This report has been prepared in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998 ("Clery Act"), 20 U.S.C. § 1092(f), Title 34 U.S. Code of Federal Regulations Section 668.46. All information updated as of September 27, 2018.
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INTRODUCTION

The Medical University of South Carolina Department of Public Safety (known hereafter as MUSC DPS) prepared this report in collaboration with the MUSC Clery Coordinator in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. The report describes security practices and procedures at the Medical University of South Carolina (known hereafter as MUSC), and lists crime statistics for the most recent calendar year (2017) and the two preceding calendar years (2015-2016). The Medical University of South Carolina is required to report every year by October 1st on the status of campus security to all current students and employees. The report will be provided to any applicant for enrollment or employment free of charge on request.

The Medical University of South Carolina Department of Public Safety is committed to providing the safest environment possible for work and study. Part of that commitment involves providing information about campus security to current as well as prospective students and employees. This report, prepared in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, outlines the University’s security policies and or procedures and discloses certain campus crime statistics. A hard copy of this document may be obtained free of charge by contacting the Medical University of South Carolina Department of Public Safety, 101 Doughty Street, MSC 859, Charleston, SC 29425 or by calling (843) 792-2261.

The following information has been prepared to increase your awareness of current policies, procedures, and or practices, and programs that exist at the MUSC Campus, and to assist you in protecting your safety and well-being, as well as to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

**Campus Security Act, Legal Requirements**

The Campus Security Act, in part, requires colleges and universities to:

- Publish an annual report every year by October 1 that contains three years of campus crime statistics and certain campus security policy statements;
- Disclose crime statistics for the main campus, public areas immediately adjacent to or running through the campus, and certain non-campus facilities, remote classrooms, buildings or property owned or controlled by the institution. The statistics are gathered by the MUSC DPS from local and state law enforcement agencies, and other MUSC officials designated Campus Security Authorities
(hereafter known as CSAs) who have “significant responsibility for students and campus activities;”

- Immediately provide emergency notifications to the entire campus community upon confirmation of an emergency or dangerous situation involving an immediate threat to the health or safety of students, employees or patients occurring on campus;
- Provide “timely warning” notices of those crimes that have occurred and “pose an ongoing threat to students and employees;” and
- Disclose in a public crime log “any crime that occurred on campus . . . or within the patrol jurisdiction of the MUSC DPS and is reported to the MUSC DPS.

This publication is intended to provide a general description of campus security arrangements, and not to serve as a contractual agreement between MUSC and the recipient. Security procedures are subject to change without notice. See Appendix A for Legislative Overview of the Clery Act.

Main Campus Overview

The Medical University of South Carolina is an open 82-acre campus consisting of six colleges: College of Medicine, College of Health Professions, College of Pharmacy, College of Nursing, College of Dental Medicine, College of Graduate Studies, and Medical University Hospital facilities; including, approximately 95 buildings, 10 parking garages, and about 52 surface lots. The main MUSC campus and Medical University Hospital Authority (MUHA) facilities are collocated in the peninsular of beautiful downtown Charleston, South Carolina and has an estimated daily population of approximately 26,000 people that includes nearly 2500 registered students on-campus, about 13,600 employees, residents, fellows, faculty, staff and volunteers, with the remainder being comprised of contractors, visitors, inpatients and outpatients of the medical center facilities. A brief history about the Medical University of South Carolina can be found on the page titled “A History of MUSC”.

Law enforcement services are provided on the main campus by the Medical University of South Carolina Department of Public Safety (MUSC DPS). MUSC DPS may be reached by calling 843-792-2261 for all non-emergency calls or by dialing 843-792-4196 or (843)-792-4911 for all emergencies. MUSC public safety officers are certified by the South Carolina Criminal Justice Academy and commissioned by the Office of the Governor with full arrest powers. MUSC public safety officers work closely with local, state and federal police agencies.
**Clery Geography** is defined as including the areas that meet the definitions of (1) on campus, (2) on public property within or immediately adjacent to the campus, and (3) in or on non-campus buildings or property that our institution owns or controls, as well as locations within the patrol jurisdiction of the MUSC Department of Public Safety.

*For the purpose of campus definitions, according to the South Carolina Code of Laws § 59-154-10, "[i]nstitution of higher learning" or "institution" means a public two-year or four-year college, community or junior college, technical school, or university located in this State.*

(1) The term "on-campus" or "the main campus" means any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes; and property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is used by students, and supports institutional purposes (such as a food or other retail vendor). The Medical University of South Carolina does not maintain any student housing facilities on-campus.

(2) The “main campus” also includes all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

*Reported crime statistics do not include crimes that occur in privately owned homes or businesses on or adjacent to the MUSC campus, or on privately owned property within the patrol jurisdiction of the MUSC Department of Public Safety.*

The MUSC Main Campus, in part, includes those properties, streets, retail operations and facilities owned or controlled by the Medical University of South Carolina and used by students, staff, faculty and visitors that are bounded primarily by Calhoun Street, Courtenay Drive, Charleston Center Drive/Bravo Street, Cherry Street, Cannon Street, U.S. 17 North/ Cannon Street, Ashley Avenue, Rutledge Avenue, Vanderhorst Street to Ogier Street, Ogier Street to Calhoun Street. MUSC leases parking space including the Hagood parking lot located nearby at Hagood Avenue and Fishburne Avenue adjacent to the Charleston City Police Department, and is used by students, faculty and employees of the institution as well as employees of the Medical University Hospital.

A Campus Map can be found at: [http://academicdepartments.musc.edu/oirr/forms/campusmap.pdf](http://academicdepartments.musc.edu/oirr/forms/campusmap.pdf) and is attached in Appendix B. Keep this information where it can be easily located; it provides you with a useful reference source of information.
(3) The term "non-campus building or property" means any building or property owned or controlled by a student organization officially recognized by the institution; or any building or property owned or controlled by the institution of higher education that is used in direct support of, or in relation to, the institution's educational purposes, is used by students, and is not within the same reasonably contiguous geographic area of the institution.

MUSC/ MUHA owns or controls a variety of other satellite facilities such as the University Surplus Warehouse and administrative offices located away from the main academic campus; however, these are administrative facilities/ offices and not educational facilities used by students.

The University Medical Associates (UMA) privately owns a variety of satellite facilities located away from the main Medical University Hospital complex (i.e. privately owned Medical University Health and Diagnostic Clinics); however, these buildings or properties are not owned or controlled by the institution or the Medical University Hospital Authority. MUSC and or MUHA does however lease certain space within some of these non-campus facilities. Any crimes committed within these areas reported to MUSC DPS by the local police agencies having jurisdiction are disclosed in the annual crime statistics for the institution under the non-campus building/ property category.

MUSC does assist MUSC students attending the Summer Institute Program and the Summer Undergraduate Research Program (SURP) in securing temporary off-campus housing during the summer sessions. Additionally, MUSC contracts with AHEC (Area Health Education Consortium) to provide housing to students while on community based rotations at various locations throughout the state. Crime statistics for those locations when in use by our students are included in the annual security report under non-campus building locations.

_These non-campus locations are not within the patrol jurisdiction of the MUSC Department of Public Safety. Furthermore, the Medical University of South Carolina does not otherwise own any non-campus housing or student organization facilities. All MUSC graduate, professional students and undergraduate students live off the campus in private housing. In the event of an emergency off-campus, students should dial 9-1-1 to contact the local police agency having jurisdiction._
The Medical University of South Carolina Department of Public Safety

The Medical University of South Carolina Department of Public Safety (MUSC DPS) is a nationally accredited professional law enforcement organization staffed by highly trained men and women. It is our mission at the Department of Public Safety to support the mission of the Medical University of South Carolina by creating and assuring a safe, orderly and secure environment for patients, students, visitors, faculty and staff.

MUSC DPS operates 24 hours a day, 7 days a week and provides comprehensive law enforcement and security services to its community. To accomplish our goals, we maintain a professionally trained staff of approximately sixty full time sworn police officers, six (6) security specialists, nine (9) telecommunications specialists, one victim’s advocate, one emergency management coordinator, and an administrative support staff of seven (7) full time employees.

Our officers diligently patrol the campus on foot, on bicycles, in cars and with a variety of specialized vehicles. We maintain and monitor over 150 emergency call boxes (press button to talk, release button to listen) and approximately 267 alarm accounts (that include security, panic, and research freezer alarms). The campus (not including MUHA or UMA facilities) has nearly 586 cameras (300 additional cameras proposed for installation 2018-2019) and 1009 card access doors at present.

Law Enforcement Authority and Inter-Agency Relationships

The sworn officers employed by the Department of Public Safety are appointed and commissioned through the South Carolina Law Enforcement Division as State Constables by the Governor of South Carolinas provided by Title 23, Chapter 1, and Article 60 of the South Carolina Code of Laws, 1976, as amended. As such, they are empowered to enforce the laws of South Carolina, including the powers of arrest, anywhere in the state. As a matter of policy, that authority is not typically utilized off campus. However, when required, officers are lawfully authorized to execute arrest warrants outside Medical University property for crimes committed within their jurisdiction. They also retain all police powers and authority when officially assigned to the mutual aid and assistance of other law enforcement agencies. All sworn officers are state-certified law enforcement officers mandated to have successfully completed the training requirements of the South Carolina Criminal Justice Academy (SCCJA).
Public Safety Services

Some services provided to the MUSC Campus by the Department of Public Safety include, but not limited to:

- Respond to police, fire, medical and environmental emergencies
- Investigate criminal reports, traffic accidents, and suspicious activities
- Assist victims of crime by taking reports, doing follow up investigations and referring them to appropriate resources
- Monitor alarms for intrusion, robbery and environmental hazards
- Comply with federal, state and local laws regarding release of information
- Assist with sick/injured, slip & falls, and other non-criminal activity
- Provide police and security services at special events such as graduation commencement exercises, parades, marathons, and Student Government Association (SGA) activities
- Provide police and security consultations to students and office personnel
- Assist motorist with vehicle unlocks, dead batteries, and flat tires
- Ensure the safety of the campus by monitoring environmental and safety hazards
- Hold, inventory and return found property
- Present crime prevention and awareness programs
- Escort program
- Bicycle safety and registration
- Electronic Fingerprinting

Relationships with State and Local Police Agencies

There is a written MOU (Memo of Understanding or Mutual Aid Agreements) between MUSC DPS and local police agencies regarding the investigation of criminal incidents. However, because MUSC DPS police officers have statewide jurisdiction and arrest authority, the Department may investigate crimes that occur not only on campus, but also anywhere in the State without the assistance of other agencies.

The General Assembly of the State of South Carolina has enacted into law, effective May 13, 1987, Section 23-1-210 and 215 of the South Carolina Code of Laws, 1976, as amended; provides the basis for mutual aid agreements with Local Police Agencies that is currently in effect and signed by the Director of MUSC Department of Public Safety and the Chief of Police of the City of Charleston, Chief of Police and Security Services; U.S. Department of Veterans Affairs Medical Center, Charleston, SC., Director of Public Safety for the College of Charleston, and the Sheriff of Charleston County, Charleston, SC.

MUSC DPS works closely with many other law enforcement agencies on a regular basis. Because of MUSC’s geographical location, any crime that could occur in the metropolitan area,
area of Charleston may occur on campus. The MUSC Campus is integrated within other law enforcement jurisdictions.

MUSC DPS officers patrol and enforce laws immediately on campus as well as locations that run through or are immediately adjacent to campus. MUSC DPS officers are expected to appropriately respond to and address suspicious behavior and criminal activity on or immediately adjacent to campus. The statewide authority MUSC DPS officers possess is crucial for them to perform appropriate and effective law enforcement duties to protect the community.

The Department has and will continue to work with federal, state, county and municipal law enforcement agencies to investigate matters of mutual interest and when incidents arise that require joint investigative efforts. Meetings are periodically held involving the leaders of these agencies on both a formal and informal basis. MUSC DPS officers and supervisors communicate regularly at the scene of serious incidents that occur in and around the campus area. The Department participates in intelligence sharing associations with many area law enforcement agencies. The Department has enjoyed a positive professional partnership with local and state prosecutors, the court system, county coroner's offices, insurance and other private investigators, and other regulatory agencies.

**Assistance from Local and State Law Enforcement Agencies Regarding Investigation of Criminal Incidents**

In accordance with the Jessica Horton Act (Section §59-154-10 of the South Carolina Code of Laws), the Chief or his designee will immediately notify the South Carolina Law Enforcement Division (SLED) if there is a death resulting from an incident occurring on the property of the institution or if the officer or another official of the institution is in receipt of a report alleging that an act of criminal sexual conduct has occurred on the property of the institution. Upon notification, SLED shall participate in a joint investigation of the death or alleged act of criminal sexual conduct. In the case of a death, SLED shall lead the investigation.

All other serious incidents to include, but not limited to cases such as armed robberies, auto thefts, hit and runs, burglary, and other serious crimes may be referred to the Charleston City Police Department for investigation. Depending on the circumstances, the Charleston City Police Department may be the lead agency in all such cases and the MUSC DPS will provide any assistance as requested in such cases.
In cases requiring crime scene processing beyond the scope and ability of this agency, the Charleston City Police Department may be notified and their assistance requested per our mutual aid agreement. Typically, MUSC DPS will be the lead agency in such cases. However, depending on the circumstances, the Charleston City Police Department or SLED may be the lead agency and the MUSC DPS will provide any assistance as requested in such cases.

Local Law Enforcement Agency Response to Student Organizations and Housing at Non-Campus Locations

There are no recognized student organizations that occupy privately owned houses within the campus boundaries. All MUSC graduate, professional students and undergraduate students live off the campus in private housing. Moreover, the institution does not own or control housing facilities at any non-campus location occupied by any officially recognized student organization. As previously mentioned, MUSC does assist MUSC students attending the Summer Institute Program and the Summer Undergraduate Research Program (SURP) in securing temporary off-campus housing during the summer sessions. Additionally, MUSC contracts with the South Carolina Area Health Education Consortium (AHEC) to provide housing to students while on community based clinical rotations at various locations throughout the state.

In the event of an emergency at any off campus location, students should dial 9-1-1 to contact the local police agency having jurisdiction. If a local law enforcement agency is called to respond to a privately owned home or temporary off-campus housing facility involving a student, the local agency may notify MUSC of the situation. However, the local law enforcement agency does this out of courtesy and is not “required” to notify or involve MUSC when they respond to a call involving MUSC students on private property or any other off campus locations.

REPORTING CRIMES AND EMERGENCIES

Making reports

The Medical University of South Carolina is committed to creating and maintaining a working, learning, and patient care environment that is free from violence. Understanding and mutual respect toward all individuals are essential elements to excellence in teaching and learning and to the existence of a safe and healthy workplace.

The University prohibits violent acts, threats of violence or intimidation (specific or implied), and these acts will not be tolerated on campus. Any employee, student or visitor
who commits a violent act, or threatens to commit a violent act, is subject to disciplinary action and/or civil or criminal prosecution as appropriate.

Crime reports can be made at any time. MUSC DPS services are available 24 hours a day, seven days a week. Priority is given to reports of incidents that threaten the life or safety of people, the security of property and the peace of the community.

Students, faculty, staff, guests, and other members of the MUSC community should report all crimes and public-safety related incidents to MUSC DPS in a timely manner. This not only allows officers to respond quickly, but also ensures reported crimes are included in the daily crime log, disclosed in our annual crime statistics, and aids in providing timely warning notices to the community, when appropriate.

Call the MUSC Department of Public Safety if:

- You see someone committing a crime
- You need to report an old crime
- Someone is injured or ill
- You see fire or smell smoke
- You see anyone or anything suspicious
- You think you see a drunken driver
- You have knowledge of a chemical spill

Our professionally trained dispatchers at MUSC DPS are available 24 hours a day to answer your calls to our department via phone or call box. In response to your call, MUSC DPS will take appropriate action, either by dispatching an officer to your location or asking you to report to the Department of Public Safety building located at 101 Doughty Street, first floor, Charleston, SC, on the corner of President and Doughty Streets to file an incident report. Advising MUSC DPS of a crime may be facilitated in several different ways. The easiest way is to simply call us at (843) 792-4196 for all emergencies, or (843) 792-2261 for non-emergencies. You can dial 2-4196 from any campus phone for police assistance. Cell phones and off-campus phones, dial (843) 792-4196. In order to avoid any type of delay, campus patrons may consider programming cellular phones to the MUSC DPS at (843) 792-4196. All non-emergency calls to the MUSC DPS should also be directed to (843) 792-2261. If you are the victim or witness to a crime off-campus, just dial 9-1-1 to contact the local police agency. If a student or employee requests assistance from an MUSC official with reporting a crime, the MUSC official(s) will immediately comply with the student’s request in notifying the proper authorities. The Department of Public Safety (MUSC DPS) is the official campus authority for the reporting of all crimes. However, students may also report a crime to the following areas:
<table>
<thead>
<tr>
<th>Position</th>
<th>Address</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exec. Vice President for Academic Affairs and Provost</td>
<td>Colcock Hall, 179 Ashley Ave. Room 213</td>
<td>(843) 792-3031</td>
</tr>
<tr>
<td>Associate Provost for Educational Affairs and Student Life</td>
<td>Colcock Hall, 179 Ashley Ave. Room 205</td>
<td>(843) 792-2228</td>
</tr>
<tr>
<td>College of Dental Medicine, Dean</td>
<td>Basic Science Building - 173 Ashley Ave. Rm BSB447</td>
<td>(843) 792-3811</td>
</tr>
<tr>
<td>College of Dental Medicine Assoc. Dean for Academic and Student Affairs</td>
<td>Basic Science Building - 173 Ashley Ave. Rm BSB443</td>
<td>(843) 792-2344</td>
</tr>
<tr>
<td>College of Graduate Studies, Dean</td>
<td>Bioengineering Bldg. – 68 President Street, Rm:</td>
<td>(843) 792-2402</td>
</tr>
<tr>
<td>College of Graduate Studies Assoc. Dean for Admissions &amp; Career Development</td>
<td>Bioengineering Bldg. – 68 President Street, Rm: BE 101N</td>
<td>(843) 876-2403</td>
</tr>
<tr>
<td>College of Health Professions, Dean</td>
<td>CHP Complex - 151-A Rutledge Ave, Rm A326</td>
<td>(843) 792-3328</td>
</tr>
<tr>
<td>College of Health Professions Associate Dean for Student Affairs</td>
<td>CHP Complex -151-A Rutledge Ave, Rm: A321</td>
<td>(843) 792-4492</td>
</tr>
<tr>
<td>College of Medicine, Dean</td>
<td>Clinical Sciences Bldg. - 96 Jonathan Lucas St. Suite: 601</td>
<td>(843) 792-2842</td>
</tr>
<tr>
<td>College of Medicine, Assistant Dean for Student Affairs</td>
<td>Clinical Sciences Bldg. - 96 Jonathan Lucas St. Rm: 601</td>
<td>(843) 792-1672</td>
</tr>
<tr>
<td>College of Nursing, Dean</td>
<td>College of Nursing Bldg. – 99 Jonathon Lucas St. Rm. 303</td>
<td>(843) 792-3941</td>
</tr>
<tr>
<td>College of Nursing, Director of Student Services</td>
<td>College of Nursing Bldg. – 99 Jonathon Lucas St. Rm. 224</td>
<td>(843) 792-3844</td>
</tr>
<tr>
<td>College of Pharmacy, Dean</td>
<td>College of Pharmacy Bldg.- 280 Calhoun St. Rm: QE108C</td>
<td>(843) 792-8979</td>
</tr>
<tr>
<td>College of Pharmacy, Assoc. Dean for Student Affairs</td>
<td>College of Pharmacy Bldg.- 280 Calhoun St. Rm: QE223B</td>
<td>(843) 792-8451</td>
</tr>
<tr>
<td>Executive Director of Student Programs and the Office of Diversity</td>
<td>45 Courtenay Dr. Ste. 213</td>
<td>(843) 792-3281</td>
</tr>
<tr>
<td>Director, Office of Student Programs, Education &amp; Student Support</td>
<td>45 Courtenay Dr. Ste. 213</td>
<td>(843) 792-2636</td>
</tr>
<tr>
<td>Director, MUSC Wellness Center</td>
<td>45 Courtenay Dr. Rm. Ste. 222</td>
<td>(843) 792-2533</td>
</tr>
<tr>
<td>Chairperson, Behavioral Support Intervention Team (BSIT)</td>
<td>100 Doughty Street, Rm: BA104F</td>
<td>(843) 792-0686</td>
</tr>
<tr>
<td>Director of Operations, Center for Global Health</td>
<td>Harper Student Center - 45 Courtenay Dr. Rm SS402</td>
<td>(843) 792-5602</td>
</tr>
<tr>
<td>Health, Safety and Cultural Affairs, Center for Global Health</td>
<td>Harper Student Center - 45 Courtenay Dr. Rm SS454</td>
<td>(843) 792-2156</td>
</tr>
</tbody>
</table>
### Emergency Call Boxes

There are over 150 Emergency Call Boxes placed conspicuously around campus to include the parking lots and parking garages. These are intended to provide members of our community with a convenient and quick method of contacting MUSC DPS in the event of an emergency. Use this box to report any type of emergency whether fire, medical, suspicious activity or crime-in-progress, or if you simply need police assistance. By pressing the "emergency" button on this box, you are immediately placed in contact with the MUSC DPS dispatcher and the blue light begins to flash. Please remember, it is for Emergency Use Only.

If you believe someone is following you and you don’t want to stop at the call box, press the button and keep moving to the next call box and press it also. This will allow responding public safety officers to determine your direction of travel so they may intercept you and provide assistance.
LiveSafe app

You may provide tips and information related to crime directly to the Department of Public Safety by downloading the LiveSafe app in the App Store or Google Play for your iOS or Android mobile devices. This app is available free to anyone wishing to download it and information may be submitted in the “Report Tips” section by using the slider bar just above the send button.

The SafeWalk feature on the app allows users, utilizing GPS-enabled location technology, to virtually walk family, friends and colleagues home or to another designation by monitoring their location on a real-time map. For more information about the LiveSafe app, please contact the MUSC DPS Training/ Crime Prevention Officer at (843)-792-1070.

How the Department of Public Safety Responds to Crime

It is the policy of the MUSC DPS to respond to all reports of crime immediately and with resources appropriate for the type of crime or incident reported. Reports of crimes in progress, call box and panic alarm calls and other calls involving imminent threat to human life or extreme property damage normally will result in multiple units being dispatched to the location of the incident.

Prompt Reporting of Crimes

Preventing crime is a shared responsibility between law enforcement and the population it serves. At MUSC, crime prevention is equally divided between the Department of Public Safety, the faculty, staff, students and visitors. Every individual needs to realize that apathy promotes criminal activity and personal involvement prevents it. Faculty, staff and students are encouraged to assume responsibility for their own security and the security of others. Do not become apathetic should you witness something suspicious. Do not assume someone else has, or will, report it. If you see something - say something.

If you suspect a crime is being committed or has been committed, whether you are the victim or a witness, contact the MUSC DPS immediately. You may call the MUSC DPS at (843) 792-2261 or, if it is an emergency, call (843) 792-4196 or utilize one of the many call boxes located throughout campus. If you are a victim or witness of a crime, or need assistance off campus, dial 9-1-1 to contact the local police agency having jurisdiction.

When students request assistance with reporting a crime, MUSC officials will without delay comply with the student’s request in notifying the proper authorities. Although the university strongly encourages all members of its community to report violations to law enforcement, it is the victim’s choice whether to make such a report and victims have the right to decline involvement with the police.
Regardless of which police agency is contacted, all members of the community are highly encouraged to promptly report all crime to the appropriate police agency and always remember to accurately report the crime by answering the questions: **Who; What; When; Where; and How.**

**When you call the police, be prepared to provide the following information:**

- Your name and telephone number; type of incident or suspicious activity;
- The location of the incident that you are reporting;
- A detailed description of the suspect(s) and his/her location or direction of travel;
- A detailed description of any vehicle(s) involved in the incident;
- and the necessity for medical assistance.

**Department of Public Safety Victim’s Assistance Program**

The Crime Victim's Act of 1997 requires specific action to be taken by law enforcement and the courts for certain types of crime victims. All law enforcement agencies are required to have a victim advocate in place. Law enforcement based advocates are involved in the investigative process to advocate for the rights of the victim, and to act as a liaison between the victim and the agency. This keeps victims more informed and involved in the criminal justice process.

A "victim" is defined as a person who suffers direct or threatened physical, psychological, or financial harm as the result of the commission or attempted commission of a criminal offense. A criminal offense is an offense against a person or an offense against the property of a person when the value of the property, stolen or destroyed is valued in excess of two thousand dollars ($2,000.00).

When an officer takes a report or makes an arrest involving a victim and crime as described above, the officer will complete the victim’s information sheet and explain the victim's rights statement on the back of their copy. The victim's information sheet is turned into the MUSC DPS Victim Advocate.

Upon request, the victim advocate will assist victims in applying for compensation and other financial, social service, and counseling assistance; intervene on behalf of victims with creditors, employers, etc.; make a reasonable attempt to inform the victim of the status and progress of the case and investigation through disposition in summary court, referral to the Department of Juvenile Justice, or through final transmittal of general sessions warrant(s) to the prosecutor; notify victims of the arrest, detention, bond hearing, pretrial hearing or other court dates; make a reasonable attempt to notify victims
prior to release of a juvenile to their parent/guardian; inform the MUSC DPS of a need for transportation of victims and/or witnesses to and from court, and/or protection at court. Mrs. Debbie Underwood is the Victim Advocate for the MUSC DPS. She can be reached at (843) 792-1986, or (843) 792-2261, or by E-mail at: wagenbrd@musc.edu.

CAMPUS SECURITY AUTHORITIES (CSAs)

According to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, our school is required to disclose statistics concerning the occurrence of certain criminal offenses reported to local law enforcement agencies or any official of the institution who is defined as a Campus Security Authority.

The law defines “Campus Security Authority” as: “An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student discipline, and campus judicial proceedings.” An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution. The U.S. Department of Education provides additional descriptions such as a dean of students who oversees a student center, or student extracurricular activities and has significant responsibility for student and campus activities. Similarly, a director of athletics, team coaches, or faculty advisors to student groups, for example, also has significant responsibility for student and campus activities. A single teaching faculty member is unlikely to have significant responsibility for student and campus activities, except when serving as an advisor to a student group. Clerical staff members, as well, are unlikely to have significant responsibility for student and campus activities.

The Department of Public Safety is the official campus authority for the reporting of all crimes and for the fulfillment of the requirements for this law. Officials at MUSC who oversee or have primary responsibility for students and who are considered official campus security authorities (CSAs) for the purpose of reporting crimes that they become aware of the MUSC DPS, in part includes, but not limited to: the Vice President for Academic Affairs and Provost; Associate Provost for Educational Affairs and Student Life; all Deans and Associate Deans for Student Affairs (or the like) for the College of Dental Medicine, College of Graduate Studies, College of Health Professions, College of Medicine, College of Nursing, and College of Pharmacy; Director of Libraries and Learning Resource Centers; Director of the Office of Gender Equity; Jeanne Clery Act Coordinator; Director of Student Programs and the Office of Diversity; Director of Office of Parking Management, and the Title IX Coordinator.
Of special note, all current Campus Security Authorities are required annually to complete an on-line training course, which provides an in-depth understanding of their role and responsibilities as campus security authorities, including special considerations related to the intersection of Title IX and the Clery Act, and their influence on ongoing reporting requirements.

The Clery Compliance Coordinator maintains a list of all identified Campus Security Authorities (CSAs) and other Clery Act related documentation for the university. Clery Act Statistic Report Forms are made available and disseminated upon request to any campus official who is designated as a campus security authority to complete as soon as they become aware of a crime. The form containing statistical information only is forwarded to the Department of Public Safety for inclusion in the annual security report even if the victim wishes to remain confidential.

Our university has a responsibility to notify the campus community about any crimes, that pose an ongoing threat to the community, and, as such, campus security authorities are obligated by law to immediately report Clery related crimes to the Department of Public Safety. CSAs should promptly notify the Department of Public Safety of any crimes reported to them, even if they are not sure whether an ongoing threat exists.

Any Clery Act crimes reported to these individuals are included in the annual disclosure of statistics and included on the daily crime log upon notification to the Department of Public Safety. While crimes may be reported to these individuals, MUSC encourages students, staff and faculty to promptly report all crimes directly to the MUSC DPS.

MUSC is required to disclose statistics for the following listed criminal offenses that occur in or on campus buildings or property, in or on non-campus buildings or property owned or controlled by our institution, and on public property within or immediately adjacent to our main campus: murder/non-negligent manslaughter, negligent manslaughter, sex offenses such as rape, fondling, statutory rape, and incest, robbery, aggravated assault, burglary, motor vehicle theft, and arson.

The Violence Against Women Reauthorization Act of 2013 ("VAWA"), added domestic violence, dating violence and stalking crimes to the Clery Act that MUSC is required to report as well.

MUSC is also required to report statistics for bias-related (hate) crimes by the type of bias as defined below for the following classifications: murder/non-negligent manslaughter, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, destruction/damage/vandalism of property, intimidation, and simple assault and
battery. (Negligent manslaughter is no longer a category because it cannot be a hate crime.)

MUSC is required also to report the number of persons arrested and referrals for disciplinary actions for liquor law violations, drug law violations and weapons law violations.

*A detailed definition of these offenses can be found in the Crime Statistics section of this report.*

**Exemption for Pastoral and Professional Counselors**

There are two types of individuals who, although they may have significant responsibility for student and campus activities, are not campus security authorities and are exempt from reporting requirements under the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*:

- **Pastoral counselor**: A person, who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.

- **Professional counselor**: A person whose official responsibilities include providing mental health counseling to members of the institution’s community and who is functioning within the scope of his or her license or certification. This definition applies even to professional counselors who are not employees of the institution, but are under contract to provide counseling at the institution.

To be exempt from disclosing reported offenses, pastoral or professional counselors must be acting in the role of pastoral or professional counselors. An individual who is not yet licensed or certified as a counselor, but is acting in that role under the supervision of an individual, who meets the definition of a pastoral or professional counselor, is considered to be one for the purposes of the Clery Act. An example is a Ph.D. counselor-trainee acting under the supervision of a professional counselor at MUSC. However, a dean of students who has a professional counselor’s license, but is employed by MUSC only as a dean and not as a counselor, is not exempt from reporting. If that same dean is employed by MUSC as both a professional counselor and an academic counselor, and they learn of a criminal incident while engaged in academic counseling, they are not exempt from reporting that incident. If MUSC has an individual with dual roles, such as one of a professional or pastoral counselor and the other as an official who qualifies as a CSA, and the roles cannot be separated, that individual is considered a campus security authority and is obligated to report Clery crimes of which they are aware.
An individual who is counseling students and/or employees, but who does not meet the above Clery definition of a pastoral or professional counselor, is not exempt from being a campus security authority if they otherwise have significant responsibility for student and campus activities.

_Campus security authority exemptions citation 34 CFR 668.46(a)_

**Counseling Advisement of Crime Reporting**

Professional counselors at MUSC are encouraged in writing; if and when they deem it appropriate, to inform persons they are counseling of their option to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure for crime statistics. There are no formal policies or procedures in place that require professional counselors to inform persons they are counseling of any procedures to report crimes on a voluntary and confidential basis for inclusion in the annual disclosure of crime statistics.

**CONFIDENTIAL REPORTING OF CRIME**

The Medical University of South Carolina encourages anyone who is the victim or witness to any crime to promptly report the incident to the police. Because police reports are public records under state law, the law enforcement agencies such as the Medical University of South Carolina Department of Public Safety cannot hold reports of crime in confidence. Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can generally be made to other MUSC campus security authorities (CSAs).

The purpose of confidential reporting is to comply with the reporter’s request for confidentiality, and yet allow the MUSC DPS to maintain accurate records to ensure the safety of the community. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution.

Confidential reports of crime may also be made to sources below:

**Silent Watch**

You may provide tips and information related to crime anonymously by accessing the Silent Watch link via the Public Safety website.

Use the form on the link to anonymously report crimes occurring on campus to Public Safety. You may provide your contact information if you want to be contacted by Public Safety, otherwise the origin of this information will be unknown to the recipient.
**Crime Stoppers**

Confidential and anonymous tips regarding criminal activity can also be made to Crime Stoppers of the Low Country by dialing (843)-554-1111 or 1-888-CRIME-SC, or by visiting the Crime Stoppers website. You may send an anonymous tip by following the instructions on this website. However, crimes reported in this manner may not be included in the annual disclosure of crime statistics. Information received by MUSC DPS from Crime Stoppers must be investigated to determine its validity and accuracy. Depending upon the details provided, leads, type and severity of the incident, an investigation may take place.

**Confidential Hotline**

Report any activity reasonably believed in violation of any law or regulation, any MUSC policy, or any Federal or State healthcare requirement by means of the Confidential Hotline: **1-800-296-0269** (toll free, available 24 hours, 7 days a week). The Confidential Hotline is monitored by a third-party vendor and does not answer questions about MUSC services or facilities, give directions, schedule appointments, etc.

**LiveSafe app**

You may provide tips and information related to crime **anonymously** by downloading the LiveSafe app in the App Store or Google Play for your iOS or Android mobile devices. This app is available free to anyone wishing to download it and information may submitted anonymously in the “Report Tips” section by using the slider bar just above the send button.

**DAILY CRIME LOGS AND PUBLICATION**

Daily Crime Log locations would be defined as including the areas that meet the definitions of campus, in or on non-campus building or property, or on public property. For the purposes of maintaining a daily crime log as required under § 668.46(f), Clery Geography would be defined to also include, but not limited to areas within the patrol jurisdiction of the Department of Public Safety.

A **patrol jurisdiction** is any property that does not meet any of the Clery geographic area definitions, but which is generally provided with law enforcement or security patrol services by the MUSC DPS. A Campus Map of MUSC DPS’s general Patrol Jurisdiction is attached in Appendix C.
The Daily Crime Log is maintained of all crimes reported to the Department of Public Safety and is recorded within two business days of the reporting of the information. The log lists the nature of the crime, date of report, the date, time of occurrence and general location, as well as the disposition of the complaint, if known.

An administrative designation of “active”, “administratively (admin) closed”, “cleared by arrest”, “exceptionally cleared”, or “unfounded” shall be assigned to each case, as appropriate, to assist in case management and control.

- **Active** - (open) - indicates that the case is assigned to an officer and investigative efforts are active and ongoing.

- **Cleared by Arrest** - (closed) - indicates the case has been cleared by the arrest of at least one offender.

- **Exceptionally Cleared** - (closed) - indicates the case has been cleared due to the death of the offender, no prosecution, extradition denied, victim declines to cooperate or juvenile - no custody.

- **Unfounded** - indicates that the alleged offense did not occur. A crime is considered unfounded for Clery Act purposes only if sworn or commissioned law enforcement personnel make a determination that the report is false or baseless.

- **Administratively Closed** - the case is suspended until further investigative leads are developed or other information leading to possible solutions of the crime surfaces.

Entries or updates may be withheld if the information is protected by statute, or if there is a danger to the victim's safety, the victim's identity, or if there is a need to keep the investigation confidential. If there is reason to believe the release of information will result in the perpetrator fleeing the area, or that evidence will be destroyed, the information also may be withheld until the jeopardy no longer exists. The Daily Crime Log is available free of charge to the public and may be inspected at the MUSC DPS building during normal business hours for the most recent 60-day period. Data older than 60 days will be made available within two business days of a request for public inspection.

A printed copy of the Daily Crime Log is maintained by the MUSC DPS Records Office and is made available free of charge for public viewing upon request during normal business hours at the MUSC Department of Public Safety, 101 Doughty Street, MSC 859, Charleston, SC 29425. The MUSC Department of Public Safety also maintains an on-line Daily Crime Log detailing calls for service, which may be accessed on the Department of Public Safety's "Reports and Crime Statistics – Daily Crime Log" webpage by clicking the
EMERGENCY NOTIFICATION, RESPONSE AND EVACUATION PROCEDURES

The Medical University of South Carolina has developed an Emergency Response and Notification plan that provides a comprehensive set of guidelines for directing resources before, during and after campus emergencies and disasters.

Emergency Notification

MUSC will immediately notify the entire campus community upon confirmation of an emergency or dangerous situation involving an immediate threat to the health or safety of students, employees or patients occurring on campus. MUSC Alert is a multi-model emergency notification system designed to provide warnings and notifications as quickly and accurately as possible. Users must register their respective personal contact information with MUSC Alert.

To receive emergency notifications on your privately owned cell phone and alternative email account through the MUSC Alert System, including SMS text messaging, and voice messaging please register for the MUSC Alert Emergency Notification System by going to the MUSC Alert page.

Methods to receive pertinent information

- **MUSC Alert Emergency Notification System:** receive emergency notifications including SMS text messaging, voice messaging and email. Go to the MUSC Alert page at: [http://academicdepartments.musc.edu/vpfa/publicsafety/emergency/MUSCAlert/](http://academicdepartments.musc.edu/vpfa/publicsafety/emergency/MUSCAlert/) to enter/update your personal contact information.
- **Email:** Every musc.edu account will promptly receive notifications of emergency situations, no registration necessary
- **Desktop Alert:** Every MUSC-networked desktop computer will receive a visual alert during an emergency
- **MUSC Information Line:** (843-792-MUSC) will be updated with important information regarding emergency situations
- **Tune in:** to local television and radio stations
- **Social Media:** Facebook, Twitter, Yammer

The Director the Department of Public Safety, designee, or the senior MUSC Department of Public Safety supervisor on duty will without delay, and taking into account the safety of the entire community, determine the content of the notification and initiate the
notification process unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

MUSC DPS will confirm relevant details of the emergency situation through official sources dependent on the nature and type of emergency such as an MUSC Department of Public Safety Officer/Dispatcher, Hospital Safety and Security Officer, University Risk Management official, National Weather Service (NWS), local fire or police department, South Carolina Department of Health and Environmental Control (SCDHEC), or South Carolina Emergency Management Division (SCEMD). MUSC DPS may also confirm an emergency through a first-hand report.

MUSC DPS maintains continued communication with local law enforcement agencies and emergency management personnel regarding activities occurring in the area that may result in an emergency situation on campus.

As practical without jeopardizing life or safety, MUSC Public Relations and MUSC DPS may coordinate with senior leadership to determine the content of emergency notification messages. The entire campus community will be notified of emergencies and dangerous situations involving an immediate threat to the health or safety of the MUSC Community. Upon the confirmation of an emergency and determination of message content, the Director of Public Safety or designee, or senior DPS supervisor on duty will direct the Public Safety Communication Center to activate the appropriate notification methods within MUSC Alert System. In doing so, *MUSC must withhold as confidential the names and other identifying information that may lead to the identity of victims.*

Subsequent notification messages may be issued to provide additional detail/protective actions. An “All Clear” message will be disseminated upon confirmation that an imminent threat to loss of life or property no longer exists.

If an emergency situation necessitates the release of confirmed details about an incident to the public, MUSC DPS and MUSC Office of Public Affairs and Media Relations may coordinate with senior leadership of the MUSC Enterprise to create a unified message. MUSC emergency related information and updates may be provided via MUSC’s Information Line: 843-792-MUSC (6872), Yammer and Twitter social media accounts and local TV news/ radio alerts.

**Emergency Response**

During certain emergency conditions, it may be necessary to evacuate all or part of a building. Examples of such incidents may include, smoke/fire, gas leak, or bomb threat. The [MUSC Fire and Life Safety, Fire Reaction Plan](#) outlines pertinent information regarding
protective actions for employees and students to take in order to reduce the threat of fire. This plan also identifies steps for individuals to take upon the discovery of a fire or notification of a building evacuation. Each department is expected to maintain a plan with details specific to individual and departmental responsibilities for evacuation and defend-in-place emergencies.

The University Emergency Manager publishes MUSC's Severe Weather Plan that is designed to provide information to students, residents, faculty and staff regarding preparedness, mitigation, response and recovery actions for severe weather. The Severe Weather Plan delineates the responsibilities of medical center and university personnel, outlines requirements for departmental planning, describes the process for campus closure, and provides regional evacuation information to include personal planning recommendations.

**Shelter-In-Place**

Shelter-In-Place actions are intended to provide safety in circumstances when evacuation would present a greater risk to individuals than remaining in their current location. Circumstances that may warrant a shelter-in-place response may include severe weather, HAZMAT incident, active shooter or other violent criminal behavior in the area, or any situation where it is best for you to stay where you are to avoid an outside threat. Depending on the threat or hazard, students, faculty, patients, visitors, volunteers, and staff may be required to move to rooms that can be sealed (such as in the event of a chemical or biological hazard) or are without windows. Notification to shelter-in-place can come from MUSC DPS, local authorities, MUSC Alert, URM, or over a public address system. Upon notification to shelter-in-place, you should:

- Seek shelter in an interior room (if available) and with the fewest windows.
- Shut and lock all windows (provides a tighter seal) and close exterior doors.
- Turn off air conditioners, heaters, and fans. Close vents to ventilation systems if possible.
- For some threats, it is not wise to turn on any noise source audible from the outside. Remain quiet unless instructed that it is safe to turn on such devices.
- If instructed, for weather-related events or for HAZMAT incidents turn on a radio or television if available and listen for further instructions.
- Remain alert for instructions and updates as they become available from emergency personnel and MUSC administrators.
- Make a list of all the people with you; call the list in to MUSC DPS (843-792-4196) so that they know where you are sheltering.
- Remain calm and look after each other. You will be notified when it is safe to come out. Do not leave until you are sure that the identity or source of the announcement is a public safety or MUSC official.
Deny Entry (Lock Down) Procedure

Incidents that pose an immediate threat of violence such as an active shooter may require further action to safeguard your environment. The primary objective of a lockdown is to quickly ensure all faculty, staff, students, patients and visitors are secured in rooms away from immediate danger. If you receive notification or suspect an imminent threat of violence, follow these guidelines:

- Go to a room that can be locked or barricaded by using available material.
- Close the window blinds, turn off the lights and get everyone down of the floor so that no one is visible from outside the room.
- If possible, secure the room you are in by either locking or barricading the door using available material and follow the same procedures described above.
- If you cannot secure the room, determine if there is a nearby location that you are able to reach safely and then secure or if you can safely exit the building.
- Spread out and seek concealment behind walls, desks, file cabinets, etc.
- Have someone call MUSC DPS Dispatch (843 792-4196) using a cellular telephone or call 2-4196 from any campus telephone. Be aware that the Public Safety Dispatch system will most likely be dealing with a large volume of calls.
- When you reach the dispatcher, describe the situation and give your name and location; remain in place until a law enforcement authority gives the 'All Clear.'
- Unfamiliar voices may be the shooter attempting to lure victims from their safe space; do not respond to any voice commands until you can verify with certainty that they are being issued by a law enforcement authority.

MUSC DPS and Medical University Hospital Safety and Security coordinate and maintain Deny Entry (Lock Down) plans for limiting or prohibiting access to buildings affected by imminent threat of criminal behavior.

Do you know what to do in the event of an active shooter? The "Run. Hide. Fight." video may provide the information you need to survive an active shooter event. Click on either of the following links to view the "Run. Hide. Fight." video:

http://academicdepartments.musc.edu/vpfa/publicsafety/run_hide_fight.wmv

"Run. Hide. Fight. Surviving an Active Shooter Event" video— was produced and funded by the City of Houston Mayor’s Office of Public Safety and Homeland Security Department.

Emergency Response and Evacuation Procedures Tests

MUSC's Emergency Response and Evacuation Procedures will be published at least annually in conjunction with a scheduled test that addresses emergency response and evacuation procedures on a campus-wide scale. Each emergency response and evacuation procedures test will include a drill that tests a single procedural operation (i.e. issuing emergency notification) and an exercise of coordination efforts (i.e. coordination of first responders). After each test, a brief after action report should be
written to evaluate the event against measurable goals. This document should also include the purpose, date/time, whether the test was announced or unannounced, participants, description, successes, shortcomings and corrective action recommendations.

Emergency Management officials conducts numerous announced and unannounced drills and exercises each year and conducts follow-through activities designed for assessment and evaluation of emergency plans and capabilities. At a minimum, the entire MUSC enterprise participates in The Great South East Shakeout Earthquake Drill each October. Students and employees learn and practice what to do in the event of an earthquake. MUSC’s emergency notification system is tested on at least an annual basis.

The annual test of the MUSC RAVE Alert system was conducted on October 19, 2017, at 1019 hours. As with the past three years -- when MUSC Risk Management had conducted the announced test -- the test was timed to coincide with the Great Southeast Shakeout drill. Promotion of the event was publicized through MUSC Office of Communication and Media Relations, along with MUSC President’s Office, MUSC Student Programs, The Catalyst and the FAN Newsletter online. Announcement of The Great Southeast Shakeout drill information was also distributed campus-wide via posters with earthquake safety information provided by the Southeast Shakeout. Participants were encouraged to Drop to the ground, take Cover under a table or desk, and Hold On to it as if a major earthquake were happening (staying down for at least 60 seconds).

For more information about the Great SouthEast ShakeOut, visit its website at [https://www.shakeout.org/southeast/](https://www.shakeout.org/southeast/) and MUSC DPS’s Great SouthEast Shake Out website at [http://academicdepartments.musc.edu/vpfa/publicsafety/emergency/muscgreatsoutheastshakeout.htm](http://academicdepartments.musc.edu/vpfa/publicsafety/emergency/muscgreatsoutheastshakeout.htm)

**Community Timely Warning or Advisory**

**Timely Warning Policy Statement**

It is the policy of MUSC to alert the entire campus community to certain crimes in a manner that is timely and will aid in the prevention of similar crimes. In order to enable people to protect themselves, an alert will be issued to the entire campus community as soon as pertinent information is available. If necessary, the alert will be updated as facts surrounding the incident become available. MUSC Department of Public Safety (MUSC DPS) is responsible for the issuance of a timely warning for any Clery Act crime that is reported to campus security authorities or local police agencies and is considered to represent a serious or continuing threat to students, employees or patients.
Clery Act crimes include:

- Murder and non-negligent manslaughter
- Negligent manslaughter
- Sex offenses (Rape, Sodomy, Fondling, Incest, and Statutory Rape)
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson
- Hate Crimes
- Domestic Violence, Dating Violence, and Stalking
- Series of threats to person or property that presents a serious or continuing threat to students and employees

MUSC is not required to provide a notification for non-Clery Act crimes; however, warnings may be sent for other safety issues at the MUSC DPS’s discretion. MUSC is not required to issue a notification for Clery Act or non-Clery Act crimes reported to pastoral or professional counselors.

Notification Process

MUSC DPS will determine the need for issuing a timely warning on a case-by-case basis. Determining factors to consider include:

- The nature of the crime
- The continuing danger to the campus community
- The possible risk of compromising law enforcement efforts

If an emergency situation necessitates the release of confirmed details about an incident to the public, MUSC DPS, MUSC Office of Public Affairs and Media Relations may coordinate with senior leadership of the MUSC Enterprise to create a unified message. MUSC emergency related information and updates may be provided via MUSC’s Information Line: 843-792-MUSC (6872), Yammer and Twitter social media accounts and local TV news/ radio alerts.

As practical and without jeopardizing life or safety, MUSC DPS and MUSC Office of Public Affairs and Media Relations may coordinate with senior leadership to determine the content of the message. The content of the message will include as many available details as possible, including:

- Type of alert
- Location
- Suspect(s) description
• Incident summary
• Any information that promotes safety and aids in the prevention of similar crimes.

*MUSC must withhold as confidential the names and other identifying information of victims.*

Timely warnings will be issued by various communication media in an effort to increase the likelihood of reaching the entire campus community including: posting information on the MUSC DPS website and by sending the message via MUSC email, or sending an emergency notification if there is an imminent threat of danger according to MUSC’s Emergency Response and Evacuation Procedures.

In the event that there is a confirmed significant emergency or dangerous situation involving an immediate threat to the campus community (per the judgment of the Chief of the Department of Public Safety or their designee), MUSC DPS will, without undue delay, and taking into account safety of the community, determine the content of the notification and initiate the immediate notification system. However, if in the professional judgment of responsible authorities the notification may compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency, the notification may be delayed.

The Chief of the Department of Public Safety or designee will be the person responsible for authorizing and issuing the timely warning notifications for all Clery Act or non-Clery Act crimes on behalf of MUSC.

**Exemptions for Releasing Protected Information**

**Family Education Rights and Privacy Act (FERPA)**
FERPA recognizes that protected information can, in case of emergency, be released without consent when needed to protect the health and safety of others. If MUSC utilizes information from the records of a campus law enforcement unit to issue a timely warning, FERPA is not implicated as those are not records protected by FERPA.

**Health Insurance Portability and Accountability Act Privacy Rule (HIPAA)**
HIPAA allows patient information to be shared to assist in disaster relief efforts, and to assist patients in receiving the care they need. Providers and health plans covered by HIPAA can share patient information in the following ways:

• To provide treatment;
• To prevent or lessen a serious and imminent threat to the health and safety of a person or the public;
• To identify, locate and notify those responsible for the individual’s location general condition, or death;
• Provide confirmation as to whether an individual is at the facility, their location in the facility, and their general condition;
• Provide organizations that are authorized by law or charter with information that would assist in disaster relief efforts.

SECURITY AWARENESS AND CRIME PREVENTION PROGRAMS

While faculty, staff and students are encouraged to assume responsibility for their own security and the security of others, MUSC promotes security awareness and crime prevention programs sponsored by various campus organizations throughout the year. MUSC DPS, Education & Student Life, individual colleges, and various other MUSC managers and department heads facilitate programs for student, faculty, and new employee orientations, student organizations, community organizations, providing a variety of educational strategies and tips on how to protect themselves from sexual assault, theft and other crimes.

MUSC's Primary Prevention Programs (PPPs) are introduced to all incoming students in each of the six MUSC colleges during new student orientation by the Department of Public Safety, the Title IX Coordinator, and Director of Gender Equity. Programs include descriptions of safe and positive outcomes for bystander intervention strategies. The PPPs provide information on risk reduction that includes strategies for both personal safety protection as well as emphasizing the need for reducing perpetration by offenders. The programs conclude with providing MUSC's procedures to follow if an offense has occurred and the resources that are available on campus and in the community. A listing of programs provided to the MUSC community throughout the year can be found in the “Security Awareness and Crime Prevention Programs” section on page 33 and the “Sexual Assault, Domestic Violence, Dating Violence, and Stalking Primary Prevention Programs for Students and Employees” section beginning on page 83.

Crime prevention pamphlets are available in the MUSC DPS lobby at no charge. The MUSC DPS has officers available for the orientation programs, to inform prospective students and their parents of available police services and programs. Similar presentations are available for employees and international students as well. Safety talks are provided upon request for any office, organization or classroom as needed on campus. MUSC DPS website, as well as printed material, is used by the MUSC DPS for the dissemination of crime prevention tips.

Moreover, MUSC offers targeted awareness campaigns such as, for example, Active Shooter awareness training involving MUSC's Emergency Department, hospital security,
local law enforcement, and community agencies that may be first responders. The Great American Shakeout Drill is conducted with the focus on earthquake response awareness. Speakers on prevention of interpersonal violence are invited presenters at MUSC events. The topics and mechanisms for awareness campaigns vary each year depending on the needs of the MUSC community.

It is the policy of the Department of Public Safety to promote a positive and mutually beneficial relationship with the public. The Department will address current concerns and potential problems that may affect both law enforcement and members of the Medical University of South Carolina Community.

The Department of Public Safety will target programs to address community perceptions or misperceptions of crime. In order to identify those areas, the Office of Crime Prevention may contact leaders of campus organizations and student groups to request information regarding the perception of criminal activity.

The Crime Prevention Officer will actively participate in, and upon request coordinate with the Education & Student Life, colleges, and various other MUSC managers and department heads in organizing crime prevention training to the campus community. This training will include personal safety, property safety, drug and/or alcohol issues, and the students’ relationship with law enforcement. The Crime Prevention Officer may provide input to the Medical University and local governmental agencies on legislative/policy matters with crime prevention concerns.

Each year, Education & Student Life and the Department of Public Safety organizes a SGA’s Safety Walk. This organized event involves senior members of the Department of Public Safety, Office of Parking Management, faculty, and student members of SGA who divide into multiple teams and walk around the different campus beats to identify any safety concerns and make any recommendations on how to make the campus safer.

The most prevalent crime our community experiences is theft. Generally, valuable items left unattended in vehicles or in buildings are the prime targets. Care should be taken to lock offices and rooms and remove valuables from vehicles. It is also noteworthy to remember that several areas around our campus are open to the public. The most prominent of these is the James W. Colbert Education Center & Library. It is not uncommon to see non-students in these areas. Care should be taken in these areas to keep personal property under close watch. Textbooks, cell phones, laptop computers, and other electronic devices are very desirable because they are easily sold.

A community and its police must do more than simply react to crime. It is important to look for opportunities to deter and/or prevent crime. MUSC Department of Public Safety
provides the following services and programs to improve safety on campus and to make the community aware of campus crime and efforts to reduce criminal activity, as well as to minimize their chances of becoming a victim.

Programs and services provided free of charge by MUSC Department of Public Safety include:

**Rape Aggression Defense (R.A.D.) Physical Defense Course**

Throughout the academic year, MUSC DPS offers Rape Aggression Defense System (RAD) training. The training is a comprehensive course that begins with awareness, prevention, risk reduction and avoidance, while progressing on to the basics of hands-on defense training. Certified RAD instructors will teach the courses provided.

The Rape Aggression Defense Basic Personal Defense System is a 9-12 hour national program of realistic self-defense tactics and techniques taught for women only. All courses are taught by nationally certified R.A.D. Instructors. The goal of R.A.D. is to provide realistic self-defense options to women, regardless of their level of physical conditioning. Participants at all levels of ability, age, experience, and strength will be provided with techniques and information that can be effectively used from the first day of class.

R.A.D. is not a martial arts program, nor does it require students to be athletes in training to succeed. The R.A.D. system will provide participants with the knowledge to make an educated decision about personal defense. We provide information on physical and non-physical options, as well as insight into the attacker mindset.

Every participant receives a manual for reference and practice. Once a participant has completed a R.A.D. program, their signed manual becomes a ticket for free lifetime return and practice with any instructor in the U.S. and Canada. The widespread acceptance of the R.A.D. system is due to the ease, simplicity, and effectiveness of our tactics, solid research, legal defensibility, and unique teaching methodology. R.A.D. is the only self-defense program endorsed by the International Association of Campus Law Enforcement Administrators (IACLEA).

MUSC Department of Public Safety is proud to be part of the living national network of R.A.D. instructors. If you are interested in participating in R.A.D., or need additional information contact either one of these instructors by calling the Department of Public Safety at (843) 792-2261, or contact the Department of Public Safety Crime Prevention office at (843) 792-1070.
Whistle Defense Program

Carrying a whistle or noisemaker is a wise safety precaution. Keep a safety whistle with you at all times. Ultimately, everyone is responsible for his or her own personal safety. Blowing a sharp blast from a quality whistle can startle an attacker. Calling attention to yourself and a potential threat can be a quick route to safety. Placing a whistle on your key ring is one great way to remind yourself to be always vigilant about your surroundings. Pay attention when you enter or leave your home, in public parking garages and open areas. Avoid isolated areas, especially at night. Look out for yourself and those around you.

Whistles can alert anyone in the area that you need help, and a whistle cannot be used against you in an attack. For more information on the University's whistle defense program and to obtain a free whistle, stop by or call the Public Safety Crime Prevention Office at (843) 792-1070.

Here are some tips on when to use whistle.

If you fear trouble:
- Run to a safe, well-lit area.
- Blow your whistle loudly.

If you are confronted while on campus:
- Do not panic – staying calm is your best defense.
- Blow your whistle for help as soon as you can.
- Report the circumstances to campus Public Safety by dialing 2-4196 from a campus phone, (843)-792-4196 from all other phones or activate the nearest Emergency Call Box or call the Charleston Police Department by dialing 911.

If you observe trouble while on campus:
- Call Public Safety by dialing 2-4196 from a campus phone, or use the nearest Emergency Call Box (or call the Charleston Police Department by dialing 9-1-1).
- Keep a safe distance.
- Blow your whistle if trouble approaches.
- Do not try to capture or physically detain an individual.

If you hear a whistle while on campus:
- Call Public Safety by dialing 2-4196 from a campus phone, or use the nearest Emergency Call Box (or call the Charleston Police Department by dialing 9-1-1) and
give pertinent information—\textbf{where, when, what, who, and how}.

\textit{REMEMBER: IF YOU ARE ON CAMPUS AND YOU NEED IMMEDIATE HELP, CONTACT THE DEPARTMENT OF PUBLIC SAFETY BY DIALING 2-4196 FROM A CAMPUS PHONE, (843)-792-4196 FROM ALL OTHER PHONES. IF YOU ARE NOT ON CAMPUS AND YOU NEED IMMEDIATE HELP, CALL THE POLICE WITHIN THAT JURISDICTION BY DIALING 9-1-1.}

\textbf{Bicycle Safety and Registration}

Bicycles are in big demand and may fall prey to theft if not effectively secured. Bikes should be secured only to designated bike racks so they do not impede traffic or cause a safety hazard. A comprehensive booklet, S.C. Road Rules for Bikes, is available.

All bikes must be registered by the City of Charleston Police Department through the Public Safety Office. To register bicycles in compliance with \textit{Charleston City Ordinance 19-101}, bring the bicycle to the Public Safety Office during normal hours of operation (Mon-Fri between 7:30am & 4:30pm). Registration fee is $1.00 to cover the cost of the registration sticker. Downloadable registration forms can be found under \textit{Public Safety Services}.

\textbf{Engraving}

Borrow MUSC DPS’s engraver to mark your valuables for easier identification in the event they are stolen.

\textbf{Security Surveys}

This service is provided to enhance the physical security of MUSC facilities and student residences located in close proximity of the campus. A survey of the interior and exterior of the facility or residence is conducted by trained crime prevention professionals to determine vulnerability to criminal activity. Assessments are intended to identify potential risk factors- ranging from money handling procedures and personal issues to physical security weaknesses.

MUSC DPS personnel perform security assessments for employees, students, and other organizations or departments upon request. Recommendations for access and surveillance systems, alarm needs, and instruction and troubleshooting of alarm systems are also provided. A written report is sent to the requester with recommendations on improving security. To schedule a survey call the MUSC DPS Crime Prevention Office at (843)792-1070 or (843) 792-2261.

\textit{The Department of Public Safety regularly addresses the community in the form of Safety Presentations designed to educate our constituents about methods of personal safety.}
The Department of Public Safety conducts crime prevention and general security and safety presentations throughout the year upon request to both staff and students groups and other members of the Medical University Community.

These presentations cover several topics:

- **Home Security Surveys:** The Department of Public Safety will provide the results of crime prevention security surveys of student residences located in close proximity of the university.
- **Building Safety and Security:** Methods and procedures for keeping the workplace/classroom(s) safe and know how to report suspicious activity/persons.
- **Parking Garage Safety:** Precautions useful in preventing theft and vandalism of your vehicle as well as ensuring your personal safety in and around garages and parkinglots.
- **Campus Safety:** General and specific methods of personal protection by providing safety tips to our community and identifying tools available to enhance personal safety to include our cell LiveSafe cell phone app and Escort Program.
- **Workplace Violence Prevention:** Learning the warning signs of potential workplace violence and preventive measures.
- **Active Shooter Incident Survival:** Tips and techniques on how to survive an Active Shooter Incident and what to expect from Law Enforcement upon their arrival.
- **Sexual Assault Prevention:** A general lecture with tips on protection from date rape drugs and personality traits of those who perpetrate sexual aggression, and identification of resources available to our community for dealing with such aggression.

**Safety Escort**

The Medical University Department of Public Safety is committed to ensuring a safe environment for all students, employees and visitors at the University. In an effort to encourage personal safety, the campus escort program was initiated. It provides personal safety escorts 24 hours a day, seven days a week. In 2017, the Department of Public Safety and Hospital Safety & Security conducted approximately 1753 personal safety escorts for students, employees and visitors.

Please take advantage of this service. Call (843) 792-2261/4196 (or 2-2261 from a campus phone) and provide the following information to the dispatcher:

- Your Name
- Current Location
- Baggage (if any)
- Destination
- Physical description of yourself

The Safety Escort service provides escorts around the University Campus and the surrounding area, normally within two blocks of the Campus. Special requests will be honored on a case-by-case basis. The campus commander or the shift supervisor must approve any escort beyond the two-block area.

This program, staffed by our DPS patrol officers, serves the entire Medical University community. Calls for service are dispatched in the order they are received; however, please be mindful that if you experience a delay in response time it may be due to a high volume of calls. Campus escorts may be accomplished by means other than a vehicle. This program utilizes Foot, Bicycle, and Vehicle Patrol Officers.

If you have small children requiring a child safety seat, you will need to have a seat available. If you do not have a child seat, Public Safety will provide one. State law requires any child 4 years of age or under must be secured properly in a child restraint system.

**Community Events**

MUSC DPS organizes and sets up crime prevention and education display tables at various special event locations on campus throughout the year. This provides an opportunity for MUSC DPS staff to hand out safety and awareness related information, answer individual questions, accommodate bicycle registration, and encourage the community to be responsible for their own security and the security of others.

MUSC DPS and other staff on occasion attend and speak at public events. Upon request, we provide safety talks at elementary schools and churches with “McGruff the Crime Dog”, and bring various department vehicles, and set up booths related to crime prevention and safety. MUSC DPS also participated in numerous special events and conducted multiple crime prevention and safety presentations at various locations on campus throughout the year of 2017.

**A sampling of informational fairs, presentations and exhibits conducted throughout the year 2017**

<table>
<thead>
<tr>
<th>Program</th>
<th>Date Held</th>
<th>Location Held</th>
<th>Topics Covered</th>
</tr>
</thead>
<tbody>
<tr>
<td>College of Nursing Student</td>
<td>January 3, 2017</td>
<td>CON Rm 202</td>
<td>Public Safety services, crime prevention, Active</td>
</tr>
<tr>
<td>Orientation</td>
<td></td>
<td></td>
<td>Shooter Survival*</td>
</tr>
<tr>
<td>MUSC ER</td>
<td>January 24, 2017</td>
<td>295 Calhoun Street</td>
<td>Active Shooter in Healthcare Training</td>
</tr>
<tr>
<td>Event</td>
<td>Date</td>
<td>Location</td>
<td>Details</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>-----------------</td>
<td>-------------------</td>
<td>-------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Student Safety Walk</td>
<td>March 6, 2017</td>
<td>Campus Wide</td>
<td>Areas of concern to the students regarding safety, i.e. lighting and call boxes</td>
</tr>
<tr>
<td>COM Management Class Presentation</td>
<td>March 22, 2017</td>
<td>Storm Eye 809</td>
<td>Public Safety services, crime prevention, Active Shooter Survival*</td>
</tr>
<tr>
<td>MUSC Earth Day</td>
<td>April 12, 2017</td>
<td>MUSC Horseshoe</td>
<td>Public Safety services, crime prevention</td>
</tr>
<tr>
<td>DNAP-Post Baccalaureate Orientation</td>
<td>May 24, 2017</td>
<td>CHP A</td>
<td>Public Safety services, crime prevention, Active Shooter Survival*</td>
</tr>
<tr>
<td>CHP New Student Information Session</td>
<td>May 24, 2017</td>
<td>Atrium</td>
<td>Public Safety services, crime prevention, Active Shooter Survival*</td>
</tr>
<tr>
<td>Orientation session for OT students</td>
<td>May 25, 2017</td>
<td>CHP A</td>
<td>Public Safety services, crime prevention, Active Shooter Survival*</td>
</tr>
<tr>
<td>Orientation session for PA students</td>
<td>May 25, 2017</td>
<td>CHP A</td>
<td>Public Safety services, crime prevention, Active Shooter Survival*</td>
</tr>
<tr>
<td>Orientation session for PT students</td>
<td>May 25, 2017</td>
<td>CHP A</td>
<td>Public Safety services, crime prevention, Active Shooter Survival*</td>
</tr>
<tr>
<td>College of Graduate Studies Orientation</td>
<td>May 30, 2017</td>
<td>BEB 201</td>
<td>Public Safety services, crime prevention, Active Shooter Survival*</td>
</tr>
<tr>
<td>Hurricane Awareness Day</td>
<td>May 31, 2017</td>
<td>MUSC Horseshoe</td>
<td>Public Safety services, crime prevention</td>
</tr>
<tr>
<td>College of Dental Medicine Orientation</td>
<td>June 6, 2017</td>
<td>BSB 100</td>
<td>Public Safety services, crime prevention, Active Shooter Survival*</td>
</tr>
<tr>
<td>College of Medicine Summer Institute Orientation</td>
<td>June 19, 2017</td>
<td>COM Dean's Office CSB601</td>
<td>Public Safety services, crime prevention, Active Shooter Survival*</td>
</tr>
<tr>
<td>Low Country Food Bank</td>
<td>July 25, 2017</td>
<td>2864 Azalea Dr., North Charleston</td>
<td>Active Shooter and Workplace Violence Training</td>
</tr>
<tr>
<td>National Night Out</td>
<td>August 1, 2017</td>
<td>Park Circle in North Charleston (1156 E Montague Ave, North Charleston)</td>
<td>Crime Prevention, Bicycle Safety</td>
</tr>
</tbody>
</table>

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**SAFETY PRECAUTIONS AND CRIME PREVENTION TIPS**

**Personal Safety**
- Walk or jog with a friend, not alone.
- Stay on the well-traveled throughways and refrain from using dark or obscure shortcuts.
- Avoid isolated areas.
• Use campus escort services.
• Know your limits on dates and communicate them to your partner.
• Know your limits with alcohol and do not accept drinks from others.

**Protection from Date Rape Drugs**
• Never leave your drink unattended. Because they are colorless and odorless, date rape drugs can be slipped into any type of beverage.
• Do not accept drinks from anyone but a bartender or server.
• Try to attend bars or parties with a group of friends, arranging beforehand to watch each other’s drinks.
• If you think your drink has been tampered with, seek medical attention immediately and request the hospital conduct toxicology testing.

**Campus Safety**
• Tell a friend where you are going and when you will return.
• Carry a whistle or noise maker. Do not be afraid to scream if you need help.
• Use your cell phone or an emergency call box to notify Public Safety if your car breaks down. Raise the hood and stay in your car until someone arrives. If people stop to assist, ask them to call the police.
• Always be aware of your surroundings.
• If you must remain in the campus buildings after closing time and after most people are gone for the day, try to have at least one other person keep you company.
• Do not prop card reader doors.
• Call MUSC DPS if you see someone in the building who does not belong.
• Do not allow strangers to follow you into the building after hours.

**Workplace Safety**
• Keep personal items (purses, book bags) locked up.
• Secure the work area when no one is in it.
• Immediately report suspicious people and activity to the police. Call the dispatcher at (843)-792-4196.

**Protecting Your Property**
• Record the serial numbers of your valuables.
• Engrave valuables with your license number.
• Register your bike with Public Safety. Please lock them up securely.
• Keep your vehicle locked when it is parked and when you drive.
• Consider installing anti-theft or alarm devices on your vehicle.
• Avoid carrying large amounts of cash and never display large amounts of money.
• Personal property; purses, briefcases, backpacks, cell phones, laptop computers or any other electronic devise etc. should never be left unattended (even in the library).
Learn How to Survive an ACTIVE SHOOTER Event

Run. Hide. Fight. (Video)
In the aftermath of the mass shooting event in Aurora, Colorado, the City of Houston Mayor’s Office of Public Safety and Homeland Security released a 5.56 minute video that provides key steps individuals should take if they encounter an active shooter.

Although active shooter events are unpredictable, motives are different, and warning signs may vary, there are three things citizens can do to increase chances of safety and survival:

- **Run** if a safe path is available. Always try to escape or evacuate even if others insist on staying.
- Encourage others to leave with you but do not let the indecision of others slow down your own effort to escape.
- Once you are out of the line of fire, try to prevent others from walking into the danger zone and call Public Safety at (843) 792-4196 or 9-1-1.
- If you cannot get out safely, find a place to **hide**.
- When hiding, turn out lights, remember to lock doors and silence your ringer and vibration mode on your cell phone
- As a last resort, working together or alone, act with aggression, use improvised weapons and **fight**.

Click on the following link to view the Run. Hide. Fight. Video: [http://academicdepartments.musc.edu/vpfa/publicsafety/run_hide_fight.wmv](http://academicdepartments.musc.edu/vpfa/publicsafety/run_hide_fight.wmv)

"Run. Hide. Fight. Surviving an Active Shooter Event” video— was produced and funded by the City of Houston Mayor’s Office of Public Safety and Homeland Security Department.

Active Shooter: How to Respond Resource Materials
The U.S. Department of Homeland Security (DHS) has developed a series of materials to assist businesses, government offices, and schools in preparing for and responding to an active shooter. These products include a desk reference guide, a reference poster, and a pocket-size reference card.

Issues covered in the active shooter materials include the following:
- Profile of an active shooter;
- Responding to an active shooter or other workplace violence situation;
- Training for an active shooter situation and creating an emergency action plan; and
- Tips for recognizing signs of potential workplace violence.
Available Materials (Click to follow links):

- Active Shooter Booklet
- Active Shooter Pamphlet
- Active Shooter Poster
- Active Shooter Pocket Card
- Active Shooter Preparedness Resources – Arabic
- Active Shooter Preparedness Resources – Chinese
- Active Shooter Preparedness Resources – Korean
- Active Shooter Preparedness Resources – Punjabi
- Active Shooter Preparedness Resources – Russian
- Active Shooter Preparedness Resources – Somali
- Active Shooter Preparedness Resources – Spanish
- Active Shooter Preparedness Resources – Urdu
- Planning and Response to an Active Shooter: An Interagency Security Committee Policy and Best Practices Guide
- Active Shooter Recovery Guide
- Recovering From An Active Shooter Incident Fact Sheet

“Options for Consideration” Active Shooter Training Video (Click “Options for Consideration” to follow link): https://www.dhs.gov/options-consideration-active-shooter-preparedness-video

The Options for Consideration video demonstrates possible actions to take if confronted with an active shooter scenario. The instructive 3.41-minute video reviews the choices of evacuating, hiding, or, as an option of last resort, challenging the shooter. The video also shows how to assist authorities once law enforcement enters the scene.

ACCESS TO CAMPUS FACILITIES

As a practice, access to MUSC campus buildings is a privilege extended to students, faculty, staff, and guests. MUSC encourages an open environment with limitations to assure adequate protection of all members of the MUSC community. MUSC campus buildings are open Monday through Friday, opening and closing at various times. At night and during times when the campus is officially closed, MUSC buildings are locked. Faculty, staff, and students with proper authorization and electronic card key access are permitted into the buildings.

The MUSC Engineering and Facilities Department is responsible for each facility to determine access to each campus and medical center facility. MUSC does not currently have a centralized policy that addresses access to all MUSC campus buildings. The MUSC DPS, however, works closely with Engineering and Facilities and the appointed building
managers to maximize security coverage and to ensure appropriate access controls. With prior authorization from building administrators and/or MUSC DPS, the general public may attend cultural and extracurricular activities or events on campus with access limited to the facilities where the events are held.

MUSC DPS has the primary responsibility for coordinating the locking and unlocking of most institutional buildings on campus. MUSC DPS also works closely with the Engineering & Facilities Management to maintain building security, key control and established facility hours. Access to facilities after normal hours is limited and coordinated with the MUSC DPS.

Most all campus facilities are provided with electronic key card access systems that are connected to a central computer monitored 24 hours a day. The MUSC DPS Communication Center is notified whenever a respective door is forced or propped open for any significant period of time.

The MUSC DPS currently maintains and monitors nearly 586 cameras (CCTV) and 1009 card access doors at present. MUSC DPS also maintains, monitors and will respond to the nearly 267 alarm accounts (that include security, panic, and freezer accounts). Engineering and Facilities is responsible for routine maintenance of locks, lock cores and other latching devices.

**Dormitories**
There are no dormitory or residential facilities on the MUSC campus.

**Classrooms**
Classroom buildings and individual rooms are under the protection of the MUSC DPS. These buildings are within designated patrol areas and patrolled 24 hours per day, 7 days a week. Additionally, Public Safety Officers provide an added measure of security by patrolling the campus and acting as eyes and ears for the community benefit. Several classroom buildings, especially those that house computer clusters, also have electronic key card access systems that operate during other than normal working hours. Some interior spaces are also secured in this manner.

**James W. Colbert Education Center & Library and other Public Buildings**
Many areas of the Medical University of SC Library are open to the public. Extra attention is given to these areas in the routine patrol plan as well as the policy of the individual buildings. Most of these areas are equipped with Duress Alarms and/or Closed Circuit Television cameras (CCTV). All areas frequented by students are staffed with University personnel who are instructed on the best method of contacting the Department of Public Safety. These instructional presentations are conducted as needed and generally provided
during new employee and student orientations.

The MUSC Library occupies the 2nd, 3rd, and 4th floors of the James W. Colbert Education Center and Library at 175 Ashley Avenue, with entrances on the 2nd and 4th floors. Students have MUSC ID card access to the library 24 hours a day, 7 days a week, and 365 days a year. At this time, entrance to the James W. Colbert Education Center is via the 1st and 2nd floor. During the year, card access to the 3rd and 4th floor via the elevator should be available.

**Library Staffed Hours**

<table>
<thead>
<tr>
<th>Day</th>
<th>Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sunday</td>
<td>1:00 PM - 9:00 PM</td>
</tr>
<tr>
<td>Monday - Thursday</td>
<td>7:30 AM - 9:00 PM</td>
</tr>
<tr>
<td>Friday</td>
<td>7:30 AM - 6:00 PM</td>
</tr>
</tbody>
</table>

**Library Hours to the Public**

<table>
<thead>
<tr>
<th>Day</th>
<th>Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sunday</td>
<td>1:00 PM - 6:00 PM</td>
</tr>
<tr>
<td>Monday - Thursday</td>
<td>7:30 AM - 6:00 PM</td>
</tr>
<tr>
<td>Friday</td>
<td>7:30 AM - 5:00 PM</td>
</tr>
<tr>
<td>Saturday</td>
<td>Closed to the public</td>
</tr>
</tbody>
</table>

For questions, please dial (843) 792-2381. Additional information and links may be found on the Library Homepage URL is [http://www.library.musc.edu/](http://www.library.musc.edu/).

**The Waring Historical Library**

The Waring Historical Library, located at 175 Ashley Avenue, is the special collections and rare book library for the Medical University of South Carolina. The library is open for research use of the collection by appointment by calling (843) 792-2288.

**Hours of Operation**

Monday – Friday
10:00am – 4pm

**The MUSC Wellness Center**

MUSC Wellness Center membership is open to the public to promote healthy lifestyles for all seasons of life. Drawing from MUSC’s many healthcare experts, the MUSC Wellness Center, located on campus at 45 Courtenay Drive, provides evidence-based, safe and effective fitness programs to support a culture of wellness for MUSC students, faculty, staff, and the Charleston community. Wellness Center personnel monitor the entry point of the facility.
**Hours of Operation**

Monday – Thursday       5:30am to 10pm  
Friday                   5:30am to 8pm   
Saturday                 7:00am to 5:00pm  
Sunday                   9:00am to 7:00pm  

**Pool Hours**

Monday – Thursday       5:30am to 9:30pm  
Friday                   5:30am to 7:30pm  
Saturday                 7:00am to 4:30pm  
Sunday                   9:00am to 6:30pm  

*Additional information and links may be found on the Wellness Center Homepage at [http://academicdepartments.musc.edu/hsc/index.html](http://academicdepartments.musc.edu/hsc/index.html)*

**Garages and Parking Lots**

The MUSC Office of Parking Management (OPM) is committed to providing a choice of parking services designed to meet the variety of needs of MUSC’s employees, students, patients and visitors. OPM offers several parking options, and has implemented a myriad of parking programs in an effort to meet the needs of our customers.

Most garages and parking lots have CCTV camera coverage and Emergency Call Boxes placed in conspicuous locations. OPM personnel monitor most entry and exit points of parking facilities open to visitors. Those using the garages and parking lots are encouraged to report any suspicious activity to the Public Safety Department.

*Additional information and links about parking may be found on the Office of Parking Management Website:  
[http://academicdepartments.musc.edu/vpfa/operations/Parking/index.htm](http://academicdepartments.musc.edu/vpfa/operations/Parking/index.htm)*

**General Campus**

Institutional campus facilities and buildings, other than the wellness center and library, are generally open to the campus community, visitors and guests Monday through Friday 7:00 a.m. – 6:00 p.m. and as certain special events dictate. Staff are encouraged to lock any doors not in use or on card access. Custodial and MUSC DPS staff regularly checks the security of the buildings. The MUSC DPS dispatcher is notified whenever a respective door is forced or propped open for any significant period of time. After-hour access is via issued electronic card keys or contacts with the MUSC DPS. In addition to the routine patrol plan of the MUSC DPS, special events on campus are also subject to patrols. Off-duty MUSC DPS personnel, at the request of MUSC organizations sponsoring events,
provides security at activities on and off campus. MUSC has no Athletic Stadiums, Coliseums, and/or Arenas.

**Medical University Hospital Authority Buildings**

Medical University Hospital Authority buildings are equipped with keycard access to assist in controlling building access. The Medical University Hospital Authority Safety and Security personnel monitor these entry points. The MUSC DPS dispatcher or MUHA Safety and Security (depending on location) are notified whenever a respective door is forced or propped open for any significant period of time. In addition, security camera systems are installed at key points throughout the medical center complex.

Medical University Hospital buildings are staffed with Hospital Security personnel. These employees are charged with the responsibility of patrolling the interior premises and checking the identification of those entering the Main Medical University Hospital facilities after hours. They are required to report criminal activity and have direct contact with the Department of Public Safety by two-way radio and/or telephone.

**Reporting Lost or Stolen Access Cards**

Lost or stolen MUSC Identification cards should be reported immediately to the MUSC DPS Card Office at (843) 792-4023 or (843) 792-2261. Lost or stolen cards with any Medical Center access should also be reported to Medical University Hospital Safety & Security Operations at (843) 792-4868. Many IDs are turned in to Public Safety’s Lost and Found; however, if your lost ID is not found, a new ID can be made at the MUSC DPS for $15.00.

**MAINTENANCE OF CAMPUS FACILITIES**

MUSC Engineering and Facilities Department takes safety and security service maintenance needs as its highest priority. Engineering and Facilities maintains all interior and exterior lighting systems on a regular basis. MUSC DPS personnel and other university employees, routinely perform checks of lights on campus that need repair and reports unsafe physical conditions to MUSC Engineering and Facilities Department for maintenance and repair. MUSC facilities and landscaping are maintained by the MUSC Grounds Department in a manner that minimizes hazardous or unsafe conditions. Moreover, Engineering and Facilities is responsible for routine maintenance of locks, lock cores and other latching devices. MUSC DPS personnel periodically take notice of shrubbery, doors, and locks that require maintenance and submit the information to the appropriate department.

Engineering and Facilities will respond to reports of inoperable doors, burned out lights, broken windows and screens, trim bushes and other related requests from the MUSC DPS
to do such things for safety and security reasons. Any unusual occurrence, utility malfunction or equipment failure that presents an imminent danger to life or health or has the potential for major damage to property is an emergency and should be reported immediately to the Service Call Desk at **(843) 792-4119**.

The MUSC DPS regularly patrols the main campus and will respond to any security-safety related maintenance problems after hours until they are resolved by the MUSC Facilities & Engineering Department. Other members of the MUSC community also report equipment problems or potentially hazardous conditions to the MUSC DPS and/or MUSC Engineering and Facilities Department.

For more information on services provided by Engineering and Facilities, visit their website at [http://academicdepartments.musc.edu/vpfa/eandf/about.htm](http://academicdepartments.musc.edu/vpfa/eandf/about.htm)

Our Systems Support Technicians at MUSC DPS respond to trouble calls for Card Access/CCTV systems and ensure that both card access and CCTV systems are kept in a high state of readiness. MUSC DPS provide preventative and on call maintenance for all CCTV and card access equipment monitored by MUSC Department of Public Safety.

**ALCOHOL AND DRUG POLICY**

**Policy Statement Addressing Alcoholic Beverages**

The possession, sale or the furnishing of alcohol on the MUSC campus is governed by MUSC Alcohol Policy and South Carolina state law. Certain laws regarding the possession, sale, consumption or furnishing of alcohol in establishments is controlled by the South Carolina Law Enforcement Division.

Enforcement of alcohol and drug laws on-campus is the primary responsibility of the MUSC Department of Public Safety. The MUSC campus has been designated “Drug free” and only under certain circumstances is the consumption of alcohol permitted. The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by the MUSC Department of Public Safety. Violators are subject to University disciplinary action, criminal prosecution, fine and imprisonment.

It is unlawful to sell, furnish or provide alcohol to a person under the age of 21. The possession of alcohol by anyone under 21 years of age in a public place or a place open to the public is illegal. It is also a violation of the MUSC Alcohol Policy for anyone to consume or possess alcohol in any public or private area of campus without prior University approval. Alcohol cannot be consumed or carried in open containers on any street,
sidewalk, alley, automobile, or public area. Organizations or groups violating alcohol/substance policies or laws may be subject to sanctions by the University.

Complete information on the MUSC Student Policy for Substance Abuse can be found in the Student Policies on the Student Life website by visiting the following MUSC Bulletin links:

- Student Alcohol Policy at:  
  [http://academicdepartments.musc.edu/esl/bulletin/bulletin_policies/alcohol.html](http://academicdepartments.musc.edu/esl/bulletin/bulletin_policies/alcohol.html)
- Student Policy for Substance Abuse Prevention and Intervention at:  
  [http://academicdepartments.musc.edu/esl/bulletin/bulletin_policies/subabuse.html](http://academicdepartments.musc.edu/esl/bulletin/bulletin_policies/subabuse.html)

### Alcohol Availability

Alcohol is not sold on campus, and its use on campus is restricted to specific, limited areas. Alcohol is prohibited in all patient-care areas.

### MUSC Student Policy for Alcoholic Beverage Serving

The MUSC Student Policy for Alcoholic Beverage Serving give clear guidelines on alcohol use and the service of alcohol at MUSC student organization-sponsored events. The purpose of this policy, in keeping with MUSC’s concern for the educational and social well-being of its students and the welfare of the university community, is to provide guidelines for the safe use and serving of alcoholic beverages at university sponsored events. MUSC expects those who are of legal drinking age (21 years of age) who choose to consume alcohol to do so in a mature and responsible manner. In furtherance of this expectation, MUSC offers guidelines that are not meant to be exhaustive but are meant to complement and supplement common sense and are in compliance with state and federal laws. Detailed information can be found in the Student Alcohol Policy.

Off-duty MUSC DPS law enforcement personnel, at the request of MUSC organizations, such as the Student Government Association (SGA), sponsoring the events, provides security at activities involving students on and off campus.

Students will also be provided information during new student orientation about MUSC’s Student Policy for Substance Abuse Prevention and Intervention and regulations that govern the serving of alcoholic beverages at events, which utilize the University’s name.
**Illegal Drugs**

The MUSC campus has been designated “Drug free” and only under certain circumstances is the consumption of alcohol permitted. The policy for MUSC and the institutions prohibit the possession, sale, manufacture or distribution of any controlled substance and illegal under both state and federal laws. Such laws are strictly enforced by various local, state, and federal law enforcement agencies to include; but limited to, the MUSC Department of Public Safety, MUSC Internal Audit, South Carolina Department of Health and Environment Control (DHEC), Charleston Police Department, U.S. Drug Enforcement Agency (DEA), and SLED.

MUSC students are expected to use only those prescription medications that are prescribed for them within the confines of a provider/patient relationship. Students are prohibited from using prescription medications not prescribed for them. Violators are subject to University disciplinary action, criminal prosecution, fine and imprisonment. This policy applies equally to administrators, faculty, staff, and students.

As previously mentioned, complete information on the [MUSC Student Policy for Substance Abuse and Intervention](http://academicdepartments.musc.edu/esl/bulletin/bulletin_policies/subabuse.html) can be found in the Student Policies on the Student Life website by visiting the below underlined link:

**University Human Resources Drug-Free Workplace (Policy 47)**

Federal Law and MUSC policy mandate a drug-free workplace. The unlawful manufacture, distribution, dispensation, possession or misuse of a controlled substance or illegal drugs on MUSC premises is prohibited. Any employee, including temporary, research grant, and student employees, violating this policy will be subject to disciplinary action up to and including termination.

Any employee who is convicted, pleads guilty or nolo contendere for a drug related violation will be disciplined up to and including termination. A criminal drug violation by an employee whose salary is funded through a federal grant or contract must be reported by the employee, within five days of the conviction, to his or her Department Head, Dean, or Vice President.

Any employee whose behavior or job performance indicates that he or she is working under the influence of drugs or alcohol may be requested to submit to a test. Employees who have a substance abuse problem may voluntarily submit themselves for professional help through the University’s Employee Assistance Program (EAP).
Employees and volunteers can visit the University Human Resources office at 19 Hagood Avenue, Suite 105 or call (843)-792-2071 for more complete information on University Human Resources Management Drug-Free Workplace Policy #47, or you may view the policy by visiting the below underlined link:
https://horseshoe.musc.edu/~media/files/hr-files/univ-files/policies/policy47.pdf?la=en

**Substance Abuse Compliance Policy**

These policies were prepared in order to satisfy the requirements of the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989. MUSC prohibits the illegal use or the abusive use of alcohol or other legal drugs on University property or at events that utilize the University’s name. In accordance with state and federal laws, MUSC also strictly prohibits the use, possession, manufacture, sale, or distribution of illegal drugs or paraphernalia by any MUSC student or employee.

**Violation of Alcohol and Drug Policy**

The University recognizes, supports, and enforces all laws related to alcohol and other drugs. The University does not offer a safe haven from applicable laws of personal behavior. A detailed explanation of the policies governing possession, use, and distribution of alcohol and other drugs at MUSC can be found in its Policies and Procedures for a Drug-Free Workplace available in the Office of Human Resources Management and MUSC’s Student Policy for Alcohol and Other Drug Abuse Prevention and Intervention available at the Office of Student Programs.

South Carolina State statutes prohibit certain activities regarding alcoholic beverages or drugs. Convictions for law violations could result in fines, loss of driver’s license and imprisonment. University sanctions could include penalties ranging from treatment to suspension or dismissal from the University. A policy has been adopted that permits the serving of beer or wine at certain University events, provided that prior approval has been obtained.

MUSC is committed to work against the illicit use of drugs and alcohol among students and employees. MUSC DPS enforces all South Carolina laws and supports university policies concerning the purchase, possession, consumption, sale and storage of alcoholic beverages and drugs.

**South Carolina State and Local Alcohol Laws**

Information regarding the unlawful possession or use of drugs and other controlled substances while on University premises and its penalties in accordance to the South Carolina Code of Laws can be found in Title 61 - Alcohol and Alcoholic Beverages at https://www.scstatehouse.gov/code/title61.php
Relevant State and Local statutory provisions setting forth Alcohol related offenses and potential penalties are included in Appendices D and E respectively.

Summary of State and Local Laws and Sanctions Concerning Drugs

A. South Carolina Code of Laws, Title 44: Health, Chapter 53: Poisons, Drugs, and Other Controlled Substances

1. Section 44-53-370 (selections)

   (a) It shall be unlawful for any person:

   (1) to manufacture, distribute, dispense, deliver, purchase, aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver, or purchase, or possess with the intent to manufacture, distribute, dispense, deliver, or purchase a controlled substance or a controlled substance analogue;

   (2) to create, distribute, dispense, deliver, or purchase, or aid, abet, attempt, or conspire to create, distribute, dispense, deliver, or purchase, or possess with intent to distribute, dispense, deliver, or purchase a counterfeit substance.

2. Section 44-53-391 (selections)

   (a) It shall be unlawful for any person to advertise for sale, manufacture, possess, sell or deliver, or to possess with the intent to deliver, or sell paraphernalia.

B. Charleston, South Carolina – Code of Ordinances, Chapter 21: Offenses, Article VI: Offenses Against Public Health

1. Section 21-126 (selections)

   (a) No person shall sell, offer for sale, give away, bargain, trade, distribute in any manner, transport, use, prescribe, possess, knowingly keep, conceal or allow on premises under his control one ounce or less of marijuana or ten (10) grams or less of hashish.

2. Section 21-127 (selections)

   (a) It shall be unlawful for any person to advertise for sale, manufacture, possess, sell or deliver, or to possess with the intent to sell or deliver, paraphernalia.

Additional information regarding the unlawful possession or use of drugs and other controlled substances while on university premises and its penalties in accordance to
the South Carolina Code of Laws can be found in Title 44, Chapter 53- Poisons, Drugs
and Other Controlled Substances at https://www.scstatehouse.gov/code/title44.php
and Code of The City of Charleston, South Carolina, Code of Ordinances, Chapter 21:
Offenses, Article VI: Offenses Against Public Health at
https://library.municode.com/sc/charleston/codes/code_of_ordinances?nodeId=COC_HSOSA

Relevant State and Local statutory provisions setting forth the criminal Drug offenses and
potential penalties are included in Appendixes F and G respectively.

Federal Drug Laws
Federal law prohibits the possession and distribution of illegal drugs. The severity of
sanction imposed depends on the type and quantity of drugs, prior convictions, and
whether death or serious injury occurred. Penalties can be increased for offenses that
involve distribution to minors. Federal laws require or permit forfeiture of personal or
real property used to illegally possess, facilitate possession, transport or conceal a
controlled substance. A person’s ability to purchase a firearm or receive federal benefits
such as student loans, grants, contracts or professional or commercial licenses may be
revoked or denied as a result of drug conviction.

Relevant federal statutory provisions setting forth the criminal offense and potential
penalties are included in Appendix H.

Other Resources
State and Federal Laws and Sanctions Concerning Drugs and Alcohol
Title 21 United States Code (USC) Controlled Substances Act
http://www.deadiversion.usdoj.gov/21cfr/21usc/

Government agencies and organizations relating to the control of and adherence to the

South Carolina Judicial Department: Summary Court Judges Bench Book
http://www.sccourts.org/summaryCourtBenchBook/ (Crimes and Offenses: Section A.
Alcoholic Beverages and Section J. Poisons, Drugs, and Other Controlled Substances)

Federal trafficking penalties are listed on pages 30 – 31 in the DRUGS OF ABUSE I, 2017
EDITION: A DEA Resource Guide.

Ineligibility for FSA funds – FSA HB June 2016
https://ifap.ed.gov/ifap/byAwardYear.jsp?type=fsahandbook
Student and employee policy details offenses and discipline for students - ranging from sanctions under University procedures (probation, suspension and dismissal) to fines and/or incarceration for criminal violations. All community members are required to abide by the terms of the published policies as a condition of employment or student status. This handbook meets federal standards of the *Drug-Free Schools and Communities Act Amendments of 1989 and the Drug Free Workplace Act of 1988*.

Community members are required to abide by the terms of these policies as a condition of employment or student status. As previously mentioned, any criminal drug violation by an employee whose salary is funded through a federal grant program or contract must be reported to the contractor or grantee in accordance with the 1988 Drug-Free Workplace Act. The employee must make a report of conviction within five days of the conviction to the respective Department Head, Dean, or Vice President within ten days after receiving notice from the employee. Supervisors must ensure that all employees assigned to the federal grant receive a copy of this Policy.

**Procedures**

A copy of this policy will be made available to each employee and student at the time of its publication. Thereafter, a copy will be made available to each employee at the time of his/her employment, to each student at the beginning of each academic year, to each new student at the time the student begins the University, and annually to each employee and student.

Employees and students are encouraged to seek assistance for drug and alcohol problems before there is a drug or alcohol-related conviction or other incident that would cause the University to impose sanctions. Assistance may be sought through programs and/or treatment facilities licensed by the State of South Carolina or by the State where the program and/or treatment facility is located. Referrals to such programs may be self-referrals, supervisory referrals, or University referrals. If a referral is made, that includes satisfactory participation in a drug or alcohol treatment or rehabilitation program as a condition of continued employment or student status, the referral must be made through the Vice President for Administration for faculty and staff or the Vice President for Student Affairs for students. Referrals and records of referrals will be handled with the same confidentiality as other records maintained by the University.

**Alcohol and Drug Abuse Assistance / Treatment Programs**

Many physical and psychological health risks are associated with the abuse of alcohol and other substances, including such things as difficulty with attention and learning; physical and psychological dependence; damage to the brain, liver and heart; unwanted sexual activity; and accidents due to impaired judgment and coordination.
MUSC recognizes that alcohol and other drug abuse is a preventable and treatable condition and acknowledges that as an institution dedicated to the healing arts, we have the responsibility to facilitate prevention activities and offer treatment to students and employees who suffer from alcohol and other drug abuse.

MUSC encourages all impaired students to seek help voluntarily and favors the earliest possible intervention. MUSC favors a treatment program that is separate from the disciplinary process and will make treatment and referral services available to students.

Each year at each college-based orientation, the Dean of the college or his/her designee (e.g., the Associate Dean for Student Affairs or another designated faculty member who will be referred to in this policy as the Dean’s designee) will inform new students about the availability of MUSC resources (such as Counseling and Psychological Services Center, the Center for Drug and Alcohol Programs in the Department of Psychiatry and Behavioral Sciences) for students concerned about alcohol and other drug use and abuse.

**Substance Abuse Counseling** (Click to follow links):
1. [MUSC Student Policies and Procedures Related to Drug and Alcohol Use](#)
2. [Drug Fact Sheets](#)
3. [Student Policy for Substance Abuse](#)

**MUSC Student Counseling and Psychological Services (CAPS)**

Alcohol and/or drug use can have a serious negative impact on academic and clinical performance. Abuse of alcohol or prescription medications or the use of illegal substance can derail a promising career and endanger others. CAPS provide evidence-based confidential individual therapy for individuals with drug and alcohol abuse. CAPS endeavors to assist students to choose to abstain from all illegal substances, to carefully evaluate the role alcohol plays in their lives, and make behavioral changes to remain healthy, safe, and to practice their future professions ethically and responsibly.

Therapy will be based on cognitive-behavioral approaches to help the student to identify both internal and situational contributors to alcohol and drug use, and to develop specific skills to make behavioral changes. Therapy will also focus on helping the individual recognize situations that may put them at risk for relapse and to learn and apply strategies to avoid and/or manage temptations.

CAPS also assists students and colleges by arranging for screening for drug and alcohol use and on-going random testing for alcohol and substances when needed.
Employee Assistance Program (EAP)

Employees, faculty, volunteers, residents, and fellows who have a substance abuse problem may voluntarily submit themselves for professional help through the University’s Employee Assistance Program (EAP) by calling (843) 792-2848 or they may be referred to EAP by their supervisor. Participation in EAP is strictly confidential, free of charge, and will not jeopardize an employee’s job. However, participation in the program will not relieve an employee of the responsibility to perform assigned duties safely and effectively.

The primary objective of the Employee Assistance Program (EAP) is to retain valued individuals who develop substance abuse or other personal problems, which affect their job performance. Valued individuals are ones who have otherwise demonstrated satisfactory performance. Problems addressed by this Program include, but are not limited to, drug and alcohol abuse, marital, family, personal, legal and financial difficulties.

The MUSC EAP main office is located at 51 Bee Street. Office hours are Monday - Friday 7:30am - 6:30pm with after hour on-call services. In case of an emergency on weekdays before 8:00am or after 5:00pm or on all weekends and holidays, call the MUSC operator at (843) 792-2123 and ask to connected with the Senior Psychiatry Resident on call.

Complete information on the services provided by the EAP can also be found by visiting the following link: http://eapnexus.com/Nexus/eap_main/index.php

Other counseling and treatment program options
Center for Drug and Alcohol Programs (CDAP).
The Center for Drug and Alcohol Programs (CDAP) at MUSC’s Institute of Psychiatry (IOP) is one of the nation’s premier facilities for the treatment of alcohol and substance abuse problems. Our clinical services offer the most up-to-date methods for the treatment of addictions. For specific information on CDAP and its programs, call (843) 792-2727. To schedule an appointment, call (843) 792-1414 or request an appointment online.

Charleston Center of Charleston County
Charleston County’s Department of Alcohol and Other Drug Abuse Services (DAODAS), more commonly known as Charleston Center, is a substance abuse prevention, intervention, education and treatment center. It is located at the below listed address:

5 Charleston Center Drive
Charleston SC 29417
Phone: (843) 958-3300 Hotline: (843) 722-0100
Webpage: https://cc.charlestoncounty.org/
Community Resources
Agencies and self-help groups provide support and/or treatment for alcohol and other drug related issues for the individual with the problem and for his/her family and friends. Area self-help groups include Alcoholics Anonymous at (843) 723-9633 and Al Anon/Alateen at (843) 762-6999. Outpatient services can be obtained from Charleston Center (843) 958-3300, Alcohol and Drug Treatment & Recovery (843) 554-1755, Palmetto Low Country Behavioral Health (843) 747-5830 and many others. Beneficial hotlines include Alcohol and Drug Abuse Hotline 1-800-ALCOHOL; Narcotics Anonymous 1-800-777-1515; National Institute on Drug Abuse and Treatment Hotline 1-800-662-HELP; AIDS Information Hotline 1-800-227-8922 and the National STD Hotline 1-800-227-8922.

Other On-going Drug Abuse Prevention and Awareness Programs
MUSC annually hosts the DEA’s National Prescription Drug Take Back Day, which aims to provide a safe, convenient, and responsible means of disposing of prescription drugs, while also educating the campus community about the potential for abuse of medications.

MUSC DPS with the College of Pharmacy participated in the DEA National Drug Take Back Day on April 29, 2017 in front of Bio-Engineering Building. Over 270 lbs. of unwanted or expired medications were collected.

Unwanted Pharmaceuticals
Need to dispose of unwanted prescription drugs before the next Take Back Day? The NADDI (National Association of Drug Diversion Investigators) drop box sponsored by the MUSC DPS is an effort to reduce prescription drugs in homes and on-campus that are no longer needed or outdated. Individuals wishing to drop off unwanted pharmaceuticals may do so by placing them in the NADDI drop box located in the first floor lobby of MUSC Public Safety, 101 Doughty Street, during normal business hours.

MUSC WORKPLACE VIOLENCE/WEAPONS POLICY
The Medical University of South Carolina (MUSC) is committed to creating and maintaining a working, learning, and patient care environment, which is free from violence. Understanding and mutual respect toward all individuals are essential elements to excellence in teaching and learning, to the existence of a safe and healthy workplace.

To provide a safe environment for employees, students, patients and visitors, the Medical University of South Carolina prohibits the carrying of weapons on property owned, operated or controlled by the University, MUHA, or at MUSC sponsored events.
South Carolina law prohibits any person from possessing a firearm on any premises or property owned, operated, or controlled by a private or public school, college, university, technical college, or other post-secondary institution, or in any publicly-owned building, without the express permission of the authorities in charge of the premises or property (S.C. Code Ann. § 16-23-420(A)).

Furthermore, in accordance with the Law Abiding Citizens Self-Defense Act, the Medical University prohibits the carrying of a concealed or visible firearm, even those that the owner has obtained a Concealed Weapons Permit, on its premises or at University sponsored events. Only MUSC DPS officers or other authorized law enforcement officers in the course of their duties are exempt from this policy.

For the purpose of this section, a weapon is defined as any instrument or device that is specifically designed, made or adapted for the purpose of inflicting bodily injury or death. This includes, but is not limited to; clubs, firearms, handguns, illegal knives, explosives, crossbows, bows and arrows, throwing stars and knuckles.

To insure the safety of employees, students, patients and visitors, employees are encouraged to call the Department of Public Safety if they suspect that someone is carrying a weapon. Employees should not attempt to disarm another individual.

Violation of this Policy may result in termination from employment and possible prosecution by the University. Students are subject to University disciplinary action, up to and including dismissal, criminal prosecution, fine and imprisonment.

Such laws are strictly enforced here by the MUSC DPS. All violations of this policy shall be reported to the MUSC DPS and the appropriate institutional office. Violators may be disciplined, banned from the MUSC campus and criminally prosecuted in appropriate cases.

Information detailing the MUSC Human Resources Weapons Policy, as well as State of South Carolina laws and Charleston City ordinances can be found in Appendix I.

SEXUAL AND GENDER-BASED DISCRIMINATION AND MISCONDUCT

MUSC is committed to maintaining a safe environment that is supportive of its primary educational mission and free from harassment and discrimination. To this end, MUSC actively engages in prevention and education efforts. It also prohibits sexual and gender-based misconduct (a/k/a “Prohibited Conduct”). MUSC will respond promptly and equitably to eliminate discrimination and harassment, and will remedy any adverse effects on the MUSC community.
**Employee Anti-Harassment Policy** (applies when a MUSC employee is the subject of the complaint) can be found in the MUSC Human Resources [Anti-Harassment Policy at https://horseshoe.musc.edu/~/media/files/hr-files/univ-files/policies/policy46.pdf?la=en](https://horseshoe.musc.edu/~/media/files/hr-files/univ-files/policies/policy46.pdf?la=en) as well as the MUSC Title IX homepage at [http://academicdepartments.musc.edu/vpfa/dei/Title%20IX/title-IX.html](http://academicdepartments.musc.edu/vpfa/dei/Title%20IX/title-IX.html)

The Medical University of South Carolina promotes workplace diversity through its employment policies and practices. Additionally, the University seeks to create a campus community that respects and values differences of thought. To this end, this policy has been established to ensure fair treatment of all employees.

The Medical University of South Carolina is an equal employment opportunity employer and does not tolerate any form of harassment or intimidation based upon sex, race, color, age, religion, national origin, disability or any other factor. Employees who engage in harassing and/or intimidating behavior will be subject to disciplinary actions, up to and including termination of employment. Behaviors that violate criminal laws will subject the offender to prosecution.

**Definition of Harassment**
Generally, harassment is defined as verbal or physical conduct, which denigrates or shows hostility to an individual because of his or her sex, race, color, age, religion, national origin, disability or any other factor or that of his or her relatives, friends or associates.

**Examples**
Prohibited behaviors are those that have the effect of creating a hostile or offensive work environment, unreasonably interfering with an individual’s work performance or otherwise adversely affecting a person’s employment opportunities. Harassing or intimidating behavior includes, but is not limited to, derogatory statements, slurs, innuendos, unwelcome touching, assault, jokes, pranks, and physical interference with one’s work, posters, drawings, email and faxes. It may also involve adverse employment actions against an employee who refuses to submit to or participate in offensive conduct.

**Procedure**
An employee who believes that he or she has been a victim of or a witness to harassment shall immediately report the incident(s) to his or her supervisor, department head, or the Director of Human Resources Management or her/his designee. Managers or supervisors who receive such complaints must inform and consult with the Director of Human Resources Management or her/his designee to ensure that the University’s policy and procedures are followed.

Following receipt of the written statement, the Director of Human Resources Management will inform the appropriate Vice President or, when necessary, the President.
Important: Any individual who believes that he or she has been a victim or witness of sexual misconduct involving a faculty member, resident, or fellow shall report the incident(s) to either the Title IX Coordinator (Dr. Willette Burnham-Williams 843-792-1072) or MUSC’s Office of Gender Equity (Dr. Daniel Smith 843-792-0532). Employees and students who believe that they have been a victim of sexual misconduct should contact the Title IX Coordinator (Dr. Willette Burnham-Williams 843-792-1072). Supervisors or department heads that have questions about the issues of sexual misconduct involving faculty, students, residents, fellows and one of their employees may contact the Office of Gender Equity or the Title IX Coordinator for assistance.

Sexual Harassment Policies for Faculty, Students, Residents, and Trainees

It is the policy of MUSC to prohibit any form of sexual harassment. Any student, resident, trainee, or faculty member who is alleged to have committed sexual harassment shall be subject to disciplinary action, up to and including, dismissal. To address complaints of sexual harassment alleged to have been committed by a student, resident, or trainee, MUSC’s Policy addressing Sexual Harassment for Students, Residents, and Trainees will apply. To address complaints of sexual harassment alleged to have been committed by a faculty member, MUSC’s Policy Sexual Harassment for MUSC Faculty will apply. A link to these policies can be found on the MUSC Department of Diversity, Equity, and Inclusion homepage by clicking the “Title IX” tab at http://academicdepartments.musc.edu/vpfa/dei/Title%20IX/title-IX.html

Title IX Coordinator

Title IX is a federal law prohibiting discrimination on the basis of sex, which includes sexual harassment and sexual violence, in education programs and activities. Prohibited discrimination occurs when an MUSC student or employee is treated differently based on their sex or gender.

MUSC’s Title IX Coordinator is Willette Burnham-Williams, PhD.
Address: 173 Ashley Avenue, MSC 502
        Basic Science Building Room 104
        Charleston, South Carolina 29425-5020
Phone: 843-792-1072
Email: burnham@musc.edu

Pursuant to Title IX of the Educational Amendments of 1972 and 34 C.F.R. Part 106, the Title IX Coordinator is the designated agent of the University with primary responsibility for coordinating University Title IX compliance efforts. The Title IX coordinator’s responsibilities are critical to the development, implementation, and monitoring of meaningful efforts to comply with Title IX legislation, regulation, and case law. In broad terms, the Title IX Coordinator oversees monitoring of University policy in relation to Title IX law developments; implementation of grievance procedures, including notification, investigation and disposition of complaints; provision of educational
materials and training for the campus community; conducting and/or coordinating investigations of complaints received pursuant to Title IX; ensuring a fair and neutral process for all parties; and monitoring all other aspects of the University’s Title IX compliance.

**Building relationships and developing partnerships**

An integral part of building a safe and secure campus environment is building relationships with both on-campus and off-campus resources to: 1) assist victims when needed, and 2) enhance our primary prevention training and awareness programs.

When victims need direct services in addition to having several on campus resources, such as Counseling and Psychological Services (CAPS) for students and the Employee Assistance Program (EAP) for employees, the Sexual Assault Nurse Examiners Program, the Department of Public Safety's Victim Advocate, the National Crime Victims Research and Treatment Center within the Department of Psychiatry and Behavioral Sciences, MUSC has many off campus resources such as People Against Rape Crisis Center, My Sister’s House Domestic Violence Shelter, and the South Carolina Coalition on Sexual Assault and Domestic Violence that can augment services to victims. Developing partnerships with community organizations also provides a mechanism for enriching our primary prevention and awareness training programs. These entities and other community organizations are invited to attend a variety of fairs, exhibitions, rallies and other campus events to educate our larger university community on primary prevention strategies.

MUSC will continually evaluate and target programs to address the community culture and trends as well as perceptions or misperceptions of crime. In order to identify those areas, leaders of campus organizations and student groups may be contacted to request information regarding the perception of criminal activity and address the culture of the MUSC community.

MUSC is committed to providing an environment that supports campus safety and security. Violence, intimidation, threats of violence (specific or implied), will not be tolerated on campus. MUSC does not discriminate on the basis of gender or gender identity in its educational programs and sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited whether sexually based or not and include dating violence, domestic violence, and stalking. As a result, MUSC issues this statement to inform the community of our comprehensive plan to address sexual misconduct, educational programs, and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus and when it is reported to an MUSC official. MUSC reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the university community.
Definitions

VAWA Definitions of Sexual Assault
The Violence Against Women Reauthorization Act of 2013 (VAWA) that became fully effective for institutions of higher education on July 1, 2015 added additional categories of crimes to the Clery Act that MUSC is now required to report. There are numerous terms used by MUSC in our procedures. The related South Carolina criminal statutes can be found at [http://www.scstatehouse.gov/code/t16c003.php](http://www.scstatehouse.gov/code/t16c003.php) beginning with section §16-3-600.

Sexual Assault means an offense classified as a sex offense under the uniform crime reporting (UCR) system of the Federal Bureau of Investigation. Sexual assault means an offense that meets the definition of rape, fondling, incest, or statutory rape used in the FBI’s UCR program.

Sexual assault is any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. In other words, sexual assault is any actual or attempted non-consensual sexual activity including but not limited to intercourse, attempted intercourse, or sexual touching by a person known or unknown to the victim.

Anyone can be the victim of sexual assault. When sexual assault occurs on campus, it is a flagrant violation of the South Carolina State Code of Laws and of the University’s standards of conduct, and will not be tolerated.

Rape is an act of sexual intercourse with a person against his or her will and consent, whether one’s will is overcome by force or fear resulting from the threat of force, or by drugs administered without consent, or when a person is unconscious, intoxicated or otherwise physically unable to communicate willingness. Having sexual relations with someone who is unable to give consent by being mentally incapacitated or unconscious (passed out) is rape. The National Incident-Based Reporting System Edition of the Uniform Crime Reporting Program defines Rape as the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Fondling is defined by The National Incident-Based Reporting System Edition of the Uniform Crime Reporting Program as the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest is defined by The National Incident-Based Reporting System Edition of the Uniform Crime Reporting Program as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
**Statutory Rape** is defined by The National Incident-Based Reporting System Edition of the Uniform Crime Reporting Program defines Statutory Rape as sexual intercourse with a person who is under the statutory age of consent.

**VAWA Definitions of Domestic Violence, Dating Violence, and Stalking**

**Domestic Violence**
The Violence Against Women Act (or VAWA) defines the term “domestic violence” to mean a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies under VAWA, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

**Dating Violence**
VAWA defines the term “dating violence” to mean violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Stalking**
VAWA defines the term “stalking” to mean “engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.”

For the purpose of this definition:

“Course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.

“Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

“Reasonable person” means a reasonable person under similar circumstances and with similar identities to the victim.
South Carolina Criminal Definitions

South Carolina does not define “sexual assault,” “rape,” or “statutory rape.” Instead, key definitions and conduct is broken down by varying degrees of criminal sexual conduct.

South Carolina does not define "dating violence" or “fondling”. Instead, unlawful conduct may be broken down by varying degrees of “Assault and Battery” pursuant to section code §16-3-600 of the South Carolina Code of Laws, which may involve the unlawful nonconsensual touching of the private parts of a person, either under or above clothing, with lewd and lascivious intent; or offers or attempts to injure another person with the present ability to do so. Some of these crimes may carry up to 20 years imprisonment.

**Sexual battery (§ 16-3-651(h))**: Sexual intercourse, cunnilingus, fellatio, anal intercourse, or any intrusion, however slight, of any part of a person’s body or of any object into the genital or anal openings of another person’s body.

*Exception: When such intrusion is accomplished for medically recognized treatment or diagnostic purposes.*

**Aggravated force (§ 16-3-651(c))**: The actor uses physical force or physical violence of a high and aggravated nature to overcome the victim or includes the threat of the use of a deadly weapon.

**Aggravated coercion (§ 16-3-651(b))**: The actor threatens to use force or violence of a high and aggravated nature to overcome the victim or another person, if the victim reasonably believes that the actor has the present ability to carry out the threat, or threatens to retaliate in the future by the infliction of physical harm, kidnapping or extortion, under circumstances of aggravation, against the victim or any other person.

**Mentally defective (§ 16-3-651(e))**: A person suffers from a mental disease or defect which renders the person temporarily or permanently incapable of appraising the nature of his or her conduct.

**Mentally incapacitated (§ 16-3-651(f))**: A person is rendered temporarily incapable of appraising or controlling his or her conduct whether this condition is produced by illness, defect, the influence of a substance or from some other cause.

**Physically helpless (§16-3-651(g))**: A person is unconscious, asleep, or for any other reason physically unable to communicate unwillingness to an act.
**Degrees of Criminal Sexual Conduct**

According to the South Carolina Code of Laws, all of the following are criminalized as criminal sexual conduct ("CSC"):  

**Criminal Sexual Conduct 1st Degree (§ 16-3-652)**

Sexual Battery with the Victim AND

a. Aggravated force is used to accomplish the sexual battery; OR  
b. The victim is also the victim of forcible confinement, kidnapping, trafficking in persons, robbery, extortion, burglary, housebreaking, or any other similar offense or act; OR  
c. The actor causes the victim, without the victim’s consent, to become mentally incapacitated or physically helpless by administering, distributing, dispensing, delivering, or causing to be administered, distributed, dispensed, or delivered a controlled substance, a controlled substance analogue, or any intoxicating substance.

Criminal Sexual Conduct 1st Degree is a felony and carries a penalty of 0 to 30 years’ of imprisonment

**Criminal Sexual Conduct 2nd Degree (§ 16-3-653)**

Sexual Battery with the victim and aggravated coercion is used to accomplish the sexual battery.

Criminal Sexual Conduct 2nd Degree is a felony and carries a penalty of 0 to 20 years’ imprisonment

**Criminal Sexual Conduct 3rd Degree (§ 16-3-654)**

Sexual Battery with the Victim AND

a. Force or coercion is used to accomplish the sexual battery w/o aggravating circumstances OR  
b. The actor knows or has reason to know that the victim is mentally defective, mentally incapacitated, or physically helpless and aggravated force or aggravated coercion was not used to accomplish sexual battery.

Penalty: Criminal Sexual Conduct 3rd Degree is a felony and carries a penalty of 0 to 10 years’ imprisonment.

**Assault with Intent to Commit Criminal Sexual Assault (§16-3-656)**

Assaults with intent to commit criminal sexual conduct are punishable as if the criminal sexual conduct was committed.
Sexual Assault and Marriage in South Carolina

Criminal Sexual Conduct Where the Victim is a Spouse (§16-3-658)

The couple must be living apart and the offender's conduct must either be CSC 1st degree (See above) or CSC 2nd degree (See above).

Reporting Requirement: The offending spouse’s conduct must be reported to appropriate law enforcement authorities within **30 days** in order for a person to be prosecuted for these offenses.

Exception: This statute does not apply to a marriage entered into by a male under 16 and a female under 14.

Criminal Sexual Assault 1st Degree where the victim is a spouse is a felony and carries a penalty of 0 to 30 years’ imprisonment ;

Criminal Sexual Assault 2nd Degree where the victim is a spouse is a felony and carries a penalty of 0-20 years’ imprisonment.

Spousal Sexual Battery (§16-3-615)

If the couple is living together, the crime of spousal sexual battery is committed when a sexual battery is accomplished through use of aggravated force (see above) by one spouse against the other spouse.

Reporting Requirement: The offending spouse’s conduct must be reported to appropriate law enforcement authorities within **30 days** in order for that spouse to be prosecuted for this offense.

Exception: This statute does not apply to a marriage entered into by a male under 16 and a female under 14.

Spousal Sexual Battery is a felony and carries a penalty of 0-10 years’ imprisonment.

Incest in South Carolina

According to the South Carolina Code of Laws, Incest, §16-15-20, is defined as:

Any persons who shall have carnal intercourse with each other within the following degrees of relationship, to wit:

a) A man with his mother, grandmother, daughter, granddaughter, stepmother, sister, grandfather’s wife, son’s wife, grandson’s wife, wife’s mother, wife’s grandmother, wife’s daughter, wife’s granddaughter, brother’s daughter, sister’s daughter, father’s sister or mother’s sister; or

b) A woman with her father, grandfather, son, grandson, stepfather, brother,
grandmother’s husband, daughter’s husband, granddaughter’s husband, husband’s father, husband’s grandfather, husband’s son, husband’s grandson, brother’s son, sister’s son, father’s brother or mother’s brother;

Penalty: Punishable by a fine of not less than five hundred dollars or imprisonment not less than one year in the Penitentiary, or both such fine and imprisonment.

**Sexual Assault and Children in South Carolina**

If a minor is involved the conduct may be classified in two ways:

**Criminal Sexual Conduct with a Minor 1st Degree (§ 16-3-655 (A)):**

a) Sexual battery with a victim who is younger than 11 OR

b) Sexual battery with a victim who is younger than 16 AND the actor has previously been convicted of, pled guilty or nolo contendere to, or adjudicated delinquent for an offense listed in South Carolina Code §23-3-430(C) or has been ordered to be included in the sex offender registry pursuant to §23-3-430(D).

Penalty: §16-3-655(A)(1) is a felony and carries a mandatory minimum of 25 years’ imprisonment (no part of which may be suspended or probation granted) to life.

If the defendant is convicted or adjudicated guilty of subsection (A)(1) and the conduct making up the sexual battery was sexual or anal intercourse by a person or intrusion by an object AND the defendant has a prior offense for first-degree CSC with a minor who is less than 11 years of age or has an out-of-state equivalent conviction, the State may seek the death penalty, or the defendant may be imprisoned for life, depending upon the prior type of sexual battery (please refer to §16-3-655(c)(1)).

§16-3-655(A)(2) is a felony and carries 10-30 years’ imprisonment (no part of which may be suspended or probation granted).

**Criminal Sexual Conduct with a Minor 2nd Degree (§ 16-3-655 (B)):**

a) Sexual battery with a victim who is 14 or younger, but is at least 11 OR

b) Sexual battery with a victim who is at least 14 but is less than 16 AND the actor is in a position of familial, custodial, or official authority to coerce the victim to submit or is older than the victim.

Exception: A person may not be convicted of §16-3-655(b) (2) if he is 18 or younger when he engages in consensual sexual conduct with another person who is at least 14.

Penalty: A person convicted of this section is guilty of a felony and, upon conviction, must be imprisoned for not more than twenty years according to the discretion of the court.
Criminal Sexual Conduct with a Minor 3rd Degree (§ 16-3-655 (C)):

Actor is over 14 and he/she willfully and lewdly commits or attempts to commit a lewd or lascivious act upon or with the body, or its parts, of a child under 16 with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the actor or the child.

Exception: If the person is 18 or less and engages in a consensual lewd or lascivious act with another person who is at least 14.

Penalty: A person convicted of this section is guilty of a felony and, upon conviction must be fined in the discretion of the court or imprisoned not more than fifteen years, or both.

Domestic Violence in South Carolina

Domestic violence: where a family or household member commits or attempts to commit the following types of offenses against another: SC Code of Laws: §16-25-20
- cause physical harm or injury to a person's own household member, or
- offer or attempt to cause physical harm or injury to a person's own household member with apparent present ability under circumstances reasonably creating fear of imminent peril.

According to SC Code of Laws: §16-25-10, family/household member are persons who fit into one of the following categories:
- Spouses;
- Former Spouses;
- Male and female who are cohabiting, or have formerly cohabited; or
- Persons who have a child in common.

Stalking in South Carolina

South Carolina law defines the term harassment as a pattern of intentional, substantial and unreasonable intrusion into the private life of a targeted person that serves no legitimate purpose and causes the person or any reasonable person in his/her position to suffer mental or emotional distress (SC Code of Laws 16-3-1700 (a)).

According to S.C Code of Laws, “Stalking” is a pattern of words, whether verbal, written or electronic, or a pattern of conduct that serves no legitimate purpose and is intended to cause and does cause a targeted or reasonable person in the targeted person’s position to fear: death of the person or a member of his/her family, assault upon the person or a member of his/her family, bodily injury to the person or a member of his/her family, criminal sexual contact on the person or a member of his/her family, kidnapping of the person or a member of his/her family or damage to the property of the person or a member of his/her family (SC Code of Laws 16-3-1700 (c)).
**Consent**

*The State of South Carolina does not have a legal definition of consent.* However, consent is interpreted using case law as found beginning on page 59. For the purposes of determining whether a sex offense is reportable under this section, consent may be defined as the affirmative, unambiguous, and voluntary agreement to engage in a specific sexual activity during a sexual encounter.

Consent cannot be--

Given by an individual who--

1. Is asleep, or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason; or
2. Is under duress, threat, coercion, or force; or
3. Inferred under circumstances in which consent is not clear, including but not limited to (a) the absence of “no” or “stop”; or (2) the existence of a prior or current relationship or sexual activity.

**Affirmative Consent at MUSC**

MUSC interprets Affirmative Consent as knowing, voluntary and mutual decision among all participants to engage in sexual activity.

**Seven things to know about Affirmative Consent:**

1. Consent can be given by words or actions that create clear permission to engage in the sexual activity.
2. Silence or lack of resistance, in and of itself, does not create consent.
3. Consent can be withdrawn at any time.
4. Consent to one sexual activity does not constitute consent to another act.
5. Consent to sexual activity with one person does not create consent to a sexual activity with any other person.
6. Consent in the past does not constitute consent on a later occasion.
7. The existence of a prior or current relationship does not create consent.

**Affirmative Consent does not exist when:**

1. A person is younger than the age of 16 (South Carolina law).
2. It is obtained through physical force, violence, duress, intimidation, coercion or the threat (expressed or implied) of bodily injury.
3. A person is incapacitated (whether as a result of drugs, alcohol or otherwise), unconscious, or asleep. Incapacitation occurs when a person lacks the ability to knowingly choose to participate in sexual activity.
In cases of reported incapacitation, MUSC asks two questions:

1. Did the respondent know that the complainant was incapacitated?
2. Would a sober, reasonable person have known that the complainant was incapacitated?

If the answer to either of these questions is “yes,” there was no affirmative consent.

Reporting to the Police
Following an incident, victims are encouraged to make a report to the Department of Public Safety at (843) 792-4196, 101 Doughty St., Charleston, SC or local police. This action does not obligate prosecution, but it does make legal action possible if the decision to prosecute is made at a later date. The earlier an incident is reported, the easier it is to collect valuable evidence. Law Enforcement officers will aid the victim in completing the report and contacting other agencies that can help. Off-campus incidents should be reported to the local police having jurisdiction. If the assault occurs off campus contact the local police/sheriff by dialing 9-1-1.

If a student requests assistance with reporting a crime, MUSC personnel will without delay comply with the student’s request in notifying the proper authorities. Although the university strongly encourages all members of its community to report criminal offenses to law enforcement, it is the victim’s choice whether to make such a report and victims have the right to decline involvement with the police.

The MUSC DPS believes a victim deserves the right to a professional criminal investigation. Victims are often confused about how to deal with their trauma. Reporting the assault to the police and obtaining medical attention are not synonymous with criminal prosecution. The victim retains the right not to pursue prosecution even if these steps are taken. Even if the victim decides not to pursue charges, reporting the assault is a step in regaining a sense of personal control. Providing information about the assault may help someone else avoid becoming a victim. If the offender does repeat, you may change your mind about pressing charges. If you are a victim, Public Safety will aid you in arranging for medical care, contacting counseling and other available resources. We will meet with you privately, at a place you choose to take a report and will do our best to meet your request to speak to a male or female officer. We will treat you and your case with sensitivity and professionalism and continue to be available to you to answer questions, and explain the processes involved. We will investigate your case perhaps leading to arrest and prosecution of a suspect. Finally, our Investigators will keep you up-to-date on progress of the investigation or prosecution and our Crime Victims Advocate will inform you of your rights and options.

Alternatives to Immediately Filing a Police Report
1. Preserving evidence is important in that it may assist in proving that an alleged criminal offense occurred and/or is occurring, or may be helpful in obtaining assistance. In South Carolina, evidence may be collected even if you chose to remain
anonymous, to not make a report to law enforcement, or decide to report the crime at a later date.

2. Make a complaint to a Campus Safety Authority. Such a complaint may be used for actions that include, but are not limited to, on-campus administrative proceedings.

3. Make an anonymous report to the police (a report that notifies the police that a domestic violence, dating violence, sexual assault, or stalking incident has occurred, but gives no names or identification).

4. Contact a referral agency for help: Counseling and Psychological Services (CAPs), Employee Assistance Program (EAP), Human Resources, Dean of Students, etc.

**Victim’s Rights**

**Medical University of South Carolina Notice of Victim’s Rights**

Medical University of South Carolina does not discriminate on the basis of sex in its educational programs and sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited by MUSC as well as federal law whether sexually based or not and include dating violence, domestic violence, and stalking. Because you are reporting a possible form of sex-based discrimination, MUSC wants to inform you of our policy and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus as well as your rights and MUSC’s responsibilities.

As a complainant and/or victim of sexual assault, dating violence, domestic violence or stalking, there are procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking. These procedures include our right to inform you of your right to file criminal charges as well as the availability of medical, counseling and support services. We also offer additional remedies to prevent contact between a complainant and an accused party, such as a **temporary or permanent changes in housing, academic, transportation and working conditions**, if reasonably available. The procedures also address possible sanctions and interim and/or long-term protective measures that MUSC may impose following a report through the final determination of our discipline process.

If you would like more information regarding any process or procedure, or if you’d like to make a report, ask questions about the procedures, or need to request an accommodation to your academic, living, working, or transportation arrangements regardless of whether or not you choose to report the crime to law enforcement or MUSC Department of Public Safety, contact MUSC’s Title IX Coordinator (Dr. Willette Burnham-Williams), Phone: (843) 792-1072, Email: TitleIX@musc.edu

Regardless of whether a victim elects to pursue a criminal complaint, MUSC will assist victims of sexual assault, domestic violence, dating violence, and stalking and will
provide each victim with a written explanation of their rights. A copy of MUSC’s Written Guide to the Resolution of Reports of Prohibited Conduct is available for your review detailed in Appendix J. Keep this information where it can be easily located; it provides you with a useful reference source of information.

In South Carolina, a victim of domestic violence, dating violence, sexual assault or stalking also has the following rights:

**South Carolina Victims’ Bill of Rights**
To preserve and protect victims’ rights to justice and due process regardless of race, sex, age, religion or economic status, victims of crime have the right to:

1. be treated with fairness, respect and dignity, and to be free from intimidation, harassment or abuse throughout the criminal and juvenile justice process, and to be informed of the victim's constitutional rights, provided by statute;
2. be reasonably informed when the accused or convicted person is arrested, released from custody or has escaped;
3. be informed of and present at any criminal proceedings which are dispositive of the charges where the defendant has the right to be present;
4. be informed of and be allowed to submit either a written oral statement at all hearings affecting bond or bail;
5. be heard at any proceeding involving a post-arrest release decision, a plea or sentencing;
6. be reasonably protected from the accused or persons acting on his behalf throughout the criminal justice process;
7. confer with prosecution, after the crime against the victim has been changed, before the trial or before any disposition and informed of the disposition;
8. have reasonable access after the conclusion of the criminal investigation to all documents relating to the crime against the victim before trial;
9. receive prompt and full restitution from the person or persons convicted of the criminal conduct that caused the victim's loss or injury including both adult and juvenile offenders;
10. be informed of any proceeding when any post-conviction action is being considered, and be present at any post-conviction hearing involving a post-conviction release decision;
11. a reasonable disposition and prompt and final conclusion of the case;
12. have all rules governing criminal procedure and the admissibility of evidence in all criminal proceedings protect victims' rights and have these rules subject to amendment or repeal by the legislature to ensure protection of these rights.

The Crime Victim's Act of 1997 requires specific action to be taken by law enforcement and the courts for certain types of crime victims. All law enforcement agencies are required to have a victim advocate in place. Law enforcement based advocates are involved in the investigative process to advocate for the rights of the victim, and to act as a liaison between the victim and the agency. This keeps victims more informed and involved in the criminal justice process.
A "victim" is defined as a person who suffers direct or threatened physical, psychological, or financial harm as the result of the commission or attempted commission of a criminal offense. A criminal offense is an offense against a person or an offense against the property of a person when the value of the property, stolen or destroyed is in excess of two thousand dollars ($2,000.00).

When an officer takes a report or makes an arrest involving a victim and crime as described above, the officer will complete the victim's information sheet and explain the victim's rights statement on the back side of their copy. The victim's information sheet is turned into the MUSC DPS Victim Advocate.

Upon request, the victim advocate will assist victims in applying for compensation and other financial, social service, and counseling assistance; intervene on behalf of victims with creditors, employers, etc.; make a reasonable attempt to inform the victim of the status and progress of the case and investigation through disposition in summary court, referral to the Department of Juvenile Justice, or through final transmittal of general sessions warrant(s) to the prosecutor; notify victims of the arrest, detention, bond hearing, pretrial hearing or other court dates; make a reasonable attempt to notify victims prior to release of a juvenile to their parent/guardian; inform the MUSC DPS of a need for transportation of victims and/or witnesses to and from court, and/ or protection at court.

Debbie Underwood is the Victim Advocate for the MUSC DPS. She can be reached at (843) 792-1986, or (843) 792-2261, or by e-mail at: wagenbrd@musc.edu.

**Sexual Assault Victim Bill of Rights**

1. Victims of sexual assault have the right to have sexual assaults committed against them investigated and adjudicated by the duly constituted criminal and civil authorities of the governmental entity where the crime occurred, and the right to the full and prompt cooperation and assistance of campus personnel in notifying the proper authorities. The foregoing shall be in addition to any campus disciplinary proceedings.

2. The right to be free from any kind of pressure from campus personnel that victims, (1) not report any crimes committed against them to civil and criminal authorities or to campus law enforcement and disciplinary officials, or (2) report crimes as lesser offenses than the victims perceive them to be.

3. The right to be free from any kind of suggestion that campus sexual assault victims not report, or under-report crimes because:
   a. victims are somehow "responsible" for the commission of the crime against them,
   b. victims were contributively negligent, or assumed the risk of being assaulted,
   c. by reporting crimes, they would incur unwanted personal publicity.
4. Both the accuser and the accused are entitled to the same opportunity to have others present during an institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice.

5. The right to full and prompt cooperation from campus personnel in obtaining, securing, and maintaining evidence (including a medical examination) as may be necessary to the proof of criminal sexual assault in subsequent legal proceedings.

6. The right to be made aware of, and assisted in exercising any options, as provided by state and federal laws or regulations with regard to mandatory testing of sexual assault suspects for communicable diseases and with regard to notification to victims of the results of such testing.

7. The right to counseling from any mental health services previously established by the institution, or by other victim-service entities, or by victims themselves.

8. After campus sexual assaults have been reported, the victims of such crimes shall have the right to require that campus personnel take the necessary steps or actions reasonably feasible to prevent any unnecessary or unwanted contact or proximity with alleged assailants, including options for assistance in immediate transfer of classes, change in academic schedule(s), transportation, living and/or work situations if requested by the victim. The method in which the changes will occur will be determined by the Title IX Coordinator or designee.

9. MUSC or an officer, employee, or agent of MUSC, may not retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision in this section.

10. Retaliation against a complainant, victim or witnesses for exercising their rights under this policy and complaint resolution process is strictly prohibited. Retaliation is grounds for disciplinary action, up to and including dismissal.

**Restraining Orders and Orders of Protection**

MUSC complies with South Carolina law in recognizing orders of protection and restraining orders issued by a Family Court Judge and/or County Magistrate, or an out-of-state judicial authority equivalent. Any person who obtains an order of protection from this state or any reciprocal state should provide a copy to MUSC Department of Public Safety and the Title IX Coordinator. A complainant may then meet with the Department of Public Safety and/or the Title IX Coordinator to develop a Safety Action Plan that is a plan for campus police and the victim to reduce risk of harm while on campus or coming and going from campus. This safety plan may include, but is not limited to, escorts, special parking arrangements, changing classroom location or allowing a student to complete assignments from home, etc.
An Order of Protection is a civil order issued by a Family Court Judge that provides protection from abuse by your current or former spouse, someone you have a child in common with, or your live-in partner of the opposite sex.

Emergency Protection
If you are in immediate danger and need protection immediately, you may request an emergency hearing when you are filing out your petition. In this case, you will go before a judge within 24 hours of filing your petition. Once you prove that you are in immediate and present danger of bodily injury, a judge can grant you a temporary Order of Protection until your full hearing that will take place within 15 days.

A Restraining Order against stalking or harassment is a civil order that is issued by the magistrate’s court for people who are being harassed or stalked by someone. You do not need to have a specific relationship with the person harassing or stalking you.

The restraining order against stalking or harassment can order the defendant to not:
- abuse, threaten, or molest (bother) you or your family members;
- enter or attempt to enter your home, workplace, school, or other location; and/or
- communicate or attempt to communicate with you (S.C. Code Ann. § 16-3-1770(B)).

Seeking Medical Care and Preserving Evidence
After an incident of sexual assault and domestic violence, the victim should consider seeking medical attention as soon as possible at the Medical University Hospital (MUH), Emergency Department (ED), located at 169 Ashley Avenue, SC. The professionally trained medical staff at the Medical University Hospital offers physical evidence recovery and collection by certified Forensic Nurse Examiners/Sexual Assault Nurse Examiners (SANE) for victims of sexual assaults.

Preserving evidence is important in that it may assist in proving that an alleged criminal offense occurred and/ or is occurring, or may be helpful in obtaining a protection order. In South Carolina, evidence may be collected even if you chose to remain anonymous and not to make a report to law enforcement. It is important that victims of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 120 hours so that evidence as may be necessary to the proof of criminal activity may be preserved. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease.

Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to preserve evidence by saving text messages, instant messages, emails, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to University disciplinary proceedings, investigators, or police. Although MUSC strongly encourages all members of its
community to report violations of these laws/policies to law enforcement, it is the victim’s choice whether to make such a report and victims have the right to decline involvement with the police.

MUSC will assist any victim with notifying local police if they so desire. MUSC Department of Public Safety may also be reached directly by calling (843) 792-4196, or in person at 101 Doughty Street, Charleston, S.C. Additional information about the MUSC Department of Public Safety may be found online at: http://academicdepartments.musc.edu/vpfa/publicsafety/

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the MUSC Department of Public Safety or local jurisdiction where the crime occurred. However, if you do not wish to report the crime to law enforcement or need additional information or assistance please contact the Clery Coordinator, John Plitsch, 101 Doughty St., Phone: (843) 792-3767, email: plitsch@musc.edu and or the Title IX Coordinator, Willette Burnham-Williams, PhD., BS104 Basic Science Building - 173 Ashley Ave., (843)-792-1072, or email: TitleIX@musc.edu

MUSC will provide support, guidance, and resources to persons who have been victims of sexual assault, domestic violence, dating violence, or stalking, and will apply appropriate disciplinary procedures to those who violate this policy. The procedures are intended to afford a prompt response to charges of sexual assault, domestic or dating violence, and stalking, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy. As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with Department of Public Safety or other law enforcement with jurisdiction to preserve evidence in the event that the victim changes her/his mind at a later date.

Procedures for Reporting a Complaint
MUSC has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of medical, counseling and support services, and additional remedies to prevent contact between a victim and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available. Students and employees should contact MUSC’s Title IX Coordinator (Dr. Willette Burnham-Williams), located in the Basic Science Building Room 104, Phone: (843) 792-1072, Email: TitleIX@musc.edu and or MUSC’s Clery Coordinator: Captain John Plitsch, Phone (843) 792-3767, Email plitsch@musc.edu
After an incident of sexual assault and domestic violence, the victim should consider seeking medical attention as soon as possible at the Medical University Hospital (MUH), Emergency Department (ER), located at 169 Ashley Avenue, SC. The professionally trained medical staff at the Medical University Hospital offers physical evidence recovery and collection by certified Forensic Nurse Examiners/ Sexual Assault Nurse Practitioners (SANE) for victims of sexual assaults.

Preserving evidence is important in that it may assist in proving that an alleged criminal offense occurred and/or is occurring, or may be helpful in obtaining a protection order. In South Carolina, evidence may be collected even if you chose to remain anonymous and not to make a report to law enforcement. It is important that victims of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 120 hours so that evidence as may be necessary to the proof of criminal activity may be preserved. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease.

Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to preserve evidence by saving text messages, instant messages, emails, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to University disciplinary proceedings, investigators, or police. Although the university strongly encourages all members of its community to report violations of these laws/policies to law enforcement, it is the victim’s choice whether to make such a report and victims have the right to decline involvement with the police.

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If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the MUSC Department of Public Safety or local jurisdiction where the crime occurred. However, if you do not wish to report the crime to law enforcement or need additional information or assistance please contact the Title IX Coordinator, Willette Burnham-Williams, PhD., BS104 Basic Science Building - 173 Ashley Ave., (843)-792-1072, or email: TitleIX@musc.edu and or the Clery Coordinator, John Plitsch, 101 Doughty St., Phone: (843) 792-3767, email: plitsch@musc.edu
Anonymous reporting may also be made on-line using the MUSC Harassment and Discrimination Reporting Form by clicking the following link:
https://cm.maxient.com/reportingform.php?MedicalUnivofSC&layout_id=6

MUSC will provide support, guidance, and resources to persons who have been victims of sexual assault, domestic violence, dating violence, or stalking, and will apply appropriate disciplinary procedures to those who violate this policy. The procedures are intended to afford a prompt response to charges of sexual assault, domestic or dating violence, and stalking, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with Department of Public Safety or other law enforcement with jurisdiction to preserve evidence in the event that the victim changes her/his mind at a later date.

Confidentiality
All MUSC employees (except Confidential Resources) are required to immediately report to the Title IX Coordinator or the Deputy Title IX Coordinator any information they know about an alleged incident of sexual or related misconduct.

When a complainant does not consent to the disclosure of his or her name or other identifiable information to the alleged perpetrator, the university's ability to respond to the complaint may be limited. Whether a complainant chooses to cooperate or not should not be the deciding factor for whether or not disciplinary charges are brought against a known accused party.

The university will protect the identity of persons who report having been victims of sexual assault, domestic violence, dating violence, or stalking to the fullest extent of the law. To the extent of the victim’s cooperation and consent, MUSC officials will work together to protect the victim’s privacy and to ensure confidentiality to the extent that it may be kept. MUSC officials will work cooperatively to ensure that the complainant’s health, physical safety, work and academic status are protected, pending the outcome of a formal university investigation of the complaint. For example, if reasonably available, a complainant may be offered changes to academic, living, or working situations in addition to counseling, health services and assistance in notifying the appropriate local law enforcement agency having jurisdiction. Additionally, personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating and/or adjudicating the complaint or delivering resources or support services to the complainant. MUSC does not publish the name of crime victims or other identifiable information regarding victims in the Department of Public Safety’s
Daily Crime Log or online. Victims may request that directory information on file be removed from public sources by request through Office of the Chief Information Officer, 19 Hagood Ave., Suite 201, MSC801, Charleston, SC 29425. (843) 792-4175.

MUSC will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

**MUSC Institutional Disciplinary Procedures**

MUSC's *Clery Act Prohibition on Sexual Assault, Domestic Violence, Dating Violence, and Stalking* applies to all students and all employees of the University, the Medical University Hospital Authority (MUHA), and the Medical University-Physicians (MUSC-P or also called the UMA). The policy applies to threats or conduct that occur: on campus, on off-campus properties owned or controlled by the University, Hospital Authority, and/or the MUSC-Physicians; in connection with MUSC or University recognized program or activity; or in a manner that may pose an obvious or serious threat of harm or create an unsafe educational or work environment. The policy was developed out of MUSC's commitment to creating and maintaining a learning, working, and patient care environment that is free from violence. MUSC's Institutional Disciplinary Procedures are independent from any criminal processes that may be taking place and will not be delayed to await the conclusion of criminal processes. A hard copy of the policy may be obtained from the Title IX Coordinator or online at [http://academicdepartments.musc.edu/provost/pdf/Clery_MUSC_updated.pdf](http://academicdepartments.musc.edu/provost/pdf/Clery_MUSC_updated.pdf)

Whether or not criminal charges are filed, a person who believes she/he has experienced an offense related to sexual assault, dating violence, domestic violence, or stalking (complainant) or a person who has information that such acts may have been committed (reporter) may report the incident directly to MUSC's Department of Public Safety. MUSC DPS is able to provide immediate assistance to the complainant or reporter with law enforcement matters and also will provide the name and contact information for MUSC's Title IX Coordinator. In addition to reporting to DPS, complainant victims or reporters may choose to directly report to the MUSC Title IX Coordinator or Clery Coordinator who will provide assistance to victims or others as needed whether or not the complainant chooses to pursue criminal charges.

In instances in which the accused is a member of the MUSC-wide community, the complainant may choose to engage the MUSC investigative and disciplinary process that is independent of any criminal investigation or proceedings. The process will include a prompt, fair, and impartial investigation and resolution. The complainant may also decline to participate in MUSC's investigative and disciplinary processes or request anonymity. MUSC may continue the process without the complainant's participation; however, maintaining anonymity will substantially limit the ability of MUSC to complete its
discriminatory investigation and respond effectively.

The university disciplinary process will include a prompt, fair, and impartial investigation and resolution process. Investigators and will be trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking and taught how to conduct an investigation and that protects the safety of the victim and promotes accountability. MUSC’s process includes an investigative procedure, determination procedure, and sanctions procedures. During the investigative procedure, the Clery Coordinator will determine if the facts as presented have merit and if it has merit, within 2 working days will assign a team of two investigators. The investigators will conduct their own formal inquiry, interviewing both parties and witnesses as needed. The investigative process will be completed within 30 calendar days and will not be delayed due to the unavailability of advisors for either the complainant or the accused. An exception of the 30 calendar timeframe may be granted by the University President.

After completing the investigative process, the investigators will make a determination based on the preponderance of evidence standard. If the accused is found to have engaged in misconduct, within ten working days, the Clery Coordinator will convene a three-person disciplinary sanctions panel.

Panel members will be comprised of two senior members from MUSC, MUHA, or MUSC-P depending on which entity is the employer of the accused party and one senior member of the Human Resources for the respective entity. The three-member sanctions panel will select from the list of possible disciplinary sanctions for that entity.

For students whose conduct was found to have met the standard of evidence, a team of two senior faculty members and one senior member of the Vice-President for Academic Affairs and Provost Office will select actions from the list of possible sanction for students.

For faculty members whose conduct was found to have met the standard of evidence, a team of two senior academic deans and one senior member of the University Human Resource Office will select the actions from the list of all possible sanctions for state employees. Once convened, panels will determine the sanctions within five working days. The appeals process available for employees for each entity will apply; for faculty as outlined in the Faculty Handbook; and for students, appeals rest with the Provost.

The MUSC policy provides that:

1. The complainant and the accused have the same opportunity to have an advisor of their choice and to be accompanied by an advisor at any interview. However, an advisor may not speak at any interview and interviews will not be delayed due to the unavailability of the advisor;
2. A decision is based on the preponderance of evidence standard, (i.e. “more likely than not to have occurred” standard). The complainant and the accused will be notified simultaneously in writing of the results of any disciplinary proceeding, as well as any changes to those result or disciplinary actions prior to the time that such results become final; and

3. The complainant and the accused each have the right to appeal the outcome of the process utilizing the appeals process of their respective personnel / student policies and will be notified simultaneously in writing of the final outcome after the appeal is resolved.

4. If the alleged victim is deceased as a result of the crime or offense, the Medical University will provide the results of the disciplinary hearing to the victim’s next of kin.

5. Compliance with this paragraph does not constitute a violation of the Family Educational Rights and Privacy Act (FERPA). For the purpose of this paragraph, the outcome of a disciplinary proceeding means only the institution’s final determination with respect to the alleged offense and any sanction that is imposed against the accused.

Sanctions and Protective Measures

The following sanctions are those that may be implemented as consistent with the personnel policies of the guilty party’s employer or student disciplinary policies: verbal or written reprimand; demotion; probation; suspension; suspension during investigation; expulsion or termination; restitution; restriction from employment at MUSC, educational program attendance, educational project, professional assessment; recommended participation in sessions at counseling and psychological services; class or work schedule changes, clinical rotation changes, transfer or removal from university housing (e.g., summer institute housing, off-campus rotation sites); class, workshop/training/program attendance; professional assessment; reassignment or removal from specific courses or activities; no contact order; no trespass order; transcript notification and/or notification to other institutions; withholding or delaying the conferral of the degree.

Examples of interim protective measures include, but are not limited to: an order of no contact, options for assistance in immediate transfer of classes, change in academic schedule(s), transportation, living and/or work situations, leave of absence, or reassignment to a different supervisor or position if requested by the victim these remedies may be applied to one, both, or multiple parties involved.

Violations of the protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by MUSC.
MUSC will make temporary or permanent changes in housing, academic, transportation and working conditions, after an alleged offense involving sexual assault, dating violence, domestic violence, or stalking and provide options for those changes if those changes are requested by the victim and are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement. MUSC will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

MUSC reserves the right to issue disciplinary action and/or initiate civil or criminal prosecution as appropriate, and make appropriate referral to the MUSC Employee Assistance Program (EAP), Behavioral Support and Intervention Team (BSIT), Student CAPS (Counseling and Psychological Services).

A person alleging sexual assault, domestic violence, dating violence, or stalking may also utilize the complaint and investigatory procedures set forth in MUSC’s Clery Act Prohibition on Sexual Assault, Domestic Violence, Dating Violence, and Stalking in order to remedy any hostile sexual environment.

MUSC or an officer, employee, or agent of MUSC, may not retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision in this section. Retaliation against a complainant, victim or witnesses for exercising their rights under this policy and complaint resolution process is strictly prohibited. Retaliation is grounds for disciplinary action, up to and including dismissal.

**Resources**

**Behavioral Support Intervention Team (BSIT)**

The Medical University of South Carolina is committed to ensuring a positive and safe environment for our students, faculty, staff, patients, and visitors. To this end, the Associate Provost for Education and Student Life established the MUSC Behavioral Support and Intervention Team (BSIT). The purpose of this team is to provide supportive and proactive intervention for students who are experiencing problems that may affect their safety and/or the safety of others. Members of the BSIT work in collaboration with the six colleges and appropriate MUSC offices including public safety, risk management, student services, legal services, and the Associate Provost. The BSIT seeks to eliminate the “information silos” that exist on college campuses. Sharing information (rather than keeping information “siloed” within specific departments) allows us to reach students who are in distress much sooner. With one central location available to express concerns, the scope of assistance and the follow-up care that may be necessary can be greatly expanded for our students.
The goals of MUSC’s BSIT include the following: (1) preventing crises before they occur through the provision of outreach and educational programming, consultation, appropriate assessment, and referrals; (2) ensuring that students whose behavior is of concern are contacted through follow-up processes and have access to the appropriate services so that they have the opportunity to improve their welfare; and (3) creating a unified reporting and tracking system that will allow members of the BSIT to observe patterns of behavior that may elicit assessment and to provide a documented response to distressed students. For more details concerning the Mission and Purpose of MUSC’s BSIT please visit the MUSC BSIT Protocol.

To make a report or inquire about BSIT resources contact either the BSIT Chairperson or another BSIT member:

<table>
<thead>
<tr>
<th>Department</th>
<th>Name</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chairperson</td>
<td>Dr. Sharlene Wedin</td>
<td>(843) 792-0686</td>
</tr>
<tr>
<td>College of Dental Medicine</td>
<td>Dr. Lindsey Hamil</td>
<td>(843) 792-3928</td>
</tr>
<tr>
<td>College of Graduate Studies</td>
<td>Dr. Steve Kubalak</td>
<td>(843) 792-0624</td>
</tr>
<tr>
<td>College of Health Professions</td>
<td>Dr. Nancy Carson</td>
<td>(843) 792-2239</td>
</tr>
<tr>
<td>College of Medicine</td>
<td>Dr. Myra Haney-Singleton</td>
<td>(843) 792-1672</td>
</tr>
<tr>
<td>College of Nursing</td>
<td>Dr. Tatiana Davidson</td>
<td>(843) 792-1866</td>
</tr>
<tr>
<td>SC College of Pharmacy</td>
<td>Dr. Shannon Drayton</td>
<td>(843) 792-0274</td>
</tr>
<tr>
<td>Education &amp; Student Life</td>
<td>Dr. Tajuan Wilson</td>
<td>(843) 792-2146</td>
</tr>
<tr>
<td>Public Safety</td>
<td>Chief Kevin Kerley</td>
<td>(843) 792-6789</td>
</tr>
</tbody>
</table>

**BSIT Cares**

BSIT Cares is a set of resources that have been established to protect the health and safety of our community at MUSC. Maintaining a safe environment allows students to focus on their education and get the most out of their time at MUSC. You can help keep MUSC safe.

**Recognize**

Be familiar with and acknowledge symptoms of distress.

**Respond**

Privately initiate contact with a student displaying symptoms of distress. Express your concerns in behavioral, non-judgmental terms and listen to the student in a sensitive, non-threatening way. This action should then be followed by contacting any of the above listed BSIT members.
Refer.
Know your limits as a help-giver; only go as far as your expertise, training, and resources allow. When a student needs more help than you are able or willing to give, it is time to make a referral. You may suggest the student contact:

**Counseling & Psychological Services**  (843)-792-4930  
**Disability Support Services**  (843)-792-1282

Report.

Report your concerns and actions taken with a student to the BSIT by contacting a BSIT team member. If there are concerns regarding student’s own safety or the safety of other students, we encourage you to make an immediate report. Click link here to contact BSIT.

**Department of Public Safety**
Public Safety is responsible for creating and assuring a safe, orderly, and secure environment. If you have immediate concerns or in an emergency situation on-campus contact Public Safety at (843) 792-4196, or when off-campus dial 911 to reach the local law enforcement agency having jurisdiction.

**Counseling and Psychological Services**
Counseling and Psychological Services (CAPs) is responsible for providing assessment, counseling, workshops, group and couples therapy, consultation and referrals for students. 843-792-4930

**University Employee Assistance Program (EAP)**
University employees, faculty, volunteers, residents, fellows may voluntarily submit themselves for professional help through the University's Employee Assistance Program (EAP) by calling 843-792-2848

**Medical Center Employee Assistance Program (EAP)**
Hospital employees, faculty, volunteers, residents, fellows may voluntarily submit themselves for professional help through the Employee Assistance Program (EAP) by calling 843-792-2840

**Disability Support Services**
Disability Support Services is responsible for guaranteeing equal opportunity for individuals with disabilities in public accommodations, employment, transportation, state and local government services, and telecommunications. 843-792-1072
Office of Gender Equity

The Office of Gender Equity has two primary missions: to educate the Medical University community regarding sexual harassment and gender equity issues, and to respond to and resolve complaints of gender discrimination or sexual harassment that involve faculty, students, or residents as either the complainant or the subject of the complaint. For more information you can contact 843-792-8066.

Getting Assistance

When a victim of domestic violence, stalking, dating violence or someone who was sexually assaulted comes to you, encourage him/her to seek medical attention, pursue counseling and report the incident. No victim should be allowed to suffer alone. Victims may be unsure of how to deal with the assault and can wonder what courses of action are available and appropriate. An unfortunate result of this insecurity is that many victims elect not to tell anyone about their ordeal and decline to seek the help they need - on a physical and emotional level - to deal with the terrible hurt they have suffered. All students, faculty and staff should be aware of both the consequences of sexual assault and the options available to the victim. Seeking assistance in connection with a sexual assault from the hospital, the police, the university or anyone else does not oblige you to take further action.

Medical Attention

A victim of sexual and/or violent offenses is encouraged to seek medical assistance. This is the first step in regaining control over your life. Even if the victim decides not to report the assault to the police, it is very important to seek medical attention immediately for possible internal injuries or sexually transmitted diseases. To keep all options available, the collection of medical evidence by Forensic Nurse Examiners/Sexual Assault Nurse Practitioners (SANE) becomes critical in the event you choose, even later, to prosecute. At the Medical University Hospital emergency room, medical personnel will collect samples; hair, semen, and other trace evidence. The hospital will collect the clothing worn during your assault so it is helpful to bring a change of clothes with you. Going to the hospital and having evidence collected does NOT obligate the victim to complete other actions. This simply aids in keeping options open until the victim decides how to proceed. Options include later choosing to pursue charges against the perpetrator criminally.

Resources for Victims

For victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking MUSC will provide written information to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services available for victims within the institution and in the community. Remember, sexual assault, domestic violence, dating violence and stalking is a crime committed against you, not by you. Do not blame yourself. Emotional trauma is severe after a sexual assault. The violation, loss of trust, and loss of control can have serious long-term impact on the victim. It is not unusual for a person to feel guilty, distrustful or withdraw from others particularly in an acquaintance rape. There are, however, persons specifically trained in the area of sexual assault crisis intervention, on and off campus,
who can provide at no expense to the victim counseling and support services during recovery. Agencies that may be of assistance to you include:

**On-Campus**

<table>
<thead>
<tr>
<th>Agency</th>
<th>Address</th>
<th>Phone/Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>MUSC Student Counseling and Psychological Services (CAPS)</td>
<td>30 Bee St Rm 101 Charleston, SC</td>
<td>(843) 792-4930</td>
</tr>
<tr>
<td>Student Programs</td>
<td>45 Courtenay Dr, Chas., SC</td>
<td>(843) 792-2693</td>
</tr>
<tr>
<td>Department of Public Safety</td>
<td>101 Doughty Street Charleston, SC</td>
<td>(843) 792-4196</td>
</tr>
<tr>
<td>MUSC Employee Assistance Program (EAP)</td>
<td>51 Bee St Charleston, SC</td>
<td>(843) 792-2848</td>
</tr>
<tr>
<td>Office of the Title IX Coordinator</td>
<td>173 Ashley Ave Rm 104 Charleston, SC</td>
<td>(843) 792-1072 / Email <a href="mailto:TitleIX@musc.edu">TitleIX@musc.edu</a></td>
</tr>
<tr>
<td>MUSC DPS Victim Advocate Debbie Underwood</td>
<td>101 Doughty St Charleston, SC</td>
<td>(843) 792-1986 / 2261 Email <a href="mailto:wagenbrd@musc.edu">wagenbrd@musc.edu</a></td>
</tr>
<tr>
<td>MUSC Emergency Dept.</td>
<td>169 Ashley Ave Charleston, SC 29425</td>
<td>(843) 792-9126</td>
</tr>
<tr>
<td>MUSC Clery Coordinator</td>
<td>101 Doughty Street Charleston, SC 29425</td>
<td>(843) 792-3767</td>
</tr>
<tr>
<td>The Immigration and Visa Services Office, Center for Global Health</td>
<td>45 Courtenay Drive, SW 454 Charleston, SC 29425</td>
<td>(843) 792-2156</td>
</tr>
</tbody>
</table>

**In the Charleston Area**

<table>
<thead>
<tr>
<th>Agency</th>
<th>Address</th>
<th>Phone/Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charleston Police Dept.</td>
<td>180 Lockwood Blvd. Charleston, SC 29403</td>
<td>843-792-7200</td>
</tr>
<tr>
<td>Charleston County Sheriff’s Office</td>
<td>3691 Leeds Ave, North Charleston, SC 29405</td>
<td>843-202-1700</td>
</tr>
<tr>
<td>People Against Rape</td>
<td>198 Rutledge Ave #5, Charleston, SC 29403</td>
<td>Hotline 843-745-0144</td>
</tr>
<tr>
<td>S.C. Coalition Against Domestic Violence and Sexual Assault</td>
<td><a href="http://sccadvasa.org">http://sccadvasa.org</a></td>
<td>800-260-9293 / 800-799-SAFE (7233) / 800-656-HOPE (4673)</td>
</tr>
<tr>
<td>My Sister’s House (Domestic Violence Shelter)</td>
<td><a href="http://mysistershouse.org/">http://mysistershouse.org/</a></td>
<td>24 hour hotline 843-744-3242</td>
</tr>
</tbody>
</table>
Other on-line resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking, include (click on each to follow links):

- People Against Rape
- Charleston Fight for Hope
- National Center on Domestic and Sexual Violence
- Rape, Abuse and Incest National Network
- Department of Justice, Violence Against Women Department of Education, Office of Civil Rights
- MUSC Student Counseling and Psychological Services
- National Crime Victims Research and Treatment Center
- Alliance for Full Acceptance (Charleston)
- South Carolina Legal Services Immigration Advocates Network
- Citizenship and Immigration Services (USCIS)

**SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING PRIMARY PREVENTION AND AWARENESS PROGRAMS FOR STUDENTS AND EMPLOYEES**

During new student orientation in January through September, and at various other times during the academic year when new students arrive, students are informed of various support services offered by the MUSC DPS and other MUSC departments and resources. Video and slide presentations outline ways to maintain personal safety and security. Students are told about crime on-campus and in surrounding neighborhoods. Crime Prevention Programs and Sexual Assault Prevention Programs are offered on a continual basis throughout the year. Similar information is made available to employees.

Upon request, MUSC DPS, in cooperation with other university organizations and departments, present crime prevention awareness sessions to employees and students periodically during the academic year on sexual assault (rape and acquaintance rape), Rohypnol awareness (also known as the date rape drug), theft, and vandalism, as well as
educational sessions on personal safety and security.

As previously discussed, MUSC DPS offers Rape Aggression Defense System (RAD) training. The training is a comprehensive course that begins with awareness, prevention, risk reduction and avoidance, while progressing on to the basics of hands-on defense training. Certified RAD instructors from MUSC DPS will teach the courses provided.

A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others. In addition to presentations, information is disseminated to students and employees through crime prevention awareness brochures, security alert broadcasts/ timely warnings, displays, videos, and articles and advertisements in university and local newspapers.

When time is of the essence, Emergency Notification and / or Timely Warning information is released to the university community through security alerts posted through computer memos sent over the university’s electronic mail system, SMS text messaging, voice messaging, and desktop alerts.

**Primary Prevention Programs**

In addition to the PPT offered by the Department of Public Safety, MUSC’s Title IX Coordinator or designee also provides Primary Prevention Training (PPT) to all incoming students in each of the six MUSC colleges during new student orientation. As a part of each of these programs, a clear statement is made that our institution strictly prohibits dating violence, domestic violence, sexual assault including acquaintance rape, and stalking. These PPT provide the new students with South Carolina legal definitions of dating violence, domestic violence, sexual assault, and stalking; as well as how MUSC and the State of South Carolina interprets Consent using case law as found beginning on page 59. Furthermore, we include descriptions of safe and positive outcomes for bystander intervention strategies that include the following elements:

- Recognizing situations of potential harm
- Understanding institutional cultural structures that facilitate violence
- Overcoming barriers to intervening
- Identifying safe and effective intervention options
- Taking action to intervene

The PPT provide information on risk reduction that includes strategies for both personal safety protection as well as emphasizing the need for reducing perpetration by offenders by addressing the following:

- Decrease perpetration and bystander inaction
- Increase empowerment for victims in order to promote safety
- Help individuals and communities address conditions that facilitate violence
We conclude with providing MUSC’s procedures to follow if an offense has occurred and the many resources that are available on campus and in the community.

Primary Prevention Training for students, faculty, and employees will be offered throughout the year. The following list represents examples of the primary prevention programs provided in 2017:

<table>
<thead>
<tr>
<th>Group</th>
<th>Date</th>
<th>Location Held</th>
<th>Topics</th>
</tr>
</thead>
<tbody>
<tr>
<td>Off-Schedule new COM Fellow</td>
<td>January 3, 2017</td>
<td>225 IOP-South</td>
<td>DoV, DaV, SA, S*, SH</td>
</tr>
<tr>
<td>CON BSN Program New Students</td>
<td>January 4, 2017</td>
<td>202 CON</td>
<td>DoV, DaV, SA, S*, SH</td>
</tr>
<tr>
<td>COM New Faculty Orientation</td>
<td>February 6, 2017</td>
<td>110 BEB</td>
<td>DoV, DaV, SA, S*, SH</td>
</tr>
<tr>
<td>Training for Clery Investigators</td>
<td>February 15, 2017</td>
<td>227 IOP-South</td>
<td>DoV, DaV, SA, S*, SH (Clery Procedures)</td>
</tr>
<tr>
<td>Off-cycle new COM Resident</td>
<td>February 20, 2017</td>
<td>213 IOP-South</td>
<td>DoV, DaV, SA, S*, SH</td>
</tr>
<tr>
<td>Off-cycle new COM Resident</td>
<td>April 4, 2017</td>
<td>213 IOP-South</td>
<td>DoV, DaV, SA, S*, SH</td>
</tr>
<tr>
<td>Department of Psychiatry Forensic Psychiatry Fellows</td>
<td>April 5, 2017</td>
<td>29-C Leinbach Drive</td>
<td>DoV, DaV, SA, S*, SH (Sexual Harassment Policy and sexual harassment case law)</td>
</tr>
<tr>
<td>Off-cycle new COM Resident</td>
<td>April 14, 2017</td>
<td>213 IOP-South</td>
<td>DoV, DaV, SA, S*, SH</td>
</tr>
<tr>
<td>Off-cycle new COM Resident</td>
<td>May 1, 2017</td>
<td>225 IOP-South</td>
<td>DoV, DaV, SA, S*, SH</td>
</tr>
<tr>
<td>Off-cycle new COM Fellows</td>
<td>May 2, 2017</td>
<td>225 IOP South</td>
<td>DoV, DaV, SA, S*, SH</td>
</tr>
<tr>
<td>New Chief Resident Orientation, COM/GME</td>
<td>May 19, 2017</td>
<td>North Charleston Convention Center</td>
<td>DoV, DaV, SA, S*, SH (Sexual Harassment Policy and conflict resolution, leadership skills)</td>
</tr>
<tr>
<td>CHP-Nurse Anesthesia New Students</td>
<td>May 24, 2017</td>
<td>A201 CHP</td>
<td>DoV, DaV, SA, S*, SH</td>
</tr>
<tr>
<td>CHP-Physician Assistant New Students</td>
<td>May 25, 2017</td>
<td>A106 CHP</td>
<td>DoV, DaV, SA, S*, SH</td>
</tr>
<tr>
<td>CHP-Occupational Therapy Program New Students</td>
<td>May 25, 2017</td>
<td>A202/207 CHP</td>
<td>DoV, DaV, SA, S*, SH</td>
</tr>
<tr>
<td>CHP-Physical Therapy New Students</td>
<td>May 25, 2017</td>
<td>A204 CHP</td>
<td>DoV, DaV, SA, S*, SH</td>
</tr>
<tr>
<td>Event Description</td>
<td>Date</td>
<td>Room/Location</td>
<td>DoV, DaV, SA, S*, SH</td>
</tr>
<tr>
<td>--------------------------------------------------------</td>
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</tr>
<tr>
<td>CGS MS in Medical Sciences New Students</td>
<td>May 30, 2017</td>
<td>201 BEB</td>
<td>DoV, DaV, SA, S*, SH</td>
</tr>
<tr>
<td>CHP EMHA New Students</td>
<td>May 31, 2017</td>
<td>A205 CHP</td>
<td>DoV, DaV, SA, S*, SH</td>
</tr>
<tr>
<td>CDM New Students</td>
<td>June 6, 2017</td>
<td>BSB 100</td>
<td>DoV, DaV, SA, S*, SH</td>
</tr>
<tr>
<td>COM New Residents</td>
<td>June 29, 2017</td>
<td>DDB 110</td>
<td>DoV, DaV, SA, S*, SH</td>
</tr>
<tr>
<td>COM New Fellows</td>
<td>July 3, 2017</td>
<td>DDB 110</td>
<td>DoV, DaV, SA, S*, SH</td>
</tr>
<tr>
<td>COM New Pediatrics Residents</td>
<td>July 5, 2017</td>
<td>DDB110</td>
<td>DoV, DaV, SA, S*, SH</td>
</tr>
<tr>
<td>COM/Tidelands Family Medicine Residents</td>
<td>July 25, 2017</td>
<td>Tele-presentation</td>
<td>DoV, DaV, SA, S*, SH</td>
</tr>
<tr>
<td>Off-cycle new COM Residents</td>
<td>July 27, 2017</td>
<td>225 IOP-South</td>
<td>DoV, DaV, SA, S*, SH</td>
</tr>
<tr>
<td>COM New Clinical Psychology Interns</td>
<td>August 2, 2017</td>
<td>410 IOP-South</td>
<td>DoV, DaV, SA, S*, SH</td>
</tr>
<tr>
<td>Off-cycle new COM Residents</td>
<td>August 3, 2017</td>
<td>213 IOP-South</td>
<td>DoV, DaV, SA, S*, SH</td>
</tr>
<tr>
<td>COP New Students</td>
<td>August 17, 2017</td>
<td>BEB 110</td>
<td>DoV, DaV, SA, S*, SH</td>
</tr>
<tr>
<td>COM New Students</td>
<td>August 17, 2017</td>
<td>DDB 110</td>
<td>DoV, DaV, SA, S*, SH</td>
</tr>
<tr>
<td>COM New MPH Students*</td>
<td>August 18, 2017</td>
<td>Canon Park Place Rm 301</td>
<td>DoV, DaV, SA, S*, SH</td>
</tr>
<tr>
<td>CHP Cardiovascular Perfusion Program New Students</td>
<td>August 22, 2017</td>
<td>204 CHP</td>
<td>DoV, DaV, SA, S*, SH</td>
</tr>
<tr>
<td>CON ABSN New Students</td>
<td>August 23, 2017</td>
<td>202 CON</td>
<td>DoV, DaV, SA, S*, SH</td>
</tr>
<tr>
<td>CGS MS and MD/PhD New Students</td>
<td>August 25, 2017</td>
<td>BEB 110</td>
<td>DoV, DaV, SA, S*, SH</td>
</tr>
</tbody>
</table>

In Topics, DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S* means Stalking, SH means Sexual Harassment.

Of special note, MUSC requires all current students, employees, faculty, and staff to complete an on-line Clery Act course, which includes the crime definitions of sexual assault, dating violence, domestic violence, and stalking. In addition, the course covers consent, by-stander interventions and risk reduction strategies. This Primary Prevention Training effort was accomplished by assigning the training as one of our annual mandated MyQuest modules, formerly known as CATTS Training (our on-line learning system). An electronic copy of the training module in Power Point format may be obtained from the MUSC Clery Coordinator.

Ongoing Educational Awareness Campaigns
The University provided a series of ongoing awareness campaigns during the past year for our students, faculty and employees. The events provided an opportunity to help individuals and the MUSC community increase audience knowledge, share information
and resources to prevent violence, and to promote safety and reduce perpetration that address conditions that facilitate violence. In addition to the following list of events, since MUSC is an academic teaching institution, our six colleges comprising the university offer a variety of Grand Rounds and other trainings throughout the year designed to increase ongoing awareness.

In addition, the Medical University Hospital Authority (Medical Center) established a Domestic Violence Steering Committee that meets on a quarterly basis in an effort to develop education on better recognition, response, and resources available for patients and employees who are victims of domestic violence. Select members representing a variety of offices within the University are also members of the committee.

MUSC provides awareness campaigns in a variety of ways that are available throughout the year to all students and employees. MUSC sponsors fairs, exhibits, poster campaigns, and informational sessions on campus and invites community organizations (e.g., rape crisis centers, domestic violence organizations, etc.) and other agencies to participate.
Educational Awareness Programs:

<table>
<thead>
<tr>
<th>Group</th>
<th>Date</th>
<th>Location</th>
<th>Topics Covered</th>
</tr>
</thead>
<tbody>
<tr>
<td>Entire Campus Community</td>
<td>For all of 2017</td>
<td>Posters across campus in clinical &amp; public areas</td>
<td>Providing awareness for Sexual Assault and Domestic Violence. &quot;Break the Silence&quot;. Posters with information and resources.</td>
</tr>
<tr>
<td>Poster Campaign</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All Campus Community invited</td>
<td>January 21, 2017, March 23, 2017, and July 19, 2017</td>
<td>Diversity Office For all of Campus Learning Type: Online</td>
<td>Welcoming Diversity training is designed to introduce participants to various aspects of diversity which include but are not limited to identifying the information and misinformation we learned about other groups, to learn how groups, other than our own, experience mistreatment, learn the personal impact of specific incidents of discrimination and how to interrupt prejudicial jokes, remarks, and slurs.</td>
</tr>
<tr>
<td>Campus-wide</td>
<td>February 15, 2017, and May 18, 2017</td>
<td>Diversity Office For all of Campus Learning Type: Online</td>
<td>Handling Controversial Issues training session is designed to assist individuals within a group setting on handling tough interpersonal intergroup conflicts.</td>
</tr>
<tr>
<td>All Campus Community invited</td>
<td>March 3, 2017</td>
<td>Diversity Office For all of Campus Learning Type: Online</td>
<td>Safe Zone Ally Training &quot;We are committed to creating and maintaining a safe and inclusive campus environment regardless of gender identity, expression, or sexual orientation.&quot;</td>
</tr>
<tr>
<td>Entire Campus</td>
<td>March 9, 2017</td>
<td>Article from The Catalyst</td>
<td>The new Solutions for Patient Safety (SPS) trainings for the Children’s Hospital. These trainings are “focused on reducing harm by addressing specific hospital acquired conditions and building a &quot;culture of safety&quot; within each hospital.&quot;</td>
</tr>
<tr>
<td>Entire Campus Community</td>
<td>October 2017</td>
<td>Horseshoe</td>
<td>Domestic Violence Awareness Rally: “Do No Harm” (Annual)</td>
</tr>
<tr>
<td>-------------------------</td>
<td>--------------</td>
<td>-----------</td>
<td>--------------------------------------------------------</td>
</tr>
<tr>
<td>All Campus Community invited</td>
<td>2017</td>
<td>Chief Learning Office For all of Campus Learning Type: Online</td>
<td>Prevention of Workplace Violence “Recognize actions that precede violence, methods to prevent violence, actions to take if someone does become violent, and follow up measures after a potential or actual violent incident.”</td>
</tr>
<tr>
<td>All Campus Community invited</td>
<td>For all of 2017</td>
<td>Diversity Office For all of Campus Learning Type: Online</td>
<td>MUSC’s Department of Diversity, Equity, and Inclusion provides a host of on-line Unconscious Bias Training Videos on its website</td>
</tr>
<tr>
<td>Annual Clery Act training required for all employees, faculty, staff, and students.</td>
<td>For all of 2017</td>
<td>(Annual/mandatory) Learning Type: Online Training Module</td>
<td>The Jeanne Clery Act and meeting compliance for the policy. Includes CSA training.</td>
</tr>
<tr>
<td>Harassment Training required for all employees, faculty, staff, and students.</td>
<td>2017</td>
<td>(Annual/mandatory) Learning Type: Online Training Module</td>
<td>Training on the multiple types of harassment.</td>
</tr>
<tr>
<td>MAP (MUSC Advocacy Program) IPV Trainings</td>
<td>March – October 2017</td>
<td>Various locations</td>
<td>MAP is the 24/7 social work response team for abuse, neglect and IPV (See following table)</td>
</tr>
</tbody>
</table>

**MUSC Advocacy Program (MAP) Trainings**

**Description:**

- What changes are going on here at MUSC.
- Resources available to the patient as well as the care team.
- How to recognize a patient or coworker whom may be a victim of intimate partner abuse.
- What to do if you know of or suspect someone is being abused by an intimate partner.
MAP (MUSC Advocacy Program) provided the following Intimate Partner Violence (IPV) & Abuse Trainings (how it relates to the health profession) to various health care groups during 2017:

<table>
<thead>
<tr>
<th>Date</th>
<th>Topic</th>
<th>Population</th>
<th>Trainer/ Location</th>
<th>Number Trained</th>
</tr>
</thead>
<tbody>
<tr>
<td>3/31/17</td>
<td>IPV Promoting Safety (Part 1 of 4)</td>
<td>SWs and RN's</td>
<td>Jessica/ 2 West Auditorium</td>
<td>23 SWs</td>
</tr>
<tr>
<td>4/7/17</td>
<td>All MAP Services</td>
<td>Storm Eye Clinic</td>
<td>Abby</td>
<td>10 RNs, Techs, staff</td>
</tr>
<tr>
<td>4/25/17</td>
<td>All MAP Services</td>
<td>Hollings Clinic</td>
<td>Abby &amp; Jessica</td>
<td>15 RNs, Techs, staff</td>
</tr>
<tr>
<td>4/26/17</td>
<td>MAP Services</td>
<td>SW &amp; Case Managers</td>
<td>Barbara Long DSS</td>
<td>27 SWs</td>
</tr>
<tr>
<td>4/28/17</td>
<td>IPV Promoting Safety &amp; Reducing Vulnerability (Part 2 of 4)</td>
<td>SWs &amp; RNs</td>
<td>Abby/ 2 West Auditorium</td>
<td>26 SWs</td>
</tr>
<tr>
<td>5/23/17</td>
<td>Child Abuse/Neglect &amp; IPV</td>
<td>7A RNs</td>
<td>Abby</td>
<td>6 RNs</td>
</tr>
<tr>
<td>5/24/17</td>
<td>Child Abuse/Neglect &amp; IPV</td>
<td>7A RNs</td>
<td>Abby</td>
<td>4 RNs</td>
</tr>
<tr>
<td>5/26/17</td>
<td>IPV Multidisciplinary Collaboration (Part 3 of 4)</td>
<td>SWs and RNs</td>
<td>Jessica/ 2 West Auditorium</td>
<td>22 SWs</td>
</tr>
<tr>
<td>5/30/17</td>
<td>All MAP Services</td>
<td>Hollings Clinic</td>
<td>Abby and Kathy GH</td>
<td>8 RNs, Techs, staff</td>
</tr>
<tr>
<td>6/6/17, 6/7/17</td>
<td>All MAP Services (focus on IPV)</td>
<td>Main Hospital ED, RNs, techs</td>
<td>Abby and Jessica</td>
<td>Approx. 70 Residents</td>
</tr>
<tr>
<td>6/29/17</td>
<td>Child Abuse/Neglect &amp; IPV</td>
<td>MUSC Summerville</td>
<td>Abby</td>
<td>11 RNs, MDs, Techs</td>
</tr>
<tr>
<td>6/30/17</td>
<td>IPV Legal Issues (part 4 of 4)</td>
<td>SWs &amp; RNs</td>
<td>Abby/2 West Auditorium</td>
<td>18 SWs</td>
</tr>
<tr>
<td>7/11/17</td>
<td>All MAP Services</td>
<td>IOP Residents (all)</td>
<td>Abby</td>
<td>Approx. 40 Residents</td>
</tr>
<tr>
<td>7/25/17</td>
<td>IPV Building Skills for Communication</td>
<td>SWs &amp; RNs</td>
<td>Jessica</td>
<td>6 SWs</td>
</tr>
<tr>
<td>Date</td>
<td>Event Description</td>
<td>Location</td>
<td>Facilitators</td>
<td>Participants</td>
</tr>
<tr>
<td>------------</td>
<td>----------------------------------------------------------------------------------</td>
<td>-------------------</td>
<td>--------------</td>
<td>--------------</td>
</tr>
<tr>
<td>8/1/17</td>
<td>IPV Services</td>
<td>Dentist Clinic</td>
<td>Abby &amp; Karen Hughes</td>
<td>Approx. 60 RNs, Techs, Staff</td>
</tr>
<tr>
<td>8/17/17</td>
<td>All Services</td>
<td>IOP SW &amp; attending's</td>
<td>Abby</td>
<td>5 SW, 3 attending's</td>
</tr>
<tr>
<td>8/29/17</td>
<td>IPV Promoting Safety &amp; Reducing Vulnerability (part 2 of 4)</td>
<td>SWs and RNs</td>
<td>Abby</td>
<td>12</td>
</tr>
<tr>
<td>9/26/17</td>
<td>IPV Multidisciplinary Collaboration (part 3 of 4)</td>
<td>SWs and RNs</td>
<td>Sherri</td>
<td>7 SWs + (32 RNs for all of the IPV series during this grant cycle)</td>
</tr>
<tr>
<td>10/31/17</td>
<td>IPV Series Part IV (ART)</td>
<td>SWs and RNs</td>
<td>Abby</td>
<td>407 Participants</td>
</tr>
</tbody>
</table>

In addition, SC Area Health Education Consortium (AHEC) courses related to sexual assault, domestic violence and dating violence were offered to all students, residents as well as the entire MUSC health care professional workforce throughout the year. The following courses were made available to all healthcare providers and students in the state as online classes during 2017 at: [http://www.ahecu.org/](http://www.ahecu.org/):

1. Introduction to Domestic/Intimate Partner Violence -AHECU  
2. Lethality Assessment: A Strategy to Prevent Domestic Violence -AHECU  
3. Recognizing the Signs of Dating Abuse -AHECU  
4. Screening and Referrals for Domestic Violence Survivors in a Healthcare Setting -AHECU  
5. Understanding Disparities and Vulnerabilities of Intimate Partner Violence Survivors in a Healthcare Setting -AHECU  
6. Intersectionality and a Trauma-Informed Response to Domestic Violence and Intimate Partner Violence -AHECU  
7. Understanding and Serving Trauma Survivors: A Domestic Violence Trauma-Informed Approach -AHECU  
8. Understanding and Intersections of HIV/AIDS and Intimate Partner Violence -AHECU
9. Human Trafficking and Other Forms of Interpersonal Violence –AHECU

Additional Awareness Material

MUSC DPS offers an awareness video production on DVD entitled, “Speak Out and Stand Up: Raising Awareness About Sexual Assault”, which is a Security on Campus, Inc. (2012) production hosted by Twilight actress Kristen Stewart. This docudrama raises dialogue about sexual assault as a community issue. SOSU includes diverse student voices and experts in the field of sexual assault. Dramatized scenes highlight the impact of sexual assault on a victim as well as the important role of friends and bystanders. This video can be used to challenge students and employees to be active bystanders and work together to prevent sexual violence. For more information about how to obtain this informative video production, please contact the MUSC Clery Coordinator at (843)-792-3767 or click the following link to view this video on-line at https://youtu.be/4uLp9uObUjc

Warning Signs of Abusive Behavior and Future Attacks

No victim is ever to blame for being assaulted or abused. Unfortunately, a person who is the victim of sexual or dating violence is more likely to be re-victimized. Below are some tips to help reduce your risk, to recognize warnings signs of abusive behavior and how to avoid potential attacks:

Warning Signs of Abusive Behavior

Domestic and dating abuse often escalates from threats and verbal abuse to violence. And, while physical injury may be the most obvious danger, the emotional and psychological consequences of domestic and dating violence are also severe. Warning signs of dating and domestic violence include:

1. Being afraid of your partner.
2. Constantly watching what you say to avoid a “blow up.”
3. Feelings of low self-worth and helplessness about your relationship.
4. Feeling isolated from family or friends because of your relationship.
5. Hiding bruises or other injuries from family or friends.
6. Being prevented from working, studying, going home, and/or using technology (including your cell phone.)
7. Being monitored by your partner at home, work or school.
8. Being forced to do things you do not want to do.

Help Reduce Your Risk and Avoid Potential Attacks

If you are being abused or suspect that someone you know is being abused, speak up or intervene.
1. Get help by contacting the Counseling Center or Health Center for support services.
2. Learn how to look for “red flags” in relationships so you can learn to avoid some of those characteristics in future partners.
3. Consider making a report with the Department of Public Safety and ask for a “no contact” directive to prevent future contact.
4. Consider getting a protective order or restraining order.
5. Learn more about what behaviors constitute dating and domestic violence, understand it is not your fault, and talk with friends and family members about ways you can be supported.
6. Trust your instincts—if something does not feel right in a relationship, speak up or end it.

**Bystander Intervention**

Bystander intervention is defined as safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes:

- Recognizing situations of potential harm;
- Understanding institutional structures and cultural conditions that facilitate violence;
- Overcoming barriers to intervening;
- Identifying safe and effective intervention options; and
- Taking action to intervene.

A bystander is someone other than the victim who is present when an act of dating violence, domestic violence, stalking or sexual assault is occurring or when a situation is occurring in which a reasonable person feels as though some protective action is required to prevent sexual assault, dating violence, domestic violence or stalking. Bystanders, if active, can prevent harm or intervene before a situation gets worse. Examples of active bystander intervention include: not leaving an overly intoxicated person in a bar/party alone, walking a classmate to his/her car after class, calling police when a potentially violent situation is unfolding, not leaving an unconscious person alone (alerting a campus security authority, EMS, MUSC DPS, local police, etc.), or intervening when someone is being belittled, degraded or emotionally abused (walking victim away from abuser, contacting others for help, like BSIT, CAPS, EAP, Dean, Supervisor, CSA, etc.).

**Risk Reduction** is defined as options designed to...

- decrease perpetration and bystander inaction;
- increase empowerment for victims in order to promote safety; and
- help individuals and communities address conditions that facilitate violence.

**Some examples of risk reduction strategies:**

- Be aware of rape drugs
- Try not to leave your drink unattended
Only drink from un-opened containers or from drinks you have watched being made and poured
Avoid group drinks like punch bowls
Cover your drink. It is easy to slip in a small pill even while you are holding your drink. Hold a cup with your hand over the top, or choose drinks that are contained in a bottle and keep your thumb over the nozzle
If you feel extremely tired or drunk for no apparent reason, you may have been drugged. Find your friends and ask them to leave with you as soon as possible
If you suspect you have been drugged, go to a hospital and ask to be tested
Keep track of how many drinks you have had
Try to come and leave with a group of people you trust
Avoid giving out your personal information (phone number, where you live, etc.). If someone asks for your number, take his/her number instead of giving out yours

Traveling around campus (walking)

Make sure your cell phone is easily accessible and fully charged
Be familiar with where emergency phones are installed on the campus
Be aware of open buildings where you can use a phone
Keep some change accessible just in case you need to use a payphone
Take major, public paths rather than less populated shortcuts
Avoid dimly lit places and talk to campus services if lights need to be installed in an area
Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone
Walking back from the library very late at night is sometimes unavoidable, so try to walk with a friend
Carry a noisemaker (like a whistle) on your keychain
Carry a small flashlight on your keychain
If walking feels unsafe contact Public Safety at (843) 792-4196 for a Safety Escort

SEX OFFENDER REGISTRATION INFORMATION

Incarceration may remove a sex offender from the streets, but it does nothing to prevent the offender from committing another crime when released. The Adam Walsh Child Protection and Safety Act of 2006 provides for the registration and tracking of sex offenders. Institutions of higher education are required to issue a statement advising the campus community of where to obtain law enforcement agency information provided by a state concerning registered sex offenders. It also requires sex offenders already required to register in the State to provide notice, as required under State law, to each institution of higher education in that State at which the person is employed, carries on a vocation,
volunteers their services, or is a student. In South Carolina, convicted sex offenders must register with the County Sheriff’s Office where they reside.

In addition, all persons convicted of violations under the laws of the United States or any other state substantially similar to an offense that would require registration shall provide to the local agency all necessary information for inclusion in the State Sex Offender Registry within ten days of establishing a residence within South Carolina. Any person required to register shall also be required to re-register within ten days following any change of residence.

Nonresident offenders entering the State for employment, to carry on a vocation, or as a student attending school who are required to register in their state of residence or who would be required to register under this section if a resident of South Carolina shall, within ten days of accepting employment or enrolling in school in the State, be required to register and re-register pursuant to this section. For purposes of this section "student" means a person who is enrolled on a full-time or part-time basis, in any public or private educational institution, including any secondary school, trade or professional institution, or institution of higher education.

Pursuant to South Carolina Code Ann. Paragraph §23-3-400 et seq.: Information on all registered adult sex offenders age 17 and over is provided on the SLED Sex Offender site. Information also is provided on the site for registered sex offenders age 12-16 for committing certain offenses. Requests for information on any other registered offenders under age 17 must be evaluated to determine whether the requestor qualifies for information on additional offenses for offenders under age 17 as victims of or witnesses to the offense, public or private schools, child day care centers, family day care centers, businesses or organizations that primarily serve children, women, or vulnerable adults, or whether the offender, if age 11 or under, has a prior conviction or adjudication of delinquent. Completing this evaluation requires the requestor to complete and furnish a written request on a specified form to SLED or a Sheriff’s office.

A copy of this form may be obtained on-line and mailed or faxed to: Sex Offender Registry, c/o SLED, P.O. Box 21398, Columbia, S.C. 29221. The fax number is 803-896-7022. SLED maintains a system for making certain Registry information available by means of the Internet. The information made available includes the offender’s name; if the offender is considered a predator; the offender’s sex, race, age, date of birth, height, weight, eye, hair & skin color; last reported address, any scars, marks or tattoos, all aliases that he has used or under which he may have been known; the date of conviction, the statute violated; and photograph if available; The system is secure and is not capable of being altered except by or through SLED. The State Law Enforcement Division (SLED) website below allows you to search for offenders by Name, City, County, or Zip Code.

Registry information provided under law shall be used for the purposes of the administration of criminal justice, for the screening of current or prospective employees or volunteers or otherwise for the protection of the public in general and children in
particular. Use of the information for purposes not authorized by law is prohibited and a willful violation with the intent to harass or intimidate another can result in prosecution.

The release of such information does not violate the Family Educational Rights to Privacy Act (FERPA). For further information on Sex Offender Registration Information, please visit the SLED's Convicted Sex Offender site at http://scor.sled.sc.gov/ConditionsOfUse.Aspx Or, the South Carolina Offender Watch site at http://www.communitynotification.com/cap_main.php?office=54575

MISSING STUDENT NOTIFICATION

Medical University of South Carolina does not maintain any on campus student housing facilities; therefore they are exempt from reporting on this.

ANNUAL FIRE SAFETY REPORT

Medical University of South Carolina does not maintain any on campus student housing facilities; therefore they are exempt from reporting on this.

FIRE LOG

The Medical University of South Carolina does not have on campus student housing facilities.

CRIME STATISTICS


The MUSC DPS believes strongly that providing crime statistics is a part of crime awareness and increased crime awareness is a part of crime prevention. We believe that dissemination of this information is key to educating the MUSC Community about the occurrence of crime and will, therefore, help reduce the likelihood of students and others becoming victims.
Statistical Disclosure of Reported Incidents, Hate Crimes, Arrests and Referrals for Violation of Weapons, Drug and Liquor Laws

Incidents reported to the MUSC DPS that fall into one of the following required reporting classifications will be disclosed as a statistic in the Annual Security Report, which includes:

Reportable Clery Crimes
The criminal offenses that we are required to disclose statistics are murder/non-negligent manslaughter, negligent manslaughter, sexual assaults (rape, sodomy, fondling, incest, and statutory rape), robbery, aggravated assault, burglary, motor vehicle theft, and arson.

Hate Crimes
MUSC is required to report statistics for bias-related (hate) crimes by the type of bias as defined below for the following classifications: murder/non-negligent manslaughter, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny (theft), destruction/damage/vandalism of property, intimidation, and simple assault (see definitions below).

A hate crime is a criminal offense committed against a person or property that is motivated, in whole or in part, by the offender’s bias. Bias is a preformed attitude based on actual or perceived prejudice, negative opinion, or attitude toward a group of persons based on their race, gender, gender identity, religion, disability, sexual orientation, ethnicity, and/or national origin.

Domestic Violence, Dating Violence and Stalking Offenses
The Violence Against Women Reauthorization Act of 2013 (VAWA), added domestic violence, dating violence and stalking crimes to the Clery Act that MUSC is now required to report.

Arrests and Disciplinary Referrals for Violation of Weapons, Drug and Liquor Laws
MUSC is required to report separately arrests and disciplinary referrals for violation of weapons, drug and liquor laws: This category of crime statistics is the number of arrests and the number of persons referred for disciplinary action for the following law violations: liquor law violations, drug law violations and weapons law violations: carrying, possessing, distribution, etc.

MUSC is required to disclose statistics for the aforesaid offenses that occur on campus, in or on non-campus buildings or property owned or controlled by our school, and public property within or immediately adjacent to our campus.
Campus Geographic Location Definitions
Clery Geography is defined as including the areas that meet the definitions of campus, non-campus building or property, or public property.

Definition of Campus
The term "campus" means:

Any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and

Property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is used by students, and supports institutional purposes (such as a food or other retail vendor).

A Campus Map can be found at: [http://academicdepartments.musc.edu/oirr/forms/campusmap.pdf](http://academicdepartments.musc.edu/oirr/forms/campusmap.pdf) and is attached in Appendix B.

Medical University of South Carolina does not maintain any on campus student housing facilities.

Definition of Public Property
The term "public property" means all public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution's educational purposes.

Reported crime statistics do not include crimes that occur in privately owned homes or businesses on or adjacent to the Medical University campus.

Definition of Non-Campus
The term "non-campus building or property" means:
Any building or property owned or controlled by a student organization recognized by the institution; and any building or property (other than a branch campus) owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution's educational purposes, is used by students, and is not within the same reasonably contiguous geographic area of the institution.
The MUSC DPS handles criminal matters at all university-owned facilities located within a reasonable distance from the main campus. Matters occurring at properties that are more distant from the main campus are handled either entirely by the local law enforcement agency with jurisdiction (i.e. Charleston City Police or County Sheriff’s Departments) or handled by such agencies in conjunction with MUSC DPS. If one of the local law enforcement agencies responds or is contacted about criminal activity occurring off-campus involving MUSC students, they may notify the MUSC DPS. However, there are no official agency policies requiring such notification. Students in these cases may be subject to arrest by the local agencies and subject to university judicial proceedings through the Dean’s Office of their respective college.

Off-duty MUSC DPS law enforcement personnel, at the request of MUSC organizations sponsoring events (i.e. Student Government Association), provides security and law enforcement services at events and activities on and off campus. MUSC has no Athletic Stadiums, Coliseums, and/or Arenas.


DEFINITIONS OF REPORTABLE CRIMES

South Carolina State Laws
The following link provides a summary of applicable South Carolina laws of reportable crimes as they may relate to the crime definitions described in Sections A, B, C and D below. (This is not meant to be an exhaustive listing.) Click to follow link:
http://academicdepartments.musc.edu/vpfa/publicsafety/reports/j_clery_files/SC_Codes_Title_16.pdf

You may also visit the following link to view South Carolina Legislator Online - Code of Laws– Title 16, Crimes & Offenses: http://www.scstatehouse.gov/code/title16.php

Section A: Clery Crimes
Murder/Non-Negligent Manslaughter: the willful (non-negligent) killing of one human being by another. NOTE: Deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded.

Negligent Manslaughter: the killing of another person through gross negligence.
Sex Offenses:

Sexual Assault is defined as any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. Statistics include attempted Sexual Assaults but do not include any Sexual Assaults other than the four types of offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s UCR program:

1. Rape
The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

2. Fondling
The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

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

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

Sex Offense Definitions from the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Program

Robbery: the taking or attempting to take anything from value of the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault: an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife or other weapon is used that could or probably would result in a serious potential injury if the crime were successfully completed.
**Burglary:** The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

**Burglary vs. Larceny:** An incident must meet three conditions to be classified as a Burglary.

1. There must be evidence of unlawful entry (trespass). Both forcible entry and unlawful entry – no force are counted.
2. The unlawful entry must occur within a structure that is defined as having four walls, a roof, and a door.
3. The unlawful entry into a structure must show evidence that the entry was made in order to commit a felony or theft.

If the intent was not to commit a felony or theft, or if the intent cannot be determined, or if unlawful access can't be proven, the proper classification is Larceny.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access, even though the vehicles are later abandoned - including joy riding)

**Arson:** The willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another kind.

**Section B: Domestic Violence, Dating Violence, and Stalking Offenses**

The Violence Against Women Reauthorization Act of 2013 ("VAWA"), added domestic violence, dating violence and stalking crimes to the Clery Act that MUSC is now required to report:

**Domestic Violence**

The Violence Against Women Act defines the term “domestic violence” to mean a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies under VAWA, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

**Dating Violence**

The Violence Against Women Act defines the term “dating violence” to mean violence committed by a person who is or has been in a social relationship of a romantic or
intimate nature with the victim; where the existence of such a relationship is determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Stalking
The Violence Against Women Act defines the term “stalking” to mean “engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.”

“Course of conduct” would be defined to mean two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.

“Substantial emotional distress” would mean significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

“Reasonable person” would mean a reasonable person under similar circumstances and with similar identities to the victim.

Section C & D: Arrests and Referrals for Disciplinary Actions for Weapons Law Violations, Drug Law Violations, and Liquor Law Violations

Definitions

Section C: Arrests for Clery Act purposes, is defined as persons processed by arrest, citation or summons.

Section D: Referral for disciplinary action is defined as the referral of any person to any official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.

Weapon Law Violations
The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

Drug Abuse Violations
Violations of state and local laws relating to the unlawful possession, sale, use, growing,
manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

**Liquor Law Violations**

The violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

*Crime definitions from the Uniform Crime Reporting Handbook*

All weapon, drug and alcohol law violations should be reported to MUSC DPS, MUSC Department of Internal Audit Controlled Substance Investigator or to the appropriate Dean’s/HR office. MUSC DPS, Internal Audit or the appropriate Dean’s office staff will make tabulation of statistics from these referrals.

**Section E: Hate Crimes**

A Hate Crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim. Although there are many possible categories of bias, under the Clery Act, only the following eight categories are reported:

1. **Race.** A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, blacks or African Americans, whites.

2. **Religion.** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, Atheists.

3. **Sexual Orientation.** A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual Orientation is the term for a person’s physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.

4. **Gender.** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.

5. **Gender Identity.** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals. Gender non-conforming describes a person who
does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing makeup. A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such.

6. **Ethnicity.** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term “race” in that “race” refers to a grouping based mostly upon biological criteria, while “ethnicity” also encompasses additional cultural factors.

7. **National Origin.** A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.

8. **Disability.** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

Of the crimes described above and any other crime involving bodily injury to any person and the crimes of larceny-theft, simple assault, intimidation and vandalism (defined below), in which the victim is intentionally selected because of the actual or perceived race, gender, gender identity, religion, sexual orientation, ethnicity, national origin or disability of the victim that are reported to MUSC DPS, CSAs, or local police agency, the data shall be collected and reported according to category of prejudice.

**Larceny:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

**Vandalism:** To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

**Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

*Above definitions from the U.S. Department of Education, Office of Postsecondary Education,*
Section F: Unfounded Crime Reports

According to Uniform Crime Report (UCR) guidelines, a reported offense can be cleared as unfounded by a sworn law enforcement authority “if the investigation shows that no offense occurred nor was attempted.” These cases thus remain as official crime reports and are included in the departmental statistics; however, they are explicitly labeled as “unfounded” cases within UCR reports on the various index crimes. According to UCR guidelines, the statistics on unfounded cases should include crime reports that are either: False or Baseless.

Collection of Crime Statistics

The Medical University of South Carolina Department of Public Safety (MUSC DPS) is responsible for the collection of statistical crime data as required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. The MUSC DPS will review all MUSC DPS incident reports for accuracy and compliance with reporting guidelines established by the South Carolina Law Enforcement Division (SLED) and the FBI. Incidents of crime are entered daily into a computerized database and forwarded to SLED on a monthly basis.

The City of Charleston Police Department primarily provides crime information for criminal offenses (including attempts and unfounded reports) committed on-campus and for the area around the MUSC campus designated public property that is within the same reasonably contiguous geographic area of the institution. Charleston County Sheriff’s Office, S.C. Department of Health and Environmental Control, the South Carolina Department of Natural Resources Law Enforcement, S.C. Highway Patrol, and South Carolina Law Enforcement Division will also be requested to provide statistics for offense committed on-campus and on designated public property that is within the same reasonably contiguous geographic area of the institution.

For the purpose of this report, the MUSC DPS will also request and receive crime statistics compiled from a variety of local, city, and county and other law enforcement agencies from across the State of South Carolina, as well as from various law enforcement agencies from across the United States for crimes (including attempts and unfounded reports) that occurred within their respective jurisdictions in or on non-campus locations owned or controlled by the Institution or recognized student organizations.

Information for this report is also compiled from reports provided by campus security authorities (CSAs) (as previously stated) including, but not limited to, the Office of
Education and Student Life, the Provost of Students, the Deans and Associate Deans of the six colleges, MUSC department directors, heads and managers. MUSC DPS maintains a complete list of all identified Campus Security Authorities (CSAs).

MUSC DPS will prepare and forward all reports and statistics required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act to the Department of Education by October 1st of each year.

In addition, local law enforcement agencies (such as the City of Charleston Police Department) and campus security authorities (CSAs) are requested to notify the MUSC DPS immediately if a serious crime that may cause an ongoing threat to our campus community is reported to their department or area of responsibility. The institution has a responsibility to notify the campus community in a timely manner about any crimes on and immediately around the campus that pose an ongoing threat to the community.

As mentioned previously, MUSC DPS will make, keep, and maintain a daily crime log of all criminal activity on campus and contiguous geographical areas for a period of seven (7) years. This report will include the nature, date, and general location of each crime; and the disposition of the complaint, if known. Data for on campus criminal activity will be obtained from the MUSC Department of Public Safety incident reports. Data on criminal activity in contiguous geographic areas reported to MUSC DPS may also be collected from local law enforcement agencies such as the City of Charleston Police Department as well as CSAs. Hard copy information will be made available free of charge for public inspection at Public Safety Headquarters at 101 Doughty Street upon request during normal business hours.

Read or download the Daily Incident Log by visiting:
http://academicdepartments.musc.edu/vpfa/publicsafety/reports/daily_incident.htm
CAMPUS CRIME STATISTICS

Section A: Clery Act Crimes

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</table>

The Medical University of South Carolina does not maintain any student housing facilities on-campus.

*Special Note: The guidance on counting sexual assaults provided in the Handbook for Campus Safety and Security Reporting 2016 Edition (p. 3-8), requires that each incident of sexual assault be counted separately in the statistical report. The 2017 count reflects a significant increase in incidents of Fondling. MUSC offers further clarification below:

The Fondling count for 2017, in part, reflects 5 separate incidents involving the same two parties, which were cumulatively reported at a later time. Another 5 incidents are reflective of the actions of one perpetrator, 2 of which were reported simultaneously, and 3 of which were discovered during the investigation phase of the report. None of the reported incidents involved students.

Section B: VAWA Offenses:

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The Medical University of South Carolina does not maintain any student housing facilities on-campus.
Section C: Arrests:

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</table>

The Medical University of South Carolina does not maintain any student housing facilities on-campus.

** The 2017 Annual Security Report contained a reporting error in the number of on-campus Arrests for Drug Law Violations for 2016. MUSC mistakenly reported three (3) such arrests for 2016, but the three (3) arrests actually occurred in 2017. The above referenced On-Campus Drug Law Violations column for 2016 has been amended from three (3) to zero (0) arrests to reflect the correction.

Section D: Referrals for Disciplinary Action:

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</table>

The Medical University of South Carolina does not maintain any student housing facilities on-campus.

** The 2017 Annual Security Report contained a reporting error in the number of Disciplinary Referrals for Drug Law Violations for 2016. A review of on-campus incidents determined that one (1) of the three (3) reported referrals for 2016 was a referral for a policy violation, not a law violation, and the other reported violation occurred on private property and not on or within MUSC's Clery Geography. The above referenced On-Campus Drug Law Violations column for 2016 has been amended from three (3) to one (1) referrals to reflect the correction.

Section E: Hate Crime Statistical Data for Sections A & B:

2017: One (1) incident of [Attempted] Aggravated Assault occurred on Public Property, characterized by Race, was reported for the Medical University of South Carolina DPS during calendar year 2017.

2016: Zero (0) hate crimes, as defined by applicable federal law, were reported for the Medical University of South Carolina during calendar year 2016.

2015: Zero (0) hate crimes, as defined by applicable federal law, were reported for the Medical University of South Carolina during calendar year 2015.
Section F: Statistical Data for Unfounded Crime Reports

The total number of **Unfounded** crimes below include all criminal offenses (Clery Crimes), hate crimes, domestic violence, dating violence, or stalking incidents that have been unfounded. *Arrests and disciplinary actions cannot be unfounded.

**2017:** There were six (6) unfounded crimes 2017

**2016:** There were three (3) unfounded crimes 2016.

**2015:** There were four (4) unfounded crimes 2015.

NOTE: All unfounded crime reports are by a sworn law enforcement officer of the MUSC Department of Public Safety.

**CRIME STATISTICS FOR THE STATE OF SOUTH CAROLINA**

Persons wishing to view annual Crime Statistics for the State of South Carolina can be found on the South Carolina State Law Enforcement Division (SLED) web site entitled “Crime Reporting and Statistics” via their web site link at:  
Appendices

Appendix A       Clery History by Year
Appendix B       MUSC Campus Map
Appendix C       MUSC Update Boundary, 2018
Appendix D       State Alcohol Offenses
Appendix E       Local Alcohol Offenses
Appendix F       State Drug Offenses
Appendix G       Local Drug Offenses
Appendix H       Federal Drug Offenses
Appendix I       Weapon Offenses
Appendix J       Guide to the Resolution of Reports of Prohibited Conduct/ Rights
## APPENDIX A

### Clery Act History (1990-2013)

<table>
<thead>
<tr>
<th>Year</th>
<th>Title</th>
<th>Provisions</th>
</tr>
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<tbody>
<tr>
<td>1990</td>
<td>Student Right-To-Know and Campus Security Act; Crime Awareness and Campus Security Act of 1990, Title II of Public Law: 101-542 (S. 580)</td>
<td>Required institutions of higher education participating in federal student aid programs to disclose 3 years worth of campus crime statistics and security policies.</td>
</tr>
<tr>
<td>1992</td>
<td>Higher Education Amendments of 1992; Section 486 (c) of Public Law: 102-325 (S. 1150) Search Thomas Law library 102 Congress using the term &quot;Higher Education Amendments of 1992&quot;</td>
<td>Broadened sexual assault reporting and added required sexual assault policy statements. Specified effective dates of initial collection and dissemination requirements.</td>
</tr>
<tr>
<td>2000</td>
<td>Victims of Trafficking and Violence Protection Act of 2000; Campus Sex Crimes Prevention Act; Section 1601 of Public Law: 106-386 (H.R. 3244)</td>
<td>Added notice of where public sex offender registration information about offenders on campus may be obtained.</td>
</tr>
<tr>
<td>2013</td>
<td>Violence Against Women Reauthorization Act (VAWA) of 2013; Campus sexual violence, domestic violence, dating violence, and stalking education and prevention; Public Law: 113-4</td>
<td>Officials handling disciplinary proceedings would be required to receive annual trainings, and campus crime reports would be expanded to include domestic/dating violence and stalking. Addition of ongoing prevention programs for domestic/dating violence and stalking. Defined policies in place for the handling of domestic/dating violence and stalking.</td>
</tr>
</tbody>
</table>
Appendix C

MUSC DPS Patrol Jurisdiction

Created by GIU (28072) on August 27, 2018
Source: RMS Database
Appendix D

South Carolina Code of Laws
Alcoholic Beverages
ALCOHOL - DISTILLERIES, ETC.

Class B or C Misdemeanor Code §§61-6-4100 to 61-6-4120
CDR Codes 986-991, 2300-2301, 2371

Elements Of The Offense

1. That the accused did (any one or more of the following):

a. Manufacture, sell, give, or possess a distillery or any integral part thereof, or any device for the purpose of manufacturing alcoholic liquors in violation of the law. (§61-6-4100)
b. Knowingly permit or allow another person to have or possess or locate on the accuser’s premises, any apparatus for distilling or manufacturing alcoholic liquors. (§61-6-4110)
c. Make, transport, possess or knowingly permit upon his premises any mash, wort, wash, buck or other similar material commonly used in the manufacturing of alcoholic liquors. (§61-6-4120)

Penalty:

1st offense - fine of not less than $600 or imprisonment for 6 months.
2nd offense - fine of $1,500 or imprisonment for 1 year.
3rd or subsequent offense - fine of $3,000 or imprisonment for 2 years.

BEER, WINE, ETC. - PERSONS UNDER AGE 21

Misdemeanor Code §§61-4-50, 61-4-60, 61-4-80 and 63-19-2440
CDR Codes 240, 602, 604, 1257, 3294, 3295

Elements Of The Offense:

A. That the accused did sell beer, ale, porter, wine or other similar malt or fermented beverage to a person under the age of 21. (§61-4-50)
B. That the accused did knowingly give false information concerning his age for the purpose of purchasing beer or wine. (§61-4-60)

OR

C. That the accused did purchase beer or wine and give to a person not legally qualified to purchase same, for consumption while on licensed premises, (§61-4-80)

OR

D. 1. That the accused was a person under the age of 21.
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2. That he did purchase, attempt to purchase, consume, or knowingly possess any beer, ale, porter, wine or similar malt or fermented beverage. (§63-19-2440)

Penalties:
§61-4-50 – for a 1st offense a fine of $200 to $300 or imprisonment of 30 days, or both, and successful completion of a DAODAS approved merchant alcohol program; for a 2nd or subsequent offense a fine of $400 to $500 or imprisonment of 30 days, or both, and successful completion of a DAODAS approved merchant alcohol program.

§61-4-60 – fine not less than $100 nor more than $200, or imprisonment for not more than 30 days, or both. Also, suspension of driver's license for a period of 120 days for a first offense, and a period of 1 year for second or subsequent offenses (see §56-1-746).

§61-4-80 – for a 1st offense a fine not less than $200 nor more than $300, or imprisonment for not more than 30 days, or both; for a 2nd or subsequent offense a fine not less than $400 nor more than $500, or imprisonment for not more than 30 days, or both.

§63-19-2440 - fine of not less than $100 or more than $200, or imprisonment for not more than 30 days, or both, and successful completion of a DAODAS approved alcohol prevention education or intervention program. Also, suspension of driver's license for a period of 120 days for a first offense, and a period of one year for a second or subsequent offense (see §56-1-746). This section does not apply to a person under the age of 21 years who is recruited and authorized by a law enforcement agency to test an establishment’s compliance with the laws.

BEER, WINE, ETC. - TAX LEVY

Misdemeanor

Code §61-4-20

CDR Code 608

Elements Of The Offense:

1. That the accused did sell or did permit to be sold, any beer, wine, ale, malt or other beverage on which the tax levied had not been paid.

Penalty:
Fine of not less than $25 nor more than $100 or imprisonment for not less than 10 days nor more than 30 days.

DRIVING UNDER THE INFLUENCE (DUI) OF INTOXICATING LIQUORS, ETC.

Class F Felony, Class A or C Misdemeanor

Code §56-5-2930

CDR Codes 623, 163-165

Elements Of the Offense:
1. That the accused was under the influence of alcohol to the extent that the person’s faculties to drive are materially and appreciably impaired; and
2. That the accused did drive any vehicle within this State.

OR

1. That the accused was under the influence of any other drug or a combination of other drugs or substances which cause impairment to the extent that the person’s faculties to drive are materially and appreciably impaired; or
2. That the accused while under the combined influence of alcohol and any other drugs, or drugs, or substances which cause impairment to the extent that the person’s faculties to drive are materially and appreciably impaired; and
3. Did drive a motor vehicle within this State.

NOTE: "Faculties" must include both mental and physical faculties. The State of South Carolina vs. Sheppard, 288 S.C. 464 (1966).

The offense is exactly the same, whether the driver’s condition resulted from the ingestion of alcohol or drugs or both of them.

To establish corpus delicti of offense of driving under the influence (DUI), state must present evidence establishing (1) driving of a vehicle; (2) within State; (3) while under the influence of intoxicating liquors, or drugs. State v. Smith, 328 S.C. 622, 493 S. E.2d 506 (Ct. App. 1997).

It must be shown that the defendant was driving a motor vehicle while under the influence. This requires more than just sitting behind the steering wheel of an automobile. To constitute the offense, the law requires that the vehicle be in motion while the defendant is driving.

In State v. Graves, 269 S.C. 356, 237 S.E.2d 584 (1977), it was held that the word "drive" requires the vehicle to be in motion to constitute an offense under §56-6-2930. It was further held that the requirement of showing the vehicle was in motion must be shown by either direct or circumstantial evidence. In Graves, a patrolman found the defendant leaning over the steering wheel asleep with the engine running and transmission in gear. The defendant’s conviction was reversed since there was no showing by direct or circumstantial evidence that the defendant had placed his vehicle in motion while under the influence of intoxicants.

In State v. Gilliam, 270 S.C. 345, 242 S.E.2d 410 (1978), a tow truck operator found the defendant alone on the passenger side of a wrecked automobile which had gone down an embankment. Since there was evidence that the defendant admitted he was driving at the time of the accident the conviction was upheld.

Penalty: §56-5-2940

(1) By a fine of $400 or imprisonment for not less than 48 hours nor more than 30 days, for the first offense; provided, that in lieu of the 48 hour minimum imprisonment the court may provide for 48 hours of public service employment. The minimum 48 hour
imprisonment or public service employment shall be served at a time when the person is off from work and shall not interfere with his regular employment under such terms and conditions as the court deems proper; provided, further, that the court may not compel an offender to perform public service employment in lieu of the minimum sentence.

(2) By a fine of not less than $2,100 dollars nor more than $5,100 and imprisonment for not less than 5 days nor more than 1 year for the second offense. However, the fine imposed by this item shall not be suspended in an amount less than $1,100. In lieu of service of imprisonment, the court may require that the individual complete an appropriate term of public service employment of not less than 30 days upon terms and conditions the court considers proper;

(3) By a fine of not less than $3,800 nor more than $6,300 and imprisonment for not less than 60 days nor more than 3 years, for the third offense;

(4) Imprisonment for not less than 1 year nor more than 5 years for a fourth offense or subsequent offense.

No part of the minimum sentences provided in this section may be suspended. The court may provide instead of service other sentences provided in this section. For a third or subsequent offense or for a violation of §56-5-2945 for great bodily injury, the service of the minimum sentence is mandatory. However, the judge may provide for the sentence to be served upon terms and conditions as he considers proper including, but not limited to, weekend service or nighttime service in any fashion he considers necessary.

The fine for a first offense may not be suspended. The court is prohibited from suspending a monetary fine below that of the next preceding minimum monetary fine.

For the purposes of this chapter any conviction, entry of a plea of guilty or of nolo contendere, or forfeiture of bail for the violation of any law or ordinance of this or any other state or any municipality of this or any other state that prohibits a person from operating a motor vehicle while under the influence of intoxicating liquor, drugs, or narcotics constitutes a prior offense for the purpose of any prosecution for any subsequent violation hereof. Only those violations which occurred within a period of ten years including and immediately preceding the date of the last violation constitute prior violations within the meaning of this section.

Upon imposition of a sentence of public service, the defendant may apply to the court to be allowed to perform his public service in his county of residence if he has been sentenced to public service in a county where he does not reside.

One hundred dollars of each fine imposed pursuant to this section must be placed by the Comptroller General into a special restricted account to be used by the Department of Public Safety for the Highway Patrol.

Two hundred dollars of the fine imposed pursuant to subsection (3) must be placed by the Comptroller General into a special restricted account to be used by the State Law Enforcement Division to offset the costs of administration of the datamaster, breath testing site video program, ignition interlock provisions, and toxicology laboratory.
EMPLOYMENT OF A PERSON UNDER 21 IN LIQUOR BUSINESS

Misdemeanor

Code §61-6-4140

CDR Codes 601, 238 - 239

Elements Of The Offense:

A. That the accused did knowingly employ a person under the age of 21 to work as an employee in a retail, or wholesale, or manufacturing liquor business,

OR

B. 1. That the accused was under 21 years of age, and

2. That the accused did work as an employee in a retail, or wholesale, or manufacturing liquor business.

Penalty:

1st offense - fine of $100 or imprisonment for 30 days.
2nd offense - fine of $200 or imprisonment for 60 days.
3rd or subsequent offense - fine of $300 or imprisonment for 90 days.

OPEN CONTAINERS OF BEER AND WINE IN MOVING VEHICLES

Misdemeanor

Code § 61-4-110

CDR Code 660

Elements Of The Offense:

1. That the accused did have in his possession any beer or wine in an open container in a moving vehicle of any kind while located upon the public highways or highway rights of way of this state, except in the trunk or luggage compartment.

Penalty:

Fine of not more than $100 or imprisonment for not more than 30 days.

PURCHASE OF LIQUOR BY PERSON UNDER 21 OR MISREPRESENTATION OF AGE

Misdemeanor

Code §63-19-2450

CDR Codes 2460, 1259

Elements Of The Offense:

A. That the accused, under 21 years of age did purchase, attempt to purchase, consume, or knowingly possess alcoholic liquors,

OR

v
Appendix D

B. That the accused, under 21 years of age did falsely represent his age for the purpose of procuring alcoholic liquors.

Penalty:
Fine of not less than $100 nor more than $200 or imprisonment for not more than 30 days, or both, and successful completion of a DAODAS approved alcohol education prevention or intervention program. Also, suspension of driver's license for a period of 120 days for a first offense, and a period of one year for second or subsequent offenses (§56-1-746). This section does not apply to a person under the age of 21 years who is recruited and authorized by a law enforcement agency to test an establishment’s compliance with the laws.

SALE OF LIQUOR TO PERSONS UNDER AGE OF 21
Misdemeanor Code §61-6-4080 CDR Code 230

Elements Of The Offense:
1. That the accused did knowingly sell alcoholic liquors to a minor.

Penalty:
Fine of not less than $100 nor more than $200 or imprisonment from not less than 30 days nor more than 60 days, or both.

Failure of a person to require identification to verify a person's age is prima facie evidence of a violation of this section.

TRANSPORTING LIQUORS WITH BROKEN CAPS OR SEALS
Misdemeanor Code §61-6-4020 CDR Code 607

Elements Of The Offense:
1. That the accused did transport alcoholic liquor in a motor vehicle, and
2. That the cap or seal on the container was opened or broken, and
3. That the alcoholic liquor was not in the luggage compartment or cargo area.

Penalty:
Fine of not more than $100 or imprisonment for not more than 30 days.

UNLAWFUL PURCHASE OF ALCOHOLIC LIQUOR - GENERALLY
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Unclassified Misdemeanor

Elements Of The Offense:

1. That the accused did purchase or otherwise procure any alcoholic liquor from anyone other than a licensed dealer in the State.

Penalty:

1st offense - fine of $100 or imprisonment for 30 days.
2nd offense - fine of $200 or imprisonment for 60 days.
3rd or subsequent offense - fine of $300 or imprisonment for 90 days.

UNLAWFUL SALE OR MANUFACTURE OF LIQUOR - GENERALLY

Class B or C Misdemeanor

Elements Of The Offense:

A. 1. That the accused did manufacture, store, keep, receive, have in possession, transport, ship, buy, sell, barter, exchange, or deliver any alcoholic liquors.
2. That the alcoholic liquors were not acquired in a legal manner.

OR

B. 1. That the accused did accept, receive, or have in his possession any alcoholic liquors.
2. That the alcoholic liquors were for an unlawful use.

Penalty:

1st offense - fine of not less than $600 or imprisonment for 6 months.
2nd offense - fine of $1,500 or imprisonment for 1 year.
3rd or subsequent offense - fine of $3,000 or imprisonment for 2 years.

UNLAWFUL STORAGE OR POSSESSION OF ALCOHOLIC LIQUORS

Class B or C Misdemeanor

Elements Of The Offense:

1. That the accused did store or have in his possession any alcoholic liquors in his place of business other than a licensed liquor store.
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Note: A "place of business" includes: (1) a place where goods, wares, or merchandise are sold, offered for sale, or distributed, and also places of amusement; (2) residences and transportation vehicles when sale of merchandise is made therefrom; and (3) outbuildings, warehouses, and garages when adjacent to or used in connection with a place of business where goods, wares, or merchandise are sold, offered for sale, or distributed.

Penalty:

1st offense - fine of $200 or imprisonment for 60 days.
2nd offense - fine of $1,000 or imprisonment for 1 year.
3rd or subsequent offense - fine of $2,000 or imprisonment for 2 years.

UNLAWFUL STORAGE OR TRANSPORTATION OF ILLEGAL ALCOHOLIC LIQUORS

Class B or C Misdemeanor Code §61-6-4025
CDR Codes 249-251

Elements Of The Offense:

1. That the accused did keep, store, have in possession, carry, ship, or transport in any vehicle, vessel, aircraft or other chattel, any alcoholic liquor.
2. That the alcoholic liquor was unlawfully acquired or manufactured, or that it did not bear the proper Federal and South Carolina revenue stamps.

Penalty:

1st offense - fine of not less than $600 or imprisonment for 6 months.
2nd offense - fine of $1,500 or imprisonment for 1 year.
3rd or subsequent offense - fine of $3,000 or imprisonment of 2 years.

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Appendix E

City of Charleston, South Carolina - Code of Ordinances
Alcohol Related Offenses

Sec. 21-163. - Public intoxication.
No person shall be intoxicated in a public place, whether such intoxication results from
alcohol, drugs or other intoxicants.
(Code 1975, § 37-50; Ord. No. 2012-399, § 1, 11-13-12)
Cross reference— Alcoholic beverages, Ch. 3.
Chapter 3 - ALCOHOLIC BEVERAGES
Footnotes:
--- (1) ---
Cross reference— Licenses, permits and miscellaneous business regulations, Ch. 17;
drunkenness in public, § 21-163.
State Law reference— Preemption of field as to alcoholic beverages, suspension of certain
local ordinances, S.C. Code 1976, § 61-13-760; municipal police officers' powers as to
ARTICLE I. - IN GENERAL
Footnotes:
--- (2) ---
§§ 3-1—3-5, in its entirety to read as herein set out. Former Art. I pertained to general
provisions relating to alcoholic beverages and derived from the Code of 1975; this
Sec. 3-1. - Beer, ale, porter and wine defined.
Beer, ale, porter and wine shall be defined for purposes of this section as stated in Section
61-4-10 of the Code of Laws of South Carolina 1976, as amended from time to time.
(Ord. No. 2000-165, § 2, 7-18-00)
Sec. 3-2. - Prohibited operation.
Commercial establishments which allow for the on-premises consumption of beer, ale,
porter and/or wine shall be prohibited from operating between the hours 2:00 a.m. and 6:00
a.m. on Mondays through Saturdays.
(Ord. No. 2000-165, § 3, 7-18-00)
Secs. 3-3—3-15. - Reserved.
ARTICLE II. - WINE AND BEER
Sec. 3-16. - Hours of sale restricted.

It shall be unlawful within the city for the owner or person in charge of any store, beer parlor or other place of business or commercial establishment to sell, give away or, in any manner, dispense or permit the consumption of any wines or malt liquors in such store, beer parlor or other place of business or commercial establishment between the hours of 1:30 a.m. and 7:00 a.m.; provided, however, that, any establishment licensed pursuant to S.C. Code 1976, section 61-5-10 et seq., shall be authorized to sell such products during those hours in which the sale of alcoholic beverages in containers of two (2) ounces or less is lawful.

(Code 1975, § 3-9)

Sec. 3-17. - Sunday sales prohibited.

It shall be unlawful for any person to sell, or offer for sale, any wine or beer in the city between the hours of 12:00 midnight Saturday night and sunrise on Monday morning; provided, however, that any establishment licensed pursuant to S.C. Code 1976, section 61-5-10 et seq. shall be authorized to sell such products during those hours in which the sale of alcoholic beverages in containers of two (2) ounces or less is lawful.

(Code 1975, § 3-10)

Secs. 3-18—3-30. - Reserved.

ARTICLE III. - TRANSPORTATION OF BEVERAGES IN OPEN CONTAINERS AND PUBLIC CONSUMPTION[3]

Footnotes:

--- (3) ---


Sec. 3-31. - Restricted.

No person shall transport or possess on his person or in a motor vehicle any beer, wine, or alcoholic beverage in an open container, nor consume any beer, wine, or alcoholic beverage in or upon the streets, sidewalks, alleys, or public ways of the city, except as provided in this article.

(Ord. No. 1977-86, § 1, 12-20-77; Ord. No. 1983-15, § 1, 3-22-83)

Sec. 3-32. - Permit for transporting, etc., beverages in open containers and consumption at group functions—Required.

(a) No person shall possess, carry, or transport any beer, wine, or alcoholic beverage in an open container, nor consume any beer, wine, or alcoholic beverage in or upon streets, sidewalks, parks, playgrounds, alleys, public ways, or upon any private parking lot that is open for the public’s use, except with the permission or consent of the owner, or at a group function, a permit for which has been obtained from the chief of police as provided in this article.
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(b) It shall be unlawful for any person to possess alcoholic beverages, beer or wine, upon the premises of the Gaillord Municipal Auditorium, unless the same has been obtained on or brought to the premises under a permit from the city. The director of special facilities may refuse a permit for the use of alcoholic beverages, beer or wine upon the premises of the auditorium where it can be reasonably expected that a large portion of the audience will be below the legal drinking age or when public safety requirements justify careful control of alcohol consumption upon the premises.


Cross reference—Licenses, permits and miscellaneous business regulations, Ch. 17.

Sec. 3-33. - Same—Application generally.
(a) A person seeking issuance of a permit to consume or possess alcoholic beverages required by section 3-32 of this article shall file an application with the chief of police on forms provided by him. An application for a permit shall be filed with the chief of police not less than three (3) days nor more than thirty (30) days before the date on which the proposed activity is to take place.

(b) The chief of police, where good cause is shown therefor, shall have the authority to consider any application hereunder which is filed less than three (3) days before the date such activity is proposed to be conducted.

(Ord. No. 1977-86, §§ 3, 5, 12-20-77)

Sec. 3-34. - Same—Application contents.
The application for a permit required by section 3-32 of this article shall set forth the following information:

(1) The name, address, and telephone number of the person seeking the permit.

(2) The name, address, and telephone number of the headquarters of the organization or association requesting the permit and of the authorizing and responsible head of such organization or association.

(3) The name, address, and telephone number of the person who will be the chairman and who will be responsible for the conduct of the activity.

(4) The date when the activity is to be conducted.

(5) The specific location of the activity proposed.

(6) The approximate number of persons who will participate in the activity.

(7) The hours when such activity will start and terminate.

(8) Any additional information which the chief of police shall find reasonably necessary to a fair determination as to whether a permit should be issued.
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(Ord. No. 1977-86, § 4, 12-20-77)

Sec. 3-35. - Same—Action upon application.

The chief of police shall act upon the application for a permit required by section 3-32 of this article within two (2) days after the filing thereof. If the chief of police disapproves the application, he shall mail to the applicant within two (2) days after the date upon which the application was filed a notice of his action, stating the reasons for his denial of the permit.

(Ord. No. 1977-86, § 6, 12-20-77)

Sec. 3-36. - Same—Issuance upon certain findings.

The chief of police shall issue a permit as provided for under section 3-32 of this article when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:

1. The conduct of the activity proposed will not substantially interrupt the safe and orderly activity of the park and playground in question or the safe and orderly movement of traffic, pedestrian and vehicular.

2. The conduct of the activity will not require the diversion of so great a number of police officers of the city to properly police the activity so as to prevent normal police protection to the city.

3. The concentration of persons at the activity will not unduly interfere with proper utilization of the parks and playgrounds or with proper fire and police protection of the parks and playgrounds and areas contiguous to such areas.

4. The conduct of the activity is not reasonably likely to cause injury of persons or property, to provoke disorderly conduct or create a disturbance.

5. The conduct of the activity is not reasonably likely to cause littering or a health hazard to the citizens of the city.

(Ord. No. 1977-86, § 7, 12-20-77)

Sec. 3-37. - Same—Issuance for activity during certain times prohibited.

No permit shall be granted under this article for an activity to convene before 9:00 a.m. or terminate after 8:00 p.m.

(Ord. No. 1977-86, § 8, 12-20-77)

Sec. 3-38. - Same—Appeal from denial.

Any person aggrieved shall have the right to appeal the denial of a permit required by section 3-32 of this article to city council. The appeal shall be taken within forty-eight (48) hours after notice. The city council shall act upon the appeal at its next regularly scheduled meeting, but no later than twenty (20) days from the time of receipt of the appeal.
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(Ord. No. 1977-86, § 9, 12-20-77)

Sec. 3-39. - Same—Chief of police's authority to offer alternative permit.

The chief of police, in denying an application for a permit required by section 3-32 of this article, shall be empowered to authorize the activity on a day, at a time, or at a different location from that named by the applicant. An applicant desiring to accept an alternate permit shall, within two (2) days after notice of the action of the chief of police, file a written notice of acceptance with the chief of police. An alternate permit shall conform to the requirements of and shall have the effect of a permit required by such section 3-32.

(Ord. No. 1977-86, § 10, 12-20-77)

Sec. 3-40. - Same—Notice to other city officials upon issuance.

Immediately upon the issuance of a permit the chief of police shall send a copy thereof to the mayor, the fire chief, the director of the department of leisure services, and any other city officials affected thereby.

(Ord. No. 1977-86, § 11, 12-20-77)

Sec. 3-41. - Same—Revocation.

The chief of police shall have the authority to revoke a permit required by section 3-32 of this article upon violation of the standards for issuance as set forth in section 3-36 of this article.

(Ord. No. 1977-86, § 12, 12-20-77)
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Sec. 3-42. - Same—Activity chairman or leader to have permit upon person during conduct of activity.

The activity chairman or other person heading or leading an activity for which a permit is required by section 3-32 of this article shall carry the permit upon his person during the conduct of the activity.

(Ord. No. 1977-86, § 13, 12-20-77)

Sec. 3-43. - Same—Permittees required to comply with terms of permit and applicable laws and ordinances.

A permittee under section 3-32 of this article shall comply with all permit directions and conditions and with all applicable laws and ordinances.

(Ord. No. 1977-86, § 14, 12-20)
South Carolina Code of Laws
Poisons, Drugs, and Other Controlled Substances

1. Generally

The Department of Health and Environmental Control has the responsibility of forming rules and regulations concerning all aspects of controlled substances as defined in Title 44, Chapter 53 of the 1976 Code. SLED shall have the primary responsibility of enforcing the rules of the Department pertaining to controlled substances and shall cooperate with all State and Federal agencies which have similar responsibilities.

The Department has established schedules listing certain substances which are to be controlled. The schedules have been established and divided on the criteria of: potential for abuse of the substance; possible medical use in treatment; and considerations of the effects of the use of such substances. Substances which the Department deems extremely dangerous are listed in Schedule I, less dangerous substances in Schedule II, etc. There are five such schedules found in §§44-53-190, 210, 230, 250, and 270.

The most common and important laws and penalties for violations thereof are discussed under their appropriate code section designations. For definitions of terms used in this chapter, refer to §44-53-110. Special note should be taken of §44-53-500 which describes the procedure for issuance and execution of administrative inspection warrants, and §44-53-570 which deals with service of search warrants, day or night. Also note §44-53-450 which deals with conditional discharge for first offenses under this chapter.

Chapter 53 of the 1976 Code is a complicated section which should be closely examined for final authority on all drug related matters. The following discussion of the various offenses in Chapter 53 has been simplified as much as possible so as to give an understandable overview of the subject.

AROMATIC HYDROCARBONS (GLUE SNIFFING)

Unclassified Misdemeanor

Code §44-53-1110

CDR Code 0632

Elements of the Offense:

1. That the accused did intentionally smell or inhale the fumes from any substance containing aromatic hydrocarbons, and

2. That the smelling or inhaling was done for the purpose of causing a condition of intoxication, inebriation, excitement, stupefaction, or the dulling of the brain or nervous system.

Note:
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This section should not be interpreted as applying to the inhalation of any anesthesia for medical or dental purposes.

The accused must smell the substance with the intent of causing one of the conditions in "2" above. It would not be a violation if one of the conditions listed occurred as a result of merely working with or around a substance such as glue, paint thinner, or any other substance containing aromatic hydrocarbons.

Penalty:
Fine of not more than $100, or imprisonment for not more than 30 days. (§44-53-1130).

CONDITIONAL DISCHARGE FOR FIRST OFFENSE

Code §44-53-450

A. Whenever any person who has not previously been convicted in this state or any other state for violations of laws relating to marijuana or other non-narcotic drugs (narcotic drugs are found in Schedule I (b) and (c) of §44-53-190 and Schedule II, §44-53-230) pleads guilty to or is found guilty of possession of a controlled substance (see §44-53-370), the court, without entering a judgment and with the consent of the accused, may defer further proceedings and place him on probation upon terms and conditions which the court deems appropriate. If these terms and conditions are violated, the court may enter an adjudication of guilt and proceed accordingly. Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal under this section may occur only once with respect to any person.

B. Upon dismissal or discharge under this section, the accused, if under the age of 25 at the time of the offense, may apply to the court for an order to remove from all official records any mention of his arrest and the subsequent proceedings. The effect of such an order, if granted, shall be to restore such person, in the eyes of the law, to the status he occupied before such arrest.

DISTRIBUTION TO PERSONS UNDER EIGHTEEN

Class C or E Felony
Code §44-53-440
CDR Codes 293, 2363

Elements Of The Offense:

A. 1. That the accused was eighteen years of age or over, and

2. That the accused did distribute a narcotic drug or LSD or crack cocaine to a person under eighteen years of age,
OR

B. 1. That the accused was eighteen years of age or over, and

2. That the accused did distribute any controlled substance other than a narcotic drug or LSD to a person under eighteen years of age.

Penalty:

For violating "A" above - Fine not to exceed $30,000, or imprisonment for not more than 20 years, or both. The sentence may not be suspended and probation may not be granted.

For violating "B" above - Fine of not more than $10,000, or imprisonment for not more than 10 years, or both.

**DISTRIBUTION WITHIN PROXIMITY OF SCHOOL**

Class E Felony or Class C Misdemeanor

Code §44-53-445

CDR Codes 107-108, 892

Elements Of The Offense:

1. That the accused did distribute, sell, purchase, manufacture, or unlawfully possess with intent to distribute a controlled substance.

2. That the offense occurred within a one-half mile radius of the grounds of a public or private elementary, middle, or secondary school; a public playground or park; a public vocational or trade school or technical educational center; or a public or private college or university.

Penalty:

Fine not to exceed $10,000, or imprisonment for not more than 10 years, or both.

When the violation involves the distribution, sale, manufacture, or possession with intent to distribute crack cocaine - Fine not to exceed $10,000 and imprisonment for not less than 10 years nor more than 15 years.

When the violation involves only the purchase of a controlled substance, including crack cocaine - Fine of not more than $1,000 or imprisonment for not more than 1 year, or both.

**POSSSESSION, MANUFACTURE, AND TRAFFICKING:**

**METHAMPHETAMINE AND COCAINE BASE**

Felony

Code §44-53-375

CDR Codes 349, 368-370, 392, 450-452,
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3014-3017, 3039, 3133, 3198-3200

Element Of The Offense:

1. That the accused manufactured, distributed, dispensed, delivered, purchased or possessed with the intent to distribute, dispense, OR deliver methamphetamine or cocaine base. Possession of one or more grams is prima facie evidence of a violation.

Penalty:

1st offense - fine of not more than $25,000 or imprisonment for not more than 15 years, or both.

2nd offense, or if the offender has been convicted of 1 or more offense relating to narcotic drugs - fine of not more than $50,000 or imprisonment for not less than 5 years nor more than 30 years, or both.

3rd or subsequent offense, or if the offender has been convicted of 2 or more offenses relating to narcotic drugs - fine of not more than $50,000 dollars or imprisonment for not less than 15 years nor more than 30 years, or both.

OBTAINING CERTAIN DRUGS, PREPARATIONS OR COMPOUNDS
BY FRAUD, DECEIT, ETC.

Class B Misdemeanor, Class F Felony

Elements Of The Offense:

1. That the accused did obtain, or attempt to obtain, "a drug or device as defined by §39-23-20. . ." or any pharmaceutical preparation, chemical, chemical compound restricted to sale at retail, and

2. That such substances were obtained by:

   a. fraud, deceit, misrepresentation, or subterfuge, or
   b. the forgery or alteration of a prescription, or
   c. by falsification in any manner of any record of sale required by law.
   d. the use of a false name or address, or
   e. the concealment of a material fact, or
   f. falsely assuming the title of or representing himself to be a person authorized by the laws of this State to possess such substances.

Note:

No person shall be convicted under this section unless it is shown by clear and convincing evidence that the substance obtained would not have been obtained but for the fraud, deceit, etc. practiced by the accused.
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Penalty:
1st offense - Fine not to exceed $500, or imprisonment for not more than 2 years, or both.
2nd or subsequent offense - Fine of not more than $2,000 or imprisonment for not more than 5 years, or both.

**POSSESSION OF CERTAIN QUANTITIES OF CONTROLLED SUBSTANCES AS EVIDENCE OF INTENT TO DISTRIBUTE**

Unclassified and Class C Misdemeanor  Code §44-53-370(d)(4)
CDR Codes 182, 659

A. It shall be prima facie evidence of intent to distribute, (which violates §44-53-370(a)) for any person to possess more than:
   a. ten grains of cocaine
   b. one hundred milligrams of alpha-or beta-eucaine
   c. four grains of opium
   d. four grains of morphine
   e. two grains of heroin
   f. one hundred milligrams of isonipecaine
   g. twenty-eight grams (1 ounce) of marijuana
   h. ten grams of hashish
   i. fifty micrograms of LSD or its compounds
   j. twenty milliliters or milligrams of gamma hydroxybutyric acid or a controlled substance analogue of gamma hydroxybutyric acid

**POSSESSION OF METHAMPHETAMINE OR COCAINE BASE**

Class A Misdemeanor, Class E, F Felony  Code §44-53-375(A)
CDR Codes 3009, 3016-3017

Elements Of The Offense:

1. That the accused possessed less than one gram of methamphetamine or cocaine base.

Penalty:
1st offense - fine of not more than $5,000 or imprisonment for not more than 3 years, or both.
2nd offense - fine of not more than $7,500 or imprisonment for not more than 5 years, or both.
3rd or subsequent offense - fine of not more than $12,500 or imprisonment for not more than 10 years, or both.
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POSSESSION OF SMALL QUANTITIES OF MARIJUANA OR HASHISH

Class B or C Misdemeanor

Code §44-53-370(d)(4)

Elements Of The Offense

1. That the accused possessed twenty-eight grams or less of marijuana or ten grams or less of hashish.

Penalty

1st offense - fine not less than $100 nor more than $200 or imprisonment for a term not to exceed 30 days.

2nd or subsequent offense - fine not less than $200 nor more than $1,000 or imprisonment for not more than 1 year, or both.

PROHIBITED ACTS A: POSSESSION AND DISTRIBUTION OF CONTROLLED SUBSTANCES

Classification Dependent Upon Substance

Elements Of The Offense:

1. (a) That the accused, without authorization, did manufacture, distribute, or possess with intent to distribute, a controlled or counterfeit substance.

OR

(b) That the accused did knowingly possess a controlled substance without authority.

Penalty:

Penalties for violating this section are dependent on the type of substance involved and the number of offenses against the accused. Refer to this Code section for appropriate remedies for each particular case. The following are a few examples of first offense penalties for manufacture or distribution:

1. Narcotic drug or LSD: imprisonment for not more than 15 years or a fine of not
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more than $25,000, or both. §44-53-370(b)(1).

2. Substances, other than narcotics or LSD, in Schedule I, II, or III: imprisonment for not more than five years or a fine of not more than $5,000, or both. §44-53-370(b)(2).

3. Substances in Schedule IV: imprisonment for not more than 3 years or a fine of not more than $3,000, or both. §44-53-370(b)(3).

4. Substances in Schedule V: imprisonment for not more than 1 year or a fine of not more than $1,000, or both. §44-53-370(b)(4).

First offense penalties for simple possession of controlled substances:

1. Narcotics or LSD: imprisonment for not more than 2 years or fine of not more than $5,000, or both. §44-53-370(d)(1).

2. Substances in Schedules I through V, which are not narcotics or LSD: imprisonment for not more than 6 months or fine of not more than $1,000, or both. §44-53-370(d)(2).

PROHIBITED ACTS B: LICENSED DISTRIBUTORS

Misdemeanor

Elements Of The Offense:

1. That the accused was a licensed registrant, such as a pharmacist or drug manufacturer, (See §§44-53-280 to 44-53-360), and

2. (a) That the accused did distribute a controlled substance without a proper prescription (See §44-53-360), or

(b) That the accused did manufacture or distribute a controlled substance which he was not authorized to dispense, or

(c) That the accused did omit, remove, alter, or obliterate a symbol required by the Federal Controlled Substances Act or this article, or

(d) That the accused did fail to keep or furnish any records or information required under this article (See §44-53-340), or

(e) That the accused did refuse any inspection authorized by this article (See §44-53-500), or

(f) That the accused did knowingly maintain any premises which were used to store illegally possessed substances or as a place for using such substances, or

(g) That the accused failed to register to manufacture or distribute controlled substances prior to his engaging in such manufacturing or distributing. (See §44-53-280).
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Penalty:

Civil fine of not more than $1,000, unless it is proved that the accused committed such violations knowingly or intentionally, in which case, imprisonment for not more than 5 years or a fine of not more than $10,000. If the accused is a corporation, it shall be subject to a civil penalty of not more than $100,000.

PROHIBITED ACTS C: DISTRIBUTION AND MANUFACTURE VIOLATIONS

Felony Code §44-53-390
CDR Code 561

Elements Of The Offense:

1. That the accused did knowingly or intentionally do any of the following acts:
   a. distribute as a licensed registrant (example, pharmacist) a controlled substance classified in Schedules I or II (see §§44-53-190 and 44-53-210) without a proper order form. (See §44-53-350 for order form requirements).
   b. use a registration number which is fictitious, revoked, or issued to another person while manufacturing or distributing a controlled substance.
   c. illegally acquire a controlled substance by fraud or deception.
   d. fail to include material information or include false information in any reports or applications dealing with controlled substances.
   e. make or possess any instrument such as a punch or die designed to reproduce the trademark or other identifying mark of another manufacturer or distributor.

Penalty:

Fine of not more than $10,000 or imprisonment for not more than 5 years, or both. If the person convicted is a corporation, it is subject to a civil penalty of not more than $100,000.

SALE, ETC. OF MISBRANDED PACKAGE OR CONTAINER OR DANGEROUS CAUSTIC AND CORROSIVE SUBSTANCES

Misdemeanor Code §44-53-1220
CDR Code 272

Elements Of The Offense:

1. That the accused did sell, exchange, pack, display, or offer to sell, any dangerous caustic or corrosive substance, and

2. That the dangerous substance was in a misbranded parcel, package, or container
designed for household use.

Note:

Dangerous caustic or corrosive substances are listed in §44-53-1210. Included are such substances as hydrochloric acid, sulfuric acid, carbolic acid, silver nitrate, and ammonia water.

A misbranded parcel, package or container is defined in §44-53-1210. Essentially, such packages are those which do not bear a label giving the name of the substance it contains, the name and address of the manufacturer; a warning that such substances are poison, and directions for treatment in case of injury resulting from such substances.

Penalty:

Fine of not more than $100 or imprisonment for not more than 90 days, or both. See §44-53-1250.
ARTICLE VI. - OFFENSES AGAINST PUBLIC HEALTH

Footnotes:
--- (4) ---

Cross reference— Health and sanitation generally, Ch. 15.

Sec. 21-126. - Narcotics, controlled substances and aromatic hydrocarbons—Sale, etc., prohibited.

(a) No person shall sell, offer for sale, give away, bargain, trade, distribute in any manner, transport, use, prescribe, possess, knowingly keep, conceal or allow on premises under his control one ounce or less of marijuana or ten (10) grams or less of hashish.

(b) No person shall, for the purpose of causing a condition of intoxication, inebriation, excitement, stupefaction or the dulling of his brain or nervous system, intentionally smell or inhale the fumes from any substance containing aromatic hydrocarbons; provided, that nothing in this section shall be interpreted as applying to the inhalation of any anesthesia for medical or dental purposes.

(c) Any person who violates any provision of section (b) above shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed one hundred dollars ($100.00) or imprisoned for a term not to exceed thirty (30) days.

(Code 1975, § 37-34; Ord. No. 2012-407, § 1, 11-27-12)

Sec. 21-127. - Same—Sale, possession, etc., of paraphernalia prohibited.

(a) Definitions as used in this section:

*Deliver* or *delivery* means the actual, constructive, or attempted transfer of a controlled drug or paraphernalia whether or not there exists an agency relationship.

*Paraphernalia* means any instrument, device, article or contrivance used, designed for use, or intended for use in ingesting, smoking, administering or preparing marijuana, hashish, hashish oil or cocaine, and shall not include cigarette papers and tobacco pipes, but shall include, but not be limited to:

1. Metal, wooden, acrylic, glass, stone, plastic or ceramic marijuana or hashish pipes with or without screens, permanent screens, hashish heads or punctured metal bowls.
2. Water pipes designed for use or intended for use with marijuana, hashish, hashish oil or cocaine.
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(3) Carburetion tubes and devices.
(4) Smoking and carburetion masks.
(5) Roach clips.
(6) Separation gins designed for use or intended for use in cleaning marijuana.
(7) Cocaine spoons and vials.
(8) Chamber pipes.
(9) Carburetor pipes.
(10) Electric pipes.
(11) Air-driven pipes.
(12) Chilams.
(13) Bongs.
(14) Ice pipes or chillers.
(15) Syringes.
(16) Heroin spoons.
(17) Bottle caps.

(b) **Prohibited acts.** It shall be unlawful for any person to advertise for sale, manufacture, possess, sell or deliver, or to possess with the intent to sell or deliver, paraphernalia.

(c) **Evidence of violations.** In determining whether an object is paraphernalia, a court or other authority shall consider, in addition to all other logically relevant factors, the following:

(1) Statements by an owner or by anyone in control of the object concerning its use;
(2) The proximity of the object to controlled substances;
(3) The existence of any residue of controlled substances on the object;
(4) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of law; the innocence of an owner, or of anyone in control of the object, as to a direct violation of law shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
(5) Instructions, oral or written, provided with the object concerning its use;
(6) Descriptive materials accompanying the object which explain or depict its use;
(7) National and local advertising concerning its use;
(8) The manner in which the object is displayed for sale;
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(9) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

(10) Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;

(11) The existence and scope of legitimate uses for the object in the community;

(12) Expert testimony concerning its use.

(Ord. No. 1982-30, §§ 1, 2, 4-13-82)

Sec. 21-128. - Stench bombs, etc., prohibited; exceptions.

(a) No person in the city shall throw, drop, pour, deposit or discharge, upon the person or property of another any liquid, gaseous or solid substance which is injurious to person or property, or which is nauseous, sickening, irritating or offensive to any of the senses with intent to wrongfully injure, molest, discomfort, discommode or coerce another in the use, management, conduct or control of his person or property. No person shall attempt, or aid in the attempt or commission of any of these prohibited acts.

(b) No person in the city shall manufacture or prepare or have in his possession or under his control, any liquid, gaseous or solid substance or matter of any kind which is injurious to person or property, or which is nauseous, sickening, irritating or offensive to any of the senses, with the intent to use the substance in violation of paragraph (a) of this section or with intent that the substance shall be used in violation of such paragraph (a). The possession or control by any person of any such liquid, gaseous or solid substance or matter shall be deemed prima facie evidence of intent to use or cause the substance to the used in violation of such paragraph (a).

(c) The prohibition of paragraphs (a) and (b) of this section shall not apply to police officers acting in line of duty or to proprietors of business places or their employees using such substances for the protection of their property and their business places when the substances are kept solely for the purpose of repelling robbers, thieves, murderers or other law violators.

(Code 1975, § 37-35)


Sec. 21-129. - Spitting in public.

No person shall spit or deposit any spit, mucus, tobacco juice or wad of tobacco upon any public street or sidewalk, or in or on any public grounds, building or public conveyance.

(Code 1975, § 37-36)
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Sec. 21-130. - Tattooing prohibited.

No person shall mark the body of another person by tattooing or any other method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink, colors or pigments.

(Code 1975, § 37-38)


Sec. 21-131. - Smoking in city-owned or operated indoor facilities.

(a) Findings of fact. City council hereby makes the following findings:

(1) It has been shown that the smoke produced by the smoking of cigarettes, cigars and pipes is both hazardous and detrimental to the health, welfare and comfort of smokers and nonsmokers; and

(2) The surgeon general has reported that smoking is a significant cause of cancer, heart disease and lung disorders in smokers and passive smokers (those inhaling the smoke of others); and

(3) The City of Charleston in furtherance of its duty to provide such regulations as may be necessary to protect the health of its citizens and minimize the incidents of disease of its population, and to provide a working environment for its employees and the general public which is reasonably free of hazards and distractions, such as smoke, and in furtherance of the objectives of the Clean Indoor Air Act of 1990, deems it to be in the public interests to regulate smoking in city-owned or operated indoor facilities.

(b) Definitions.

(1) Smoking means the lighting or carrying of a lighted cigarette, cigar, pipe, or similar device or any other lighted "smoking materials."

(2) Smoking materials includes cigars, cigarettes and all other manner of smoking devices intended to be used for the purposes of inhaling and exhaling smoke.

(3) Buildings owned, operated or leased by the city shall include those buildings or parts thereof under the control of the city, but shall not include those buildings (or portions thereof) which are under lease or control of other organizations or corporations.

(c) Smoking prohibited.

(1) No person shall smoke in any building owned, operated or leased by the city, except in those areas where it is specifically designated by signs that smoking is permitted.
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(2) The mayor, or his designee, is hereby authorized to designate portions of lobbies, restrooms and snack bars where smoking will be permitted; provided however, the mayor may determine that no area exists within certain city-owned buildings where smoking may be permitted due to:
   a. Lack of adequately ventilated lobbies, restrooms and snack bars; or
   b. The small size of buildings which prevent segregating smoking and nonsmoking areas.

(3) The mayor is hereby authorized to designate certain individually occupied private offices as "smoking permitted" areas, provided that he has first determined that smoking in those locations will only minimally affect the adjacent working environment.

(d) Notice. Signs shall be placed at entrances to buildings owned, operated or leased by the city informing the public that smoking is prohibited by city ordinance, except in areas specifically designated for smoking.

(e) Testing. Nothing herein shall be construed to authorize or require the testing of any person to determine if the person has nicotine or other tobacco residue in his body.

(f) Theatrical performance. Nothing herein shall be construed to prevent smoking in buildings owned, operated or leased by the city when such smoking is part of a legitimate theatrical performance.

(g) Penalty. Any person who violates any provision of this section shall be subject to the penalties set forth in section 1-16 of the Code of the City of Charleston.

(Ord. No. 1990-115, § 1, 9-11-90; Ord. No. 2007-14, § 2, 1-23-07)

Sec. 21-132. - Regulations and requirements relating to the smoking of tobacco products in the city.

(a) Findings. As an incident to the adoption of the ordinance from which this section derives, the city council ("city council") of the City of Charleston, South Carolina (the "city") makes the following findings:

   (1) The city is an incorporated municipality and as such possesses all powers granted to municipalities by the Constitution and the laws of the State of South Carolina, including the powers enumerated in S.C. Code Section 5-7-30 relating to regulating streets, markets, and public health; and

   (2) Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing second hand smoke (also known as environmental tobacco smoke) is a cause of disease in healthy nonsmokers, including heart disease, stroke, respiratory disease, and lung cancer. The National Cancer Institute has determined that second hand smoke is responsible for the early deaths of up to 65,000 Americans annually. The Surgeon General has declared that (i) secondhand smoke causes disease and premature death in nonsmokers exposed to smoke; (ii)
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children exposed to secondhand smoke have an increased risk for sudden death syndrome, acute respiratory infections, ear problems, and more severe asthma; (iii) adults exposed to secondary smoke have a higher risk of coronary heart disease and lung cancer; (iv) there is no safe level of exposure to secondhand smoke (v) separating smoking and nonsmoking sections of indoor areas does not sufficiently remove the threats of secondhand smoke in enclosed areas; and

(3) A significant amount of secondhand smoke exposure occurs in the workplace. Studies have shown that employees who work in smoke-filled businesses suffer a twenty-five (25) to fifty (50) percent higher risk of heart attack and higher rates of death from cardiovascular disease and cancer, as well as increased acute respiratory disease and measurable decrease in lung function.

(4) Studies have also shown that smoke-filled workplaces result in higher worker absenteeism due to respiratory disease, lower productivity, higher cleaning and maintenance costs, increased health insurance rates, and increased liability claims for diseases related to exposure to secondhand smoke.

(5) There are laws, ordinances and regulations in place that protect workers from other environmental hazards, including Class A carcinogens, asbestos, arsenic and benzene, but none which regulate exposure to environmental tobacco smoke; and

(6) Prohibiting smoking in the workplace increases public awareness of the negative health effects of smoking, reduces the social acceptability of smoking and reduces harm to children and other nonsmokers; and

(7) The South Carolina General Assembly at Section 44-95-10 et seq. (the "Clean Indoor Air Act of 1990") imposed certain limitations on smoking. For example, it limited smoking in government buildings (the definition of which includes city-owned buildings) except where the owner of such building shall designate smoking areas. Consistent with the Clean Indoor Air Act of 1990, city council previously adopted section 21-131 of the City Code. In that ordinance, city council made the following finding:

The City of Charleston in furtherance of its duty to provide such regulations as may be necessary to protect the health of its citizens and minimize the incidents of disease of its population, and to provide a working environment for its employees and the general public which is reasonably free of hazards and distractions, such as environmental tobacco smoke, and in furtherance of the objectives of the Clean Indoor Act of 1990, deems it to be in the public interest to regulate smoking in city-owned or operated indoor facilities.

City council has now determined that additional regulation of smoking in areas beyond those addressed in the Clean Indoor Air Act of 1990 and section 21-131 is appropriate in furtherance of its duty to protect the health of its citizens and employees in the workplace and therefore enacts this ordinance.

(b) Intent. City council finds that it is in the best interest of the people of this city to protect nonsmokers from involuntary exposure to environmental tobacco smoke in the
workplace. Therefore, city council declares that the purpose of this act is to preserve and improve the health, comfort and environment of the people of this city by limiting exposure to tobacco smoke in the workplace.

(c) Definitions.

(1) Business agent means an individual who has been designated by the owner or operator of any establishment to be the manager or otherwise in charge of said establishment.

(2) Cigar bar means any establishment in existence as of the date of the adoption of the ordinance from which this section derives which (a) serves alcohol for consumption by patrons on the premises; (b) either itself or in conjunction with an affiliated entity operating within the same premises derives thirty (30) percent or more of its gross revenue from the sale of tobacco products or related paraphernalia; (c) shall permit the smoking of cigars and other tobacco products by patrons on the premises; and (d) prohibits the entry of persons under the age of twenty-one (21) at all times. For purposes of this section, affiliated entity shall be defined as a commercial entity with which the Cigar Bar has a business relationship, including but not limited to a lease or sublease, contract, service agreement or sharing of expenses and/or profits.

(3) Employee means any person who performs services for an employer in return for wages, profit or other valuable consideration.

(4) Employer means any person, partnership, association, corporation, trust, school, college, university or other educational institution, nonprofit entity or other organization, including any public or private employer that employs one (1) or more persons.

(5) Enclosed means a space bounded by walls (with or without windows) continuous from floor to ceiling and enclosed by doors, including but not limited to, offices, rooms, foyers, waiting areas and halls.

(6) Environmental tobacco smoke (ETS) or secondhand smoke is the complex mixture formed from the escaping smoke of a burning tobacco product (termed as "sidestream smoke") and smoke exhaled by the smoker. Exposure to ETS is also frequently referred to as "passive smoking," "secondhand smoking" or "involuntary smoking".

(7) Livability court means that certain division of the City of Charleston Municipal Court.

(8) Police department means the City of Charleston Police Department.

(9) Public building means any building owned, operated or leased by the city, as defined in section 21-131(3) of the City Code.

(10) Retail tobacco store means any establishment which is not required to possess a retail food permit whose primary purpose is to sell or offer for sale to consumers, but not for resale, tobacco products and related paraphernalia, in which the sale of
other products is merely incidental, and in which the entry of persons under the age of eighteen (18) is prohibited at all times.

(11) **Smoking** means the inhaling, exhaling, burning, lighting or carrying of a lighted cigarette, cigar, pipe, or similar device or any other lighted tobacco product.

(12) **Smoking materials** includes cigars, cigarettes and all other manner of smoking devices intended to be used for the purpose of inhaling, burning, carrying or exhaling lighted tobacco products.

(13) **Workplace** means any enclosed indoor area, structure, building or facility or any portion thereof at which one (1) or more employee(s) perform services for their employer, including but not limited to: retail food stores; retail stores; restaurants; bars; cabarets, cafes; public or private clubs; pool halls and bowling alleys.

(14) **Work space** or **work spaces** means any enclosed area occupied by an employee during the course of his or her employment, including but not limited to: offices, customer service areas; common areas; hallways; waiting areas; restrooms; lounges and eating areas.

(d) **Prohibition of smoking in the workplace.**

(1) It shall be the responsibility of the employer to provide a smoke free environment for all employees working in an enclosed workplace. Each employer shall adopt, distribute and implement a written policy prohibiting smoking in the workplace in accordance with this section.

(2) Smoking shall be prohibited in all work spaces in a workplace. This includes all common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, hallways, medical facilities, cafeterias, employee lounges, staircases, restrooms and all other enclosed areas in the workplace.

(3) The written smoking policy shall be adopted and distributed to all employees within four weeks of the effective date of this section or within four weeks of the commencement of business operations. A copy of the policy shall be conspicuously posted in all facilities or areas of the workplace.

(e) **Smoking restrictions inapplicable.** In providing for the inapplicability of this section to the following subsections (1) through (7), it is specifically recognized that such locations are addressed in the Clean Indoor Air Act, enacted by the General Assembly of South Carolina and codified in South Carolina Code section 44-95-10, et. seq. Therefore, this section shall not apply to:

(1) Public schools and preschools where routine or regular kindergarten, elementary, or secondary educational classes are held including libraries;

(2) All other indoor facilities providing children's services to the extent that smoking is prohibited in the facility by federal law and all other child day care facilities, as defined in Section 20-7-2700, which are licensed pursuant to Subarticle 11, Article 13, Chapter 7, of Title 20 of the South Carolina Code;
(3) Health care facilities as defined in South Carolina Code Section 44-7-130;
(4) Government buildings as defined in South Carolina Code Section 44-95-20(4), except to the extent regulation by the city is authorized therein;
(5) Elevators;
(6) Public transportation vehicles, except for taxicabs;
(7) Arenas and auditoriums of public theaters or public performing art centers;

(f) **Exceptions.** Notwithstanding the provisions of subsection (d) herein, smoking may be permitted in the following places and/or circumstances:

(1) Private residences;
(2) Hotel, motel, inn, bed and breakfast and lodging home rooms that are rented to guests, designated as "smoking rooms" ("rooms") provided that the total percentage of such rooms does not exceed twenty-five (25) percent in such establishment. A room so designated shall have signs posted indicating that smoking is allowed therein;
(3) Retail tobacco stores;
(4) Cigar bars, provided that the cigar bar has not expanded its size or changed its location from its size or location after the date of the adoption of the ordinance from which this section derives, and it or its affiliated entity operating within the same premises continues to derive thirty (30) percent or more of its gross revenue from the sale of tobacco products or related paraphernalia;
(5) Performers upon a stage, provided that the smoking is part of the theatrical production being performed;
(6) Religious ceremonies where smoking is part of the ritual; and
(7) Medical research facilities.

(g) **Posting of signs.** The owner, manager or person in control of an establishment or area in which smoking is prohibited pursuant to this section shall post a conspicuous sign at the main entrance to the establishment or area. The sign shall contain the words "No Smoking" and the universal symbol for no smoking.

(h) **Reasonable distance.** Smoking outside a workplace, work space or work spaces and any other indoor area where smoking is prohibited, shall be permitted provided that tobacco smoke does not enter the workplace, work space or work spaces through entrances, windows, ventilation systems or other means.

(i) **Enforcement, violations and civil penalties.**

(1) The police department shall enforce the provisions of this section. In addition, designated code enforcement employees of the city shall have the power to enforce the provisions of this section.
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(2) The police department shall seek to obtain voluntary compliance with this section by means of publicity and education programs, and the issuance of warnings, where appropriate.

(3) Any person who desires to register a complaint under this section may initiate enforcement with the office of the director of the department of budget, finance and revenue collections or his designee.

(4) Any person who smokes in an area where smoking is prohibited by any provision of this section shall be guilty of an infraction, punishable by a fine of not less than ten dollars ($10.00) nor more than twenty-five ($25.00).

(5) Any employer, owner, manager or other person who has control of a workplace and who fails to comply with any provision of this section shall be guilty of an infraction, punishable by a fine of not less than ten dollars ($10.00) nor more than twenty-five ($25.00).

(6) Violation of this section is hereby declared to be a public nuisance, which may be abated by the city by restraining order, preliminary and permanent injunction, or other means provided for by law, and the city may take action to recover the costs of the nuisance abatement.

(7) Each day of a continuing violation of this section shall be considered a separate and distinct offense.

(8) a. Suspension or revocation of license. In addition to the fines established by this subsection, whenever the director of the department of budget, finance and revenue collections or his designee determines that any employer, owner, manager or other person who has control of a workplace has repeated violations of the provisions of this section, he may give written notice to the licensee or the person in control of the business within the municipality by personal service or certified mail of a hearing before the business license committee for the purpose of determining whether the license should be suspended or revoked. The notice shall state the time and place at which the hearing is held, which shall be at a regular or special business license committee meeting within thirty (30) days from the date of service of the notice, unless continued by agreement. The notice shall contain a brief statement of the reasons for the proposed suspension or revocation and the applicable provisions of the ordinance from which this section derives.

b. Business license committee hearing. At a hearing held before the business license committee, all parties shall have the right to be represented by counsel, to present testimony and evidence and to cross-examine witnesses. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure proscribed by city council shall govern the hearing. The business license committee with a quorum of members in attendance shall by majority vote of members present render a written decision based on findings of
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fact and the application of this ordinance which shall be served on the parties or their representatives.

c. **Appeal to city council.** Any person aggrieved by a final decision of the business license committee recommending a suspension or revocation of a business license may appeal the decision of the business license committee to the city council by filing with the clerk of council and the director of the department of budget, finance and revenue collections or his designee a written notice setting forth plainly, fully, and distinctly the basis for the appeal. The appeal must be filed within thirty (30) days after the affected party receives actual notice of the decision of the business license committee.

(9) In addition to the remedies provided by the provisions of this subsection, the city or any person aggrieved by the failure of the employer, owner, manager or other person who has control of a workplace to comply with the provisions of this section may apply for injunctive relief to enforce those provisions in any court of competent jurisdiction.

(j) **Severability.** If any provision, clause, sentence or paragraph of this section or the application thereof to any person or circumstances shall be help invalid, that invalidity shall not affect the other provisions of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are declared to be severable.

(k) **Non-retaliation.** No person or employer shall discharge, refuse to hire, refuse to serve or in any manner retaliate or take any adverse personnel action against any employee, applicant, customer or person because such employee, applicant, customer or person takes any action in furtherance of the enforcement of this section or exercises any right conferred by this section.

(l) **Conflict with other laws, ordinances or regulations.** Nothing in this section shall be deemed to amend or repeal any applicable fire, health or other, law, ordinance or regulation so as to permit smoking in areas where it is prohibited by such applicable fire, health or other law, ordinance or regulation.

(m) **Waivers.**

(1) Any employer, owner, manager or other person having control of a workplace subject to this section may apply to the City of Charleston’s director of the department of budget, finance and revenue collection or his designee for a waiver of any provision of this regulation for a period not to exceed ninety (90) days.

(2) All waivers shall be submitted to city’s director of the department of budget, finance and revenue collection or his designee, on an application form provided by such director along with a one hundred-dollar ($100.00) non-refundable filing fee.

(3) The decision to grant such a waiver shall be in the sole discretion of city’s director of the department of budget, finance and revenue collection or his designee, based upon his determination that such waiver is in the public interest. In do determining,
Appendix G

the city’s director of the department of budget, finance and revenue collection or his designee may take into account, but is not limited to the following:

a. The efforts that the employer, owner, manager or other person having control of a workplace has made toward compliance with this section;

b. Whether or not the workplace will be in compliance with all terms of this section within ninety (90) days; and

c. Whether or not the granting of the waiver will result in an appreciable danger to the health of the public.

(4) No employer, owner, manager or other person having control of a workplace shall be granted more than one (1) waiver.

(Ord. No. 2007-14, § 1, 1-23-07; Ord. No. 2008-70, § 1, 4-22-08) Sec. 21-133. - Outdoor smoking—Medical University and Roper Hospital facilities.

(a) Findings. The Medical University of South Carolina and Roper Hospital are contiguous health care facilities located in the downtown area of the city. The governing board of each of these facilities has designated their respective campuses, indoor and outdoor, to be smoke-free. These facilities are comprised of buildings larger, taller and more massive than in other areas of the city. The public streets and sidewalks within and abutting these complexes are narrow and heavily used by the employees, patients and visitors of these facilities. The U.S. Surgeon General has advised that exposure to secondhand smoke, even for brief periods of time, may adversely affect the heart and respiratory systems and increase the severity of asthma attacks, especially in children. And research substantiates that secondhand smoke is a toxic outdoor air pollutant that may cause or contribute to an increase in deaths or serious illness. Heretofore, in accordance with home rule powers devolved by the state constitution and general law, and in recognition of the danger posed by smoking tobacco or tobacco related products, city council enacted an ordinance prohibiting indoor smoking in workplaces. In light of the heavily used built environment of the Medical University and Roper facilities, and to promote the missions of each to discourage the use of tobacco and tobacco related products so as to protect the health of those seeking and providing medical treatment from the dangers posed by smoking and second smoke, and to protect the public from the effects of smoking and smoking-related litter and pollution, the city council deems it necessary and appropriate and in furtherance of the public health, safety and welfare that smoking be prohibited on certain streets and sidewalks in and abutting the Medical University of South Carolina and Roper Hospital facilities.

(b) Definitions.

Smoking means the inhaling, exhaling, burning, lighting or carrying of a lighted cigarette, cigar, pipe or similar device or any other lighted tobacco product.

(c) Smoking prohibited. Smoking is prohibited on the following streets and sidewalks:

(1) Calhoun Street (north and south sides), from Fourth Street to Rutledge Avenue;
Appendix G

(2) Rutledge Avenue (east and west sides), from Calhoun Street to Doughty Street;
(3) Doughty Street (north and south sides), from Rutledge Avenue to Ashley Avenue; from Courtenay Drive to Jonathan Lucas Street;
(4) Ashley Avenue (east and west sides), from Halsey Street to Bee Street;
(5) Bee Street (north and south sides), from Ashley Avenue to Cherry Street;
(6) Courtenay Drive (east and west sides), from Bee Street to Calhoun Street;
(7) Ehrhardt Drive (east and west sides); from Bee Street to Doughty Street;
(8) President Street (east and west sides), from Bee Street to Doughty Street / Jonathan Lucas Street;
(9) Jonathan Lucas Street (east and west sides / north and south sides), from President Street to Calhoun Street;
(10) Gadsden Street (east and west sides), from Calhoun Street, south two hundred (200) feet;
(11) Barre Street (east and west sides), from Calhoun Street, south three hundred twenty-five (325) feet;
(12) Halsey Boulevard (east and west sides), from Calhoun Street, south three hundred twenty-five (325) feet; and
(13) Fourth Street (east and west sides), from Calhoun Street, south three hundred twenty-five (325) feet.

The smoking prohibition of this section shall not apply within moving motor vehicles.

(d) Enforcement, violations and civil penalties.

(1) The provisions of this section shall be enforceable by those authorized to enforce municipal ordinances, including the Medical University of South Carolina Department of Public Safety.

(2) Voluntary compliance with the provisions of this section will be sought by means of publicity, education programs and the issuance of warnings, where appropriate.

(3) Any person who desires to register a complaint under this section may initiate enforcement with the director of the department of budget, finance and revenue collections, or his designee.

(4) Any person who smokes in an area where smoking is prohibited by this section shall be guilty of an infraction, punishable by a fine of not less than ten dollars ($10.00) or more that twenty-five dollars ($25.00).

(5) Violation of this section is hereby declared to be a public nuisance, which may be abated by the city by restraining order, preliminary or permanent injunction or any other means provided by law, to include action by the city to recover costs of nuisance abatement.
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(e) **Severability.** If any provision, clause, sentence or paragraph of this section or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this section which can be given effect without the invalid provision, clause, sentence, paragraph or application, and to this end, the provisions of this section are declared to be severable.

(Ord. No. 2013-03, § 1, 1-8-13)
# Appendix H

## Federal Laws and Penalties

### Federal Trafficking Penalties

<table>
<thead>
<tr>
<th>DRUG/SCHEDULE</th>
<th>QUANTITY</th>
<th>PENALTIES</th>
<th>QUANTITY</th>
<th>PENALTIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cocaine (Schedule II)</td>
<td>500–4999 grams mixture</td>
<td>First Offense: Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than $5 million if an individual, $25 million if not an individual.</td>
<td>5 kilos or more mixture</td>
<td>First Offense: Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than $10 million if an individual, $50 million if not an individual.</td>
</tr>
<tr>
<td>Cocaine Base (Schedule II)</td>
<td>28–279 grams mixture</td>
<td></td>
<td>280 grams or more mixture</td>
<td></td>
</tr>
<tr>
<td>Fentanyl (Schedule II)</td>
<td>40–399 grams mixture</td>
<td></td>
<td>400 grams or more mixture</td>
<td></td>
</tr>
<tr>
<td>Fentanyl Analogue (Schedule I)</td>
<td>10–99 grams mixture</td>
<td>Second Offense: Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than $8 million if an individual, $50 million if not an individual.</td>
<td>10 grams or more mixture</td>
<td>Second Offense: Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than $20 million if an individual, $75 million if not an individual.</td>
</tr>
<tr>
<td>Heroin (Schedule I)</td>
<td>100–999 grams mixture</td>
<td></td>
<td>50 grams or more pure or 500 grams or more mixture</td>
<td></td>
</tr>
<tr>
<td>LSD (Schedule I)</td>
<td>1–9 grams mixture</td>
<td></td>
<td>100 gm or more pure or 1 kg or more mixture</td>
<td></td>
</tr>
<tr>
<td>Methamphetamine (Schedule II)</td>
<td>5–49 grams pure or 50–499 grams mixture</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PCP (Schedule II)</td>
<td>10–99 grams pure or 100–999 grams mixture</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>PENALTIES</th>
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</thead>
<tbody>
<tr>
<td>Other Schedule I &amp; II drugs (and any drug product containing Gamma Hydroxybutyric Acid)</td>
<td>Any amount</td>
</tr>
<tr>
<td>Flunitrazepam (Schedule IV)</td>
<td>1 gram</td>
</tr>
<tr>
<td>Other Schedule III drugs</td>
<td>Any amount</td>
</tr>
<tr>
<td></td>
<td>First Offense: Not more than 10 yrs. If death or serious injury, not more than 15 yrs. Fine not more than $50,000 if an individual, $250,000 if not an individual.</td>
</tr>
<tr>
<td>Second Offense: Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than $1 million if an individual, $5 million if not an individual.</td>
<td></td>
</tr>
<tr>
<td>All other Schedule IV drugs</td>
<td>Any amount</td>
</tr>
<tr>
<td>Flunitrazepam (Schedule IV)</td>
<td>Other than 1 gram or more</td>
</tr>
<tr>
<td></td>
<td>First Offense: Not more than 5 yrs. Fine not more than $250,000 if an individual, $1 million if not an individual.</td>
</tr>
<tr>
<td>Second Offense: Not more than 10 yrs. Fine not more than $500,000 if an individual, $2 million if other than an individual.</td>
<td></td>
</tr>
<tr>
<td>All Schedule V drugs</td>
<td>Any amount</td>
</tr>
<tr>
<td></td>
<td>First Offense: Not more than 1 yr. Fine not more than $100,000 if an individual, $250,000 if not an individual.</td>
</tr>
<tr>
<td>Second Offense: Not more than 4 yrs. Fine not more than $200,000 if an individual, $500,000 if not an individual.</td>
<td></td>
</tr>
</tbody>
</table>
Appendix H

III. Other Resources

State and Federal Laws and Sanctions Concerning Drugs and Alcohol
Title 21 United States Code (USC) Controlled Substances Act
http://www.deadiversion.usdoj.gov/21cfr/21usc/

Government agencies and organizations relating to the control of and adherence to the

South Carolina Judicial Department: Summary Court Judges Bench Book
http://www.sccourts.org/summaryCourtBenchBook/ (Crimes and Offenses: Section A.
Alcoholic Beverages and Section J. Poisons, Drugs, and Other Controlled Substances)

Federal trafficking penalties are listed on pages 30 – 31 in the DRUGS OF ABUSE I, 2017
EDITION: A DEA Resource Guide.

Ineligibility for FSA funds – FSA HB June 2016
https://ifap.ed.gov/ifap/byAwardYear.jsp?type=fshandbook
HUMAN RESOURCES MANAGEMENT POLICY WEAPONS

Policy 25

NOTE: THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE MEDICAL UNIVERSITY OF SOUTH CAROLINA (MUSC). MUSC RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

I. POLICY

A. To provide a safe environment for employees, students, patients and visitors, the Medical University of South Carolina prohibits the carrying of weapons on property owned, operated or controlled by the University or at MUSC sponsored events.

B. Furthermore, in accordance with the Law Abiding Citizens Self-Defense Act, the Medical University prohibits the carrying of a concealed or visible firearm, even those for which the owner has obtained a permit, on its premises or at University sponsored events.

C. Persons who violate this policy will be terminated and may be prosecuted.

D. Only Medical University Public Safety Officers or other authorized law
Appendix I

enforcement officer in the course of their duties are exempt from this policy.

II. INFORMATION

A. The carrying of weapons, by anyone other than MUSC Public Safety Officers or other authorized law enforcement officers, is prohibited on property owned, operated or controlled by the Medical University of South Carolina and at University sponsored events.

B. For the purpose of this policy, a weapon is defined as any instrument or device that is specifically designed, made or adapted for the purpose of inflicting bodily injury or death. This includes, but is not limited to; clubs, firearms, handguns, illegal knives, explosives, crossbows, bows and arrows, throwing stars and knuckles.

C. To ensure the safety of employees, students, patients and visitors, employees are encouraged to call the Department of Public Safety if they suspect that someone is carrying a weapon. Employees should not attempt to disarm another individual.

D. Violation of the policy will result in termination from employment and possible prosecution by the University.
South Carolina Code of Laws
Offenses Involving Weapons

CARRYING CONCEALED WEAPONS

Unclassified Misdemeanor
Code §16-23-460
CDR Code 43

Elements Of The Offense:

1. That the accused did carry on his person a concealed, deadly weapon.
2. That the weapon was such as is usually used to inflict personal injury.

Note:
This section does not apply to persons carrying concealed weapons in compliance with the "Law Abiding Citizens Self-Defense Act of 1996." (S.C. Code Ann. §23-31-205 et.seq.); or peace officers in the discharge of their duties.

This section does not apply to rifles, shotguns, dirks, slingshots, metal knuckles, knives or razors unless they are used with the intent to commit a crime or in furtherance of a crime.

Penalty:
Fine of not more than $500 nor less than $200, or imprisonment for not more than 90 days nor less than 30 days. Also, the concealed weapon must be forfeited to the county (or city).

CARRYING A HANDGUN

Class C Misdemeanor
Code §16-23-20
CDR Code 44

Elements Of The Offense:

1. That the accused did carry a handgun about his person and that the accused was not:
   a. on duty as a law enforcement officer of any governmental level.
   b. a member of the Armed Forces, National, or State militia.
   c. Target shooting or gun collecting as a member of a club.
   d. Hunting or fishing with a license in a licensed area.
   e. A person engaged in the business of manufacturing, repairing, or dealing in firearms or his agent, during the usual course of business.
   f. A guard authorized by law to possess handguns and engaged in protection of property of the United States or any agency of the United States.
Appendix I

g. A member of an authorized military or civil organization in an authorized parade or assembly, or going to or returning from such meeting.

h. A person in his home or upon his real property or a person who has the permission of the owner in legal control of the home or real property

i. A person in a vehicle where the handgun is secured in a closed glove compartment or closed trunk, or in a closed container secured by an integral fastener and transported in the luggage compartment of the vehicle; however, this item is not violated if the glove compartment, console, or trunk is opened in the presence of a law enforcement officer for the sole purpose of retrieving a driver's license, registration, or proof of insurance.

j. A person carrying an unloaded handgun in a secure wrapper from the place of purchase to his home or fixed place of business or while in the process of changing or moving his residence or changing or moving his fixed place of business;

k. A prison guard performing official duties.

l. A person granted a SLED permit to carry a handgun.

m. The owner or the person in legal possession or the person in legal control of a fixed place of business, while at the fixed place of business, and the employee of a fixed place of business, other than a business subject to §16-23-465, while at the place of business; however, the employee must exercise this privilege only after acquiring 1) a permit pursuant to item "i" above and 2) obtaining the permission of the owner or person in legal control or legal possession of the premises.

n. A person engaged in firearms-related activities while on the premises of a fixed place of business which conducts, as a regular course of its business, activities related to sale, repair, pawn, firearms training, or use of firearms, unless the premises is posted with a sign limiting possession of firearms to holders of permits to item "i" above.

o. A person while transferring a handgun directly from or to a vehicle and a location specified in this section where one may legally possess the handgun.

p. Any person on a motorcycle when a handgun is secured in a closed saddlebag or other similar closed accessory container attached, whether permanently or temporarily, to the motorcycle.

Note:

A handgun is about the person if it is readily accessible and convenient for immediate use. It does not have to be touching the person. Special attention should be given to paragraph "i" of this section which stipulates that the proper place to carry a pistol in a vehicle is in a closed glove compartment or trunk. See §16-23-465 for penalties for carrying a pistol or firearm into a business selling alcoholic liquors, beers, or wines for on the premises consumption.

Penalty:

Fine of not more than $1,000 or imprisonment for not more than 1 year, or both.

See Section 16-23-50 (A)(2).
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CARRYING WEAPONS ON SCHOOL PROPERTY

Class F Felony  
Code §16-23-430  
CDR Code 615

Elements Of The Offense:

1. That the accused was not state, county, or municipal law-enforcement officer, nor a person authorized by school officials, and
2. That the accused while on any elementary or secondary school property did carry a knife, with a blade over two inches long, a blackjack, metal pipe or pole, firearms or any other type of weapon, device or object which may be used to inflict bodily harm or death.

Note:
If the accused is a child under the age of 17, the family court has exclusive jurisdiction.

Penalty:
Fine of not more than $1,000 or imprisonment for not more than 5 years, or both. Also, the weapon or object used may be confiscated.

DISCHARGING FIREARMS AT OR INTO DWELLING, VEHICLE, AIRCRAFT, WATERCRAFT, OR OTHER CONVEYANCE

Class E Felony  
Code §16-23-440  
CDR Code 52

Elements Of The Offense:

1. That the accused unlawfully discharged or caused to be discharged firearms at or into a dwelling or building usually occupied by persons. 
OR
2. That the accused unlawfully discharged or caused to be discharged firearms at or into any vehicle, aircraft, watercraft, or other conveyance, device, or equipment while it was occupied.

Penalty:
Fine of not more than $1,000 or imprisonment of not more than 10 years, or both.

FALSE INFORMATION ON LICENSE APPLICATION

Class F Felony  
Code §23-31-160  
CDR Code 311

Elements Of The Offense:
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1. That the accused did apply for a license to be a retail dealer in the sale, offering for sale, or possession with intent to sell, or otherwise transfer a pistol under §23-31-130.
2. That the accused did give “false information or evidence regarding any information or evidence” in matters concerning license application.

Penalty:

Fine of not more than $2,000 or imprisonment of not more than 5 years, or both.

See Section 23-31-190.

FIRE BOMBS

Class F Felony

Code §16-23-480
CDR Code 346

Elements Of The Offense:

1. That the accused manufactured or caused to be manufactured, or possessed an object or article designed to cause damage by fire or other means to person or property, either by ignition, detonation or other means.

Penalty:

Fine in the discretion of the court or imprisonment for not more than 5 years, or both.

FIREARMS IN PUBLIC BUILDINGS

Class F Felony

Code §16-23-420
CDR Code 300

Elements Of The Offense:

1. (a) That the accused did carry onto any premises or property owned, operated, or controlled by a private or public school, college, university, technical college, other post-secondary institution, or any publicly owned building, a firearm without the express permission of the authorities in charge of the premises or property.

OR

(b) That the accused had in his possession a firearm while in the area immediately adjacent to such buildings.

OR

(c) That the accused did display, brandish or threaten others with a firearm while in these buildings or in the immediately adjacent areas.

Note:
Appendix I

Persons exempted from application of this section include guards, law enforcement officers, members of armed forces, students of military science, or authorized named resident of student housing provided by public or private school.

Penalty:

Fine of not more than $5,000 or imprisonment for not more than 5 years, or both.

ILLEGAL POSSESSION OF TEAR GAS GUN

Class A Misdemeanor

Code §16-23-470

CDR Code 335

Elements Of The Offense:

1. That the accused did possess, use, transport, sell or buy any tear-gas machine or gun or any part thereof, or any ammunition or shells or equipment to be used in that machine or gun, and
2. That the accused was not a duly authorized law-enforcement officer.

Note:

This section does not prohibit the use of tear gas for the destruction of insects or rodents, provided the gas is not in containers suitable for use in a tear gas gun, and the user has written permission from the county agent for such use.

Penalty:

Fine of not more than $5,000 or imprisonment of not more than 3 years, or both.

MACHINE GUNS, MILITARY FIREARMS, SAWN-OFF SHOTGUNS AND RIFLES

Class E Felony

Code §§16-23-220 to 16-23-240

CDR Codes 314-316

Elements Of The Offense:

1. That the accused did in any manner transport from one point to another in this state (or for any common carrier to knowingly ship or transport) machine guns, military firearms, sawn-off shotguns or rifles. (Section 16-23-220).

OR

2. That the accused did, or did permit another, to store, keep, possess, or have in his possession machine guns, military firearms, sawn-off shotguns or rifles. (§16-23-230).

OR

3. That the accused did participate directly or indirectly, in the selling, renting, giving away, or otherwise disposing of machine guns, military firearms, sawn-off shotguns or rifles. (§16-23-240).

Note:
Appendix I

Exceptions to the above provisions pertaining to such firearms are provided in §16-23-250. §23-31-330 provides for the registration of persons authorized to possess such weapons. §16-23-210 defines the weapons.

Penalty:

Fine of not more than $10,000 or imprisonment of not more than 10 years, or both. (§16-23-260).

**PLACING LOADED TRAP GUN OR SPRING GUN**

Class C Misdemeanor

Penalty:

Fine of not less than $100 nor more than $500 or imprisonment of not less than 30 days nor more than 1 year, or both.

**POINTING FIREARM AT A PERSON**

Class F Felony

Penalty:

Fine in the discretion of the court or imprisonment of not more than 5 years.

**RESISTING ARREST WITH USE OR THREAT OF USE OF A DEADLY WEAPON**

Class E Felony

Penalty:
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2. That in so doing, the accused used, or threatened to use a deadly weapon, and
3. a. the accused was in possession of a deadly weapon, or
   b. the accused claimed to be in possession of a deadly weapon.

Note:
"Deadly weapon" means any instrument which can be used to inflict deadly force.

Penalty:
Imprisonment for not more than 10 years nor less than 2 years.

SALE OR DELIVERY OF PISTOL; POSSESSION BY CERTAIN PERSONS; STOLEN PISTOLS

Class F Felony  
Code §16-23-30  
CDR Code 2364

Elements Of The Offense:

A. 1. That the accused did knowingly sell, offer to sell, deliver, lease, rent, barter, exchange or transport for sale into the state any handgun to:
   a. Any person convicted of a crime of violence, a fugitive from justice, a habitual drunkard, a drug addict, or one adjudicated mentally incompetent, or
   b. Any person who is a member of a subversive organization, or
   c. Any person under eighteen, except when on any type of military duty or training, or
   d. Any person adjudged by court order unfit to carry or possess a handgun.

OR

B. 1. That a person falling within "a", "b", "c", or "d" above did possess or acquire handguns within the State.

OR

C. 1. That the accused did knowingly buy, sell, transport, pawn, receive or possess any stolen handgun or one which has had the serial number obliterated or removed.

Penalty:
In addition to seizure of handgun; fine of not more than $2,000 or imprisonment for not more than 5 years, or both. [§16-23-50 (A)(2)].
Appendix I

City of Charleston, South Carolina - Code of Ordinances

ARTICLE X. - WEAPONS


Sec. 21-211. - Possession or sale of blackjacks, slingshots and metal knuckles.

It shall be unlawful to own, possess, carry or display, any instrument or weapon of the kind commonly known as a blackjack, slungshot, slingshot, billy, sand club, sandbag, metal knuckles or bludgeon, or any martial arts weapons such as, but not limited to, munchaku, sai, shurikan (eight-pointed sharp stars) and ma.

(Code 1975, § 52-1)

Sec. 21-212. - Possession or sale of tear gas bombs.

Except as provided in section 16-23-470, South Carolina Code 1976, it shall be unlawful for any person to have in his possession, sell, or offer for sale in the city, any bomb, tube gun, gun or other device containing or intended to contain or discharge tear gas or other noxious or offensive or harmful gases or fluids.

(Code 1975, § 52-2)

Sec. 21-213. - Discharging firearms generally; exceptions.

No person, except in cases of urgent necessity or in the performance of a lawful duty, shall discharge or cause to be discharged any firearm in the city. Nothing contained herein shall be construed to apply to:

(1) The hunting of game birds and game animals, as defined by S.C. Code, § 50-1-30(1) and (4), as amended, in accordance with law on lands within the city that are zoned to permit such use;

(2) Marksmanship centers existing on the effective date of this ordinance that are used for practice and training by the South Carolina National Guard and other military organizations and military institutions;
Appendix I

(3) Special events including annual turkey shoots that have received a special events permit issued by the special events committee of the city pursuant to section 2-189 of this Code and the written approval of the mayor or chief of police; and

(4) Indoor shooting ranges that are operated in accordance with law on lands within the city that are zoned to permit such use.

(Code 1975, § 52-3; Ord. No. 1996-85, § 1, 4-23-96; Ord. No. 2012-32, § 1, 1-10-12)

State Law reference— Discharging firearms near public building, S.C. Code 1976, § 16-23-420; discharging firearms at or into a dwelling, § 16-23-440; shooting on public highways, § 16-17-530(c).

Sec. 21-214. - Discharging slingshots and spring guns.
No person shall shoot any slingshot, spring gun or other device which shoots slugs bullets, stones or other missiles within the city.

(Code 1975, § 52-4)

Sec. 21-215. - Carrying concealed ice pick or knife with blade exceeding three inches in length.
It shall be unlawful for any person to carry concealed about his person any ice pick, razor, knife, dagger or stiletto, the blade of which exceeds three (3) inches in length.

(Code 1975, § 52-6)


Sec. 21-216. - Carrying concealed toy pistols restricted.
It shall be unlawful for any person fourteen (14) years of age or older to carry concealed about his person any toy pistol or pistol capable of firing blanks or caps or replica under circumstances evincing any intent to use or employ or allow the same to be used or employed in the commission of a crime or knowing that the same are intended to be so used.

(Code 1975, § 52-7)

Appendix I

Sec. 21-217. - Carrying loaded firearm.

Except as provided in S.C. Code 1976, § 16-23-20, no person without valid authority from a proper government agency shall carry on or about his person any firearm containing ammunition, or any pistol, whether concealed or not and whether or not containing ammunition.

(Code 1975, § 52-8)


Sec. 21-218. - Confiscation.

Any person convicted of the violation of the provisions of this article shall in addition to any other penalties provided by law have the weapon involved in such violation confiscated to be disposed of by the chief of police as provided by law. However, if any person other than the convicted person has an interest in the weapon, that person must be given the opportunity to come forward and show, if he can, why the weapon should not be forfeited and disposed of as provided for by law.

(Code 1975, § 52-9; Ord. No. 1981-20, § 1, 4-28-81)
MUSC’s Written Guide to the Resolution of Reports of Prohibited Conduct

The Medical University of South Carolina, and its affiliates, Medical University Hospital Authority, MUSC Physicians, and Medical University Strategic Ventures (collectively referred to as “MUSC”) is committed to maintaining a safe environment that is supportive of its primary educational mission and free from harassment and discrimination. MUSC prohibits sexual and gender-based harassment, sexual violence, relationship violence, stalking, sexual exploitation, retaliation, and complicity, as more specifically defined in the Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence (the “Policy”). Any report of Prohibited Conduct will be taken seriously and all the participants in the resolution process will be treated with respect and dignity.

This guide provides an overview of: (I) Reporting Rights and Options; (II) Interim Measures: Remedial and Protective Measures; (III) Privacy and Confidentiality; (IV) Overview of the Resolution Process; (V) Resources.

1. REPORTING RIGHTS AND OPTIONS

Reporting to Law Enforcement. You have the right to make a report or to decline to make a report to law enforcement. Police have a unique legal authority to seek and execute search warrants, collect forensic evidence that may have been left at relevant locations, and make arrests when there is probable cause to believe that a crime had been committed. Law enforcement can be reached at any time by calling “911” for emergencies or one of the numbers listed below:

- **MUSC Public Safety**: 843-792-4196 (emergency) or any call-box on campus;
- **Charleston City Policy Department**: 843-743-7200 (non-emergency)
- **Charleston County Sheriff’s Office**: (843)-554-2444

Reporting to MUSC. MUSC strongly encourages individuals who have experienced, have knowledge of, or have witnessed sexual assault, sexual or gender-based harassment, relationship violence, stalking, sexual exploitation, or other forms of sexual misconduct committed by or against students, staff, or faculty to report the incident immediately to the
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Report the Prohibited Conduct to the university through any of the following three options:

1. **Contact the University Title IX Coordinator or the Director of the Office of Gender Equity** by telephone, email, or in person during regular office hours. The University Title IX Coordinator has the primary responsibility of receiving reports concerning Prohibited Conduct by students and staff under the Policy. The Director of the Office of Gender Equity has the primary responsibility of receiving reports concerning sexual and nonsexual misconduct by faculty.

   **University Title IX Coordinator**
   
   Dr. Willette S. Burnham-Williams
   Basic Science Building, Suite 104,
   Charleston, SC 29495
   (843) 792-1072 or (843) 792-6570
   titleix@musc.edu

   **Director of the Office of Gender Equity**
   
   Dr. Daniel Smith
   67 President Street, 2nd Floor South,
   Charleston, SC 29425
   (843) 792-8066
   smithdw@musc.edu

2. **Contact the MUSC Clery Coordinator**: 843-792-3767 (non-emergency); plitsch@musc.edu


There are significant differences between the criminal justice system and the university process. In the criminal justice system, prosecutors pursue cases when they believe there is sufficient evidence to prove, **beyond a reasonable doubt**, that an individual has committed a criminal act. A person convicted of a crime will face criminal penalties, such as incarceration, probation, or the imposition of a fine. The university process seeks to determine whether an individual has violated the Policy on Sexual and Gender-Based Harassment and Other Forms of Violence. The university uses a **preponderance of the evidence** standard of proof to determine responsibility. A person found responsible of violating the Policy may be sanctioned as outlined in **Section IV** below.

**1. INTERIM MEASURES: REMEDIAL AND PROTECTIVE MEASURES**

MUSC offers a wide range of resources to both parties to provide support and guidance throughout the initiation, investigation and resolution of a report of Prohibited Conduct. Upon receipt of a report of Prohibited Conduct, the Title IX Coordinator will implement reasonable and appropriate interim measures designed to preserve access to educational opportunities; address any safety concerns; maintain the integrity of the investigative and/or resolution process; and deter retaliation. These actions may be remedial (measures designed to provide support and maintain continued access to educational opportunities) or protective (involving a restrictive actions).
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**Remedial Interim Measures.** Interim Measures include but are not limited to:

- Facilitating access to counseling and medical services
- Assistance in arranging rescheduling of exams and assignments and extensions of deadlines
- Academic support
- Assistance in requesting long-term academic accommodations if the Complainant qualifies as an individual with a disability
- Change in the Complainant’s class schedule, including the ability to transfer course sections or withdraw from a course
- Allow either a Complainant or a Respondent to drop a class, rotation, or program in which both parties are enrolled in the same section
- Change in the Complainant’s work schedule or job assignment
- Guidance in obtaining a sexual assault forensic examination
- Assistance navigating off campus housing concerns
- Campus Escort and other safety planning steps, to include transportation when requested and reasonably available
- Voluntary agreement by the parties to a mutual "no contact directive," an administrative remedy designed to curtail contact and communications between two or more individuals
- Voluntary leave of absence
- Referral to resources to assist in obtaining a protective or restraining order
- Referral to resources to assist with any financial aid, visa, or immigration concerns
- Any other remedial measure that does not interfere with either party’s access to education can be used to achieve the goals of this policy.

**Interim protective measures may include:**

- Imposition of a "no contact directive" prohibiting the Respondent from having contact or communications with the Complainant or other individuals
- Change in the Respondent’s class, rotation, or program schedule
- Change in the Respondent’s work schedule or job assignment
- Exclusion from all or part of university-sponsored housing
- Exclusion from specified activities or areas of campus
- Prohibition from participating in student activities or representing MUSC in any capacity such as serving in student government; performing in an official capacity as a MUSC representative; or participating in a recognized MUSC organization
- Interim suspension or administrative leave
- Any other protective measure that can be used to achieve the goals of this policy.

2. **PRIVACY AND CONFIDENTIALITY**
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The Difference Between Privacy and Confidentiality. While all MUSC employees will respect the privacy of individuals who report Prohibited Conduct or participate in an investigation or resolution process under this Policy, most MUSC employees are required to share information about Prohibited Conduct with the Title IX Coordinator. These employees are called Responsible Employees. In contrast, some MUSC employees have the ability to maintain information as confidential under state law. These employees are called Confidential Resources. For a list of Confidential Resources, refer to the “Resources” section at the end of this guide.

Privacy of the Resolution Process. To ensure the integrity of the investigation and resolution under the Policy, MUSC encourages participants to exercise discretion in sharing information and not to disclose any information related to an ongoing investigation other than to consult with advisors (including attorneys) or to seek support and advice from family, clergy, health professionals, and others playing a similar role. Additionally, sharing private information in a manner that harms another individual may constitute retaliation prohibited under this Policy.

3. OVERVIEW OF THE RESOLUTION PROCESS

Intake and Assessment. Upon receipt of a report of Prohibited Conduct, the Title IX Coordinator will conduct an Initial Assessment, which will include reaching out to the complainant and/or third-party reporter, responding to any immediate health or safety concerns, determining whether the reported conduct is within the scope of the Policy, assessing the need for any interim measures, and determining the appropriate course of action. At the conclusion of the Initial Assessment, the Title IX Coordinator will determine, after consultation with the Complainant, whether the report will be resolved through an Alternate Resolution or Corrective Resolution.

Alternate Resolution. An Alternate Resolution is a voluntary process, which allows for informal or restorative options for resolving reports of Prohibited Conduct.

Corrective Resolution. A Corrective Resolution involves an investigation, adjudication, and, if appropriate, the imposition of corrective actions.

Complainant’s Request That No Action Be Pursued. MUSC strongly supports the Complainant’s decision not to engage in a resolution process and desire for anonymity. If the Complainant does not wish to pursue a resolution process under the Policy, the university will honor the Complainant’s wishes unless doing so impacts the university’s ability to provide a safe and non-discriminatory environment for all members of the university community. Where the complainant declines to participate in an investigation, the Title IX Coordinator may arrange for a preliminary fact-finding by an investigator to gain a better understanding of the context of the report or take other appropriate steps.

Notice. When a Corrective Resolution is initiated, the Title IX Coordinator will provide a written Notice with the following information to the Complainant and Respondent: (1) names of the parties; (2) the date, time, location, and brief summary of the reported conduct; (3) the alleged
Appendix J

Prohibited Conduct; and (4) the name of the investigator. The parties will also receive a copy of the Policy and this Guide. If the investigation reveals additional or different Policy violations, the Investigator will issue an amended Notice.

Investigation. The Title IX Coordinator will designate a trained investigator to conduct a prompt, thorough, fair, and impartial investigation. The investigator will interview the parties and other individuals who may have relevant information. The investigator will also gather evidentiary materials, including but not limited to physical evidence, documents, communications between the parties, and electronic records and media as appropriate. The investigator may also visit relevant sites or locations and consult subject-matter experts as appropriate. Both parties will be provided the opportunity to review and comment on all the information that the investigator determines is relevant to the investigation.

Preservation of Evidence. All individuals involved in investigations under the Policy are encouraged to preserve all information and tangible material relating to the alleged Prohibited Conduct.

Examples of evidence include:

- A forensic sexual assault examination (examinations conducted within the first 120 hours can be crucial to the collection of forensic or other medical evidence).
- Any clothing, sheets, or other materials (items containing bodily fluids should be stored in cardboard boxes or paper bags);
- Electronic exchanges to the extent that they can be captured or preserved (e.g., text messages, emails, and Facebook, Instagram, Snapchat, or other social media posts);
- Photographs (including photographs stored on smartphones and other devices);
- Voicemail messages and other physical, documentary, and/or electronic data that might be helpful or relevant in an investigation; and
- Electronic and photographic evidence that may be lost through the upgrade or replacement of equipment (including smartphones) and software and/or accounts that may be lost with the passage of time.

Preliminary Investigative Report. At the conclusion of the fact-gathering portion of the investigation, the investigator will prepare a preliminary investigative report and compile a record of relevant documents. The parties will have five business days to review the report and provide a written response, including identifying additional witnesses and requesting follow-up interviews. The investigator will determine whether any additional investigatory steps are needed, and will provide both parties an opportunity to review and comment on any new information.

Final Investigative Report. Upon receipt of the parties’ written responses to the Preliminary Investigative Report, the Investigator will prepare a Final Investigative Report. The Final Investigative Report will include a determination of whether the Respondent is responsible for violating the Policy. If the Investigator determines that the Respondent is responsible for engaging in Prohibited Conduct, the Title IX Coordinator will refer the matter to the proper Disciplinary Authority to determine sanctions.
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**Standard of Evidence.** The standard of evidence under the Policy is a preponderance of the evidence (i.e., it is more likely than not that the conduct has occurred). In analyzing the facts, the Investigator will apply this standard to determine whether the Respondent is responsible for violating the Policy. Throughout the investigation, the respondent is presumed “not responsible” until a finding of “responsible” is made pursuant to the Policy.

**Appeal.** The complainant and the respondent have equal rights to appeal the Final Investigative Report by submitting a written statement to the Title IX Coordinator within five days of the receipt of the report. An appeal can be based on one or both of the following grounds:

1. There was a material deviation from the Policy that affected the outcome of the case.
2. There is new and relevant information that was unavailable, with reasonable diligence and effort, at the time of the investigation that could materially affect the investigation’s findings.

**Review Panel.** All appeals will be heard by a three-member Review Panel selected by the Title IX Coordinator from a pool of trained members of the MUSC community (excluding students).

**Hearing.** The Hearing is an opportunity for the parties to address the Review Panel, in person about issues relevant to the Standard of Review. The parties may address any information in the Final Investigation Report, supplemental statements submitted in response to the Final Investigation Report, and any impact and mitigation statements. Each party has the opportunity to be heard, to identify witnesses for the Review Panel’s consideration, and to respond to any questions of the Review Panel. The Hearing will be recorded. Neither party is required to participate in the Hearing in order for the Hearing to proceed. The Review Panel has absolute discretion to determine which witnesses are relevant to its determination and may decline to hear from witnesses where it concludes that the information is not necessary for its review.

**Determination by the Review Panel.** Where either of the parties has contested the recommended finding(s) of responsibility, the members of the Review Panel will, at the conclusion of the Hearing, determine by majority vote (1) whether there was a material deviation from the procedures that affected the outcome of the case; or (2) whether there is new and relevant information that was unavailable, with reasonable diligence and effort, at the time of the investigation that could materially affect the investigation findings. The Review Panel may uphold or reverse the Investigator’s findings. It may also remand the matter to the Title IX Coordinator with instructions for further investigation or other action. The determination of the Review Panel is final. If the Review Panel finds the Respondent responsible for committing Prohibited Conduct, it will refer the matter to the appropriate Disciplinary Authority to determine sanctions.

**Sanctions for Student Respondents.** The Disciplinary Authority may impose one or more of the following sanctions:
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- Verbal or written reprimand
- Probation
- Suspension
- Expulsion
- Restitution
- Restriction from employment at MUSC, educational program attendance, educational project, professional assessment;
- Recommended participation in sessions at Counseling and Psychological Services;
- Removal from specific courses or activities
- No Contact Order
- No Trespass Order
- Transcript notification and/or notification to other institutions;
- Withholding or delaying the conferral of the degree.

**Written Notice of Outcome.** The Complainant and Respondent will receive simultaneous written notification of the outcome, including both the sanction and/or corrective action and the rationale.

**Advisor of Choice.** Throughout the resolution process, both the Complainant and the Respondent may consult and be accompanied by an advisor to every proceeding. The parties may choose anyone (including an attorney) who is not otherwise a party or witness to the resolution process.

**Participation.** Neither the complainant nor respondent is required to participate in the investigation or hearing process. However, if a party declines to participate in an investigation and/or the hearing process, the university’s ability to investigate meaningfully and respond to a report of Prohibited Conduct may be limited. If another MUSC community member is asked to provide a witness interview, they are expected to participate. All witnesses and parties who participate are expected to provide truthful information in the resolution of reports of Prohibited Conduct.

**Time Limitations.** There is no time limit for reporting Prohibited Conduct. However, to maximize MUSC’s ability to gather relevant and reliable information, contact witnesses, investigate thoroughly, and respond meaningfully, complainants and individuals with information about potential violations of this Policy are urged to make reports as soon as possible. If a report is filed against an individual who is no longer a student or employee at MUSC, the university will not have disciplinary authority over the respondent. In the event the respondent is not affiliated with MUSC at the time of the report, the Complainant will still be entitled to make use of any of the resources available to students and may seek assistance from the university in identifying and contacting law enforcement.

**Jurisdiction.** This Policy applies to Prohibited Conduct by a student or employee (1) on any campus or MUSC-owned or controlled property; (2) on any other property or facility used by MUSC for educational programs or activities (including but not limited to MUSC-sponsored travel, research or internship program); and (3) through the use of MUSC’s computing and network resources. This Policy will apply regardless of the location of the conduct when the Title IX Coordinator determines that the reported Prohibited Conduct has a significant impact on the educational mission and wellbeing of the MUSC community.
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Alcohol and/or Drug Use Amnesty. A complainant or bystander acting in good faith when disclosing an incident of Prohibited Conduct to MUSC’s officials or law enforcement will not be subject to Code of Conduct or the MUSC Substance Abuse Prevention and Intervention Policy for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the reported incident. MUSC may initiate an assessment or educational discussion or pursue other non-disciplinary options regarding alcohol and drug use.

4. RESOURCES

MUSC is a caring community. We hope that you take advantage of the many resources available to you.

Emergency Medical Assistance. An individual who experiences sexual assault, relationship violence, stalking, sexual exploitation, or other forms of sexual or related misconduct is strongly encouraged to seek immediate medical assistance. Students are not required to report an incident to law enforcement or MUSC in order to receive medical attention or a forensic exam.

Regardless of whether a forensic exam is obtained after a sexual assault, individuals are encouraged to seek follow-up care to address any ongoing medical concerns, including those related to sexually-transmitted infections and pregnancy. Students may access care at Student Health Services or through a health care provider of their choice.

- Sexual Assault Nurse Examiner: For sexual violence, a Sexual Assault Nurse Examiner (SANE) can conduct a forensic examination to collect evidence within the first 120 hours after a sexual assault. A healthcare professional can also assess for any possible injuries, provide emergency contraception, screen for sexually transmitted infections, and provide referrals for physical and mental health providers. These services are free and can be anonymous. For more information, please visit http://www.muschealth.org/sexual-assault or contact the MUSC Emergency Department/Room at 169 Ashley Avenue; (843) 792-2300.

- Confidential Resources
  - Counseling and Psychological Services (CAPS): 30 Bee Street, Suite 101, Charleston, SC 29425; https://www.musc.edu/esl/caps/; caps@musc.edu; 843.792.4930
  - Employee Assistance Program (EAP): 67 President Street, Charleston, SC 29425; http://www.muschealth.org/psychiatry/professionals/eap.html; 843.792.9888
  - Student Health Services: 30 Bee Street, 1st floor, Charleston, SC 29425; https://www.musc.edu/studenthealth/; 843.792.3664
  - Sexual Assault Nurse Examiner: MUSC Emergency Department; 169 Ashley Avenue; telephone; http://www.muschealth.org/sexual-assault; 843.792.2300.
  - MUSC Chaplain: Pager number: (843) 792-2123.
  - National Crime Victims Research and Treatment Center: 67 President Street, 2nd floor South; https://www.musc.edu/ncvc; 843.792.8209
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- Any MUSC healthcare provider with whom the party has a patient-physician relationship
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*Non-Confidential Campus Resources.* Even those university officials who cannot guarantee confidentiality will maintain a person’s privacy to the greatest extent possible. When the information pertains to sexual or related misconduct, the information provided to a non-confidential resource will be relayed to the Title IX Coordinator or Deputy Title IX Coordinator only as necessary for the university to investigate and seek resolution.

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<tr>
<th>Department of Diversity, Equity &amp; Inclusion</th>
<th>Office of Gender Equity</th>
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<tbody>
<tr>
<td>Willette S. Burnham-Williams, Ph.D.</td>
<td>Daniel W. Smith, Ph.D.</td>
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<tr>
<td>Basic Sciences Building 104</td>
<td>67 President Street, 2nd Floor South</td>
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<tr>
<td>(843) 792-1072 <a href="mailto:titleix@musc.edu">titleix@musc.edu</a></td>
<td>(843) 792-8066 <a href="mailto:smithdw@musc.edu">smithdw@musc.edu</a></td>
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<tr>
<th>Office of Student Programs &amp; Student Diversity</th>
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<tr>
<td>Tajuan Wilson, EDD.,</td>
<td>Dr. Tariq Javed</td>
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<tr>
<td>45 Courtenay Drive, Ste. 213, MSC 974</td>
<td>(843) 792-2344</td>
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<tr>
<td>(843) 792-2693 <a href="mailto:wilsotaj@musc.edu">wilsotaj@musc.edu</a></td>
<td><a href="mailto:javedt@musc.edu">javedt@musc.edu</a></td>
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<th>College of Graduate Studies</th>
<th>College of Health Professions</th>
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<tr>
<td>Dr. Cynthia Wright</td>
<td>Dr. Karen Wager</td>
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<tr>
<td>(843) 876-2403 <a href="mailto:wrightcf@musc.edu">wrightcf@musc.edu</a></td>
<td>(843) 792-4492 <a href="mailto:wagerka@musc.edu">wagerka@musc.edu</a></td>
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<th>College of Medicine</th>
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<tr>
<td>Dr. Myra Haney Singleton</td>
<td>Carolyn Page</td>
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<tr>
<td>(843) 792-1672 <a href="mailto:haneymk@musc.edu">haneymk@musc.edu</a></td>
<td>(843) 792-8515 <a href="mailto:pagecf@musc.edu">pagecf@musc.edu</a></td>
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<tr>
<td>Dr. Cathy Worrall</td>
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<tr>
<td>(843) 792-8451 <a href="mailto:worralcl@musc.edu">worralcl@musc.edu</a></td>
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<tr>
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<th>UMA/MUSC Physicians HR</th>
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<tr>
<td>163 Rutledge Avenue</td>
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<tr>
<td>(843) 792-0819 <a href="mailto:muhahr@musc.edu">muhahr@musc.edu</a></td>
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<td>Debbie Underwood, Victims Advocate</td>
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<tr>
<td>101 Doughty Street, Charleston, SC 29425</td>
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<tr>
<td>(843) 792-1986 <a href="mailto:wagenbrd@musc.edu">wagenbrd@musc.edu</a></td>
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