

Template for Providing Notice of Allegations to Parties in Sexual Harassment, other Sexual Misconduct or Interpersonal Violence cases.

Dear \_\_\_\_\_:

The Office of Equal Opportunity Programs (EOP Office) is providing this notice of allegations to inform you that the EOP Office has received a formal complaint on     (date)     alleging that you have committed a violation of the University of South Carolina policies prohibiting sexual harassment, other sexual misconduct or interpersonal violence. The above-referenced complaint alleges that on or about     (date)     you engaged in conduct which constitutes a violation of University of South Carolina policy \_\_\_\_\_, which prohibits sexual harassment, sexual misconduct, or other interpersonal violence.

Specifically the above-referenced complaint alleges that on \_\_\_\_\_ you engaged in the following conduct: \_\_\_\_\_ . The conduct is alleged to have occurred at \_\_\_\_\_ location.

If any party desires supportive measures and has not yet received such supportive measures, please inform the author of this letter upon receipt of this letter and you will be contacted by the EOP Office to arrange for the implementation of supportive measures. Supportive measures may include changes in class schedules, residence hall assignments, no contact orders and other appropriate supportive measures.

You are also advised the Respondent is presumed not responsible for the alleged conduct, and that a determination regarding responsibility will be made at the conclusion of the grievance process, which includes a live hearing, after which the hearing officer will issue a decision regarding responsibility.

You are hereby advised that you may have an advisor of your choice who may, but is not required to, be an attorney. If you appear at the above-referenced live hearing without an advisor, an advisor of the university's choice will be appointed to conduct permitted questioning at the hearing.

You are also advised that you may inspect and review evidence gathered during this investigation.

Upon receipt of this notice, the Respondent will have ten (10) calendar days to provide a written response to the formal complaint. If the Respondent provides a written response to the complaint, the Complainant will have five (5) university business days to provide a written reply. If the Respondent files a counter-complaint against the Complainant, the Complainant will have ten (10) calendar days to provide a written response to the complaint of the Respondent. The Respondent will then have five (5) business days to provide a written reply to any response the Complainant makes to the Respondent's complaint.

If, during the investigation, either party requests the EOP Office to allow them to inspect and review evidence gathered during the investigation, that party must provide the EOP Office any written response to such evidence no later than five (5) calendar days after being provided the evidence for inspection and review.

At the conclusion of the investigation, the EOP Office will provide the parties an equal opportunity to inspect and review any evidence obtained as a result of the investigation that is directly related to the allegation raised in the formal complaint. The evidence will be provided to each party (and each party's advisor), who will be afforded ten (10) calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report.

The EOP office, after receipt of any written responses from the parties, will create an investigative report that summarizes the relevant evidence which will be provided to both parties (and each party's advisors).

A hearing at which a responsibility determination will be made will occur no sooner than ten (10) calendar days after the parties have been provided the above-referenced report.

At the above-referenced hearing, each party will be entitled to cross-examine the other party through the party's advisor. As indicated above, if a party appears at a hearing without an advisor to cross-examine the other party and their witnesses, the university will appoint an advisor of the university's choice, to conduct such cross-examination.

At the conclusion of the hearing, the hearing officer will make a responsibility decision within ten (10) calendar days thereof. Each party will be provided ten (10) calendar days to appeal the decision of the hearing officer.

Each party will be given ten (10) calendar days to respond to the appeal of the other party. A decision will be issued by the appellate authority (which will consist of a three-person panel) no sooner than ten (10) calendar days after expiration of the time period for the opposing party to respond to the appeal.

The parties may enter into an informal resolution of the above-referenced formal complaint at any time prior to a decision of responsibility being issued in this case.

If the parties enter into an informal resolution agreement, the parties will be precluded from further action on the matter which is the subject of the complaint. However, either party may withdraw from the informal resolution proceedings at any time prior to entering into a written agreement resolving the matter through informal resolution.

If during the course of the investigation, the EOP office decides to investigate allegations about the Complainant or Respondent that are not included in the initial notice, the EOP office will provide notice of the additional allegations to the parties whose identities are known.

If upon receipt of a complaint, the EOP office determines that it is not within the jurisdiction of the EOP office to investigate, pursuant to Title IX or any university policy prohibiting sexual harassment, sexual misconduct or interpersonal violence, the university will dismiss the complaint. Any party who disagrees with the dismissal shall have five (5) calendar days to file an appeal with the Office of Equal Opportunity Programs. The EOP Office will forward the appeal to the appellate authority and provide a copy of the appeal to the other party.

The appellate authority shall have ten (10) calendar days to issue a decision to the appealing party. The appellate authority's decision shall be final, university action on the dismissals.

***Respondent Resource Support (Please delete this paragraph if this is not a student-on-student Title IX sexual misconduct or interpersonal violence case).***

***“The university has created a Student Title IX/IPV Respondents Resource Committee consisting of trained volunteers who can provide assistance to the respondent throughout the course of this case. This volunteer can answer questions regarding the process and help connect you to the resources on and off campus. You are under no obligation to work with this volunteer; this is merely a service provided by the university if you need assistance. If you wish to learn more or work with a volunteer from this committee, please contact committee chair, Janie Kerzan at 803-777-9886 or [mcdowj@mailbox.sc.edu](mailto:mcdowj@mailbox.sc.edu). The committee chair can also provide you with a copy of a respondent resource manual that has been created by that organization. You will be asked to provide your name and the name of the complainant to the committee chair to ensure that a volunteer can be provided with no conflicts of interest to your case.”***

### ***Retaliation***

This letter also serves as a reminder that institutional policy prohibits retaliation, which is defined as: “Any intentional, adverse action taken by an individual absent legitimate nondiscriminatory purposes, as reprisal against a participant in a civil rights grievance proceeding”. Retaliation exists when an individual harasses, intimidates or takes other adverse actions against a person because of the person’s participation in an investigation of unlawful discrimination or harassment or sexual misconduct, or because of their support of someone involved in an investigation of unlawful discrimination or harassment or sexual misconduct.

Retaliatory actions include, but are not limited to, threats or actual violence against a person or their property, adverse educational or employment consequences, ridicule, intimidation, bullying, or ostracism. The university will impose sanctions on any faculty, student, or staff member found to be engaging in retaliation.

The Respondent will be contacted to schedule an appointment with the investigator after the EOP office receives the Respondent’s written reply. (This sentence may be removed from the notification letter to the Complainant.)

Please note the following potential consequences for knowingly making false statements or submitting false information.

### **For Students:**

#### **STAF 6.26 Student Code of Conduct**

##### ***Prohibited Conduct***

***Fraudulent Behavior Prohibited behaviors include: a. Fraudulent behavior in any oral or written transaction with the university. b. Dishonesty or misrepresenting the truth before a hearing of the university or furnishing false information or withholding information to any university official which interferes with university processes or procedures.***

***One or more of the following sanctions may be utilized to provide educational interventions and to hold a student accountable. The severity of the sanctions will align with the severity of the offense and***

community standards and will increase with subsequent violations of the Code of Conduct. Although not an exhaustive list, the following are examples of sanctions that may be applied:

1. Educational workshops;
2. Conduct probation;
3. Reflection papers;  
(The topic and essay questions assigned will depend on the incident type)
4. Community service;
5. Fines;
6. Disciplinary withdrawal;
7. Housing relocation, removal from housing, cancellation of housing contract;
8. Delayed suspension, suspension, or expulsion;
9. Degree revocation.

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### **For Faculty and Staff**

#### **HR 1.39 Disciplinary Action and Termination for Cause**

##### **Falsification:**

*Failure to provide accurate, truthful, and complete information.*

*First Offense: Written Reprimand to Suspension;*

*Second Offense: Suspension to Dismissal;*

*Third Offense: Dismissal.*

If you experience any retaliation, or if you have any questions or concerns, please contact me at {{PHONE}} or {{CURRENTLY\_ASSIGNED\_HEARING\_OFFICER\_EMAIL}}

Sincerely,