responsible for the behavior of their guests and visitors. Such personnel are subject to appropriate University action in cases of violation.

## Solicitation Policy

Solicitation by persons not affiliated with the University is prohibited for non-invitees. If you are accosted by a solicitor, please contact the Campus Police so that they may be informed of the proper protocol and/ or be escorted from the campus.

Both commercial and noncommercial solicitation are prohibited in non-public areas of the University. Solicitation and sales in public areas of the University are restricted to invitees and registered organizations, faculty, staff, and students of the University and are subject to reasonable restrictions as to time, place, and manner.

As it pertains to student organizations, "solicitation" is defined as the seeking of funds or support by a registered student organization from sources other than its members, including the procurement of supplies and other forms of support, and the selling or distributing of items, materials or products and services. Student organizations,

or companies sponsored by an organization, may not be involved in the solicitation of credit services, offers, or applications while on University property.

Registered student organizations may be authorized to solicit on campus as long as such solicitation is consistent with the aims of the organization and is not for the personal benefit of its members. In interpreting the aims or purposes of the registered student organization, the statement in its constitution will be followed.

Requests for approval of any form of solicitation must be made in writing to the Dean of Students Office not later than seven business days preceding the proposed date of the activity. Following content approval by the Dean of Students Office, the requesting organization must make appropriate arrangements and scheduling with the administrative office of the facility to be used. Content approval is not a guarantee of the availability of the space. The Dean of Students Office will assist the organization in scheduling and coordinating outdoor space with the Office of Business Affairs. Ordinarily, academic buildings and the non-public areas of residential facilities will not be used for solicitation.

## Smoking Policy

Francis Marion University is committed to providing an environment conducive to its mission that is safe, healthy and comfortable. Due to well documented health and safety risks related to smoking, and the University's commitment to support the comfort and well-being of its various constituents, Francis Marion University is a "smoke-free" campus.

Smoking is prohibited on all property-owned or -controlled by Francis Marion University, the Francis Marion University Foundation, and the Francis Marion University Real Estate Foundation. This prohibition includes all buildings and grounds, as well as within vehicles owned, leased, or rented by the University and its related entities. This policy also includes other devices for smoking.

To support the smoke-free initiative, the following policy provisions have been enacted.

1. The sale or distribution for marketing purposes of products designed to be smoked is prohibited on all property owned or controlled by the University and its entities.
2. Advertising and marketing efforts related to products designed to be smoked is prohibited in public spaces owned or controlled by the University and its entities, as well as all publications produced by the same.
3. The "Francis Marion University Smoking Policy" is published in the FMU Student Handbook, the FMU Faculty Handbook, and on the FMU Website. Copies of the policy are available from the Office of Student Affairs and the Office of Human Resources.
4. All employees are informed of this policy at the time of their initial employment.
5. Resources to support smoking cessation for members of the campus community are available from Student Health Services and the Office of Human Resources.
6. Signs designating FMU as a Smoke Free Campus are placed in appropriate locations owned and controlled by the University and its entities.

In order for this policy to be effective, all members of the



campus community must be involved with insuring its success by encouraging compliance by persons observed in violation of the policy.

## Alcohol and Other Drug Policy Summary

### Francis Marion University Alcohol and Drug Policy

This document (revised 11/01) is distributed in partial compliance with the federal Drug Free Schools and Communities Act, which is fully endorsed by Francis Marion University.

#### I. INTRODUCTION

Francis Marion University prohibits the illegal and irresponsible use of alcohol and other drugs. The University will enforce federal, state, and local laws, as well as its own alcohol and drug policies. Procedures that support these laws and policies have been instituted and are strictly enforced. It is the responsibility of every member of the University community to know the risks associated with the use and abuse of alcohol and other drugs and to assist the University in creating an environment which promotes health-enhancing attitudes and activities. This brochure is intended to provide information about the University's Alcohol and Drug Policies and Sanctions; federal, state and local laws and penalties; procedures for the serving of alcohol and the registration of events; health risks associated with alcohol and other drug use; and resources for education and treatment. Additional information about alcohol and drug policies and procedures may be found in the FMU Student Handbook, the FMU Staff Handbook and the FMU Faculty Handbook.

The use of alcoholic beverages on campus is not encouraged and is prohibited with the following exceptions; (1) the private use of alcohol within the apartments by students of legal drinking age (2) the provision of alcohol at certain events sponsored by a University department, contracted organization, or campus community organization upon approval by the appropriate University official (see herein). Events must meet all criteria contained herein. The use of alcoholic beverages within these two exceptions is permitted only for those of legal drinking age (21 years of age or older).

#### II. FRANCIS MARION UNIVERSITY ALCOHOL AND DRUG POLICIES

- A. Possession and/or use of alcohol on the Francis Marion University Campus is regulated and may only occur within the parameters of this and other University policies contained in the FMU Staff Handbook, the FMU Faculty Handbook, and the FMU Student Handbook. Francis Marion University prohibits the unlawful manufacture, dispensation, possession, use or distribution of illegal drugs and alcohol on its property or as a part of any of its activities by faculty, staff or students regardless of permanent, full-time, part-time or temporary status, pursuant to state and federal laws. For appropriate events, the Provost or vice president responsible for approving the event will determine how, when, and where alcohol may be used.
- B. At no time will FMU allow possession, use, and/or distribution of an illegal drug as defined by the statutes of South Carolina.
- C. Individuals and sponsoring groups are accountable for their choices and behavior. If alcohol or other drug violations occur, the following systems may be utilized:
  1. Procedures outlined in the FMU Student Handbook.
  2. Procedures outlined in faculty and employee handbooks.
  3. Legal prosecution.
- D. Students, employees, and guests must adhere to federal, state and local laws and regulations.
- E. Alcohol and other drugs will not be allowed to interfere with residential living, co-curricular activities, classroom learning or any other activity of the University.
- F. Alcohol is prohibited in the residence halls. Private use of beer and wine by students of legal drinking age is allowed in the apartments.
- G. When alcohol is present at an event, strict controls will be enforced in order to prevent underage drinking.
- H. Alternative beverages and food, in appropriate quantities determined by the approving University official, must be available and visible when alcohol is served.
- I. Detailed alcohol procedures are outlined in this handbook and copies are available from the offices of Student Affairs, Human Resources and Campus Police. These procedures apply to all members of the FMU community and their guests.
- J. Open containers are prohibited from all public areas of FMU campus, unless the area has been designated as appropriate for alcohol use under the guidelines of the ALCOHOL AND DRUG POLICY.
- K. Events held at the President's House, or other locations as deemed appropriate, may be exempt from appropriate portions of this policy at the discretion of the University president.

#### III. LEGAL ISSUES RELATING TO ALCOHOL USE

- A. **The South Carolina Law (Title 61):** Individuals must be 21 years of age to purchase, possess, and/or consume alcohol. It is illegal to give or sell alcoholic beverages to persons who are under 21 years of age or who are intoxicated. For persons 21 years of age or older, it is unlawful for that person to possess or consume alcoholic liquors upon any premises where the person has been forbidden to possess or consume alcoholic liquors by the owner, operator, or person in charge of the premises.
- B. **Open Container Law:** The state of South Carolina and Florence County prohibit open containers of alcohol in vehicles. At FMU, open containers are prohibited on campus except within the apartments or at approved events. Open containers of alcohol are defined as any holders or receptacles on which the manufacturer's seal has been broken, and/or holders that allow unobstructed, unrestricted, or otherwise open access to the alcohol. This includes, but is not limited to, any primary or secondary container to include: cans, cups, bottles, kegs, etc.
- C. Possession, use, sale, and/or manufacture of false identification cards is strictly prohibited under South Carolina law and under Francis Marion University policy.
- D. **Public Consumption and Intoxication:** State law prohibits the consumption of alcohol in unlicensed public places. In keeping with local and state laws, FMU will not allow drunkenness in any public area of the campus. Organizations wishing to serve alcoholic beverages must obtain prior approval from the appropriate University officials as outlined in this policy.
- E. **Alcohol Permits:** Any group or person desiring to sell or

distribute alcohol on University property must possess or obtain the appropriate permit from the South Carolina Department of Revenue and Taxation as specified by South Carolina law. This may be a lengthy process – efforts should begin long before the anticipated date of the event.

#### IV. UNIVERSITY ALCOHOL PROCEDURES

- A. The Provost or appropriate vice president will be charged with screening applications for events at which alcohol might be served. The petitioning department or organization will complete an application addressing (a) the date, nature, and function of the event (b) the location and estimated number to be in attendance (c) the amount and type of alcohol to be served along with alternative beverages and (d) the control measure effected to assure adherence to the legal drinking age and the prevention of excessive drinking and DUI offenses.

Events may be approved by:

- The **Provost** for events sponsored by academic departments or otherwise related to academic affairs.
- Administrative departments or otherwise related to staff affairs.
- The **Vice President for Student Affairs** for events sponsored by student organizations or otherwise related to student affairs.
- The **Executive Director for Public Affairs** for events sponsored by off-campus groups or organizations.
- The **Athletics Director** for events sponsored by the athletics office.

Events that cater to multiple groups from different areas should receive the joint approval of the appropriate University officials listed above.

- B. Specific event locations must be approved by the Provost or appropriate vice president. **All appropriate facilities and service requests must be completed.**

C. **Nonalcoholic Beverages and Food:**

1. Nonalcoholic beverages (soft drinks or other alternatives) must be available in the same location and be featured as prominently as the alcoholic beverages during the entire time alcoholic beverages are served. The number of servings of alternative beverages must be equal to the number or amount of approved alcohol servings.
2. When alcoholic beverages are served, ad equate amounts of food and/or snacks must be prominently displayed and available for consumption during the entire event. The amount of food necessary to comply with this regulation will vary depending upon the time and type of event and must be approved by the Provost or appropriate vice president.

D. **Dispensing Alcohol:**

1. At all registered events where alcohol is available, there must be persons called “**servers.**” Servers must meet minimum standards outlined in this policy. Servers must be 21 years of age or older, must not use alcohol or drugs at least four hours prior to (or during) the event for which they serve, and must be approved by the Provost or appropriate vice president.
2. All registered alcohol events must have a person identified as the “**Event Manager**” available at all times during

the event.. This person must review and acknowledge understanding of Francis Marion University policies, procedures and sanctions for alcohol and other drugs.

3. The University will assume the **Event Manager** is the person registering the event unless otherwise noted on the registration form.
4. **Event Managers** must be **21 years or older** and abide by all aspects of the Alcohol Policy.
5. Liquor may be served only at private functions in the President’s House, the Ervin Dining Hall, and other locations as approved by the University President.

E. **Promotion:**

1. Alcohol may not be used as an inducement to participate in a campus event.
2. Promotional materials, including advertisement for any university event, shall not make reference to or include pictures of alcoholic beverages. Advertising materials must comply with the Solicitation and Advertising Guidelines in the Student Handbook. Neither events nor their advertisement should have as a major emphasis consumption of alcohol (e.g. “beer blasts”). Advertisement and/ or holding of an alcohol event open to the public in individual apartment/room/suite is prohibited.

F. **Security:**

Law enforcement personnel approved by Campus Police are required at all events of 150 or more people. The sponsoring group is responsible for the costs of supplying Campus Police or Florence County sheriff’s deputies. One officer is required for the first 150 people (including members of the host organization), and an additional officer is required for each additional 100 attendees. Campus Police can provide additional information on scheduling and costs. Arrangements for these services must be made through Campus Police. The University official responsible for approving the event and the Chief of Campus Police may jointly make exceptions to this requirement. Forms for requesting officer support can be obtained from the Campus Police or Student Affairs and must be completed along with all other forms related to the event.

G. **Alcohol Event Registration Procedures:**

1. Events where alcohol will be served must be registered and all appropriate facilities, service, alcohol, and security requests must be obtained per University guidelines. Events (*see the definition of “alcohol event” in the Glossary of Terms*) or parties with alcohol are never authorized in any student residential areas (residence halls and apartments) of the University.
2. Events where alcohol is served must be registered with the Provost or appropriate vice president no later than seven days prior to the event.
3. The Provost or appropriate vice president can disapprove or revise any alcohol event for valid reasons, including but not limited to, the following: inappropriate types/amounts of alcohol, inappropriate location/duration of event, numerous events have been scheduled; a sponsor has lost privileges for registering events; the registration deadline was not met, and previous violations of the University policies by an individual, group or organization.
4. The individual registering the event involving use or



serving of alcohol, the **Event Manager**, and organization officers are responsible for the following:

- a. Ensuring compliance with all of the Francis Marion University ALCOHOL AND DRUG POLICY and the South Carolina ABC regulations by members and guests. The University reserves the right to enter events to investigate compliance.
- b. Ensuring that only individuals of legal age serve, possess, or consume alcohol and that intoxicated individuals are not served.
- c. Ensuring that the noise level does not disturb others. **Event Managers** must respond to requests regarding noise levels.
- d. Preventing any damage that could occur as a result of the event.
- e. Ensuring that the area where the alcohol event was held, including yards, parking lots and hallways, is cleaned immediately following the event, or as determined appropriate by the approving official. Billing for cleaning and/or damages will be assessed to the individual or organization that registered the alcohol event.
- f. Controlling the size of the event and ensuring attendance does not exceed maximum safety occupancy.
- g. The **Event Manager** will be notified by telephone or in writing within two business days of approval or non-approval of the use or service of alcohol by the Provost or appropriate vice president.

#### H. Requirements for Student Organizations and Students:

1. Individuals or organizations sponsoring an event must insure that alcoholic beverages are not accessible or served to persons under the legal drinking age or to persons who appear intoxicated. Everyone admitted to the event must possess an identification (with photograph) issued by a school or government agency. An appropriate method, approved by the vice president for Student Affairs, must be used to determine if guests are of the legal drinking age. A guest list must be signed at the door by each participant prior to access into the event and presented to University authorities at their request. This list must include the type of identification used to verify the age of participants.
2. Events with alcohol, sponsored by student organizations cannot be registered or held within the last seven days prior to the first day of final examinations in fall or spring semester.
3. Direct access to alcoholic beverages must be to a person(s) designated as the server(s). Servers must be 21 years of age, and servers who are of legal drinking age must not consume alcohol four hours before or during their shifts and must not be intoxicated.
4. Consumption of alcoholic beverages is permitted only within the approved areas designated for the activity.
5. Open containers of alcohol are allowed only inside of apartments or in areas designated and approved for alcoholic events. No open containers of alcohol are allowed in hallways, reception areas, or on the grounds

(excluding pre-approved areas).

6. Individual serving containers larger than 16 ounces may not be used.
7. No hard liquor (distilled spirits) is allowed at events sponsored by student organizations.
8. No social event shall include any form of drinking game or theme in its activities or promotion.
9. No sale or barter of alcohol will be allowed at any time except through the use of an **approved third party vendor** (see *glossary of terms*).
10. No alcohol may be consumed from a glass container in any common area. If bottle alcohol is used it must be transferred by the server, prior to consumption, to a non-glass container (no larger than pint size).
11. Alcoholic beverages are not permitted in and may not be consumed within residence halls.
12. Kegs are not allowed on campus unless properly registered and approved by the Vice President for Student Affairs.
13. Kegs of beer will not be registered for any organizations whose national organizations and/ or insurance policies forbid the purchase of kegs and/or the group purchase of alcohol.
14. Kegs are not allowed in apartments or residence halls.

#### V. SANCTIONS:

- A. Students and/or organizations charged with violation(s) of the Francis Marion University Policies and Procedures for Alcohol and Drugs will be held accountable for their actions and will face disciplinary action and/or legal prosecution. Students may also be held accountable for allowing or influencing violations of these policies by their guests. Campus disciplinary sanctions include, but are not limited to: written warnings, loss of privileges, disciplinary probation, educational assignments, fines, community service, counseling, restitution, suspension, and/or dismissal. If students are found to be in violation of Francis Marion University policies and procedures, the following sanctions are likely to be applied through procedures outlined in the FMU Student Handbook:
  1. Distribution of illegal drugs: Dismissal.
  2. Possession/use of illegal drugs: Suspension/Fines/Community Service/Counseling/other sanctions.
  3. Possession of Drug Paraphernalia and Alcohol Policy Violations (underage drinking, alcohol residence halls, etc.): Probation/Fines/Community Service/Counseling/other sanctions.
  4. Possession/use of false identification: Probation and/or other sanctions.
  5. Serious multiple violations and/or repeat offenders will face more stringent sanctions.
- B. Violations of state/local alcohol and drug laws or ordinances are punishable by fines, imprisonment, and suspension of a driver's license. Violations occurring within a Drug Free School Zone (on or within 1,000 feet of all University property) carry enhanced penalties. Specific information about these penalties is available from Campus Police.
- C. Violations of federal laws for possession, use, or distribution of illegal drugs carry mandatory penalties for first time

offenders including: imprisonment, fines, loss of property, loss of professional licensure, and loss of financial aid. Penalties for violations occurring within 1,000 feet of a school are enhanced by the state of South Carolina. Specific information about these penalties is available from Campus Police.

## VI. HEALTH RISKS

- A. Alcohol and illicit drug use can pose many health risks to University students. Such use may result in: impaired judgment and coordination; physical and psychological dependence; damage to vital organs such as the heart, stomach, liver and brain; inability to learn and remember information; psychosis and severe anxiety; unwanted or unprotected sex resulting in pregnancy and sexually transmitted diseases, including AIDS; and injury and death. Negative consequences of alcohol and other drug use can be immediate.
- B. Substance abuse by family members and friends is also of concern of students. Patterns of risk-taking behavior and dependency not only interfere in the lives of these abusers but can also have a negative impact on a student's academic work, emotional well-being, and adjustment to college. Students concerned with their own health or that of a friend should consult a physician, a mental health professional, or one of the other resources listed in the following section for more information and assistance.

## VII. RESOURCES FOR EDUCATION AND TREATMENT

### A. On-campus

1. The Office of Counseling and Testing (661-1840)  
This office offers individual counseling and alcohol and drug education programs. Various educational programs (including video and print resources) regarding alcohol and other drug use and abuse and related issues are available.
2. Dean of Students Office (661-1182)
3. Campus Police (661-1109); Emergency (661-1109)

### B. Off-campus

1. Local meetings of support groups, including Alcoholics Anonymous (AA) and Al-Anon – Contact the Office of Counseling and Testing for information.
2. Circle Park Associates (665-9349)
3. Alcohol and Drug Abuse Hotline (1-800-ALCOHOL)
4. Narcotics Anonymous (1-800-777-1515)
5. National Cocaine Hotline (1-800-COCAINE)
6. National Institute on Drug Abuse/Treatment Hotline (1-800-662- HELP)
7. AIDS Information Hotline (1-800-342-AIDS)
8. National STD Hotline (1-800-227-8922)
9. Federal Drug, Alcohol and Crime Clearinghouse Network (1-800-788-2800)

## GLOSSARY OF TERMS

**Alcohol Event or Event** - Any event which includes serving alcoholic beverages to the participants of the event which occurs

outside of the residence hall and which cannot be considered a private event (*see term below*) as governed by the ALCOHOL AND DRUG POLICY of Francis Marion University.

**Event Manager** - The person identified as the coordinator, manager, or responsible party of an individual or organization whose responsibilities include obtaining permission from the Provost or appropriate vice president to serve alcohol at an event. The event manager must be 21 years of age, agree to sign statement of understanding indicating their agreement not to use alcohol or drugs at least four hours prior to, or during the event for which they serve, and who refuses to use, transport or have in his/her possession any illegal substance during the course of the event for which they are in charge. The event manager will be the official representative of any individual, group and must comply with the entire ALCOHOL AND DRUG POLICY.

**Liquor** - Any intoxicating liquid, beverage or mixture that has been distilled or has an alcohol content greater than 14% by volume.

**Nonalcoholic Beverage** - A beverage declared by statute to be nonalcoholic or non-intoxicating.

**Open Container** - Any holders or receptacles on which the manufacturer's seal has been broken, and/or holders that allow unobstructed, unrestricted, or otherwise open access to the alcohol. This includes, but is not limited to, any primary or secondary container to include: cans, cups, bottles, kegs, etc.

**Private Event** - Any event occurring in residence halls or student apartments which does not exceed the maximum occupancy according to fire codes and which adheres to all of Francis Marion University policies and procedures, including, but not limited to, the ALCOHOL AND DRUG POLICY.

**Server** - Any person who distributes/serves or otherwise dispenses alcohol as an official representative of the individual or organization sponsoring an event where alcohol has been approved as a beverage. Servers must meet minimum standards established by the ALCOHOL AND DRUG POLICY and be 21 years of age or older. Servers must not use alcohol or drugs at least four hours prior to, or during the event for which they serve. **Third Party Vendor** - A company or business entity who is licensed or eligible to obtain licensing and/or appropriate permits for the sale of alcohol, and who abides by state, local government, and University laws, rules, policies or guidelines concerning the sale and dispensing of alcoholic beverages. All third party vendors who wish to sell alcohol at any alcohol event must be approved by the appropriate University official.

## Sexual Harassment\*

**Policy:** It is the policy of Francis Marion University, in keeping with efforts to maintain an environment in which the dignity and worth of all students, employees and visitors of the university are respected, that sexual harassment of students, employees and visitors at Francis Marion University is unacceptable conduct and will not be tolerated. Sexual harassment may involve the behavior of a person of either sex against a person of the opposite or same sex, when that behavior falls within the definition as outlined

*\*The FRANCIS MARION UNIVERSITY SEXUAL MISCONDUCT (TITLE IX) POLICIES AND PROCEDURES, adopted August 14, 2015, supersedes all statements in this handbook concerning discrimination, harassment, sexual misconduct, and retaliation. The final edition of 2015-16 FMU Student Handbook, to be posted by Sept. 6, will incorporate all changes necessitated by the new policy.*

below.

Offenders will be subject to disciplinary action, which may include, but is not limited to, oral or written warnings, demotions, transfers, suspension without pay, or dismissal for cause.

Sexual harassment is a form of sex discrimination, which is prohibited under Title VII of the Civil Rights Act of 1964 for employees and under Title IX of the Education Amendments of 1972 for students. The South Carolina State Human Affairs Law also prohibits sex discrimination. Title IX protects students from sexual harassment in a school's education programs and activities. Title IX protects students in connection with all the academic, educational, extracurricular, athletic and other programs of the University whether those programs take place in the University's facilities or at a classroom training program sponsored by the University at another location.

**Definition:** Sexual harassment of students, employees and visitors at Francis Marion University is defined as any unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal, or physical conduct of a sexual nature, when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status, or submission to or rejection of such conduct is used as the basis for employment or academic decisions affecting that individual, or such conduct has the purpose or effect of unreasonable interference with an individual's work performance or educational experience, or creates an intimidating, hostile, or offensive work or educational environment.

**Examples:** Prohibited acts take a variety of forms from subtle pressure for sexual activity to physical assault. Examples include, but are not limited to, threats or intimation of sexual relations or sexual contact which are not freely or mutually agreeable to both parties; continued or repeated verbal abuses or comments of a sexual nature; and threats or insinuations that the person's employment, grade, wages, promotional opportunities, class or work assignments, may be adversely affected by not submitting to sexual advances.

**Procedure:** Any University employee who feels that she or he has been sexually harassed under the above definition and who wishes further information or who wishes to file a complaint, including a Title IX complaint, should contact the Vice President for Administration immediately. The Vice President for Administration is located in Room 105 of the Stokes Administration Building and the phone number is 843-661-1146. Title IX coordinators are responsible for overseeing all title IX complaints and identifying and addressing any patterns of systemic problems that arise during the review of such complaints. Any student who feels that she or he has been sexually harassed under the above definition and who wishes further information or who wishes to file a complaint should contact immediately one of the following: the Vice President for Student Affairs or the Vice President for Administration. The Vice President for Student Affairs is located in Room 205 of the Smith University Center and the phone number is 843-661-1182.

Any faculty or staff member receiving a complaint of sexual harassment should seek the advice of the Vice President for Administration.

When a student sexually harasses another student, the harassing conduct creates a hostile environment if the conduct is sufficiently

serious that it interferes with or limits a student's ability to participate in or benefit from the University's program. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the harassment is physical. Even a single or isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. For example, a single instance of rape is sufficiently severe to create a hostile environment.

If the University knows or reasonably should know about student-on-student harassment that creates a hostile environment, Title IX requires the University to take immediate action to eliminate the harassment, prevent its recurrence, and address its effects. The University ensures that employees are trained so that they know to report harassment to appropriate University officials, and so that employees with authority to address harassment know how to properly respond. Training of employees should include practical information about how to identify and report sexual harassment and sexual violence. This training should be provided to any employee likely to witness or receive reports of sexual harassment or violence, for example administrators, counselors, health services and resident advisers.

The University may have an obligation to respond to student-on-student sexual harassment that initially occurred off campus or outside an educational program or activity. If a student files a complaint with the University, regardless of where the conduct occurred, the University must process the complaint according to established procedures. Because students often experience the continuing effects of off-campus sexual harassment in the educational setting, the University should consider the effects of the off-campus conduct when evaluating whether there is a hostile environment on campus.

Regardless of whether a harassed student, a parent or a third party files a complaint under the University's grievance procedures or otherwise requests action on the student's behalf, the University must promptly investigate to determine what occurred and then take appropriate steps to resolve the situation. The University's Title IX investigation is different from a law enforcement investigation and a law enforcement investigation does not relieve the University of its Title IX obligation to investigate the conduct.

The University should inform and obtain the consent from the complainant before beginning an investigation. If the complainant requests confidentiality or asks that the complaint not be pursued, the University should take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request that the investigation not be pursued. If a complainant insists that his or her name or other identifiable information not be disclosed to the alleged perpetrator, the University will inform the complainant that its ability to respond may be limited. The University will also tell the complainant that Title IX prohibits retaliation and that the University will take steps to prevent retaliation and take strong responsive action if retaliation occurs. If a complainant continues to ask that his or her name or other identifiable information not be revealed, the University will evaluate that request in the context of its responsibility to provide a safe and nondiscriminatory environment for all students. The request will be weighed against such factors as the seriousness of the alleged harassment, the complainant's age, whether there have been other complaints about the same individual; and the harasser's



rights to receive information about the allegations if the information is maintained by the University as an “educational record” under the Family Educational Rights and Privacy Act (FERPA). The University shall inform the complainant if it cannot ensure confidentiality. Even if the University cannot take disciplinary action against the alleged harasser because the complainant insists on confidentiality, it should pursue other steps to limit the effects of the alleged harassment and prevent its recurrence.

The University applies the following elements for prompt and equitable resolution of sexual harassment complaints. Notice to students and employees of the grievance procedures including where complaints may be filed; application of the procedures to complaints alleging harassment; adequate, reliable and impartial application of investigation of complaints including the opportunity for each party to present witnesses; reasonably prompt time frames for the major stages of the complaint process; notice to parties of the outcome of the complaint; and assurance that the University will take steps to prevent recurrence of any harassment and correct its discriminatory effects on the complainant and others.

### Student Evaluation of Course and Instructor

Every semester students are provided the opportunity to evaluate each course and its instructor so that educational quality may be maintained and enhanced. All students are encouraged to respond to the evaluation with honesty, sincerity, and a sense of confidentiality.

The evaluation is administered during class time with the instructor leaving the room while a designated student hands out forms, collects forms, and then delivers the completed forms to the appropriate faculty secretary. These evaluations are completely anonymous and faculty members do not receive any feedback until grades have been turned in to the Registrar.

Upon noting that these procedures of evaluation have not been followed, a student may contact the Office of the Provost in order to confidentially inform the administration of such failure to follow procedures.

### Assessment of Institutional Effectiveness

Francis Marion University is committed to the continuous improvement of all its programs and services, all of which are intended to create the best possible learning environment for you, the student. To do this, we must constantly scan the environment for information that might be used to form our improvement decisions. You are our most valuable source of this information.

While attending FMU, you will be asked on many occasions to provide feedback to the University’s various programs and activities. Your thoughtful and sincere responses are vital to our ability to make FMU better. As the most important member of the University community, you should view and accept this responsibility seriously. Your feedback is vital to the University’s continuing success.

## DEFINITION OF TERMS

For the interpretation of all rules, regulations and policies of the University the following definitions shall be used unless otherwise indicated:

**Student:** A person enrolled for one or more hours of academic credit, or in a noncredit course or courses offered in the name of the University.

**Faculty Member:** A University employee whose job classification is “academic,” whether full-time or part-time.

**Administrator:** A University employee whose job classification is “administrative,” whether full-time, part-time, or contractual.

**Staff Member:** Any other University employee who is employed by the University on a full-time or part-time basis. In some circumstances this may apply to students who are employed by the University in leadership positions (e.g. Resident Assistants and other residence hall staff).

**University Official:** This term shall refer to any University employee (whether full-time or part-time, student or nonstudent) acting in his or her official capacity and within the bounds of his/her authority. Invitee: A person who has official business at the University (e.g. delivery persons, construction workers, patients, student’s parents and/or guardians, etc.). Guest-Visitor: A person invited by a University student or employee to visit the campus at a specific time, place and/or occasion. A person making repeated use of the University facilities and/or grounds shall not be considered a guest.

# FMU SEXUAL MISCONDUCT (TITLE IX)

## POLICIES AND PROCEDURES

Francis Marion University (FMU) is committed to providing a healthy living, learning, and working community with an atmosphere that emphasizes the dignity and worth of all individuals within that community. Towards that end, we promote personal integrity, civility and mutual respect, and an environment that is free from sexual misconduct and discrimination.

Francis Marion University follows all state, local, and federal laws banning discrimination in public institutions of higher learning. FMU adheres to all Title IX policies, and does not discriminate on the basis of race, color, sex, religion, ethnicity, national origin, age, sexual orientation, gender identity, veteran status or any other protected category under applicable state, local, or federal law. General questions regarding Title IX can be directed to the Office of Civil Rights ([www.ed.gov/ocr](http://www.ed.gov/ocr)). Specific questions may be referred to the University's Title IX Coordinator ([titleixcoordinator@fmarion.edu](mailto:titleixcoordinator@fmarion.edu)) or the University's Human Resources Office.

Francis Marion's sexual misconduct (Title IX) procedures define the University's response to reports of sexual misconduct and explain the recourse and protections afforded complainants and respondents.

## SCOPE OF POLICY

This policy applies to all members of the FMU community, which includes currently enrolled students, staff, faculty, contractual, and vending employees in all university programs and activities. All members of the FMU community who are complainants regarding sexual misconduct shall be provided appropriate accommodations, and directed to appropriate resources, in order to ensure that their employment and/or educational experience at FMU is not unduly hindered. This policy addresses sexual misconduct that involves members of the FMU community. Sexual misconduct may involve a member of the same sex or the opposite sex. In addition, this policy remains applicable regardless of whether the incident occurs during working hours and regardless of whether the incident occurs on or off campus. Nothing in this policy shall be construed to infringe upon any of the due process rights available to a respondent under state, local, or federal laws. Under the Francis Marion University's Faculty Handbook, faculty members have the right of academic freedom, but academic freedom does not shield faculty members from violations described in this policy.

Francis Marion University encourages faculty, students, and staff to report sexual misconduct to the Campus Police, Title IX Coordinator, and/or a responsible employee as promptly as possible.

## Sexual Misconduct

Sexual misconduct refers to a broad category of sexual behaviors which violate state and federal laws. This policy applies to all forms of sexual misconduct, as defined by applicable laws and University policies, including but not limited to, sex-based discrimination, sexual harassment, sexual assault, dating/relationship violence, and stalking by employees, students, or third parties.

**Definitions.** In general, any non-consensual contact of a sexual

nature may constitute Sexual Misconduct. Information concerning the legal and regulatory aspects of consent and various classes of sexual misconduct is presented in an Appendix section of this document, pages 15-17. A detailed description is also available in the FMU Student Handbook and the FMU Catalog, pages 57-58.

Conditions related to consent are noted below:

- If coercion, intimidation, threats, or physical force are used, there is no consent;
- If a person is mentally or physically incapacitated, or impaired, so that the person cannot understand the fact, nature, or extent of the sexual situation, there is no consent. This includes impairment or incapacitation due to alcohol, drug consumption, being asleep, or unconscious;
- Inducing incapacitation for sexual purposes includes using drugs, alcohol, or other means with the intent to affect the ability of an individual to consent or refuse to consent (as "consent" is defined in this policy) to sexual contact;
- There is no consent when there is force, expressed or implied, or use of duress upon the victim;
- Past consent to sexual activity does not imply ongoing future consent; and
- Consent can be withdrawn at any time.

## Anti-Retaliation/Anti-Intimidation Policy

Title IX and Francis Marion University strictly prohibit retaliation against and intimidation of any person because of his/her reporting an incident of sexual misconduct or participation in the University's process. The University will take strong disciplinary action in response to any retaliation or intimidation.

## FMU TITLE IX COORDINATOR AND TITLE IX COUNCIL

### Title IX Coordinator

The University President appoints the Title IX Coordinator. The Title IX Coordinator reports directly to the University President and is assigned responsibility for compliance with Title IX. The Title IX Coordinator implements the University's Title IX policy and procedures.

Specific responsibilities of the Title IX Coordinator include the following:

1. Ensures the University's compliance with Title IX's administrative requirements.
2. In consultation with the FMU Athletic Director, monitors students' participation in athletics and across academic fields to identify programs with disproportionate enrollment based on sex and ensures that sex discrimination is not negatively affecting access to equal educational opportunities.
3. Coordinates the University's responses to and procedures for resolving Title IX complaints, including educating the community on how to file a complaint alleging a violation of Title IX, investigating complaints, working with law enforcement when necessary, and ensuring that complaints are resolved promptly and appropriately. Provides consultation