

Enterprise-wide Policy

Section #	Policy # E-PUBSAF-001	Crime Reporting (Clery Act)	
Responsible Department: Department Of Public Safety			
Date Originated 10/16/2019	Last Reviewed 10/18/2021	Last Revised 10/18/2021	Effective Date* 01/13/2022

Policy Scope:

Applicable	Entity
X	MUHA
X	University
X	MUSCP

Printed copies are for reference only. Please refer to the electronic copy for the official version.

I. Policy Statement

The Medical University of South Carolina (MUSC) is committed to creating and maintaining a working, learning, and patient care environment that is free from crime and violence. As part of that commitment, MUSC prohibits violent acts, threats of violence, and intimidation. Any member of the MUSC community who commits or threatens to commit a violent act is subject to disciplinary action and/or civil or criminal prosecution as appropriate.

II. Scope

This Policy is applicable to all members of the MUSC community. This community includes, but is not limited to, students, employees (including residents, postdoctoral fellows, faculty, administrators, and staff), guests, independent contractors, vendors, visitors, invitees, and campers.

III. Purpose of This Policy

The purpose of this Policy is to provide the MUSC community with information about reporting crimes, the responsibilities of Campus Security Authorities, how the Department of Public Safety responds to reports of crimes, the rights of victims, and strategies to for reducing risk and contributing to a paradigm of safety.

IV. Who Should Be Knowledgeable About This Policy

All members of the MUSC community.

V. Related Information

The following policies and handbooks may contain relevant information:

- Policy on Prohibited Discrimination, Harassment, and Sexual Misconduct
- Standards of Professional Behavior Policy
- Treatment of Students Policy
- Code of Conduct
- Student Handbooks

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- Human Resource policies
- Faculty Handbook
- Graduate Medical Education Handbook

VI. Communication Plan

This Policy will be published in the Bulletin, on MUSC's website, and will be included in new student and employee orientation materials (e.g., MyQuest modules, Handbooks, etc.). Senior administration will communicate the Policy to their teams and units using normal communication channels.

Crime Reporting Policy

I. Reporting Crimes to Law Enforcement

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- II. Prompt Reporting of Crimes
- III. Campus Security Authorities
- IV. Confidential Reporting to Pastoral Counselors and Professional Counselors
- V. Anonymous Reporting of Crimes
- VI. Timely Warnings
- VII. Unfounded Crime Reports
- VIII. Collection of Crime Statistics
- IX. Orders of Protection and Restraining Orders
- X. Seeking Medical Care
- XI. Preserving Evidence
- XII. Victim's Bill of Rights
- XIII. Victim Support Services
- XIV. Warning Signs of Abusive Behavior
- XV. Bystander Intervention
- XVI. Strategies for Risk Reduction

I. Reporting Crimes to Law Enforcement

Although MUSC encourages all members of its community to promptly report all known or suspected incidents of criminal activity to law enforcement, it is the victim's choice whether to make such a report. Victims have the right to decline involvement with the police. The MUSC Department of Public Safety (DPS) will support all victims of crimes regardless of whether the victim decides to seek criminal prosecution of the offender or not. When members of the MUSC community request assistance with

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reporting a crime, MUSC officials will without delay comply with the individual's request in notifying the proper authorities.¹

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

Crime reports can be made at any time. Priority is given to reports of incidents that threaten the lives or safety of people, the security of property, and the peace of the community. DPS responds to all reports of crime and other emergencies immediately and with resources appropriate for the type of crime or incident reported. Reports of crimes in progress and all calls involving imminent threat to human life or extreme property damage typically results in multiple units being dispatched.

Professionally trained dispatchers are available 24 hours a day to answer calls. Reports can be made by phone at (843) 792-4196 for emergencies or (843) 792- 2261 for non-emergencies, by dialing 2-4196 from any campus landline, via a call box,² through the LiveSafe App,³ or in person at 101 Jonathan Lucas Street, first floor, Charleston, SC. If a crime happens off campus it should be reported to the local law enforcement agency by dialing 911.

Because police reports are public records under state law, DPS cannot hold reports of crime in confidence. However, DPS and all University offices will protect the identities of victims and witnesses associated with sexual assaults, dating and domestic violence, and stalking. Accordingly, MUSC will not publish personally identifiable information of victims or witnesses in the daily crime log, timely warnings, emergency notifications, and any accommodation or protective measure provided to victims unless confidentiality impairs the effectiveness of the measure.

II. Accurate and Prompt Reporting of Crimes

Preventing crime is a shared responsibility between law enforcement and the population it serves. Faculty, staff and students are encouraged to assume responsibility for their own security and the security of others by promptly and accurately reporting all crimes to DPS or other appropriate police agencies, whether the victim elects to, or is unable to make such a report.

If you witness something suspicious, do not become apathetic or assume someone else has or will report it. *If you see something - say something.* When reporting, always remember to accurately report the crime by answering these 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.

III. Campus Security Authorities

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For certain incidents, MUSC has specific reporting protocols designed to ensure that any criminal incident that occurs within MUSC's Clery Geography (on campus, on public property bordering campus, and in non-campus areas leased or otherwise controlled by MUSC) is reported to the Department of Public Safety, the official campus authority for reporting all crimes. Alternatively, victims may choose to report criminal incidents to any employee or office that is designated as a Campus Security Authority (CSA). Whenever a CSA becomes aware of conduct that reasonably appears to constitute a Clery Act incident they must immediately report the incident to DPS.

The following crimes constitute Clery Act incidents⁴:

1. All primary crimes (murder, non-negligent manslaughter, and negligent manslaughter), sexual assault (rape, fondling, incest, and statutory rape), robbery, aggravated assault, burglary, motor vehicle theft, and arson;
2. Hate crimes;
3. VAWA⁵ crimes: dating violence, domestic violence, and stalking; and
4. Arrests and referrals to university officials for violations of liquor, drug, and weapons laws.

CSAs must report Clery Act incidents even if the information regarding the incident was shared with them in confidence. Specifically, CSAs must report the date and time of occurrence, the location, and the individuals involved if it is not an anonymous reporting situation. DPS provides CSAs with Clery Act Statistic Report Forms and Referral Forms, but CSAs can also report crimes to DPS by phone, email, or in person.

De-identified information will be published in the Annual Security Report and may be published in the daily campus crime log. This reporting helps to provide the community with a clear picture of the extent and nature of campus crime to ensure greater community safety.

The Clery Compliance Coordinator maintains a list of all identified CSAs and other Clery Act-related documentation for the university. CSAs are notified annually of their status and reporting obligations, and they complete online training on an annual basis.

Pursuant to the Clery Act, MUSC has four categories of Campus Security Authorities:

1. The Department of Public Safety;
2. Non-DPS personnel with security responsibilities, such as those monitoring access to campus;
3. Any individual or organization specifically identified in this Policy to which students and employees should report criminal offenses;⁶ and
4. Officials⁷ with significant responsibility for student and campus activities. The term "responsibility" is interpreted broadly, so that most employees who interact with students in any position of authority are CSAs. This includes but is not limited to student affairs/student conduct staff, student activities staff, human resources staff, and advisors to student organizations. For more information about your responsibilities as a CSA or if you are not sure whether you are a CSA, please consult the FAQs for Campus Security Authorities or speak to DPS.

IV. Confidential Reporting to Pastoral Counselors and Professional Counselors

Only those CSAs who are pastoral or professional counselors are exempt from the requirement to report, and only if they learn of the Clery Act incident while acting in their counselor capacity. A pastoral counselor is defined as a person "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." A professional counselor is defined as "a person whose official responsibilities include providing mental health counseling to members of the institution's community

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and who is functioning within the scope of his or her license or certification.” This definition applies even to counselors who are not MUSC employees but are under contract to provide counseling at MUSC.

This exemption also applies to individuals who are not yet licensed or certified as counselors but are under the supervision of a pastoral or professional counselor. However, an individual who has a professional counselor’s license but is employed by MUSC in a different capacity with significant responsibility for student and campus activities (e.g., as a dean of students), is not exempt from reporting a Clery Act incident. Similarly, an individual who has a dual role and learns about a crime when they are not serving as a counselor must report the incident. When appropriate, counselors may encourage the student to make a voluntary confidential report to MUSC for inclusion in the annual disclosure of crime statistics.

V. Anonymous Reporting of Crimes

Individuals can make confidential, anonymous reports to MUSC in the following ways:

- Calling (843) 792-2261
- Using the Silent Watch online form: https://cm.maxient.com/reportingform.php?MedicalUnivofSC&layout_id=14
- Using the Report Tips function on the LiveSafe App
- Completing the Harassment and Discrimination Reporting Form: https://cm.maxient.com/reportingform.php?MedicalUnivofSC&layout_id=6

Individuals can also make anonymous, confidential reports externally to:

- Crime Stoppers of the Low Country: <http://5541111.com/sitemenu.aspx?ID=213&>; (843) 554-1111
- Information received by MUSC 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: (800) 296-0269. Any activity that is reasonably believed to be in violation of a law, regulation, MUSC policy, or any federal or state healthcare requirement may be reported to the confidential hotline, which is monitored by a third-party vendor and does not answer questions about MUSC services or facilities.

Providing information will help MUSC maintain accurate records regarding the number of incidents; determine if there is a pattern of conduct with regard to a particular location or responding party; and alert the campus community to potential dangers. Although individuals are permitted to make anonymous reports, DPS’s ability to respond meaningfully may be limited depending on the amount of information provided.

VI. Timely Warnings

The Department of Public Safety provides timely warnings to the MUSC community when a situation occurs within MUSC’s Clery Geography and represents a serious or continuing threat. Decisions to issue a timely warning will be made on a case-by-case basis in light of all the facts surrounding the crime and the continuing danger to the university community. The purpose of the warning is to aid in the prevention of similar crimes by alerting the community about the incident

and providing information on the actions people can take to diminish their chances of being victimized. The amount and type of information provided in a timely warning will vary depending on the circumstances of the crime. DPS will withhold the names of the victims as confidential while still providing enough information for community members to make safety decisions. Timely warnings are typically issued for all Clery Act crimes.

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DPS may also issue Public Safety Bulletins for other crime classifications and locations, as deemed necessary.

Timely warnings are distributed to the MUSC community by blast email. DPS will make an effort to distribute a timely warning as soon as pertinent information is available so that the timely warning is a preventive tool, not solely a description of the incident.

Timely warnings are different from Emergency Notifications, which serve to notify the entire MUSC community of an emergency or dangerous situation involving an immediate threat (e.g., hurricane or tornado warnings, armed intruder, bomb threat, etc.).⁸

VII. Unfounded Crime Reports

According to the FBI's 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 remain as official crime reports and are included in the Annual Security Report and daily crime log. They are explicitly labeled as "unfounded" cases.

VIII. Collection of Crime Statistics

DPS will review all 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) committed within MUSC's Clery Geography. DPS also requests statistics for offenses committed within MUSC's Clery Geography from the Charleston County Sheriff's Office, Department of Health and Environmental Control, the South Carolina Department of Natural Resources Law Enforcement, South Carolina Highway Patrol, the South Carolina Law Enforcement Division., and various local, city, county, and other law enforcement agencies across South Carolina and the United States.

The Department of Public Safety publishes all de-identified statistical information required by the Clery Act in the Annual Security Report, and sends the report to the Department of Education by October 1 of each year.

IX. Orders of Protection and Restraining Orders

There are two types of restraining orders in South Carolina. An Order of Protection is a civil order issued by a family court judge that provides protection from "household members," which in South Carolina includes former or current spouses, people who have a child in common, and live-in partners of the opposite sex. A restraining order is an order issued by a Magistrate against a person who is harassing or stalking the victim and is not a member of the victim's household. Both types of orders may be filed in the county where the alleged act of abuse occurred, where the petitioner resides, or where the alleged abuser resides. An Order of Protection may also be filed in the county where the parties last resided together. Anyone in immediate danger may request an emergency hearing to receive a temporary restraining order within 24 hours of the petition.

MUSC complies with South Carolina law in recognizing protective orders by both in and out-of- state judicial authorities. Any person who obtains a protective order should provide a copy to the Department of Public Safety and to the Title IX Coordinator, who will assist that individual in creating a Safety Action Plan to reduce risk while on campus. This Safety Action Plan may include but is not limited to arranging safety escorts, special parking, changing classroom location or allowing a student to complete assignments from home, etc.

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X. Seeking Medical Care

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

XI. Preserving Evidence

Preserving evidence is important in proving that an alleged criminal offense occurred and may be helpful in obtaining a protective order. In South Carolina, evidence may be collected even if the victim chooses 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 that 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 crimes are encouraged to preserve electronic 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.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, prosecution, disciplinary proceedings, or obtaining protective orders 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 their mind at a later date.

XII. Victim's Bill of Rights

South Carolina defines "victim" as "a person who suffers direct or threatened physical, psychological or financial harm as the result of the commission or attempted commission of a crime." In accordance with the Victim's Bill of Rights, victims of crime have a right to:

- 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;
- be reasonably informed when the accused or convicted person is arrested, released from custody or has escaped;
- be informed of and present at any criminal proceedings which are dispositive of the charges where the defendant has the right to be present;
- be informed of and be allowed to submit either a written oral statement at all hearings affecting bond or bail;
- be heard at any proceeding involving a post-arrest release decision, a plea or sentencing;
- be reasonably protected from the accused or persons acting on his behalf throughout the criminal justice process;
- confer with prosecution, after the crime against the victim has been charged, before the trial or before any disposition and informed of the disposition;
- have reasonable access after the conclusion of the criminal investigation to all documents relating

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to the crime against the victim before trial;

- 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;
- 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;
- a reasonable disposition and prompt and final conclusion of the case⁹;
- 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.

XIII. Victim Support Services

The Department of Public Safety's Victim Advocate provides free assistance to crime victims throughout an incident and supports them as they navigate the criminal justice system. The Victim Advocate for the DPS can be reached at (843) 792-2261. The Victim Advocate offers the following services:

- Assists with applying for compensation and other financial, social service, and counseling services.
- Intervene on behalf of victims with creditors, employers, etc.
- Informs the victim of the status and progress of their case.
- Notifies victims of the arrest, detention, bond hearing, pretrial hearing or other court dates.
- Notifies victims prior to release of a juvenile to their parent/guardian.
- Arranges transportation to and from court.

The National Crime Victims Research and Treatment Center (NCVC) also offers several services for victims of crimes. NCVC employs staff that can help eligible victims obtain compensation for mental health counseling through Crime Victims Compensation Fund, sponsored by the South Carolina State Office of Victim Assistance (SOVA). NCVC has also partnered with the Charleston County Sheriff's Office Victims' Assistance Program to provide family survivors of homicide with confidential support resources. They offer support groups and a psychoeducational group to help survivors gain a better understanding of loss and grief, and to help promote change and growth in their lives. They also assist with transportation to crime-related appointments.

More information about services and resources for victims can be found on the [MUSC Title IX webpage](#).

XIV. 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. 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 warnings signs of abusive behavior:

1. Being afraid of your partner.
2. Constantly watching what you say to avoid a "blowup."
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.

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If you are being abused or suspect that someone you know is being abused, below are some ways to speak up or intervene:

1. Get help by contacting the Center for Psychological Services, Student Health Services, or the Employee Assistance Program 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 order 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.

XV. Bystander Intervention

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 can prevent harm or intervene before a situation gets worse. All members of the MUSC community can help contribute to creating a safe and inclusive environment by becoming active bystanders (or upstanders) by:

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

Examples of active bystander intervention include:

- Not leaving an overly intoxicated person at a bar/party alone
- Not leaving an unconscious person alone (alerting a campus security authority, EMS, DPS, local police, etc.)
- Walking a classmate to his/her car after class
- Calling police when a potentially violent situation is unfolding
- Intervening when someone is being belittled, degraded or emotionally abused
- Walking the victim away from the abuser
- Contacting others for help, like the Behavioral Support Intervention Team, Counseling and Psychological Services, Employee Assistance Program, Dean, Supervisor, CSA, etc.

XVI. Strategies for Risk Reduction

In an effort to promote safety and reduce conditions that facilitate violence, the Department of Public Safety recommends the following risk reductions strategies:

- Be accountable to one another.
- Respect other people’s wishes and don’t make assumptions about other people’s behaviors
- Understand that flirting is not consent. Just because you believe you were “led on” doesn’t give you permission to act.
- Do not tolerate those who commit harassment or violence.

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- Be aware of rape drugs.
- Keep track of how many drinks you have had.
- Try not to leave your drink unattended. Only drink from unopened containers or from drinks you watched being made and poured.
- Cover your drink. It is easy to slip in a small pill even while you are holding your drink.
- Avoid group drinks like punch bowls.
- 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.
- Try to come and leave parties and bars with a group of people you trust.
- Avoid giving out your personal information (phone number, address, etc).
- Make sure your cell phone is easily accessible and fully charged.
- Be familiar with where call boxes are installed on campus.
- Be aware of open buildings where you can use a phone.
- 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 headphones in both ears so that you can be more aware of your surroundings
- If walking back from campus late at night, try to walk with a friend.
- Carry a noisemaker (like a whistle) and small flashlight on your keychain.
- If walking feels unsafe contact Public Safety at (843) 792-4196 for a Safety Escort.

¹ Pursuant to the Jessica Horton Act, if MUSC is made aware of a report alleging that Criminal Sexual Conduct occurred on MUSC's campus, the Chief of DPS or a designee must notify the State Law Enforcement Division.

² There are over 150 emergency call boxes around campus, including in the parking lots and garages. They can be used to report any type of emergency, including fire, medical, suspicious activity or crime-in-progress. By pressing the "emergency" button on a call box, you are immediately placed in contact with the DPS dispatcher and the blue light begins to flash. If you think 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 DPS to determine your direction of travel so they may intercept you and provide assistance.

³ The LiveSafe app can be downloaded from the App Store or Google Play. The app is free and allows the user to report emergencies, report tips, report anonymously, and transmit your location to DPS or to other designated LiveSafe app users (e. g., you can use the SafeWalk feature to request that a friend tracks you through the app.)

⁴ Please refer to **Appendix A** for criminal definitions and further information about MUSC's Clery Geography.

⁵ VAWA stands for Violence Against Women Reauthorization Act of 2013.

⁶ Please refer to **Appendix B** for a list of offices and officials that are specifically designated by this Policy as Campus Security Authorities.

⁷ An official is a person with the authority or duty to take action or respond to particular issues on behalf of MUSC.

⁸ Emergency Notifications are described in detail in the Policy on Emergency Response and Evacuation Procedures.

⁹ Upon request, MUSC will disclose the results of any disciplinary proceeding conducted by the university against a student or employee who is the alleged perpetrator of any crime of violence or a non -forcible sex offense to the alleged victim or next of kin, if the victim is deceased.

Appendix A to the Crime Reporting Policy: MUSC's Clery Geography and Crime Definitions

I. MUSC's Clery Geography

To qualify as reportable, a Clery Act crime must have occurred in one of the following locations:

- On-campus property: Any building or property owned or controlled by the University within the same reasonable contiguous geographic area and used by the University in direct support of, or in a manner related to, the University's educational purpose, including buildings or property the location described herein that is owned by the University but controlled by another person and which is frequently used by students (excluding residential life buildings and Greek houses).
 - This refers to MUSC's downtown Charleston campus and means any location that is owned or controlled by MUSC and is used (1) for educational purposes or (2) by students for some other purposes (e.g., food vendors). [Please refer to the Campus Map for further reference.](#)
- On-campus residential life buildings and Greek houses.
 - MUSC does not own or control any on-campus student housing facilities, dormitories, residential life buildings or Greek houses.

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- Non-campus property: Any non-campus property or building owned or controlled (leased) by the University that is frequently used by students and is not within the same reasonable contiguous geographic area of the institution.
 - For example, MUSC-contracted housing for students on away rotations.
- Public Property: Any public property located immediately adjacent to and accessible from campus including public garages, thoroughfares, sidewalks, streets, lands, parks and public waterways.

II. Definitions of Primary Crimes¹

Murder/Non-Negligent Manslaughter: The willful (non-negligent) killing of one human being by another. 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.

Sexual assault is defined as an offense that meets the definition of **rape, fondling, incest, or statutory rape** as used in the FBI's Uniform Crime Reporting Handbook.

- **Rape** is 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 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 sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** is sexual intercourse with a person who is under the statutory age of consent. In South Carolina the age of consent is 16.

Robbery: The taking or attempting to take anything of value from the care, custody or control of a person, or persons, by force or threat of force, 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 which 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. Note: Thefts from areas of open access are classified as Larceny, not Burglary.

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 without force are counted.
2. The unlawful entry must occur within a structure that is defined as having four walls, a roof, and a door.

¹ The definitions of Primary Crimes are from the Summary Reporting System User Manual from the FBI's Uniform Crime Reporting Program (UCR).

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. (Classified as motor vehicle theft are 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.

III. Definitions of Hate Crimes²

Hate Crime: A criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias. Bias is a preformed negative opinion or attitude toward a person based on race, gender, gender identity, religion, sexual orientation, ethnicity, disability, or national origin. Reports of all crimes, including the crimes of larceny-theft,³ simple assault,⁴ intimidation,⁵ and vandalism,⁶ in which a victim is intentionally selected because of their actual or perceived identity, shall be collected and reported according to the category of prejudice.

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).

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).

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.

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.

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

² All Hate Crime definitions are from the U.S. Department of Education's Handbook for Campus Safety and Security Reporting, 2016 Edition. Hate Crimes are classified according to the FBI's Uniform Crime Reporting Hate Crime Data Collection Guidelines and Training Manual.

³ Larceny-theft is the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

⁴ Simple assault is 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.

⁵ Intimidation is to unlawfully place another person in reasonable fear of bodily harm using threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

⁶ Vandalism is 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.

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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.

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.

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 associated with people of a certain national origin.

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.

IV. Definitions of VAWA crimes⁷

Dating violence is 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 by the victim based on consideration of (a) the length of the relationship; (b) the type of relationship; (c) and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

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

Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for the person's safety or the safety of others; or (b) suffer substantial emotional distress. For the purposes 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. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

V. Arrests and referrals to university officials for violations of liquor laws, drug laws, and weapons laws.

Arrest for Clery Act purposes, is defined as persons processed by arrest, citation or summons.

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.

Weapons 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

⁷ For Domestic Violence, Dating Violence and Stalking, the Clery Act specifies that MUSC must use the definitions provided by the Violence Against Women Act (VAWA)

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openly, furnishing deadly weapons to minors, aliens possessing deadly weapons or all attempts to commit any of the aforementioned.

Drug Law Violations: The violation 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 of illegal transportation of liquor, drinking on a train or public conveyance or all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

VI. South Carolina Definitions of Dating Violence, Domestic Violence, Sexual Assault, and Stalking

In addition to conduct that is prohibited by MUSC policy and federally-defined crimes reported in the Annual Security Report, below are the state definitions of dating violence, domestic violence, sexual assault and stalking. They are included to provide education and awareness of local jurisdiction crimes to the community. Terminology and state law vary from MUSC policy at times. This creates circumstances where Public Safety may not be able to bring criminal charges against an individual accused of violating University policy. However, University policy outlines consequences for the accused perpetrator if they are a member of the University community, as well as protection for the reporting individual. This administrative process occurs independently of any criminal charges.

Domestic Violence is defined as the unlawful causing of “physical harm or injury to a person’s own household member” or the “offer or attempt to cause physical harm or injury to a person’s own household member with apparent present ability in circumstances reasonably creating fear or imminent peril.” A “household member” includes a spouse, a former spouse, persons who have a child in common, co-habitants involved during a romantic relationship or those who formerly cohabitated during a romantic relationship. (South Carolina Code of Laws § 16-25-10).

Dating Violence is not a specific criminal violation in South Carolina. However, the state does prohibit a number of physically violent actions to include Homicide, Manslaughter, and Assault and Battery in multiple degrees, which may be applicable.

Stalking is defined by South Carolina law as a “pattern of words, whether verbal written, or electronic, or a pattern” of “two or more acts occurring over a period of time, however short, evidencing a continuity of purpose” that “serves no legitimate purpose and is intended to cause and does cause a targeted person and would cause a reasonable person in the targeted person’s position to fear” either “(1) death of the person or a member of his family; (2) assault upon the person or a member of his family; (3) bodily injury to the person or a member of his family; (4) criminal sexual contact on the person or a member of his family; (5) kidnapping of the person or a member of his family; or (6) damage to the property of the person or a member of his family.” (South Carolina Code of Laws § 16-3-1700)

Sexual Assault is prohibited in South Carolina as a type of **Criminal Sexual Conduct** called **Sexual Battery**. South Carolina Code of Laws does not define or have a statute associated with **consent**. Instead, an individual may be guilty of varying degrees of Criminal Sexual Conduct depending on the circumstances of the sexual battery.

Sexual Battery is defined as 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, except when such intrusion is accomplished for medically recognized treatment or diagnostic purposes. (South Carolina Code of Laws § 16-3-651).

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A person is guilty of committing the felony of **Criminal Sexual Conduct in the first degree**, and may receive up to 30 years of imprisonment, if they commit Sexual Battery and at least one of the following occurs: (a) The perpetrator uses physical force or the threat of a weapon; (b) The victim submits to the sexual conduct by the perpetrator under circumstances where 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 perpetrator 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. (South Carolina Code of Laws § 16-3-652).

A person is guilty of committing the felony of **Criminal Sexual Conduct in the second degree**, and may receive up to 20 years of imprisonment if they commit Sexual Battery and at least one of the following occurs: (a) The perpetrator 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 (b) The perpetrator 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. (South Carolina Code of Laws § 16-3-653).

A person is guilty of committing the felony of **Criminal Sexual Conduct in the third degree**, and may receive up to 10 years of imprisonment, if they commit Sexual Battery and at least one of the following occurs: (a) The perpetrator uses force or coercion to accomplish the sexual battery in the absence of aggravating circumstances; or (b) The perpetrator 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. (South Carolina Code of Laws § 16-3-654).

Appendix B to the Crime Reporting Policy: Officials and Offices Designated by the Crime Reporting Policy as Campus Security Authorities

EVP for Academic Affairs and Provost	Colcock Hall – 179 Ashley Ave. Rm. 213	(843) 792-3031
Associate Provost for Educational Affairs and Student Life	Colcock Hall – 179 Ashley Ave. Rm. 205	(843) 792-2228
College of Dental Medicine, Dean	Basic Science Building – 173 Ashley Ave. Rm. BSB447	(843) 792-3811
College of Dental Medicine Assoc. Dean for Academic and Student Affairs	Basic Science Building – 173 Ashley Ave. Rm. BSB443	(843) 792-2344
College of Graduate Studies, Dean	Bioengineering Bldg. – 68 President Street, Rm: BE101N	(843) 792-2402
College of Graduate Studies Assoc. Dean for Admissions & Career Development	Bioengineering Bldg. – 68 President Street, Rm: BE 101N	(843) 876-2403
College of Health Professions, Dean	CHP Complex – 151-A Rutledge Ave, Rm A326	(843) 792-3328
College of Health Professions Associate Dean for Student Affairs	CHP Complex – 151-A Rutledge Ave, Rm: A321	(843) 792-4492
College of Medicine, Dean	Clinical Sciences Bldg. – 96 Jonathan Lucas St. Suite: 601	(843) 792-2842
College of Medicine, Assistant Dean for Student Affairs	Clinical Sciences Bldg. – 96 Jonathan Lucas St. Rm: 601	(843) 792-1672
College of Nursing, Dean	College of Nursing Bldg. – 99 Jonathon Lucas St. Rm. 303	(843) 792-3941
College of Nursing, Director of Student Services	College of Nursing Bldg. – 99 Jonathon Lucas St. Rm. 224	(843) 792-3844

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College of Pharmacy, Dean	College of Pharmacy Bldg. – 280 Calhoun St. Rm: QF108C	(843) 792-8979
College of Pharmacy, Assoc. Dean for Student Affairs	College of Pharmacy Bldg. – 280 Calhoun St. Rm: QE223B	(843) 792-8451
Executive Director of Student Programs and the Office of Diversity	45 Courtenay Dr. Ste. 213	(843) 792-3281
Director, Office of Student Programs, Education & Student Support	45 Courtenay Dr. Ste. 213	(843) 792-2636
Director, MUSC Wellness Center	45 Courtenay Dr. Rm. Ste. 222	(843) 792-2533
Chairperson, Behavioral Support Intervention Team (BSIT)	100 Doughty Street, Rm: BA104F	(843) 792-0686
Director of Operations, Center for Global Health	Harper Student Center – 45 Courtenay Dr. Rm SS402	(843) 792-5602
Health, Safety and Cultural Affairs, Center for Global Health	Harper Student Center – 45 Courtenay Dr. Rm SS454	(843) 792-2156
Director, Office of Parking Management	PG2 – 91 President Street, 2 nd Floor	(843) 792-3665
Director, Human Resources Management, University	19 Hagood Ave, Rm: 101	(843) 792-2122
Director of Hospital Safety & Security	Main Hospital – 169 Ashley Ave. Rm: 241	(843) 792-4831
Director, Libraries and Learning Resource Centers	171 Ashley Ave, Room ECL 419	(843) 792-8839
Director, Office of Enrollment Management	Harper Student Center – 45 Courtenay Dr. Rm SS444	(843) 792-3813
MUSC Controlled Substance Investigator, Internal Audit	45 Bee Street, 2 nd Floor	(843) 792-4199
Title IX Coordinator & Deputy Title IX Coordinator	Basic Science Bldg. – 173 Ashley Ave, Room BSB104	(843) 792-1072 (843) 792-1282
Jeanne Clery Act Compliance Coordinator	Public Safety Bldg. - 101 Jonathan Lucas Street, 2 nd Floor	(843) 792-3767
Director, Office of Gender Equity	IOP Building - 67 President Street 2 nd Floor South, Rm: BA205	(843) 792-0532
Associate Program Director for Education and Evaluation/ SC Area Health Education Consortium	19 Hagood Ave, Rm: 801	(843) 792-8230
Director, University Compliance	49 Bee St	(843) 792-9607

* Please note, individuals who are not included in this list may be still be Campus Security Authorities if they have significant responsibility for student and campus activities.

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