Greetings MUSC Family!

Wow, can you believe it is mid-October already? My hope is that we each find time during the autumn season to enjoy the coming brisk mornings – they are coming and prepare for a welcoming winter!

This month we celebrate all that the new season offers and the wonderful chance to renew. We continue to celebrate RE-SPECT as a core value and begin our celebration of National Disability Employment Awareness Month.

I am so thrilled that the 2017 national theme during National Disability Awareness Month is “Inclusion drives innovation.”, because it connects directly to our Imagine 2020 goal – “Foster Innovation, Education and Learning”. Here at MUSC we are working every day to create a culture of belonging. This means creating an academic health center that embraces inclusion because it breeds innovation and enhances productivity. Disabled members of the MUSC community – students, faculty and staff – are important members of the diverse pool of talent, which makes us who we are. We are committed to actively recruiting, hiring and retaining disabled employees because of the incredible value they bring to our organization. Join us in celebrating the many innovative contributions our disabled members of the MUSC family and those elsewhere add to the local, state and national workforce.

I hope you enjoy this issue of the newsletter. Your feedback is always welcome.

I remain yours in service!

Willette S. Burnham-Williams, PhD
University Chief Diversity Officer Title IX Coordinator
burnham@musc.edu
INSIDE THIS ISSUE

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Student Showcase | Introducing the Department of Diversity, Equity and Inclusion Graduate Interns

Lane Campbell, is originally from Charleston and graduated from Lander University with dual majors in Mass Communication and Business Management/Marketing in 2012. Lane enjoys meeting new people, traveling, and shopping. She loves her two dogs, Cameron and Corey, adores her two younger sisters, Catherine and Courtney, and the key to her heart is chocolate candy. Sense a “C” theme?! Lane is currently a Master’s in Health Administration candidate, is employed fulltime as the Student Life & Recruitment Coordinator in the College of Health Professions and is completing her graduate Internship with the Department of Diversity, Equity and Inclusion.

Ronnie Chatterjee, was born in Columbus, Ohio but has lived in Charleston, SC for 13 years. Previously, he attended Clemson University (Go Tigers!) and received a BS in Microbiology/Biomedicine. This is his first semester in the Master of Public Health-Epidemiology program at MUSC. Ronnie’s academic and professional interests range from emerging infectious diseases to achieving health equity. He is currently a work-study student in Department of Diversity, Equity and Inclusion and the Student Government Association Representative for the MPH 2018 Cohort.

MYQUEST MINUTE

UPCOMING CAMPUS WIDE TRAININGS

Embracing Generational Differences in the Workplace
November 02, 2017
10:00 a.m. - 12:00 noon
BSB 502

Safe Zone Ally Training
November 15, 2017
5:00 p.m. - 9:00 p.m.
MUSC Community Training Center

Embracing Generational Differences in the Workplace
December 06, 2017
10:00 a.m. - 12:00 noon
BSB 402

MUSC is committed to Embracing Diversity and to creating an inclusive experience for the lives we touch. As one of Imagine 2020’s 5 goals, embracing diversity is a critical component of the innovation that leaders in our organization drive. Leadership models the importance of life-learners and MUSC is proud to offer a wide-range of educational opportunities focused on enhancing our leaders’ awareness and understanding.

Dhruv Patel, is a student in the College of Graduate Studies enrolled in the Masters in Clinical Research Program. He is also a US Army Combat Medic Veteran and currently employed at VA Hospital in the Emergency Dept. Dhruv has worked with the Department of Diversity and Inclusion at MUSC as a work-study student for one year. In his own words: “I love to talk as well as discuss current topics, especially history or anything related to ‘what I don’t know’. I am fun loving, as life is too short, to waste time worrying about things that we can’t change. Instead, I live in the present and enjoy every moment that life has to offer. I like to keep it simple. I love sports, politics, science and adventures... you name it, and I am on it. That’s what encouraged me to be an Airborne Medic while in the service.”
Health Care Heroes is an annual event put on by the Charleston Regional Business Journal. Celeste Jilich, a 3rd year Medical Student was nominated for this award by Joy Farrae.

Ms. Celeste Jilich has served in a variety of leadership roles since enrolling at MUSC. What stands out about this honoree is what she has been able to accomplish in just two short years and the tenacity and compassion with which she embraces her leadership roles. Ms. Jilich demonstrates a dedication to the community at large and to her peers.

Ms. Jilich serves as a CARES volunteer. CARES is a student run free clinic that serves uninsured adult community members, a population that is described as underserved. During the past year, Ms. Jilich has spent significant time with the CARES director, regarding enhancing clinic operations and associated issues. Specifically, Celeste has dedicated a large percentage of her time to increasing accessibility to the clinic to more patients who need care. Through her work she has improved diversity to patients and to students through excellence in service.

This will be the 13th annual Health Care Heroes event! The event will be held November 30 at the Francis Marion Hotel. Please click here for more information on this annual event.

Celeste Jilich

www.musc.edu/univdei     |    843.792.1072 (o)      |      843.792.1288 (f)    |  henderco@musc.edu  | Page 3
Student Mentors for Minorities in Medicine

Student Mentors for Minorities in Medicine (SM³) is an umbrella program that engages under-represented in medicine males and females in a mentoring process (academic and professional) which will prepare them for a future career in medicine. “A Gentleman and A Scholar,” and “A Lady and A Scholar” Mentoring Programs consist of a series of monthly large group sessions and individual one-on-one sessions with assigned College of Medicine (COM) minority student mentors. This mentoring initiative is the efforts of the African-American male College of Medicine class of 2010. Subsequent classes of COM under-represented in medicine students have committed to maintain the program.

Since the program’s inception, the College of Medicine has admitted SM³ participants into MUSC’s College of Medicine. Several participants have been admitted to other medical schools, while some have been admitted to other health care programs.

The Group on Diversity Affairs hosted the SM³ Program’s 11th annual Induction Ceremony on Sunday, October 15th. Dr. Michael Smith, COM graduate class of 2010, and founding member of the Gentleman and Scholar Mentoring Program was the keynote speaker.

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Click their links for more information on the programs A Gentleman and a Scholar and A Lady and a Scholar.

College of Medicine
Group on Diversity Affairs

**

Dr. Michael De Arellano
dearlma@musc.edu

Ms. Natalie Johnson
johnsong@musc.edu

Ms. Kelli Jenkins
andke@musc.edu

Ms. Sherrie Nesbitt
nesbitts@musc.edu

Mr. Chris Powers
powersb@musc.edu

If you would like to contribute an article or post an announcement from your department or college as it relates to Diversity & Inclusion, or flyer of your event, training or workshop, please submit your request via email to: henderco@musc.edu.
1. Take time to learn about the History of Thanksgiving and the Indigenous People where you live
2. Learn about the unique lives of Native Americans and their culture
3. Support and celebrate the history and culture of Native Americans
4. Find and support an organization that advocates for Native Americans in your community
5. Learn about the inequalities that still exist within Native American communities and speak out against them
6. Connect with a local tribe and support them
7. LISTEN
Helpful Links for Employees

MUSC ADA Website

https://www.ada.gov/

http://www.higheredcompliance.org/resources/disabilities-accommodations.html

RESPECT

We are committed to creating an inclusive experience for the lives we touch
Embracing Generational Differences in the Workplace

Thursday, November 02, 2017
10:00 a.m.—12:00 a.m.
Basic Science Building
Room 502

According to Workinfo.com, the workforce encompasses four separate generations working side by side—Baby Boomers, GenXers, and Millennials—and the differences among them, such as work ethic, communication and specific expectations are one of the greatest challenges of today.

This course is available enterprise-wide! Don’t miss it.

Embracing Generational Differences | November 02, 2017 | BSB 502 at Noon

Featured Speakers

Inclusion to Innovation Summit: Diverse Pathways to Organizational Excellence
Nov. 9 & 10, 2017 | Charleston, South Carolina | Doubletree Downtown

The Medical University of South Carolina presents:
Inclusion to Innovation Summit:
Diverse Pathways to Organizational Excellence
Nov. 9 & 10, 2017 | Charleston, South Carolina

inclusioninnovationsummit@musc.edu
Register at: www.musc.edu/dei-summit

Inclusion to Innovation Summit | Nov. 09-10
Double Tree Hotel | Downtown Charleston | www.musc.edu/dei-summit
Guest Lecture by: Geiza Vargas-Vargas | November 15, 2017 | BSB 302 | Noon

Sponsored by: The Department of Diversity, Equity and Inclusion, the Alliance for Hispanic Health and The Office of Student Programs and Student Diversity.

Become an ally and know how to support LGBTQ Individuals
Safe Zone Ally Training | November 15, 2017 | 5:00 p.m. to 9:00 p.m.
MUSC Community Training Center | 1 South Park Circle, Ste. 300 Room 301A
Q&A on Campus Sexual Misconduct

Question 1:
What is the nature of a school’s responsibility to address sexual misconduct?

Answer:
Whether or not a student files a complaint of alleged sexual misconduct or otherwise asks the school to take action, where the school knows or reasonably should know of an incident of sexual misconduct, the school must take steps to understand what occurred and to respond appropriately. In particular, when sexual misconduct is so severe, persistent, or pervasive as to deny or limit a student’s ability to participate in or benefit from the school’s programs or activities, a hostile environment exists and the school must respond.

Each recipient must designate at least one employee to act as a Title IX Coordinator to coordinate its responsibilities in this area.

Other employees may be considered “responsible employees” and will help the student to connect to the Title IX Coordinator. In regulating the conduct of students and faculty to prevent or redress discrimination, schools must formulate, interpret, and apply their rules in a manner that respects the legal rights of students and faculty, including those court precedents interpreting the concept of free speech.
THE CLERY ACT AND TITLE IX

Question 2:
What is the Clery Act and how does it relate to a school’s obligations under Title IX?

Answer:
Institutions of higher education that participate in the federal student financial aid programs are subject to the requirements of the Clery Act as well as Title IX. Each year, institutions must disclose campus crime statistics and information about campus security policies as a condition of participating in the federal student aid programs. The Violence Against Women Reauthorization Act of 2013 amended the Clery Act to require institutions to compile statistics for incidents of dating violence, domestic violence, sexual assault, and stalking, and to include certain policies, procedures, and programs pertaining to these incidents in the annual security reports. In October 2014, following a negotiated rulemaking process, the Department issued amended regulations to implement these statutory changes. Accordingly, when addressing allegations of dating violence, domestic violence, sexual assault, or stalking, institutions are subject to the Clery Act regulations as well as Title IX.

INTERIM MEASURES

Question 3:
What are interim measures and is a school required to provide such measures?

Answer:
Interim measures are individualized services offered as appropriate to either or both the reporting and responding parties involved in an alleged incident of sexual misconduct, prior to an investigation or while an investigation is pending. Interim measures include counseling, extensions of time or other course-related adjustments, modifications of work or class schedules, campus escort services, restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar accommodations.

It may be appropriate for a school to take interim measures during the investigation of a complaint. In fairly assessing the need for a party to receive interim measures, a school may not rely on fixed rules or operating assumptions that favor one party over another, nor may a school make such measures available only to one party. Interim measures should be individualized and appropriate based on the information gathered by the Title IX Coordinator, making every effort to avoid depriving any student of her or his education. The measures needed by each student may change over time, and the Title IX Coordinator should communicate with each student throughout the investigation to ensure that any interim measures are necessary and effective based on the students’ evolving needs.

9 Things to Know about Title IX

- Title IX protects ALL people regardless of their sex.
- All Schools must have a Title IX Coordinator.
- Schools must have an established procedure for handling Sexual Misconduct.
- In cases of sexual violence, schools are prohibited from resolving complaints through mediation.
- Costs necessary for a victim to pursue his/her education such as counseling or housing changes should be provided by the school.
- Schools may not retaliate against a victim filing a complaint.
- Schools are required to protect pregnant and parenting students from discrimination.
- Schools must take IMMEDIATE action to ensure a victim can continue their education free of ongoing sexual discrimination, violence, or harassment.
- If your school fails to comply by these rules file a complaint with the U.S. Department of Education.
GRIEVANCE PROCEDURES AND INVESTIGATIONS

Question 4:

What are the school’s obligations with regard to complaints of sexual misconduct?

Answer:

A school must adopt and publish grievance procedures that provide for a prompt and equitable resolution of complaints of sex discrimination, including sexual misconduct. OCR has identified a number of elements in evaluating whether a school’s grievance procedures are prompt and equitable, including whether the school (i) provides notice of the school’s grievance procedures, including how to file a complaint, to students, parents of elementary and secondary school students, and employees; (ii) applies the grievance procedures to complaints filed by students or on their behalf alleging sexual misconduct carried out by employees, other students, or third parties; (iii) ensures an adequate, reliable, and impartial investigation of complaints, including the opportunity to present witnesses and other evidence; (iv) designates and follows a reasonably prompt time frame for major stages of the complaint process; (v) notifies the parties of the outcome of the complaint; and (vi) provides assurance that the school will take steps to prevent recurrence of sexual misconduct and to remedy its discriminatory effects, as appropriate.

Question 5:

What time frame constitutes a “prompt” investigation?

Answer:

There is no fixed time frame under which a school must complete a Title IX investigation. OCR will evaluate a school’s good faith effort to conduct a fair, impartial investigation in a timely manner designed to provide all parties with resolution.

Question 6:

What constitutes an “equitable” investigation?

Answer:

In every investigation conducted under the school’s grievance procedures, the burden is on the school—not on the parties—to gather sufficient evidence to reach a fair, impartial determination as to whether sexual misconduct has occurred and, if so, whether a hostile environment has been created that must be redressed. A person free of actual or reasonably perceived conflicts of interest and biases for or against any party must lead the investigation on behalf of the school. Schools should ensure that institutional interests do not interfere with the impartiality of the investigation.

An equitable investigation of a Title IX complaint requires a trained investigator to analyze and document the available evidence to support reliable decisions, objectively evaluate the credibility of parties and witnesses, synthesize all available evidence—including both inculpatory and exculpatory evidence—and take into account the unique and complex circumstances of each case.
Question 6, Answer 6 Continued:

Any rights or opportunities that a school makes available to one party during the investigation should be made available to the other party on equal terms. Restricting the ability of either party to discuss the investigation (e.g., through “gag orders”) is likely to deprive the parties of the ability to obtain and present evidence or otherwise to defend their interests and therefore is likely inequitable. Training materials or investigative techniques and approaches that apply sex stereotypes or generalizations may violate Title IX and should be avoided so that the investigation proceeds objectively and impartially.

Once it decides to open an investigation that may lead to disciplinary action against the responding party, a school should provide written notice to the responding party of the allegations constituting a potential violation of the school’s sexual misconduct policy, including sufficient details and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved, the specific section of the code of conduct allegedly violated, the precise conduct allegedly constituting the potential violation, and the date and location of the alleged incident. Each party should receive written notice in advance of any interview or hearing with sufficient time to prepare for meaningful participation. The investigation should result in a written report summarizing the relevant exculpatory and inculpatory evidence. The reporting and responding parties and appropriate officials must have timely and equal access to any information that will be used during informal and formal disciplinary meetings and hearings.

INFORMAL RESOLUTIONS OF COMPLAINTS

Question 7:

After a Title IX complaint has been opened for investigation, may a school facilitate an informal resolution of the complaint?

Answer:

If all parties voluntarily agree to participate in an informal resolution that does not involve a full investigation and adjudication after receiving a full disclosure of the allegations and their options for formal resolution and if a school determines that the particular Title IX complaint is appropriate for such a process, the school may facilitate an informal resolution, including mediation, to assist the parties in reaching a voluntary resolution.
DECISION-MAKING AS TO RESPONSIBILITY

Question 8:
What procedures should a school follow to adjudicate a finding of responsibility for sexual misconduct?

Answer:
The investigator(s), or separate decision-maker(s), with or without a hearing, must make findings of fact and conclusions as to whether the facts support a finding of responsibility for violation of the school’s sexual misconduct policy. If the complaint presented more than a single allegation of misconduct, a decision should be reached separately as to each allegation of misconduct. The findings of fact and conclusions should be reached by applying either a preponderance of the evidence standard or a clear and convincing evidence standard.19

The decision-maker(s) must offer each party the same meaningful access to any information that will be used during informal and formal disciplinary meetings and hearings, including the investigation report.20 The parties should have the opportunity to respond to the report in writing in advance of the decision of responsibility and/or at a live hearing to decide responsibility.

Any process made available to one party in the adjudication procedure should be made equally available to the other party (for example, the right to have an attorney or other advisor present and/or participate in an interview or hearing; the right to cross-examine parties and witnesses or to submit questions to be asked of parties and witnesses).21 When resolving allegations of dating violence, domestic violence, sexual assault, or stalking, a postsecondary institution must “[p]rovide the accuser and the accused with the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice.”22 In such disciplinary proceedings and any related meetings, the institution may “[n]ot limit the choice of advisor or presence for either the accuser or the accused” but “may establish restrictions regarding the extent to which the advisor may participate in the proceedings.”23

Schools are cautioned to avoid conflicts of interest and biases in the adjudicatory process and to prevent institutional interests from interfering with the impartiality of the adjudication. Decision-making techniques or approaches that apply sex stereotypes or generalizations may violate Title IX and should be avoided so that the adjudication proceeds objectively and impartially.

DECISION-MAKING AS TO DISCIPLINARY SANCTIONS

Question 9:
What procedures should a school follow to impose a disciplinary sanction against a student found responsible for a sexual misconduct violation?

Answer:
The decision-maker as to any disciplinary sanction imposed after a finding of responsibility may be the same or different from the decision-maker who made the finding of responsibility. Disciplinary sanction decisions must be made for the purpose of deciding how best to enforce the school’s code of student conduct while considering the impact of separating a student from her or his education. Any disciplinary decision must be made as a proportionate response to the violation.24 In its annual security report, a postsecondary institution must list all of the possible sanctions that the institution may impose following the results of any institutional disciplinary proceeding for an allegation of dating violence, domestic violence, sexual assault, or stalking.25

Title IX is the Law… You have the right to SPEAK UP
NOTICE OF OUTCOME AND APPEALS

Question 10:
What information should be provided to the parties to notify them of the outcome?

Answer:
OCR recommends that a school provide written notice of the outcome of disciplinary proceedings to the reporting and responding parties concurrently. The content of the notice may vary depending on the underlying allegations, the institution, and the age of the students. Under the Clery Act, postsecondary institutions must provide simultaneous written notification to both parties of the results of the disciplinary proceeding along with notification of the institution’s procedures to appeal the result if such procedures are available, and any changes to the result when it becomes final. This notification must include any initial, interim, or final decision by the institution; any sanctions imposed by the institution; and the rationale for the result and the sanctions. For proceedings not covered by the Clery Act, such as those arising from allegations of harassment, and for all proceedings in elementary and secondary schools, the school should inform the reporting party whether it found that the alleged conduct occurred, any individual remedies offered to the reporting party or any sanctions imposed on the responding party that directly relate to the reporting party, and other steps the school has taken to eliminate the hostile environment, if the school found one to exist. In an elementary or secondary school, the notice should be provided to the parents of students under the age of 18 and directly to students who are 18 years of age or older.

Question 11:
How may a school offer the right to appeal the decision on responsibility and/or any disciplinary decision?

Answer:
If a school chooses to allow appeals from its decisions regarding responsibility and/or disciplinary sanctions, the school may choose to allow appeal (i) solely by the responding party; or (ii) by both parties, in which case any appeal procedures must be equally available to both parties.

EXISTING RESOLUTION AGREEMENTS

Question 12:
In light of the rescission of OCR’s 2011 Dear Colleague Letter and 2014 Questions & Answers guidance, are existing resolution agreements between OCR and schools still binding?

Answer:
Yes. Schools enter into voluntary resolution agreements with OCR to address the deficiencies and violations identified during an OCR investigation based on Title IX and its implementing regulations. Existing resolution agreements remain binding upon the schools that voluntarily entered into them. Such agreements are fact-specific and do not bind other schools. If a school has questions about an existing resolution agreement, the school may contact the appropriate OCR regional office responsible for the monitoring of its agreement.

Note: The Department has determined that this Q&A is a significant guidance document under the Final Bulletin for Agency Good Guidance Practices of the Office of Management and Budget, 72 Fed. Reg. 3432 (Jan. 25, 2007). This document does not add requirements to applicable law. If you have questions or are interested in commenting on this document, please contact the Department of Education at ocr@ed.gov or 800-421-3481 (TDD: 800-877-8339).
**OUR AREAS OF SERVICE**

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Dr. Willette Burnham-Williams — Ms. Lane Campbell — Mr. Ronnie Chatterjee

Dr. DaNine J. Fleming — Mr. Cody Michael Henderson — Mr. Dhruv Patel

Ms. Paula Sutton — Dr. Tam Psenka — Mr. Michael Vanderhurst