

THE WHITE BOOK

CHAPTER 7

Cadet Personnel and Administration

SECTION 1A:

Cadet Discipline for Allegations of Sexual Misconduct

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Position: Assistant Commandant for Discipline and Title IX Coordinator

- I. Purpose: This process, nested within Cadet Discipline writ large, outlines how The Citadel will respond to, investigate, and resolve allegations of sexual misconduct, which includes the offenses of sexual harassment, sexual assault, dating violence, domestic violence and stalking as defined herein.
- II. Organization: The Commandant has primary responsibility for the Cadet Disciplinary System and administers the system through the Assistant Commandant for Discipline (AC-D), Battalion/Company TACs, and TAC NCOs. The office of the AC-D is located on the second floor of Jenkins Hall. As it relates to the various functions described throughout this procedure, only those persons who have been adequately and annually trained per the Federal Clery Act will investigate and resolve complaints of sexual misconduct.
- III. Definitions Used in This Procedure: The following definitions pertain to this ~~special~~ procedure.
 - Complainant: The student alleging being the victim of a form of misconduct as defined by this special procedure.
 - Respondent: The student who is accused of being the perpetrator of a form of misconduct as defined by this special procedure.
 - Preponderance of the Evidence is the standard of evidence by which The Citadel will utilize to reach a finding. Preponderance means that the evidence must demonstrate that it is more likely than not that the

- a. Quid Pro Quo Sexual Harassment – Conditioning the provision of an aid, benefit, or service on an

- c. Incest is defined as sexual intercourse between persons who are related to each other within the

- e. Consent is not implicit in a person's manner of dress.
- f. Accepting a meal, a gift, or an invitation for a date does not imply or constitute consent.
- g. A person's lack of verbal or physical resistance or submission resulting from the use or threat of force does not constitute consent.
- h. Silence and passivity do not constitute consent.
- i.

Sexual Misconduct Proceeding Hearing Officer's Guide:

Hearing Officers: Three selected from annually trained pool by Commandant. All Voting Members, One Assigned as Board President. Decision is determined by majority vote.

The Recorder will ensure that the proceeding is audio taped. Such tape will be maintained for five (5) years in accordance with current Citadel policy, which designates the timeframe for the maintenance of cadet disciplinary records.

Prior to the commencement of the proceeding, all Hearing Officers, including the Board President, will review the investigative report and evidence, as well as any feedback provided by the parties to the assigned investigator(s).

Step 1. Hearing Officer #1:

Notes: _____

Step 2. Hearing Officer #2:

Notes: _____

Step 3. Board President – Begin the Hearing with the Complainant and advisor, if present, and the Respondent and advisor, if present. No other parties are permitted in the hearing room unless called by the Board President for purposes of questioning and only after the Complainant and Respondent’s questions have been asked, if applicable. The Complainant and Respondent should both be asked if they have a sealed envelope containing their impact statement(s) that they would like to provide to the Board. *If virtual, the envelope should be received by the Board President at least 24 hours in advance of the proceeding.

Notes: _____

Step 4. Recorder – Inform the accused as follows: “Cade /

Step 5a. Recorder – To the Accused-

