



Department of Diversity,  
Equity, and Inclusion  
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Charleston, SC 29425  
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August 20, 2020

Dear MUSC community:

Three months ago, in light of the Department of Education's recently published [Title IX regulations](#), we organized a committee of dedicated staff, faculty, and students to review our institutional policy and procedures on harassment and discrimination.

Despite campus closure and a shift to telecommuting for most of us, the committee met virtually on a weekly basis and worked together to revise our policy and procedures. Our goal was to ensure compliance with the new federal regulations while upholding MUSC's existing commitment to maintaining a working and educational environment that promotes learning, discovery and healing, and is free from harassment and discrimination.

We wish to highlight key changes in the revised [Nondiscrimination, Anti-Harassment, and Equal Opportunity Policy and Procedures](#) that went into effect on August 14, 2020.

- **Responsible Employees.** Under the former policy, ALL employees who were not Confidential Resources were mandated to report incidents of suspected harassment or discrimination to the Department of Diversity, Equity, and Inclusion (DEI). Per the new policy, the concept of "Responsible Employees" has been narrowed to **all faculty members, all supervisors, certain HR staff, and all Campus Security Authorities** (as identified in Appendix B to the [Crime Reporting Policy](#)). This change allows our office to provide thorough and targeted training for Responsible Employees, while encouraging other members of our community to safely discuss their concerns without notifying DEI.
- **Sexual Harassment.** The definition of Title IX sexual harassment has been changed to comply with the federal regulations. Title IX sexual harassment is conduct *on the basis of sex* that satisfies one or more of the following:
  - An employee of MUSC conditions the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;
  - Unwelcome conduct, determined by a reasonable person, to be so severe, pervasive, and objectively offensive, that it effectively denies a person equal access to MUSC's education program or activity; or
  - "Sexual assault," "dating violence," "domestic violence," or "stalking" as defined by federal law and set out in the policy.
- **Complaint Resolution Procedures.** For allegations of misconduct that meet the definition of Title IX sexual harassment, we have adopted new procedures pursuant to the federal regulations:
  - Formal complaints of sexual harassment will be adjudicated through a live hearing.

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<sup>1</sup> Members of the committee: Erica Bligen (Student Programs & Student Diversity); Carrie Cottingham (Office of General Counsel); Suzanne Drew (HR); Vivian Fairbairn (Office of General Counsel); Kristi Helke (Faculty Senate representative); Joy Kirkpatrick (Student, SGA representative); Alice Libet (CAPS); Dante Pelzer (Student Programs & Student Diversity); John Plitsch (Public Safety); Stephanie Price (DEI); Daniel Smith (Office of Gender Equity and Faculty member); Layne Thompson (Public Safety); Sharlene Wedin (BSIT and Faculty member)

- Live cross-examination of the parties conducted by the parties' advisors.
- For participants who do not have their own advisors, MUSC will provide advisors:
  - We are currently working with the Charleston School of Law to develop a pro bono program that connects MUSC parties with law students.
- University employees with the appropriate skills and expertise have volunteered to serve as members of the 2020-2021 [Grievance Process Pool](#) to assist with intake and assessment, conduct investigations, and hearings. All members of the Pool will receive training coordinated by the Title IX Coordinator.
- All other allegations of Prohibited Conduct, including discriminatory harassment and other civil rights offenses, will be investigated and adjudicated through the procedures outlined in Appendix B of the Policy. This process requires:
  - A prompt, thorough, and fair investigation;
  - An investigative report that synthesizes the facts and makes a determination as to whether the Policy was violated (and a recommendation regarding the sanctions);
  - A review and determination by the Title IX Coordinator; and
  - Appeal options that depend on the Respondent's role:
    - Student Respondents can appeal to the Associate Provost for Educational Affairs and Student Life per the [Concerns and Complaints Policy](#).
    - Faculty Respondents can submit a request for a hearing to the EVP for Academic Affairs and Provost per the [Faculty Handbook](#).
    - Staff Respondents can request a hearing through [HRM Policy 44](#).

We also wish to highlight certain practices and principles that will remain unchanged:

- DEI will continue to triage and assess all reports of harassment, discrimination, and sexual misconduct against students, staff, and faculty.
- Our office will continue to provide supportive measures to individuals regardless of whether they wish to proceed with a formal resolution.
- We will continue to offer a wide range of informal resolution options whenever appropriate.
- We will continue to provide due process to all participants, providing clear notice to anyone accused of misconduct, conducting investigations by trained, impartial investigators in a prompt manner, and treating all participants to the process with dignity and respect.

Lastly, we are grateful to the committee members for their flexibility, dedication, and expertise throughout this process.

We encourage all members of the MUSC community to become familiar with these changes, and to contact our office at [titleix@musc.edu](mailto:titleix@musc.edu) if you have any questions.

Sincerely,

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