

The State of South Carolina
In The Supreme Court

Appeal from Charleston County
Hon. R. Markley Dennis, Jr., Circuit Court Judge
Unpublished Opinion 2017-UP-282
Circuit Court Case No. 2011-CP-10-9200

Appellate Case No. 2015-001920

Mother Doe A, ... Petitioner

v.

The Citadel Respondent

APPENDIX – VOLUME III

Gregg Meyers, S.C. Bar No. 9908
Of Counsel, Pierce Hems Sloan & Wilson LLC
321 East Bay Street
Charleston SC 29401

Attorney for Appellant-Petitioner Mother Doe A

Other Counsel of Record:

Dawes Cooke
Barnwell, Whaley, Patterson & Helms
286 Meeting Street
Charleston SC 29401

Attorney for Respondent The Citadel

RECEIVED

OCT 23 2017

S.C. SUPREME COURT

factors such as the age and education level of the student, the type of position held by the employee, and school practices and procedures, both formal and informal. The Supreme Court held that a school will only be liable for money damages in a private lawsuit where there is actual notice to a school official with the authority to address the alleged discrimination and take corrective action. Gebser, 524 U.S. at 290, and Davis, 526 U.S. at 642. The concept of a "responsible employee" under our guidance is broader. That is, even if a responsible employee does not have the authority to address the discrimination and take corrective action, he or she does have the obligation to report it to appropriate school officials.

⁷⁵ The Title IX regulations require that recipients designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under the regulations, including complaint investigations. 34 CFR 106.8(a).

⁷⁶ 34 CFR 106.31. See Yates v. Ayco Corp., 819 F.2d 630, 636 (6th Cir. 1987); Katz v. Dole, 709 F.2d 251, 256 (4th Cir. 1983).

⁷⁷ For example, a substantiated report indicating that a high school coach has engaged in inappropriate physical conduct of a sexual nature in several instances with different students may suggest a pattern of conduct that should trigger an inquiry as to whether other students have been sexually harassed by that coach. See also Doe v. School Administrative Dist. No. 19, 66 F.Supp.2d 57, 63-64 and n.6 (D.Me. 1999) (in a private lawsuit for money damages under Title IX in which a high school principal had notice that a teacher may be engaging in a sexual relationship with one underage student and did not investigate, and then the same teacher allegedly engaged in sexual intercourse with another student, who did not report the incident, the court indicated that the school's knowledge of the first relationship may be sufficient to serve as actual notice of the second incident).

⁷⁸ Cf. Katz, 709 F.2d at 256 (finding that the employer "should have been aware of the problem both because of its pervasive character and because of [the employee's] specific complaints ..."); Smolsky v. Consolidated Rail Corp., 780 F.Supp. 283, 293 (E.D. Pa. 1991), reconsideration denied, 785 F.Supp. 71 (E.D. Pa. 1992) "where the harassment is apparent to all others in the work place, supervisors and coworkers, this may be sufficient to put the employer on notice of the sexual harassment" under Title VII); Jensen v. Eveleth Taconite Co., 824 F.Supp. 847, 887 (D.Minn. 1993); "[s]exual harassment ... was so pervasive that an inference of knowledge arises The acts of sexual harassment detailed herein were too common and continuous to have escaped Eveleth Mines had its management been reasonably alert."); Cummings v. Walsh Construction Co., 561 F.Supp. 872, 878 (S.D. Ga. 1983) ("... allegations not only of the [employee] registering her complaints with her foreman ... but also that sexual harassment was so widespread that defendant had constructive notice of it" under Title VII); but see Murray v. New York Univ. College of Dentistry, 57 F.3d 243, 250-51 (2nd Cir. 1995) (concluding that other students' knowledge of the conduct was not enough to charge the school with notice, particularly because these students may not have been aware that the conduct was offensive or abusive).

⁷⁹ 34 CFR 106.9 and 106.8(b).

⁸⁰ 34 CFR 106.8(b) and 106.31(b).

⁸¹ 34 CFR 106.9.

⁸² 34 CFR 106.8(b).

⁸³ 34 CFR 106.31.

⁸⁴ 34 CFR 106.31 and 106.3. Gebser, 524 U.S. at 288 ("In the event of a violation, [under OCR's administrative enforcement scheme] a funding recipient may be required to take 'such remedial action as [is] deem[ed] necessary to overcome the effects of [the] discrimination.' §106.3.").

⁸⁵ 20 U.S.C. 1682. In the event that OCR determines that voluntary compliance cannot be secured, OCR may take steps that may result in termination of Federal funding through administrative enforcement, or, alternatively, OCR may refer the case to the Department of Justice for judicial enforcement.

⁸⁶ Schools have an obligation to ensure that the educational environment is free of discrimination and cannot fulfill this obligation without determining if sexual harassment complaints have merit.

⁸⁷ In some situations, for example, if a playground supervisor observes a young student repeatedly engaging in conduct toward other students that is clearly unacceptable under the school's policies, it may be appropriate for the school to intervene without contacting the other students. It still may be necessary for the school to talk with the students (and parents of elementary and secondary students) afterwards, e.g., to determine the extent of the harassment and how it affected them.

⁸⁸ Gebser, 524 U.S. at 288; Bundy v. Jackson, 641 F.2d 934, 947 (D.C. Cir. 1981) (employers should take corrective and preventive measures under Title VII); accord, Jones v. Flagship Int'l, 793 F.2d 714, 719-720 (5th Cir. 1986) (employer should take prompt remedial action under Title VII).

⁸⁹ See Doe ex rel. Doe v. Dallas Indep. Sch. Dist., 220 F.3d 380 (5th Cir. 2000) (citing Waltman); Waltman, 875 F.2d at 479 (appropriateness of employer's remedial action under Title VII will depend on the "severity and persistence of the harassment and the effectiveness of any initial remedial steps"); Dornhecker v. Malibu Grand Prix Corp., 828 F.2d 307, 309-10 (5th Cir. 1987); holding that a company's quick decision to remove the harasser from the victim was adequate remedial action).

⁹⁰ See Intlekofer v. Turnage, 973 F.2d 773, 779-780 (9th Cir. 1992) (holding that the employer's response was insufficient and that more severe disciplinary action was

necessary in situations in which counseling, separating the parties, and warnings of possible discipline were ineffective in ending the harassing behavior).

⁹¹ Offering assistance in changing living arrangements is one of the actions required of colleges and universities by the Campus Security Act in cases of rape and sexual assault. See 20 U.S.C. 1092(f).

⁹² See section on "Harassment by Other Students or Third Parties."

⁹³ University of California at Santa Cruz, OCR Case No. 09-93-2141 (extensive individual and group counseling); Eden Prairie Schools, Dist. #272, OCR Case No. 05-92-1174 (counseling).

⁹⁴ Even if the harassment stops without the school's involvement, the school may still need to take steps to prevent or deter any future harassment — to inform the school community that harassment will not be tolerated. Wills v. Brown University, 184 F.3d 20, 28 (1st Cir. 1999) (difficult problems are posed in balancing a student's request for anonymity or limited disclosure against the need to prevent future harassment); Fuller v. City of Oakland, 47 F.3d 1522, 1528-29 (9th Cir. 1995) (Title VII case).

⁹⁵ 34 CFR 106.8(b) and 106.71, incorporating by reference 34 CFR 100.7(e). The Title IX regulations prohibit intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX.

⁹⁶ Tacoma School Dist. No. 10, OCR Case No. 10-94-1079 (due to the large number of students harassed by an employee, the extended period of time over which the harassment occurred, and the failure of several of the students to report the harassment, the school committed as part of corrective action plan to providing training for students); Los Medanos College, OCR Case No. 09-84-2092 (as part of corrective action plan, school committed to providing sexual harassment seminar for campus employees); Sacramento City Unified School Dist., OCR Case No. 09-83-1063 (same as to workshops for management and administrative personnel and in-service training for non-management personnel).

⁹⁷ In addition, if information about the incident is contained in an "education record" of the student alleging the harassment, as defined in the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g, the school should consider whether FERPA would prohibit the school from disclosing information without the student's consent. *Id.* In evaluating whether FERPA would limit disclosure, the Department does not interpret FERPA to override any federally protected due process rights of a school employee accused of harassment.

⁹⁸ 34 CFR 106.8(b). This requirement has been part of the Title IX regulations since their inception in 1975. Thus, schools have been required to have these procedures in place since that time. At the elementary and secondary level, this responsibility generally lies

with the school district. At the postsecondary level, there may be a procedure for a particular campus or college or for an entire university system.

⁹⁹ Fenton Community High School Dist. #100, OCR Case 05-92-1104.

¹⁰⁰ While a school is required to have a grievance procedure under which complaints of sex discrimination (including sexual harassment) can be filed, the same procedure may also be used to address other forms of discrimination.

¹⁰¹ See generally Meritor, 477 U.S. at 72-73 (holding that "mere existence of a grievance procedure" for discrimination does not shield an employer from a sexual harassment claim).

¹⁰² The Family Educational Rights and Privacy Act (FERPA) does not prohibit a student from learning the outcome of her complaint, i.e., whether the complaint was found to be credible and whether harassment was found to have occurred. It is the Department's current position under FERPA that a school cannot release information to a complainant regarding disciplinary action imposed on a student found guilty of harassment if that information is contained in a student's education record unless — (1) the information directly relates to the complainant (e.g., an order requiring the student harasser not to have contact with the complainant); or (2) the harassment involves a crime of violence or a sex offense in a postsecondary institution. See note 97. If the alleged harasser is a teacher, administrator, or other non-student employee, FERPA would not limit the school's ability to inform the complainant of any disciplinary action taken.

¹⁰³ The section in the guidance on "Recipient's Response" provides examples of reasonable and appropriate corrective action.

¹⁰⁴ 34 CFR 106.8(a).

¹⁰⁵ Id.

¹⁰⁶ See Meritor, 477 U.S. at 72-73.

¹⁰⁷ University of California, Santa Cruz, OCR Case No. 09-93-2131. This is true for formal as well as informal complaints. See University of Maine at Machias, OCR Case No. 01-94-6001 (school's new procedures not found in violation of Title IX in part because they require written records for informal as well as formal resolutions). These records need not be kept in a student's or employee's individual file, but instead may be kept in a central confidential location.

¹⁰⁸ For example, in Cape Cod Community College, OCR Case No. 01-93-2047, the College was found to have violated Title IX in part because the person identified by the school as the Title IX coordinator was unfamiliar with Title IX, had no training, and did not even realize he was the coordinator.

¹⁰⁹ Indeed, in University of Maine at Machias, OCR Case No. 01-94-6001, OCR found the school's procedures to be inadequate because only formal complaints were investigated. While a school isn't required to have an established procedure for resolving informal complaints, they nevertheless must be addressed in some way. However, if there are indications that the same individual may be harassing others, then it may not be appropriate to resolve an informal complaint without taking steps to address the entire situation.

¹¹⁰ Academy School Dist. No 20, OCR Case No. 08-93-1023 (school's response determined to be insufficient in a case in which it stopped its investigation after complaint filed with police); Mills Public School Dist., OCR Case No. 01-93-1123, (not sufficient for school to wait until end of police investigation).

¹¹¹ Cf. EEOC v. Board of Governors of State Colleges and Universities, 957 F.2d 424 (7th Cir. 1992), cert. denied, 506 U.S. 906 (1992).

¹¹² The First Amendment applies to entities and individuals that are State actors. The receipt of Federal funds by private schools does not directly subject those schools to the U.S. Constitution. See Rendell-Baker v. Kohn, 457 U.S. 830, 840 (1982). However, all actions taken by OCR must comport with First Amendment principles, even in cases involving private schools that are not directly subject to the First Amendment.

¹¹³ See, e.g., George Mason University, OCR Case No. 03-94-2086 (law professor's use of a racially derogatory word, as part of an instructional hypothetical regarding verbal torts, did not constitute racial harassment); Portland School Dist. II, OCR Case No. 10-94-1117 (reading teacher's choice to substitute a less offensive term for a racial slur when reading an historical novel aloud in class constituted an academic decision on presentation of curriculum, not racial harassment).

¹¹⁴ See Iota Xi Chapter of Sigma Chi Fraternity v. George Mason University, 993 F.2d 386 (4th Cir. 1993) (fraternity skit in which white male student dressed as an offensive caricature of a black female constituted student expression).

¹¹⁵ See Florida Agricultural and Mechanical University, OCR Case No. 04-92-2054 (no discrimination in case in which campus newspaper, which welcomed individual opinions of all sorts, printed article expressing one student's viewpoint on white students on campus.)

¹¹⁶ Tinker v. Des Moines Indep. Community Sch. Dist., 393 U.S. 503, 506 (1969) (neither students nor teachers shed their constitutional rights to freedom of expression at the schoolhouse gates); Cf. Cohen v. San Bernardino Valley College, 92 F.3d 968, 972 (9th Cir. 1996) (holding that a college professor could not be punished for his longstanding teaching methods, which included discussion of controversial subjects such as obscenity and consensual sex with children, under an unconstitutionally vague sexual harassment policy); George Mason University, OCR Case No. 03-94-2086 (law professor's use of a

racially derogatory word, as part of an instructional hypothetical regarding verbal torts, did not constitute racial harassment.)

¹¹⁷ See, e.g., University of Illinois, OCR Case No. 05-94-2104 (fact that university's use of Native American symbols was offensive to some Native American students and employees was not dispositive, in and of itself, in assessing a racially hostile environment claim under Title VI)

¹¹⁸ See Meritor, 477 U.S. at 67 (the "mere utterance of an ethnic or racial epithet which engenders offensive feelings in an employee" would not affect the conditions of employment to a sufficient degree to violate Title VII), quoting Henson, 682 F.2d at 904; cf. R.A.V. v. City of St. Paul, 505 U.S. 377, 389 (1992) (citing with approval EEOC's sexual harassment guidelines); Monteiro, 158 F.3d at 1032-34 (9th Cir. 1998) (citing with approval OCR's racial harassment investigative guidance).

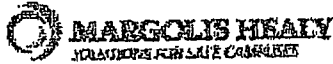
¹¹⁹ Compare Bethel School Dist. No. 403 v. Fraser, 478 U.S. 675, 685 (1986) (Court upheld discipline of high school student for making lewd speech to student assembly, noting that "[t]he undoubted freedom to advocate unpopular and controversial issues in schools must be balanced against the society's countervailing interest in teaching students the boundaries of socially appropriate behavior."), with Iota Xi, 993 F.2d 386 (holding that, notwithstanding a university's mission to create a culturally diverse learning environment and its substantial interest in maintaining a campus free of discrimination, it could not punish students who engaged in an offensive skit with racist and sexist overtones).



Definition

- Sexual violence is a form of sexual harassment prohibited by Title IX.
 - Sexual violence refers to physical sexual acts **perpetrated against a person's will** or where a person is **incapable of giving consent** due to the victim's use of drugs or alcohol
 - An individual also may be unable to give consent due to an intellectual or other disability
 - May include rape, sexual assault, sexual battery, and sexual coercion





Bottom Line

• If your institution knows or reasonably should know about sexual harassment that creates a hostile environment, Title IX **requires immediate action** to eliminate the harassment, prevent its recurrence, and address its effects.

- Regardless of whether a harassed student, his or her parent, or a third party files a complaint



Effective Investigations

I. Recognize impact of trauma on investigations

- Most complainants/victims/survivors **do not physically resist**
- Most complainants/victims/survivors **who report do so after some delay**
- Most complainants/victims/survivors **have difficulty remembering** all the details or sequence of the sexual assault
- Complainants/victims/survivors **experience trauma reactions** on an ongoing basis after the assault
- We can **use expert witnesses** (through training) to explain impact of trauma



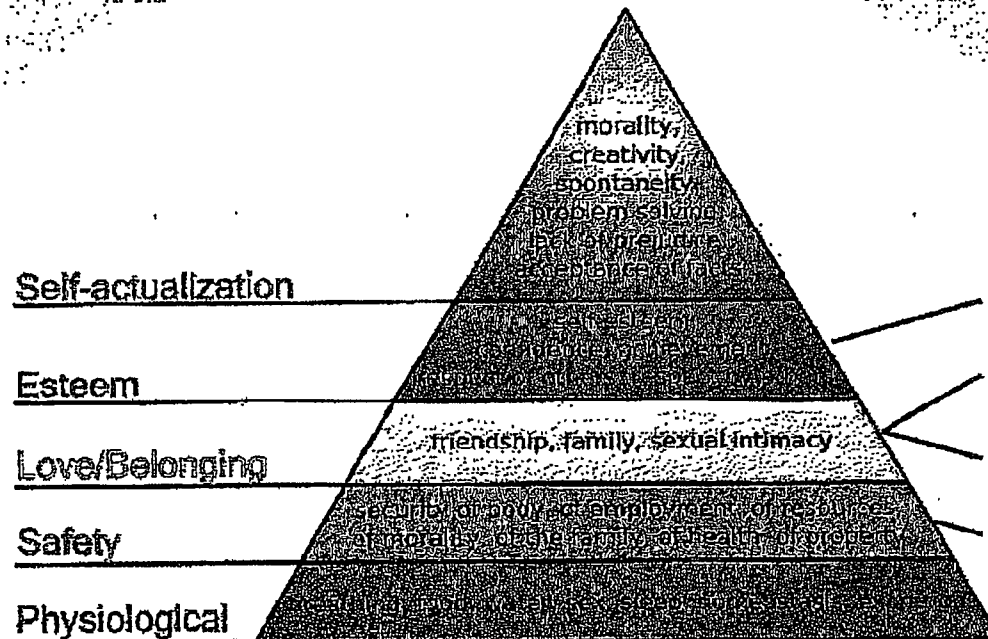
Emotional/Psychological Effects of Sexual Violence

- Shock/denial
- Irritability/anger
- Depression
- Social withdrawal
- Numbing/apathy (detachment, loss of caring)
- Restricted affect (reduced ability to express emotions)
- Nightmares/flashbacks
- Difficulty concentrating
- Loss of self-esteem
- Loss of security/loss of trust in others
- Guilt/shame/embarrassment
- Impaired memory
- Loss of appetite
- Suicidal ideation (thoughts of suicide and death)
- Substance Abuse
- Psychological disorders

© 2008 National Center for Victims of Crime



Impact of Sexual Violence



- Loss of self-esteem
- Social withdrawal
- Loss of trust in others
- Loss of security

Psychology Wiki http://psychology.wikia.com/wiki/Maslow's_hierarchy_of_needs



Preparing to Investigate

- Impartial investigator

- No bias or conflict of interest
- Consider giving the parties an opportunity to object to the investigator
- Use a different investigator if you feel there is a possible or actual conflict
- Per OCR, should not be Title IX Coordinator or college/university attorney, which could present a conflict of interest
- Per OCR, should have adequate training or knowledge regarding sexual violence
- Per OCR, do not rely on police or insurance investigations. The institution needs to conduct its own review

STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON) CASE NO. 2011-CP-10-9200
MOTHER DOE A,)
Plaintiff,)
vs.)
THE CITADEL,)
Defendant.)

STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON) CASE NO. 2012-CP-10-1860
JOHN DOE CAMPER,)
Plaintiff,)
vs.)
THE CITADEL,)
Defendant.)

STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON) CASE NO. 2012-CP-10-1858
JOHN DOE 2,)
Plaintiff,)
vs.)
THE CITADEL,)
Defendant.)

VIDEOTAPED
30(b)(6) DEPOSITION OF: COLONEL WILLIAM A. FLETCHER

CAROLINA REPORTING
843.832.0801 * www.carolina-reporting.com

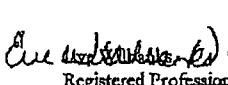


Page 18	Page 20
1 Jessica Horton Act, have you heard of that? 2 A. Yes. 3 Q. And did The Citadel -- 4 A. Clery? 5 Q. -- tell you about it? 6 A. Clery Act? 7 Q. Well, now, those are two different 8 things. 9 A. I know the Clery Act. 10 Q. Do you know what the Clery Act is? 11 A. Yes. 12 Q. And The Citadel made you aware of the 13 Clery Act? 14 A. Law enforcement training did. 15 Q. So was it a law enforcement seminar you 16 went to? 17 A. Yes. It's like a week-long, two- or 18 three-day course, that sort of thing. 19 Q. I've got you. What about, have you 20 heard of the Jessica Horton Act? 21 A. Yes. 22 Q. And as a certified law enforcement 23 officer of South Carolina, if under the Horton Act 24 you were required to notify SLED of an 25 investigation, you would do so, right?	1 pled guilty to violating the South Carolina 2 Criminal Code with regard to 23 children on The 3 Citadel campus, that would be 23 separate 4 incidents under the Clery Act? 5 A. That's correct. 6 MR. STONEY: Objection. 7 Q. Is that a yes? 8 A. Yes. 9 Q. And no one from The Citadel has 10 instructed you as chief of Citadel Public Safety 11 to do anything with regard to the Clery Act as to 12 Skip ReVill and his guilty pleas? 13 A. Not to my knowledge, no. I don't recall 14 anything. 15 Q. In calendar year 2013, how many -- have 16 there been any sexual abuse or sexual assault or 17 sexual harassment claims reported to The Citadel 18 Public Safety department? 19 A. No. 20 Q. Do you know whether or not there have 21 been any that have happened on campus that haven't 22 been reported to you? 23 A. No, I'm not aware of them. 24 Q. Let's go back to the example of someone 25 breaking in a car at The Citadel. Let's say that --
Page 19	Page 21
1 A. Yes. 2 Q. Have you spoken to Chief Mullen of the 3 Charleston Police Department about the ReVill 4 case? 5 A. No, I haven't. 6 Q. My understanding is that The Citadel 7 Public Safety had nothing to do whatsoever with 8 the Skip ReVill case, correct? 9 A. That's correct. 10 Q. To this day, nothing? 11 A. (Indicating a negative response.) 12 Q. Is that correct? 13 A. That's correct. 14 Q. Are you aware of any crimes that have 15 occurred on the campus of The Citadel where 16 General Rosa has gone straight to the Charleston 17 Police Department and not informed you or anybody 18 at The Citadel Public Safety of what's happened? 19 A. I can't remember any particular case at 20 this time, no. 21 Q. Does the Skip ReVill case -- has that 22 been reported under the Clery Act in any way? 23 A. I'm not sure about that at this time. I 24 would have to check our records. 25 Q. And if you had -- if Skip ReVill had	1 whoever reported it said that the person -- let's 2 say it was John Smith that did it, and you found 3 out that John Smith wasn't somebody that worked at 4 The Citadel or was a Citadel person; it was just 5 somebody from out in the community. Okay? Would 6 you call -- would you handle that, or would you 7 send that to the Charleston Police Department or 8 -- 9 A. We would handle that. 10 Q. You could handle that? 11 A. Yes. 12 Q. So you could go to Mt. Pleasant and 13 interview him or do whatever you need to do? 14 A. As long as he's in the state, we can do 15 it. 16 Q. Okay. Let me ask you, if an allegation 17 had come in to you -- the allegation we discussed 18 earlier that you said you would have called in the 19 experts at SLED, can we agree that if that 20 allegation had been turned in to you at Citadel 21 Public Safety -- can we agree that you would 22 not at Citadel Public Safety have been authorized 23 to offer -- the person who made the allegation, 24 you wouldn't have been authorized to offer them 25 any money, right?

6 (Pages 18 to 21)

Page 14 1 correct? 2 A. That's correct. 3 Q. You never had any training on what to 4 look for, you never had any training on how to 5 interview a potential child sexual predator, to 6 make sure that it would be done right; is that 7 correct? 8 A. That's correct. 9 Q. Now, also, my understanding would be, if 10 -- if you had a report of a child sexual predator, 11 that since you didn't have -- let me ask it this 12 way, first: You would agree with me that if there 13 is a potential child sexual predator, that that is 14 a -- that's a serious matter at The Citadel, 15 correct? 16 A. Anywhere, yes. 17 Q. Anywhere. All right. And my 18 understanding is if you didn't feel like you had 19 the proper training to be the person who should be 20 investigating a child sexual predator or doing an 21 interview of a child sexual predator, that you 22 would call in someone -- an agency that had 23 expertise in that, like SLED; is that correct? 24 A. That's correct. 25 Q. And so if you had been provided with an	Page 16 1 alleging something, that there were allegations 2 that this person was a child sexual predator, 3 right? 4 A. That's a good possibility, yes. 5 Q. And if you had those allegations, 6 wouldn't the best thing to do be to turn that over 7 to SLED or someone else who had expertise in 8 investigating child sexual predators and 9 interviewing child sexual predators to make sure 10 that it got done right? 11 A. That's -- yes. 12 Q. All right. 13 MR. SLOAN: Let me take a break. 14 THE VIDEOGRAPHER: Off the record at 15 10:27. 16 (The deposition went off the record.) 17 THE VIDEOGRAPHER: On the record at 18 10:38. 19 BY MR. SLOAN: 20 Q. Chief Fletcher, you mentioned a moment 21 ago in talking about a child sexual predator, you 22 would agree with me that any child sexual predator 23 is not only a threat to The Citadel campus, but a 24 threat to the community at large; would you agree 25 with that?
Page 15 1 allegation, that -- of criminal sexual conduct 2 involving a potential child sexual predator at The 3 Citadel in 2007, you would not have hauled off and 4 tried to have done an investigation and 5 interviewed the perpetrator on your own; you would 6 have called SLED; isn't that the best and -- 7 proper and best thing to do? 8 MR. STONEY: Objection. 9 A. I'm not sure if I would; it depended on 10 the situation. 11 Q. Let's say the situation is that the 12 alleged is accused of showing pornography to a 13 minor in violation of South Carolina Code, 14 exposing his genitals to a 13-year-old in 15 violation of South Carolina Code, and masturbating 16 in front of a 13-year-old in violation of South 17 Carolina Code and coercing two 13-year-olds to 18 masturbate in front of him; that would be a 19 serious allegation, wouldn't it? 20 A. Yes. 21 Q. And if the allegation were that this 22 perpetrator had done it not only to the person 23 reporting it but to many others who were minors, 24 that would be an indication to you that this 25 wasn't a one-time incident where one person was	Page 17 1 A. Yes. 2 Q. Are you familiar with this Margolis 3 report that's come out from The Citadel? 4 A. No, I'm not. 5 Q. As the current chief of Citadel Public 6 Safety, from January of this year up until today's 7 date in June of 2013, have you been given any new 8 guidelines or criteria as the chief of Citadel 9 Public Safety with regard to sexual abuse claims, 10 children on campus claims, sexual assault, 11 criminal sexual conduct, or any other area of 12 sexual misconduct on The Citadel campus? 13 A. No -- no, I haven't. 14 Q. And my understanding is that at The 15 Citadel Public Safety, you are an authorized or a 16 licensed South Carolina law enforcement officer; 17 is that correct? 18 A. That's correct. The term is certified. 19 Q. Certified. Okay. And do you expect The 20 Citadel to make The Citadel Public Safety 21 Department aware of any laws or codes that 22 specifically apply to The Citadel? 23 A. I'm not sure I understand what you mean, 24 a situation. 25 Q. Let's say, for instance, like the

5 (Pages 14 to 17)

Page 22	Page 24
1 MR. STONEY: Objection. 2 A. In reference to what? 3 Q. In reference to the allegation that the 4 person was making about the sexual child predator 5 -- you wouldn't offer anybody any money, right? 6 MR. STONEY: Objection. 7 A. For what reason? 8 Q. I agree. But I'm just -- you wouldn't 9 offer anybody any money for any reason, would you? 10 MR. STONEY: Objection. 11 A. No. 12 Q. And you wouldn't research the civil 13 statute of limitations, would you, at Citadel 14 Public Safety? You would have no reason to do 15 that, would you? 16 A. No. 17 Q. That wouldn't be the thrust of your 18 investigation, would it? 19 A. No. 20 Q. And once -- when SLED gets involved, 21 would you offer them any cooperation, any courtesy 22 that they ask for when they're investigating 23 something on The Citadel campus? 24 A. Yes. Any preliminary work that we would 25 do, we'd forward to them; if they needed to speak	1 the questions I have for you today. I 2 appreciate you coming. 3 THE WITNESS: Thank you. 4 MR. ROBERTS: I have none. 5 THE VIDEOGRAPHER: This concludes the 6 deposition of William A. Fletcher. We're off 7 the record at 10:57. 8 (The deposition concluded at 10:57 a.m.) 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25
Page 23	Page 25
1 to witnesses, we'd make those available, 2 Q. Okay. And I take it that from time to 3 time you've worked with SLED or Charleston Police 4 Department and if they needed something, you'd 5 help them out and make sure every courtesy is 6 extended on campus, right? 7 A. That's correct. 8 Q. As deputy chief of police in 2007 at The 9 Citadel, would you agree with me that you can't 10 conduct an investigation if you don't know there's 11 been an allegation of a crime, right? 12 A. If you don't know about it, that's 13 correct. 14 Q. Likewise, you can't alert SLED to 15 anything if you don't know about it as the deputy 16 chief? 17 A. That's correct. 18 MR. SLOAN: Let's go off the record 19 again. 20 THE VIDEOGRAPHER: Off the record at 21 10:51. 22 (The deposition went off the record.) 23 THE VIDEOGRAPHER: On the record at 24 10:56. 25 MR. SLOAN: Chief Fletcher, that's all	1 CERTIFICATE 2 STATE OF SOUTH CAROLINA: 3 COUNTY OF CHARLESTON: 4 I, EVE WILBANKS, Registered Professional 5 Reporter and Notary Public, State of South 6 Carolina at Large, certify that I was authorized 7 to and did stenographically report the foregoing 8 deposition; and that the transcript is a true 9 record of the testimony given by the witness. 10 I further certify that I am not a 11 relative, employee, attorney or counsel of any of 12 the parties, nor am I a relative or employee of 13 any of the parties' attorney or counsel connected 14 with the action, nor am I financially interested 15 in the action. 16 WITNESS MY HAND AND OFFICIAL SEAL this 17 19th day of June, 2013, in the City of Charleston, 18 County of Charleston, State of South Carolina. 19 20 21   22 Registered Professional 23 and Notary Public 24 25 My commission expires December 16, 2014

7 (Pages 22 to 25)

CAROLINA REPORTING
843.832.0801 * www.carolina-reporting.com

Electronically signed by Eve Wilbanks (101-177-349-6970)

0e805ff4-5647-4902-91e2-fa1d86961270

From: Jennifer M. Hawley Shiel [/O=FIRST ORGANIZATION/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=SHIELJ137528770]
Sent: Wednesday, October 24, 2007 5:03 PM
To: 'Joe Trez'
Subject: Legal File System
Attachments: Untitled attachment 168783.htm; File List.xls; File System.xls



Untitled



File List.xls



File System.xls

achment 168783.htm

I've mentioned this to you, but I thought you might want to see this system Mark & I have devised. It works like a champ. The only thing I haven't done is put in all the locations yet. I'm using a numbering system for the file locations, with 1 being the copier room and 4 being Records Management. That way when Mark wants a file, we can go straight to it without looking in several places. I also insist on using the file Out cards when we pull a file. It keeps me from having to try to remember who has what file. I've driven myself crazy too often to rely on my memory.

The other list attached explains the file numbering system.

It is really a thing of beauty.

Mrs. Jennifer Shiel
President's Support Office
Bond Hall, Room 369
Phone: (843) 953-5815
Fax: (843) 953-7592

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2013.0.3408 / Virus Database: 3658/6972 - Release Date: 01/03/14



CITADEL 0006534

STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON) CASE NO. 2011-CP-10-9200
MOTHER DOE A,)
Plaintiff,)
vs.)
THE CITADEL,)
Defendant.)

STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON) CASE NO. 2012-CP-10-1860
JOHN DOE CAMPER,)
Plaintiff,)
vs.)
THE CITADEL,)
Defendant.)

STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON) CASE NO. 2012-CP-10-1858
JOHN DOE 2,)
Plaintiff,)
vs.)
THE CITADEL,)
Defendant.)

VIDEOTAPED DEPOSITION OF:
MOTHER DOE A

CAROLINA REPORTING
843.832.0801 * www.carolina-reporting.com



Electronically signed by Eve Wilbanks (101-177-349-8970)

82baf93-3e21-4501-b948-0e04a799ab78

Page 62 1 A: Uh-huh (indicating an affirmative 2 response). 3 Q: The first is the -- and I will read the 4 question, and then we will go through your 5 answers. And I'm not going to do it by reading 6 every word necessarily because I don't want to -- 7 I want to be judicious of time, but I do want to 8 get -- you know, make certain I'm current on the 9 information. The first is, Give the names, 10 present accurate addresses and place of employment 11 of all persons known to the Plaintiff Mother Doe 12 A, individually, and as a parent on behalf of a 13 minor child, as referenced in the Complaint or of 14 their counsel, who will be witnesses concerning 15 the facts of the case, set forth in a summary 16 sufficient to inform Defendants of the important 17 facts known or observed by each witness. Okay? 18 And the first response is Mark 19 Brandenburg. Do you know Mark Brandenburg? 20 A: I do not. 21 Q: And I'm going -- I apologize if I appear 22 to ask questions that seem redundant, and the next 23 one will. Have you ever met Mark Brandenburg? 24 A: No, I have not. 25 Q: So when --	Page 64 1 The Citadel Writing Center? 2 A: I do not. 3 Q: And do you know or have any information 4 about Louis N., also known as Skip, ReVillie's 5 involvement with the Writing Center? 6 A: I do not. 7 Q: Do you know anything about his 8 participation there, when he started and when he 9 stopped? 10 A: I do not. 11 Q: {John Doe LR} is your child. And we've 12 talked about him. 13 A: Correct. 14 Q: {Mother Doe A} is you? 15 A: Correct. 16 Q: Louis Reville is Skip ReVillie? 17 A: Correct. 18 Q: And do you know Skip ReVillie? 19 A: I do. 20 Q: Tell me when you remember meeting Skip 21 ReVillie and under what circumstances. 22 A: Um, I recall I met Skip ReVillie while my 23 son was taking tennis lessons from Mt. Pleasant 24 tennis -- Mt. Pleasant Recreation Department. He 25 was one of the coaches there.
Page 63 1 A: Not to my knowledge. 2 Q: So when you say -- when you list him as 3 a witness, is that something that I may assume 4 that your attorney provided? 5 A: Yes. 6 Q: Okay. So you've never been in his 7 presence, never met him, never talked to him; is 8 that correct? 9 A: Correct. 10 Q: Okay. And I'll need to ask you -- and 11 do you -- and do you have any idea what he does, 12 what his role, what his profession is? 13 A: I believe I have read that he was 14 General Counsel to 'The Citadel'. 15 Q: Okay. So that's what -- you've come to 16 know that through information that you've received 17 -- either been told or reading? 18 A: Correct. 19 Q: Okay. All right. And the same question 20 with Chris Fudge; do you know Chris Fudge? 21 A: No, I don't. 22 Q: Have never met Chris Fudge? 23 A: I have never met her. Is it a her? Oh, 24 yes, it's a her. 25 Q: Do you have any information at all about	Page 65 1 Q: Do you know what year that was? 2 A: That was in the fall of 2007. We had 3 just moved back to Charleston. 4 Q: And tell me, you say he was one of your 5 son's coaches? 6 A: Correct. I believe they had several 7 coaches at the time. I don't really recall 8 exactly, but he was one of the people who was on 9 staff there to conduct clinics and give private 10 lessons. 11 Q: Did he -- did he ever give either you or 12 your son private lessons? 13 A: He gave -- not initially, but, later, he 14 gave {John Doe LR} private lessons. 15 Q: Do you know where ReVillie lived at that 16 point? 17 A: I do not recall where he lived at that 18 particular time. I was under the assumption that 19 he lived out -- Mt. Pleasant. 20 Q: Okay. When you met Skip ReVillie in the 21 fall of 2007, what did you understand -- or what, 22 if anything, did you know about his background? 23 A: Initially, I didn't know anything about 24 his background, other than the fact that he was 25 employed by Mt. Pleasant Recreation Department.

17 (Pages 62 to 65)

Page 66 1 Q. All right. So he was employed by Mt. 2 Pleasant Rec Department as one of the tennis coach 3 staff? 4 A. Correct. 5 Q. And tell me, did you know anything about 6 his -- where he grew up? 7 A. No, I did not. 8 Q. Did you ever find out -- did you ever 9 come to know him well enough to know where he grew 10 up? 11 A. I came to know him well enough to know 12 that he had had -- he had a father who lived in, I 13 believe, California, and his mother was a 14 minister, I believe he told me at one point, a 15 clergy member. 16 Q. Anything else? 17 A. Initially? 18 Q. Yeah. 19 A. Not at that point. 20 Q. Okay. Tell me about him as a coach. 21 A. Well, he appeared to be -- {John Doe LR} 22 seemed to like him, and he was -- I liked the fact 23 that he was very big on academics and making sure 24 that the total child was being challenged, not 25 just tennis. He was very big into religion, which	Page 68 1 A. I can't tell you. I get confused 2 between the Aiken and -- the same {the DC family} 3 that built the {redacted}. 4 Q. So it's {Father Doe DC's} family? 5 A. Uh-huh {indicating an affirmative 6 response}. 7 Q. And their son was also a tennis player? 8 A. Correct. 9 Q. Was he a good friend of {John Doe LR's}? 10 A. I wouldn't say they're good friends, 11 {John Doe LR} is very close with the core group -- 12 he's always had very close relationships with his 13 friends and tight knit. He's not a social 14 butterfly. But they got along. So -- 15 Q. They were both pupils of Skip ReVile? 16 A. Right. But they were also competitors 17 too, so, it's a kind of -- you know -- 18 Q. All right. Was the {John Doe DA} child 19 {John Doe LR's} age? 20 A. I think he may have been a year older 21 than {John Doe LR}. I'm not sure. 22 Q. And were the {the DC family} friends of 23 you all's? 24 A. They were not friends of us -- ours 25 personally, but the family had a lot to do with
Page 67 1 that doesn't really mean anything at this point, 2 but I did realize he -- there was another child 3 that I knew their parents somewhat via former 4 acquaintances of ours at Aiken, and they seemed to 5 like him a lot. 6 Q. All right. There was -- I'm sorry -- a 7 former -- 8 A. There was another child that he took 9 special interest in at the time because -- {John 10 Doe LR} had been very competitive and was a 11 competitive player. And I think he seemed to 12 recognize that, and he took a special interest in 13 {John Doe LR}. And there was another child whose 14 parents were -- whom I had known somewhat over the 15 years via a connection with Aiken, and they were a 16 Mt. Pleasant family that's been here for years and 17 years and years and knew a lot of people in Mt. 18 Pleasant, and they seemed very comfortable with 19 Skip as well. He took both of our boys and, you 20 know, kind of nurtured them in their tennis and 21 also very encouraging with regard to their 22 academics. 23 Q. And who was that? We can -- 24 A. These are the {the DC family}. 25 Q. Which {DC name}?	Page 69 1 {redacted establishment} in Aiken, because part of 2 them live in Aiken. So there was a strong 3 connection. One of the nephews used to play at 4 our club all the time and that sort of thing. So 5 South Carolina is somewhat incestuous in that way. 6 You know people who -- maybe that's not a good 7 term to use, but there are a lot of connections. 8 My husband's family has been in the area for years 9 and knows a lot of people and, you know, my family 10 has been in the area as well. And so, 11 consequently, my children used to say, You know 12 someone who knows that someone else always. So 13 that's -- a small place, small world. 14 Q. If you don't know the person, you 15 probably know somebody in common with them? 16 A. Correct. Correct. 17 Q. So -- and that was how -- 18 A. Who is your family, you know, kind of 19 thing. That's how it kind of works in South 20 Carolina anyway. 21 Q. So did the {the DC family} introduce you 22 to ReVile or -- 23 A. I don't think -- no one really 24 introduced us. We just dropped {John Doe LR} off 25 for a clinic, and it just so happened that he was

18 (Pages 66 to 69)

Page 74

1 of going through the Arpaio incident and sitting
2 up here still wondering if that child has had any
3 -- has been affected by that man's actions, being
4 my oldest son, I said, I don't feel comfortable
5 stepping foot on the campus.
6 And he said, I know what you're talking
7 about, {Mother Doe A}. They actually brought me
8 in to assuage everyone's fears. And I said, What
9 do you mean? He was like, Oh, yeah, I know all
10 about Arpaio. And, you know, I won the Algernon
11 Sydney Sullivan Award. You know, I started -- and
12 my father-in-law was -- received that award, and
13 was very proud of that award, from the University
14 of South Carolina. And I thought, wow, they
15 really did what General Grimalds said to me on the
16 phone when he called me that time. He said, We
17 will make sure that nothing like this happens
18 again.

19 And so here I'm listening to Skip talk
20 about The Citadel in a way that -- basically them
21 saying, you know, You're out top cadet and you've
22 got all this great stuff going for you; we'll
23 bring you in and you can be one of the head
24 counselors and that's going to put everybody's
25 mind at ease.

Page 75

1 So when he said that, I was thinking to
2 myself, wow, The Citadel actually did what they
3 said they were going to do, and they brought in
4 this fabulous person to, you know -- who seemed
5 genuinely a top cadet -- and I looked it up. He
6 was a top cadet, he won this -- this great award
7 for his public service and, you know, he cares
8 about my son. I was -- you know, imagine my
9 surprise when I find out -- well, at any rate,
10 {John Doe LR} did participate at -- on campus that
11 day. And from there, it kind of, you know -- he
12 came -- he would call and say, Can I take {John
13 Doe LR} to get a bite to eat? And initially I was
14 okay and then I thought, well, {John Doe RA} may
15 feel left out. And I said, {John Doe LR}, you
16 know, you really need to let {John Doe RA} go with
17 you guys sometimes. And {John Doe LR} would just
18 get all weird. Now, in hindsight, I think he was
19 trying to protect his brother from coming into
20 contact with that man.

21 Q. Well, let me ask you, going back to what
22 you were telling me about him taking {John Doe LR}
23 to The Citadel and that discussion you had, do you
24 remember when that was?

25 A. I want to say it was the spring of 2008.

Page 76

1 Q. Okay.

2 A. I can't be certain because then --

3 Q. So as I understand what you're telling
4 me, you actually -- you actually talked to Skip
5 ReVillie about --

6 A. About Arpaio.

7 Q. Okay. And ReVillie responded as you have
8 told us?

9 A. Correct.

10 Q. And I think you -- you said this
11 fabulous person, being -- reference -- referencing
12 Skip ReVillie?

13 A. I'm talking about his record, the things
14 that I had read about him. Most -- most of it
15 that came off of The Citadel Website, looking up
16 their history, their -- his tenure as a cadet
17 there.

18 Q. Because --

19 A. Because I wanted to be very careful
20 before -- I didn't know -- I went into the Arpaio
21 incident -- I was -- you know, I knew nothing
22 about The Citadel at that point. I was -- I would
23 have hoped that someone -- someone -- The Citadel
24 knew about his proclivities before I even met him,
25 and, yet, he was still portraying himself as an

Page 77

1 outstanding, upstanding Citadel cadet, and there
2 was nothing there to contradict that.

3 Q. And I want -- I want -- I understand
4 what your opinion is, and I understand what your
5 lawyers have alleged in the Complaint.

6 A. No. Excuse me. I don't mean to
7 interrupt you. This is not what they allege.
8 This -- my son was molested by Skip ReVillie.
9 There's no alleged anything. My son was molested
10 by Skip ReVillie. I didn't even want to believe
11 it. What I do find it difficult to believe is
12 that when you have information and you're a public
13 institution and you know there's a crime being
14 committed -- and from what I can tell, by what
15 I've read, showing people porn, 12-year-olds porn,
16 that breaks -- that breaks the statute and the law
17 of South Carolina. And they should have reported
18 that, and then I would have never had to be
19 dealing with this right now.

20 Q. I understand that. And I certainly
21 appreciate what you're telling me. This is a
22 deposition, and my job is to ask questions.

23 A. I understand.

24 Q. And so what I want to do is -- I'm
25 trying to follow a pattern of questions that has

20 (Pages 74 to 77)

Page 78 1 -- that has a sequence to it. 2 A. I understand. 3 Q. So I want to go back. And, you know, 4 when I say the allegations in the Complaint, I'm 5 not -- I'm not getting into what -- you know, what 6 Skip ReVile did to your son. That's a matter of 7 public record. It's part of a guilty plea. 8 A. Correct. 9 Q. So when I -- I mean, that's not what I 10 -- 11 A. Okay. 12 Q. When I refer to allegations, that's not 13 the specific one that -- 14 A. I understand. I just get a little -- 15 Q. I -- 16 A. -- on the edge when I hear alleged and 17 whatever -- 18 Q. You know, lawyers use words just out of 19 rote, so you'll have to overlook that. 20 A. I understand that. 21 Q. I want to go back to -- you were telling 22 me about when you talked to Skip ReVile about the 23 Arpaio. And you -- you did some looking into 24 ReVile and found that he had won the Algemeon 25 Sydney Sullivan Award; is that correct?	Page 80 1 A. No. 2 Q. Did you ever, at any time, have any 3 hesitation about an unbridled trust in Skip 4 ReVile as a coach or as a mentor for your child? 5 A. No. 6 Q. Okay. Was there -- over the years -- or 7 let me ask you, how -- how long was {John Doe LR} 8 one of Skip ReVile's tennis students? 9 A. Well, 7th and 8th grade. 10 Q. Okay. And that was -- and I apologize. 11 I'm trying to remember from a calendar standpoint. 12 You remained in Mt. Pleasant until 2009, was it? 13 A. Right. 14 Q. And then you moved to -- 15 A. Charlotte. 16 Q. Charlotte. So -- 17 A. Towards his junior year -- I mean, his 18 freshman year, I noticed he wasn't participating. 19 Q. He wasn't -- 20 A. Skip would call him and ask him if he 21 could go help with some -- something Velocity was 22 doing as a part of Mt. Pleasant -- the high school 23 football program. And I noticed that {John Doe 24 LR} had started taking a -- kind of -- 25 Q. He wasn't as responsive?
Page 79 1 A. Correct. 2 Q. And I think, in your own testimony, you 3 said that he -- he had been brought to The Citadel 4 to assuage the fears and to get everything back on 5 track; is that -- 6 A. That was my understanding from him. 7 Q. And so you -- you went to some efforts 8 to look into his background and to make certain 9 that you, as a parent, would be comfortable with 10 him being with your child; is that -- 11 A. Correct. Correct. 12 Q. And this was sometime in the year 2007? 13 A. I would say 2000 -- maybe early 2008. 14 Because up until that point it was, you know, very 15 -- 16 Q. And I think you -- you also got, for 17 lack of a better word, positive reviews or a 18 comfortable read on ReVile from parents of other 19 children that he coached? 20 A. Correct. Correct. 21 Q. And nobody ever had any hesitation or 22 suspicion about ReVile? 23 A. No. 24 Q. And you certainly, as a parent, never 25 had any suspicion about him?	Page 81 1 A. Exactly. 2 Q. Now, was {John Doe LR} playing tennis in 3 high school? 4 A. Actually, he quit playing tennis at that 5 point. 6 Q. When did he start playing again? 7 A. Um, his junior year in high school. 8 Q. So in 2009, his -- your last year in 9 Charleston, where was he in school? 10 A. He was at Wando. 11 Q. First year? 12 A. (Indicating an affirmative response.) 13 THE COURT REPORTER: Yes? 14 THE WITNESS: Pardon? Yes. I'm sorry. 15 BY MR. STONEY: 16 Q. All right. Did you and your family 17 participate in any -- did you all go to church 18 anywhere in Mt. Pleasant? 19 A. No, we did not. 20 Q. Is church something that is -- is it a 21 part or not a part of your general activity? 22 A. Um, no. I tend to be a secular 23 humanist, so it's not something I would say my 24 children -- I'm trying to teach them right and 25 wrong, but I don't practice any organized

21 (Pages 78 to 81)

Page 98	Page 100
1 to have been the end of July, first of August of 2 2011. 3 Q. Okay. And did {John Doe LR} come down 4 to see {John Doe A} often? 5 A. No. He wanted to do it more, but 6 because of the nature in my work schedule, I was 7 not able to -- I couldn't do that. 8 Q. And he would have been -- this was when 9 he was 16 years old, I guess? 10 A. Correct. 11 Q. In 2011. All right. So after -- after 12 the family moved to Charlotte in 2010 -- and I 13 don't think you remembered specifically when that 14 was in 2010. It would -- would it have been in 15 time for them to start school that fall? 16 A. It would have been. It would have been. 17 So it was -- 18 Q. Sometime before August? 19 A. Right. It was the first of -- it may 20 have even been the first of September. I think 21 they were going -- Charlotte started later, and 22 they were going to miss a couple of days or the 23 first day of school. 24 Q. All right. So had {John Doe LR} been 25 back to South Carolina in that year between when	1 you in October of 2011 and let you know that Skip 2 had been arrested? 3 A. Right. 4 Q. What was his reaction? 5 A. It was -- for a couple of years {John 6 Doc LR} has been very tight to the vest and very 7 -- a lot more withdrawn. So it wasn't like there 8 was any big reaction. He's a very even person. 9 And he would -- I was -- I'm like, Really? For 10 what? And he said, For molesting kids. And my 11 heart -- I got real -- flipped out, because I had 12 already been through this once before with this 13 idea that I didn't know if my children's lives 14 were going to be changed with regard to my oldest 15 son and Aspaio. 16 And that was the first thing that came 17 to my mind, and I tried to keep it together and 18 not get too weird about it. I took {John Doe LR} 19 in the bathroom and I said, I want to ask you 20 something. Did anything ever happen to you? And 21 he's like, No. What are you talking about? And I 22 said, I just know you've spent a lot of time with 23 him, you know. If something has gone on, I want 24 you to let me know. And he's like, Nothing 25 happened.
Page 99	Page 101
1 you left and -- 2 A. No. 3 Q. -- he came back to visit {John Doe A}? 4 A. No. 5 Q. So, to your knowledge, did he have any 6 interaction with ReVelle in that interim period? 7 A. To my knowledge, no. 8 Q. And did you? 9 A. No. 10 Q. All right. So he would have finished 11 his freshman year at -- 12 A. At Wando. 13 Q. -- at Wando. 14 A. And he was starting his sophomore year 15 at South Meck. 16 Q. And his freshman year -- when he was at 17 Wando his freshman year, he was not being coached 18 by ReVelle; is that what I understand? 19 A. Um, there was some interaction. I don't 20 think -- it didn't have anything to do, really, 21 with tennis anymore. It had to do with basketball 22 and Velocity Sports and participating in setting 23 up training programs with regard to Velocity 24 Sports. He was into cross-training at that point. 25 Q. And you said that {John Doe LR} came to	1 And he had been a little -- at this 2 point, for the last couple of years he'd been -- 3 always been a very sweet, very high sense -- a 4 strong sense of fairness and just, and he had been 5 -- become increasingly withdrawn. And it's hard 6 to say -- at that point, I didn't know if it was 7 teenage years or -- so I don't recall at this 8 point. I was very, very concerned. I do remember 9 calling a friend of mine and saying that Skip -- 10 she knew that Skip had spent time with {John Doe 11 LR}. This is my friend Sharon. And I said, Do 12 you think anything has happened there? In my 13 heart, I probably knew something had. And it 14 brought back -- I got real angry because it 15 brought back what I felt was a very bad situation 16 with my oldest son. 17 And then I think two weeks later I get a 18 call from Mt. Pleasant Police. And as soon as she 19 called, I knew exactly -- at that point I had to 20 face reality. So I didn't even want to know all 21 the details -- 22 MR. STONEY: There's a box of Kleenex 23 over there on your left. 24 A. Thank you. But I did ask if it was just 25 one occasion. And she said that Skip had said

26 (Pages 98 to 101)

1 that it was on more than 20 occasions.
2 Q. Okay. All right. I want to go back and
3 ask my question to you -- my original question was
4 what was -- what was your son's reaction when he
5 heard that ReVile was arrested?

6 A. He was -- it was -- I can't even
7 describe his reaction to you because it's almost
8 like comfortably numb. There wasn't a lot of
9 affect at all within his demeanor. It wasn't, Oh,
10 my gosh. It was -- and it wasn't -- you know --
11 very flat line. Which he's been, you know, very
12 -- I mean, he's been very cloistered. He quit
13 playing tennis when we moved to Charlotte. I
14 bought him a thing to go to the Y; I couldn't get
15 him to go to the Y. I tried to get him out to
16 play sports with other people. And he just -- he
17 didn't want to have anything to do with anybody.

18 Q. And then, as I understand, he -- he
19 resumed playing tennis when he was in high school?

20 A. He did.
21 Q. And --

22 A. His junior -- his sophomore year he
23 played on the tennis team, and it was at that
24 point that I was able to get him into a program
25 with the Carolina Tennis Academy. And that was

1 because he was -- this was his senior year -- I
2 mean, junior year, because I was home schooling
3 him at this point. And I remember walking to the
4 tennis academy, and they wanted to have him there,
5 and they thought he had a lot of potential. And
6 the woman happened to mention to me that they had
7 gone to Penn State. And I said, Well, my daughter
8 went to Penn State. And she started in about how
9 awful it was what happened to those kids at Penn
10 State.

11 And I guess {John Doe LR} had been at
12 the tennis academy a couple of weeks -- this was
13 his junior year -- and his tennis coach came up to
14 me and he said, you know, What's with your kid?
15 He won't even lift his head up. And, of course, I
16 knew at this point what no one else there knew,
17 was that, you know, he had -- well, what am I
18 supposed to say here? Well, his tennis coach
19 molested him. But he kept harping on {John Doe
20 LR}, Get your head up. You know, Why do you hold
21 your head down all the time?

22 And at this point, I had already put
23 {John Doe LR} into some therapy, which wasn't
24 going well either.

25 Q. And where was that?

1 A. That was with Alexander Youth Network.
2 After -- after the people called -- after Mt.
3 Pleasant Police called me and said I needed to
4 take him to get a forensic interview -- first of
5 all, I had to approach him with it. And so I took
6 him aside because I didn't want his brother --
7 younger brother to know. I said, I just got a
8 call from Mt. Pleasant Police. And he just
9 started bawling. I said, I gather by this that
10 something happened there. And he said, I did not
11 want to worry you with this.

12 Q. Tell me -- tell me what therapy -- tell
13 me what therapy he received and what, if any,
14 therapy you received and from whom that was and
15 what the duration was.

16 A. Um, immediately, because I didn't have a
17 lot of money and I didn't have insurance, that was
18 a big concern for me, so I went through Alexander
19 Youth Network. I think we qualified for services
20 there. It's a private organization. And I
21 started taking him to see Chet Williams at
22 Alexander Youth Network, a licensed family
23 clinical therapist. And {John Doe LR} did not
24 want to go. And for several months -- I don't
25 know, it may have been three months, I would have

1 to look back at the calendar, he probably knows
2 better -- I took him once a week, and that turned
3 into a major ordeal within my family. My youngest
4 son started saying ugly things to him about why he
5 was sick in the head.

6 {John Doe LR} would not let me tell him
7 what was going on, and, to this day, my youngest
8 son doesn't know what has happened here. It
9 became -- it became a very, very sticky situation.
10 {John Doe LR} got very belligerent with his
11 brother. I was constantly having to pull them out
12 of fights. My youngest son would say to me,
13 You're letting him get away with murder. Chet
14 would say to me, We're going nowhere with this
15 therapy. He -- we -- they never even discussed
16 it. After three months, he could not get anything
17 out of him. They wouldn't even -- {John Doe LR}
18 would not even go there.

19 So, basically, I said, What do you
20 propose I do? And he's like, Well, it's causing a
21 rift in your family because you're up here taking
22 him to therapy, your youngest son is getting
23 jealous and doesn't understand what is going on
24 here. Your son tells you you can't tell them.
25 And you're kind of caught in a no-win situation.

Page 106 1 Because there's a big secret that hangs out in my 2 family to this day, and it's driven a wedge 3 between my sons, who were very close. 4 And at this point in time, I cannot even 5 get {John Doe LR's} permission to talk with his 6 younger brother about this, which I feel is only 7 fair, and I don't want that to come back and be 8 used against him. 9 Q. You say you can't get {John Doe LR's} 10 permission to talk to {John Doe RA} about it; is 11 that -- 12 A. Correct. 13 Q. Other than the -- other than the 14 Alexander Youth Network and Chet Williams, has 15 {John Doe LR} received any other therapy or 16 counseling? 17 A. No. 18 MR. STONEY: And I believe -- this is 19 kind of on the side, but, Gregg, we have not 20 gotten these records yet. 21 MR. MEYERS: Yeah, I heard that 22 yesterday. 23 THE WITNESS: Well, I'm going to tell 24 you, I don't know even what is going to be in 25 there, because he's like -- after -- after all	Page 108 1 A. Yes. 2 Q. And do you know if he has sought any 3 counseling at South Carolina? 4 A. I do not know that. I know someone who 5 I went to school with who is head of the health -- 6 the mental health facility there, and I passed 7 along information to her that there's an issue 8 with {John Doe LR}. And I was very concerned 9 about him going to college, and was really not 10 keen on him going to South Carolina even though I 11 knew -- he's the biggest Gamecock fan there is. 12 But I was concerned that he would be -- I don't -- 13 I don't know. He may be a ticking time bomb. I 14 know it can be a stressful time for children 15 anyway under normal circumstances, but I worry 16 constantly about whether or not he's going to have 17 a major attack. I just heard where that's the 18 number one killer of children, is suicide, 19 especially college freshmen and sophomores. And 20 those are children who haven't been through 21 something like he's been through. 22 Q. Has he gotten his first semester grades, 23 do you know? 24 A. He did. 25 Q. How did he do?
Page 107 1 this time, he hasn't opened up to anyone. 2 MR. STONEY: Well, this is part of the 3 discovery, that we exchange that information. 4 And I just need for your lawyer to follow up 5 and get the records because we're entitled to 6 them. And I really wanted to have them before 7 today, but -- 8 MR. MEYERS: Yeah, Randell. Let me tell 9 you that when Chip passed that on to me 10 yesterday, I called Chet Williams and left him 11 a message. We affirmed that we've given him 12 all the permission -- 13 MR. STONEY: We've been trying to get 14 them for six months, Gregg, and that's 15 something we can talk about later. In any 16 event, so -- 17 MR. MEYERS: I just want you to know 18 that we've given him permission to give 19 everything, so it's weird. 20 MR. STONEY: It is. 21 BY MR. STONEY: 22 Q. All right. So your son now is -- 23 A. 18 years old. 24 Q. Okay. And he's at USC, right? Got -- 25 played varsity tennis and --	Page 109 1 A. He got a 3.5. 2 Q. And do you know what courses he was 3 taking? 4 A. Oh, English, University 101, Music 5 Appreciation, which was his most difficult one; he 6 couldn't stand it. I don't recall the rest of 7 them. Those are the ones I just -- 8 Q. The general freshmen curriculum. Is 9 that -- 10 A. Correct. 11 Q. All right. When you are with {John Doe 12 LR}, does he ever -- do you ever bring this 13 subject up? 14 A. Um, we do. I asked him last night -- 15 he's here in Mt. Pleasant. And I asked him -- he 16 was visiting {John Doe A}, and I told him I would 17 pick him up. And I asked him about {John Doe F}, 18 who is one of the core group of the kids, who 19 flunked out of USC and has gotten involved in 20 drugs pretty heavily. I asked him about -- Were 21 any of your friends affected like this? And he's 22 like, If they were, I wouldn't know. 23 So we talked about how secret everything 24 has been. And even among friends, I don't think 25 they probably know the extent of it.

28 (Pages 106 to 109)

Page 110 1 Q. Let me ask you -- 2 A. And I do know he's getting to a point 3 where he's getting very angry, and he's -- he said 4 to me, I hope you don't want to reach across and 5 strangle them. He's very angry about it, and he's 6 keeping it in, but I have a feeling it's getting 7 ready to surface its ugly head. 8 Q. He knows why you're down here? 9 A. Yes, he does know why I'm down here. 10 Q. And he understands that you've brought a 11 lawsuit? 12 A. Yes, he does. 13 Q. And he understands the foundation of the 14 lawsuits? 15 A. He knows that The Citadel had 16 information prior to his meeting Skip ReVelle and 17 they did not disclose that information to people 18 that Skip may be around, yes, he does know that. 19 And he's smart enough to understand that that -- 20 if -- in the very least, you have the moral 21 obligation to disclose, but, legally, you also 22 have an obligation. He does. That's why he wants 23 to study law. He's been very impacted by what's 24 gone on here. And, quite frankly, it's really -- 25 I'm trying to teach this young man to be a man, to	Page 112 1 offered or has he said, I need to talk to 2 somebody? 3 A. No, he has not. I have -- I have been 4 the person initiating that. Okay? I've been the 5 person who has initiated, because I am so fearful 6 that what is going to happen to that other boy 7 that I heard in court talk about how he got 8 involved with drugs and how he sucked it up and 9 how he buried it. And I'm so fearful that if he 10 doesn't, I feel like I have a ticking time bomb on 11 my hands. 12 Q. But my -- 13 A. And I am trying to answer your question. 14 I've tried to discuss it with him, and all I've 15 gotten from him is, If you only knew. If you only 16 knew. 17 Now, as a parent, what parent wants to 18 hear that coming from their children? Anyone 19 sitting in here today, if they were in my shoes, 20 would have wanted to know information. And this 21 is not anything to do with my attorney, this is 22 based on my experience over the years with another 23 situation that happened to another one of my 24 children. I'm very -- the disregard for children 25 that has been shown, and my two children are now
Page 111 1 grow up and be a man. And when people shirk their 2 responsibilities and positions of power, with the 3 public interest not in their mind -- you're right, 4 I have talked to him, we have discussed this, 5 because I think he needs to know that what went 6 down here is wrong. 7 Q. I hear what you're saying. But my 8 question that I want -- that I want -- would like 9 to know the answer to is not talking about what -- 10 what you all's opinion is and your -- 11 A. Excuse me. 12 Q. Let me finish my question, now; I get to 13 ask the questions. Okay? That's what a 14 deposition is. I ask the questions. 15 A. I get that. I understand that. 16 Q. And I want -- I'm very interested in 17 what you have to say, but I'm also interested in 18 your answering what I want to try and understand 19 for those things that I need to know. And when I 20 ask if you have talked about the circumstance, I'm 21 not talking about your anger about what happened 22 or what you believe should have been done or was 23 done that wasn't done. What I want to know is, 24 from your perspective and from your son's 25 perspective, have you ever discussed or have you	Page 113 1 potentially -- one I know for sure is going to -- 2 has had their childhood ripped away from them. 3 And I will never have -- I will never have the 4 relationship I sought to have with him. That is a 5 fact. You cannot go back and change what happened 6 with him. 7 But I don't want this to ever happen to 8 anybody else's family, because of pain, the 9 anxiety I live with on a day-to-day basis. Every 10 time I hear words of molestation, I'm constantly 11 reminded of it. I am -- I'm beside myself. So 12 while I understand this is your question and 13 answer, I've been watching and listening to 14 everything everybody has had to say, everybody's 15 opinion on this matter for two years now. 16 My son was a great kid. Now I'm left 17 with a sullen, melancholy kid that basically does 18 not have anything to do with anyone in our family. 19 And he would be appalled to know -- I couldn't 20 even tell my own father about this. It's affected 21 every single relationship I have with all of my 22 children. Because they're having to deal with a 23 mom who has good days and bad days. 24 So excuse me for getting upset, and I 25 know this is your job to answer questions -- to

29 (Pages 110 to 113)

CAROLINA REPORTING
843.832.0801 * www.carolina-reporting.com

Electronically signed by Eve Wilbanks (101-177-349-6970)

82baf693-3e21-4501-b946-0e04a799ab7f

Page 114

ask questions, but I'm also a human being here, and I'm only human.

Q. Have you sought any help for yourself?

A. I have sought help.

Q. And from whom?

A. Mostly from a nonprofit, because I cannot afford to get the kind of help that I'm probably going to need.

Q. So -- well, tell me what the nonprofit is, which nonprofit --

A. Well, you -- Darkness to Light I've called many, many times. Many, many times late at night.

Q. Have you --

A. My first priority was getting my children help, and I do the best I can with that. Unfortunately, they don't pick and choose people with deep pockets. Okay? It's -- I've had to work my butt off just to keep things on the table and keep a roof overhead. The added expense here, why did I even need this? I didn't need this at all. And I realize everyone wants to give -- you know, oh, come down to the legality -- but the issue is, when I found out that The Citadel knew that this man was a molester, in the very least,

Page 116

like, I really can't remember. And, yet, there were four different kids who kept saying that my son was in the room.

So you see, I've had an institution -- a person -- I've had two boys that are dealing with this issue on some level. And they're only -- the thing they have in common, that my other three children didn't.

Q. All right. We had talked about your son's last interaction with ReVile, and it was when ReVile and his wife brought him to Columbia.

A. Columbia.

Q. And that would have been the last time. Did you pick him up in Columbia or did your daughter?

A. My daughter picked him up.

Q. All right. And you have -- I want to continue down the Interrogatories. We've talked about ReVile. And the next is John Rosa. Have you ever met John Rosa?

A. No, I have not.

Q. So do you know anything about him, other than what you have -- what you have read?

A. Well, I do know that he was brought into the Air Force Academy to clean out -- up their

Page 115

attempting, putting his hands on people -- and I know that Rosa had a responsibility, I also know he has a track record at the Air Force Academy. Why do I know this? Because I keep up with this. My brother, who is a West Point graduate -- I hold those institutions very high and dear.

He should have known this person -- caught him in the act; you guys said you believed him. And then you just turn and pass your trash to the rest of us? It's wrong. I'm just -- have I gotten help? I'm getting the help that I can at the moment. Do I need more help? You're right. My oldest son said, Mom, we need family counseling.

Q. Have you talked to your oldest son about it?

A. That's who I've talked to. And you know what? Some of the same behaviors that have come out of {John Doe LR}, I saw coming out of my oldest son, and he said to me initially nothing happened. Now, he goes, Well, I'll tell you, yeah, they did -- I did get alcohol at The Citadel. I was brought into rooms and shown porn. This is in 2001. And I say to him, Are you sure nothing happened between you and Arpaio? And he's

Page 117

mess with regard to the sex abuse scandal.

Q. My question was, do you know anything about General Rosa other than what you have read?

A. Other than what I read, no, not me personally.

Q. Okay. And what you know is that he was brought into the Air Force Academy to deal with the --

A. Fallout of the --

Q. -- fallout of -- the issues up there. And that he subsequently came to The Citadel, correct?

A. Correct.

Q. Other than what you've read -- and let me ask you, what are the sources of what you read? What are the sources of your knowledge?

A. I'm a voracious reader, so it could be -- I mean, I'm sure I've Googled him to find out more information about what his background is. I've read it in the Post and Courier. I do recall briefly -- I didn't realize he was the person involved, but I've kind of kept up with the Tailhook scandal and the various scandals that have gone on at the military institutions, because, as I told you before, my brother is a

30 (Pages 114 to 117)

CAROLINA REPORTING

843.832.0801 * www.carolina-reporting.com

Page 166 1 A. I think so. So anything that was coming 2 from that, it would have been hard to say. 3 Q. How did his -- what -- you know, what 4 were some of the manifestations of the changes? 5 How did they -- 6 A. Well, he became very defiant toward me. 7 And to this day, he's -- he -- I feel like he 8 holds -- why didn't I protect him? 9 Q. And has he ever said that -- 10 A. And for me -- I mean, for me -- not in 11 those words. And for me, I wanted to protect him, 12 and I'm really very upset that someone else didn't 13 care enough about the children out there. 14 Q. Is his father aware of all of this? 15 A. Oh, yes. 16 Q. What has his father -- has he been a 17 part or tried to -- 18 A. No, not really. But he's -- I don't 19 even know what it is to be a father and go through 20 knowing -- I know he'd like to kill the people, 21 and I know he's very upset. 22 Q. Who -- when you say he would like to 23 kill, who does he want to kill? And when I say 24 that -- 25 A. He doesn't mean -- yeah, we don't mean	Page 168 1 in college in any environment, without him knowing 2 that you're observing him? 3 A. Yeah. I'm not in his dorm room, that's 4 for sure. 5 Q. I know your NSA connections. 6 A. Yeah. Don't get a baby monitor. Okay? 7 It's not -- my father told me that years ago. 8 Well, let's put it this way: I'll last two years 9 of high school, he didn't go to one function. He 10 didn't have one friend. Okay? He came home every 11 day and went to his room. He wouldn't have 12 anything to do with me or his younger brother. 13 That -- no, I have never had a child act that way. 14 Q. What about -- what about his teammates? 15 A. He had no close friends. They would ask 16 him to go and do things, and he -- he did not want 17 to participate. 18 Q. Never spent the night out? 19 A. Never spent the night out. In two years 20 in high school, never spent the night out, never 21 asked to go to a party, never did anything. 22 Q. Did he drive? 23 A. And even now -- no, he doesn't even 24 drive. He doesn't want to. 25 Q. He doesn't have a driver's license?
Page 167 1 literally kill. 2 Q. Right. 3 A. Very upset with Mr. ReVile, but equally 4 upset with the fact that you guys had him. You 5 had him underneath your -- not you guys. I'm 6 talking about The Citadel had him left to right, 7 and they just passed this piece of trash out to 8 people who are decent people. That's -- he's very 9 upset about that. 10 Q. Okay. 11 A. And he was always very supportive of The 12 Citadel. 13 Q. All right. I was asking you about -- 14 about your son. And you say he was -- he had 15 become defiant. Did you have any of your other 16 children ever -- 17 A. Not in -- not in the sense that he was 18 defiant. And he -- for two years he never had a 19 friend. He went to his room. He lived in his 20 room. 21 Q. What about -- 22 A. And even now, in college, he's very, 23 very closed off. 24 Q. I mean -- and when you say that, have 25 you -- have you had an opportunity to observe him	Page 169 1 A. No. 2 THE VIDEOGRAPHER: This is the end of 3 tape No. 4. We're off the record at 2:43. 4 (The deposition went off the record.) 5 THE VIDEOGRAPHER: This is tape No. 5 in 6 the deposition of Mother Doe A. We're on the 7 record at 2:50. 8 BY MR. STONEY: 9 Q. All right. I think when we changed 10 tapes we were talking about the -- you were 11 telling me a little -- describing your son's life 12 in high school and the fact that he was reluctant 13 to go out and do things that you felt like he 14 normally would do. Do you -- do you have any feel 15 for how he's getting along in college now? 16 A. Um, I don't think -- I mean, I talk to 17 him at least once or twice a week, and he's just 18 very monotone. I think he -- he says he wished he 19 hadn't gone to such a big university. He told me 20 that last night. 21 Q. And I don't mean this as a "but," but 22 his grades are good? 23 A. Right. That's because I don't think he 24 participates in the social life the way my other 25 children did. My son and his -- older son in a

43 (Pages 166 to 169)

Page 170	Page 172
1 fraternity, my daughter in a sorority. He has -- 2 and they're all different -- I get that. But he's 3 not -- grades are not everything. I'm not just 4 about grades. I like -- I want my children to be 5 happy. 6 Q. And I'm with you on that. A 3.5 is a 7 nice level. 8 A. Look, I was very -- I took -- I was very 9 proud of him for that, because I know that he's -- 10 but he also has a good friend who was a part of 11 that group who has flunked out this year. So I'm 12 a bit -- 13 Q. All right. 14 A. I've never seen him date. He's never 15 had a girlfriend. 16 Q. How about your oldest boy? 17 A. Oh, my oldest boy, he has the opposite 18 problem, which was kind of off the reservation 19 too. I mean, they were two extremes. One went 20 one way, and the other one went the other way. 21 Q. What -- what do you mean when you say -- 22 this is {John Doe EC}? 23 A. {John Doe EC} was very into a girlfriend 24 every week. So -- and I used to think, you know, 25 it's a bit excessive. And then I've got this one	1 Q. Well, I got that. And what -- the 2 damages, as a result of the injuries to your son, 3 the injuries being what has been documented in the 4 police reports, the interaction with ReVille, and 5 we've talked a little bit about oral sex and 6 whatever else took place, as has been admitted to 7 and described by ReVille and fleshed out in the 8 investigations; is that correct? 9 A. Correct. 10 Q. And, again, this is going to sound a 11 little bit odd, but your son has not suffered any 12 physical injury; he wasn't hurt damage-wise, 13 broken bones? 14 A. No. 15 Q. And you obviously didn't find any of 16 this out until well after the fact, when ReVille 17 was arrested and all of this came out in the 18 public; is that correct? 19 A. Correct. 20 Q. And other than that one time that your 21 son went to The Citadel to play tennis, he's had 22 no contact or interaction with The Citadel, has 23 he? 24 A. Not to my knowledge. 25 Q. I mean, The Citadel didn't have any --
Page 171	Page 173
1 who has no girlfriend, and not even interested in 2 going out to meet people. And that's what he told 3 me about college. He's like, I pretty much stay 4 in my room and do my work. 5 Q. What about {John Doe EB}? 6 A. {John Doe EB} -- {John Doe EB} is just 7 your easy-going, kind of happy-go-lucky, 8 everything-is-right-with-the-world. 9 Q. Does he have a girlfriend? 10 A. He's had girlfriends off and on but 11 nothing serious. 12 Q. How about {Jane Doe HI}? 13 A. {Jane Doe HI} is the same. They're 14 pretty normal; normal social life. 15 Q. And I guess {John Doe RA} is getting to 16 the age. 17 A. {John Doe RA} is in -- yeah. He's very 18 social. 19 Q. All right. And, again, these questions 20 are going to sound kind of funny -- or strange, 21 but you never did actually witness any untoward 22 activity between your son and Skip ReVille? 23 A. No. 24 Q. Okay. And I -- 25 A. I would have killed him.	1 and I don't want to get -- at the risk of going 2 off on a tangent, The Citadel didn't have any 3 active part and was not a party to ReVille's -- 4 whatever actions he had with your son? 5 A. None. 6 Q. And we've talked about -- we've 7 quantified the therapy. I take it from what your 8 testimony is that at some point, hopefully in the 9 near future, you plan to seek some help? 10 A. Correct. 11 Q. And what about for your son? He's -- 12 A. I think I spoke with you earlier, when I 13 told you that I have a friend who's over the 14 Wellness Center at USC, and she's been put on 15 alert should anything -- because they actually did 16 a big thing on childhood sex abuse. And I was 17 actually concerned after seeing this that {John 18 Doe LR} would see it, and it was sent out to all 19 the students, and I wanted to touch base so that 20 if he did need to reach out. 21 Q. You feel like he understands and is 22 comfortable that if he needs to reach out, that 23 there will be somebody there? 24 A. I think he's getting there. I think 25 he's getting there. I don't think he's quite

44 (Pages 170 to 173)

Page 174 1 there yet, unfortunately. 2 Q. I think -- I know that from my 3 experience as a parent of a USC student, that the 4 mechanisms are there. 5 A. Right. Right. And that's what I wanted 6 to make sure, she was aware, and he was aware. 7 Q. And so at this stage, where we are right 8 now -- and this is the hard thing is, you don't 9 know -- we don't know what general effect this 10 entire experience has had on {John Doe LR}? 11 A. Well, I guess that's the big -- that's 12 the roughest part as a parent. 13 Q. Right. You want to find that out and 14 get it -- 15 A. Well, I mean, you can never go rewind 16 the clock. I'll never have the child back. 17 Furthermore, because he hasn't dealt with it, I 18 worry about his wellbeing. I know the statistics 19 that are out there with regard to these children. 20 And even if it's nothing drastic, in the sense of 21 killing themselves, whatever the case may be, 22 there are a lot of statistics out there about 23 children who don't get help. I worry about when 24 the shoe is going to drop on a daily basis. 25 Q. Okay. And you just have to hope that he	Page 176 1 lot of empathy for people and I -- now I don't 2 know what kind of soul he has because I can't get 3 inside his mind and know what wires have been 4 crossed. When I hear people say, We're creating 5 more child molesters, I worry about that with my 6 own son. I fear that. I've heard people say 7 that. I've heard kids in my classroom say that, 8 talk about in general terms, Are you just going to 9 be a child molester? And now I have to go -- it's 10 all I can do not to jump down those children's 11 throats when I hear that kind of banter, because 12 I'm thinking there may be a kid in this room that 13 you're offending. And what would it be like for 14 my son to be in there? What will trigger it for 15 him? 16 You can't rewind the clock. I can't 17 tell you what's going to be in the future, no 18 parent can. But I know that his future has been 19 tremendously changed by this. He can maybe turn 20 it into good, but he can also turn it into bad. 21 As far as my other family members, I watched two 22 boys who basically spent a lot of time together 23 because of -- they're brothers, wanting to be 24 closed off. He feels left out. They don't have 25 the same relationship they used to. I used to
Page 175 1 reaches out if he needs to. 2 A. Yeah, you just have to hope. My hope 3 was that -- an ounce of prevention is worth a 4 pound of cure. And I hope everyone has learned 5 something from this. 6 Q. All right. Let's see. I can obviously 7 tell that this has had the typical parental 8 response. I need you to try and tell me a little 9 bit also how this has factored into your life, how 10 it's affected you. And when I say that, I mean, 11 other than the -- what you've clearly shown today 12 is the natural reaction of a loving parent to a 13 child that's been injured. Has it -- and these 14 are the things that you will be quantifying at 15 some point. I mean, how has it factored into your 16 ability to interact with your other children? Has 17 it factored into your ability to carry out your 18 profession and pursue your -- your livelihood and 19 that sort of thing? 20 A. I'm trying to compose myself. The fact 21 that my son carried around this secret for two, 22 three, four years, that's hurtful. Because I 23 should have been there for him. I cannot even 24 look at him without feeling sorry for him. I'm 25 worried the child that I had, a sweet, a caring, a	Page 177 1 laugh and call them Mutt and Jeff. 2 My youngest son looked up to {John Doe 3 LR}, and {John Doe LR} is so worried that, if he 4 finds out, it's going to destroy his opinion of 5 him. Dealing with males is very difficult. There 6 are a lot of things that go with this. Now they 7 don't even want to be in the same room together. 8 As far as my daughter, it's affected 9 every dyn -- every relationship that goes on in 10 our house, because everyone walks around on 11 eggshells. Because in some ways our family still 12 keeps a big secret. Most people in my own family 13 don't even know. 14 Q. Thank you. We'll move on. Do you have 15 any information or indication that anyone at The 16 Citadel was aware that ReVille abused other 17 children, or abused children; other than that 18 information that they had in 2007, that he had 19 that propensity? And I didn't phrase the question 20 very well. Let me try and restate it so that it's 21 a little clearer. 22 Other than the information that came to 23 The Citadel in 2007 involving the camper -- the 24 camper's information that occurred in 2002, okay, 25 are you following me?

45 (Pages 174 to 177)

Page 178 1 A. Right. 2 Q. -- do you have any information or 3 knowledge that The Citadel was aware of any other 4 act that ReVile did involving -- 5 A. Only -- 6 Q. -- involving another camper? 7 A. I don't even know if this is the same 8 one, but I do know that there was an allegation 9 that the head counselor caught him rubbing 10 something on some child in 2002, 2003. I believe 11 I read that in the paper. 12 Q. Okay. 13 A. And she should -- she says she should 14 have come forward and said something about it. 15 Q. That's when ReVile was in -- it has 16 been testified to was in his room and he was 17 applying ointment to the -- 18 THE WITNESS: Thank you. 19 BY MR. STONTNY: 20 Q. -- to the boy's leg that had run track 21 or something? 22 A. Right. 23 Q. Okay. So that would be the only other 24 incident that you would -- or issue that The 25 Citadel might have been aware of?	Page 180 1 investigation, what did they intend to happen to 2 these -- to the people and the kids who came in 3 contact in the future? What -- what did they 4 think would possibly happen? Because we know 5 these people don't stop; we know they don't. So 6 you're asking me, do you think The Citadel 7 intentionally? Yes, I think they intentionally 8 knew and sent him out into the world. Because I 9 think that anybody who is involved with children 10 and education knows that people who carry on in 11 this manner, they don't stop until someone stops 12 them. 13 And I think The Citadel had a chance, an 14 opportunity to stop him before he came into 15 contact with my son. And that's -- that's in a 16 nutshell for me. I think that had they done what 17 they were supposed to do, which is carried that 18 chain all the way through, that there would be a 19 lot less victims in this world. And the 20 propensity of these little victims to go out and 21 become victimizers, I think, yes, they knew 22 exactly -- by doing nothing, I think they had 23 intent. And I mean, you can argue whatever way 24 you want, but I know what I know. And what I know 25 is that child molesters do not stop unless they're
Page 179 1 A. From what I've read. I don't know if 2 there are any other -- 3 Q. And, again, whatever you know is based 4 on what you've read? 5 A. Right. Because I wasn't in the room. 6 That's the only way I have to -- 7 Q. Do you think that The Citadel or anybody 8 at The Citadel intended or wanted these children 9 like your son to have been abused by ReVile? 10 A. I think -- I think The Citadel knew what 11 kind of person they were dealing with. And I 12 think that by doing nothing and not reporting it, 13 I think was as good as -- yes, I think intent -- 14 intent can be involved with doing nothing as well 15 as doing something. I used to tell my 16 children lying -- Shiloh -- there's a book, and 17 read it to them, and we would talk about lying. 18 And lying isn't necessarily about what you say, 19 it's about what you leave out. Regardless, it's 20 still dishonest. Just because you didn't come out 21 and tell a lie, lying by omission, it's just as 22 bad. 23 And I think that by not -- by not 24 reporting what they knew about him to law 25 enforcement so that they could carry on as	Page 181 1 stopped. 2 And my God, people, these are innocent 3 children. And I'm going to say to every male in 4 this room, if you had the fear that a man was 5 going to come and -- come and have a relationship 6 with your son, your underage son, your 11-, 7 12-year-old baby, how would you make that decision 8 then? And that's what I want to ask Rosa. If you 9 knew that male was going to come in contact with 10 your son, would you have just let him go? I think 11 not. And that's -- yeah, I think The Citadel had 12 intent, the small, short story there. 13 Q. One thing that you mentioned was -- you 14 talked about these people -- these child 15 molesters, they don't stop until they're caught. 16 How long have you known that? 17 A. How could you not know that? 18 Q. Well -- 19 A. I've known that since {John Doe I.R.} -- 20 since {John Doe B.C.} came into contact with it. I 21 looked up child molestation. I looked. What 22 concerned me the most about that, before I even 23 got a call from Charleston Police Department, I 24 was looking up child molestation, and it talked 25 about grooming behavior. It talked about breaking

46 (Pages 178 to 181)

CAROLINA REPORTING

843.832.0801 * www.carolina-reporting.com

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

3 JOHN DOE 2,) CIVIL ACTION NO:
4 Plaintiff,) 2:12-cv-00794-RMG

5 vs.)

6 PRESIDENT JOHN W. ROSA,
7 INDIVIDUALLY,
8 Defendant.

8 CIVIL ACTION NO:
9 MOTHER DOE,) 2:12-cv-00795-RMG
10 Plaintiff,

11 vs.)

11 PRESIDENT JOHN W. ROSA,
12 INDIVIDUALLY,
13 Defendant.

14 STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
15 COUNTY OF CHARLESTON) CASE NO. 2011-CP-10-9200

16 MOTHER DOE A,
17 Plaintiff,

18 vs.)

19 THE CITADEL,
20 Defendant.

21 VOLUME III DEPOSITION OF LOUIS "SKIP" ReVILLE

22 TAKEN: FRIDAY, AUGUST 15, 2014

23

24

25

Draft Copy



a67109bc-841e-4a08-b22c-77282e79dc1e

1 experience, no.

2 Q. Did you consider applying that Icy Hot
3 to be a sexual act, or was it an act to alleviate
4 the pain of Camper Doe 6?

5 A. A sexual act.

6 Q. And where did you apply the Icy Hot? To
7 what part of his leg?

8 A. I don't rightly recall.

9 Q. At any point when you were applying that
10 Icy Hot, did Camper Doe 6 object or tell you that
11 he didn't want you to do that?

12 A. Not that I recall.

13 Q. Do you think that Camper Doe 6 was aware
14 that you were applying that for a sexual purpose?

15 A. No.

16 Q. So from his perspective, he was in pain
17 and you applied this ointment to alleviate his
18 pain? Would that be your understanding?

19 A. I don't know what he was thinking. But,
20 I certainly never conveyed to him that I was doing
21 it out of a sexual nature.

22 Q. And during that incident, was there
23 anything that evolved into a sexual act, or did
24 you simply apply the analgesic cream to his leg?

25 A. I applied it to his leg.

1 Q. Was there any other touching of any sort
2 at that time?

3 A. No, not that I recall.

4 Q. Why didn't you come back to the camp in
5 2004? You had stated in a previous deposition
6 that you believed the camp was a paradise for
7 pedophiles. Do you recall saying that?

8 A. I do.

9 Q. If that were the case, wouldn't you have
10 felt somehow attracted to the camp because of that
11 moniker that you've given it?

12 A. Well, probably the main reason that I
13 didn't come back to camp is I had so many victims
14 that I was victimizing from Pinewood. In a sense,
15 to say I had enough and -- I had a certain number
16 from Pinewood I was abusing at the time.

17 Q. Mr. ReVille, do you believe that
18 Pinewood Prep was also a paradise for pedophiles?

19 A. I think, at the time that I was employed
20 at Pinewood, there was such a margin between what
21 was stated concretely in their policies and what
22 they were either able to enforce or just the
23 family culture -- there was such a margin there
24 that it was easy to spend one-on-one time with
25 children.

1 A. It's locations 5, 7 and 12.

2 Q. Okay. And then PHSW 6 would be location

3 1. And anywhere else?

4 A. Yes.

5 MR. KOVACH: Chip, is that No. 6?

6 MR. SLOAN: Yeah. It's Camper Doe 6.

7 A. 1, 2 and 4.

8 Q. And then if you -- the ones who were
9 abused at location 9, if we go back to PHSW 1, was
10 that the sleep-over, or was he one of the daytime
11 ones as well?

12 A. I victimized him on two occasions at
13 that location.

14 Q. What about PHSW 2?

15 A. The same two occasions.

16 Q. And PHSW 4?

17 A. On one occasion.

18 Q. And was that the sleep-over one?

19 A. It was.

20 Q. Now, I don't know that we're going to
21 get to talk to you again, Mr. ReVille, and I don't
22 know if you'll be at the trial or not. So I just
23 want to ask you if you can confirm -- from the
24 police reports, what you have admitted to with
25 regard to each of those clients. Okay? With

1 regard to PHSW 1, can you confirm whether this is
2 correct or not, that he masturbated in your
3 presence approximately 20 times? In addition, you
4 helped him reach climax with your hand
5 approximately 15 times, and you performed oral sex
6 on him about 10 times? Can you confirm that?

7 A. I can.

8 Q. With regard to PHSW 2, can you tell me
9 -- I guess what the extent of that abuse was for
10 No. 2?

11 A. I would say over 20 that he masturbated
12 in my presence, and over 20 that I manipulated him
13 with my hand, and approximately 15 times where I
14 performed oral sex on him.

15 Q. Now if we go to PHSW 3, can you tell me
16 the extent of that abuse?

17 A. I manipulated him with my hand, so hand
18 contact three times, and I exposed myself in his
19 presence once.

20 Q. PHSW 4, the extent of the abuse to him?

21 A. I would say that he masturbated in my
22 presence approximately five times. I made hand
23 contact on him fewer than 10 times and oral
24 contact once.

25 Q. Okay. All right. And No. 5, the extent

1 of abuse on him?

2 A. Probably masturbated in my presence
3 approximately five times. I made hand contact on
4 him over 20 times and made oral contact on him
5 approximately 20 times.

6 Q. And that's the child of Mother Doe A?

7 A. That's correct.

8 Q. And I think we've been over in the
9 deposition with Camper Doe 6, correct?

10 A. That's correct.

11 Q. Would you -- would you agree with me
12 that each time you abused one of these kids, that
13 it was a separate act of abuse?

14 A. Yes.

15 Q. And they were on different days or
16 different months over a long period of time,
17 correct?

18 A. That's correct.

19 Q. And would you -- I guess you understand
20 from going through this that even one instance of
21 abuse could be something that is very traumatic
22 and something that some people just can't get
23 over, correct?

24 A. I understand that, yeah.

25 Q. Would you agree with me that the more it

1 happens, the more damage is likely to occur or can
2 occur?

3 A. Yes.

4 Q. Would you agree with me that the -- I
5 guess there seem to be kind of steps to the abuse,
6 and that the further you get, possibly the worse
7 the damage could be to that child?

8 MR. KOVACH: Objection to form.

9 A. Yes.

10 Q. In terms of just exposing yourself and
11 actually touching someone and that kind of thing?

12 A. That's correct.

13 Q. And all of those are separate
14 occurrences of damage?

15 A. Yes.

16 Q. The same questions with regard to
17 separate occurrences in terms of not the damages
18 but when you were at The Citadel. Okay? Each
19 time you abused someone there, it was a separate
20 occurrence, correct?

21 A. That's correct.

22 Q. Each time Ms. Garrett or Colonel Lackey
23 or Colonel Bates or Anna Bronk caught you
24 violating the rules and didn't follow the rules
25 and enforce the rules, that's a separate

1 occurrence of them not enforcing the rules and
2 doing what they're supposed to, correct?

3 MR. KOVACH: Objection to form.

4 A. I agree with that.

5 Q. And at any time, if they had fired you
6 or they had done what the rules required, it would
7 have prevented your opportunity to abuse at The
8 Citadel Summer Camp, correct?

9 MR. KOVACH: Objection to form.

10 A. Correct.

11 Q. And then I guess four years after you
12 were no longer at the summer camp, when Camper Doe
13 called General Rosa's office and spoke to Mark
14 Brandenburg, that would have been another
15 occurrence or an opportunity for The Citadel to do
16 something, correct?

17 MR. KOVACH: Objection to form.

18 A. Correct.

19 Q. Did you have some type of counseling
20 with the minister at location 9?

21 A. Yes.

22 Q. What was that counseling for?

23 A. I want to say it was spiritual coaching
24 into the demands of the roles of husband and
25 father. Ultimately, it was a mentorship or



12 November 2011

MEDIA ADVISORY
Statement regarding Louis Neal "Skip" ReVille
From Citadel President Lt. Gen. John W. Rosa

Like so many in the Lowcountry, I am saddened and sickened that someone so close has betrayed our trust. My thoughts and prayers go out to the victims and their families.

As an institution responsible for delivering tomorrow's leaders, we hold The Citadel to a higher standard. We tell cadets to go beyond enforcing rules – to do what's right. We are confronted with an investigation from 2007 in which I do not believe we met that standard.

In 2007 an individual came forward with an allegation regarding inappropriate sexual behavior that happened five years earlier, in 2002, and which involved Louis Neal "Skip" ReVille. The individual stated that he and another camper along with Mr. ReVille watched pornography on Mr. ReVille's computer. They did not touch each other, but they each engaged in sexual activity.

As soon as this information was brought to our attention, The Citadel investigated the accusation. At the time we took what we thought were the necessary steps. It is now clear we should have done more.

The Citadel's general counsel tried to contact other individuals mentioned by the former camper making the accusation in order to corroborate his allegations. After initial communications were not returned, it was understood they did not want to speak with us. However, we should have more aggressively sought out individuals able to shed light on the incident.

The general counsel also interviewed camp staff – they were all very complimentary of Mr. ReVille who had graduated from The Citadel that May. As a cadet, he had been elected Honor Court chair, and at graduation received the award for excellence in public service.

We checked his personnel files and found no other complaints. His files also included a clean background check conducted by an outside organization.

And, unlike the charges Mr. ReVille now faces, which the media have reported he has admitted to, back in 2007 he strongly denied the accusation.

-more-

Achieving excellence in the education and development of principled leaders

171 Moultrie Street, Charleston SC 29409
(843) 953-6779 Fax: (843) 953-6767
www.citadel.edu oea@citadel.edu



As we continued to discuss the matter with the accuser and his family, they stressed the importance of their privacy. When the family did not pursue the matter, we did not either. We should have.

In processing the Freedom of Information Act requests we have received, documents have come to our attention in the last 72 hours, the nature of which was not shared with me or the Board of Visitors in 2007, but which demand action now that we have reviewed them.

I have directed the following:

- We have shared what information we have with the Charleston Police Department, who will make their own determination how best to proceed. We also ask anyone who may have information regarding inappropriate behavior involving Mr. Reville to step forward and contact the Charleston Police Department.
- The Citadel also will directly address media inquiries. I thank the media for their vigilance and recognize their role in protecting the rights of the community. I also realize that The Citadel has lost public trust because of this incident. In order to earn back that trust we are making available to the media all documents relating to the incident involving Mr. Reville, with names and personal information redacted.
- Additionally, the college has hired Guidepost Solutions, a New York-based company, to review the procedures that the college followed in this matter and recommend how we can improve our capacity to protect those living, learning, and working at The Citadel. Guidepost Solutions will report its findings as quickly as possible, and we will share with you how the college will act on them.

When I speak to young officers, I offer them three principles to guide their careers: be a person of integrity; respect others and yourself; and, accept accountability for your actions. I hope our actions today demonstrate my resolve to continue leading The Citadel by those same principles.

Achieving excellence in the education and development of principled leaders

171 Moultrie Street, Charleston SC 29409
(843) 953-6779 Fax: (843) 953-6767
www.citadel.edu oca@citadel.edu

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Mother Doe A,

Plaintiff,

v.

The Citadel

Defendant,

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

CAMPER DOE 6

Plaintiff,

v.

THE CITADEL,

Defendant.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

Civil Action No.: 2011-CP-10-9200

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

Civil Action No.

**AFFIDAVIT OF
LOUIS NEAL "SKIP" REVILLE**

I, Louis Neal "Skip" ReVille, provide this affidavit of my own free will on Friday, September 20, 2013 at the Perry Correctional Institute; 430 Oaklawn Road; Pelzer, SC; 29669.

1. Due to the lack of adult supervision and oversight of the barracks at night, I was able to sexually abuse numerous minor campers, at night, in my assigned barracks room, behind a closed door, while I was employed by The Citadel Summer Camp during the summer sessions of the camp in 2001, 2002 and 2003.
2. During the 2001, 2002, and 2003 sessions of The Citadel Summer Camp, Bill Bates and Jenni Garrott never visited or inspected my barracks room after Taps had been



LR

played. In addition, neither the Tactical Officer, nor the on duty CCQ visited or inspected my barracks room after Taps had sounded.

3. After the Arpaio allegations surfaced at the end of the First Session of the 2001 Citadel Summer Camp, staff training was held before the Second Session began to emphasize that campers and counselors were not to be in the same barracks room alone. The Camp's Director, Bill Bates, and Deputy Director, Jenni Garrott, did nothing to see that this emphasized rule was enforced.
4. During the 2002 Summer Camp while I was employed as the Senior Counselor, Bill Bates and Jenni Garrott had a meeting with me. They explained that they had heard that I was having minor male campers visit my barracks room at night, after Taps, when the campers were to be in bed. I was told not to put myself in a situation where I could get into trouble. After this meeting, no one ever visited or inspected my room after Taps to enforce the no minors in counselor's room rule.
5. During the ^{2003 ER}2002 Summer Camp while I was employed as the Senior Counselor, Col. ^{ER}John Lackey met with me and advised me that I should not place myself in ^{Col. Lackey had been advised by another counselor that} compromising situations with the minor male campers. ^{minor campers were visiting my room at night after taps.}
6. During 2001, 2002, and 2003, while employed by The Citadel Summer Camp, I would regularly have nightly food deliveries brought to me at the barracks and would invite the minor male campers that I had targeted for sexual abuse to join me in my room to help me eat it. The food was used to lure the minor male campers into my room for grooming and sexual abuse. The amount of food ordered was clearly for more than one person. No one ever questioned the amount or frequencies of the deliveries of food that were made to me at the barracks.

7. My activities with the minor male campers did not change as a result of these meetings. The no campers in counselor's room rule was not enforced, and I remained free, as the 2002 Senior Counselor in charge of the barracks at night, to continue to have minor male campers visit my room after Taps.
8. In 2002, one of the campers had a heat rash between his legs and could hardly walk. The camper was to stay with me and not participate in activities until this rash cleared up. Jenni Garrott opened the door and walked into my room one afternoon to find the camper with the rash sitting on one side of the couch and me on the other. Ms. Garrott simply warned me that I should not be in my room with a minor camper.
9. It is my understanding that I should have been fired for violating the 2002 Camp Policy of no campers in counselor's rooms behind closed doors.
10. One afternoon, at the beginning of the Second Session of the 2003 Citadel Summer Camp, Jenni Garrott opened the closed door of my assigned barracks room and caught me with a minor Junior Counselor. (I am advised that this minor male is referred to as Camper Doe 6 for litigation purposes.) The minor had just completed a run and I was rubbing sports cream on the Junior Counselor's upper thighs and calves. I was grooming Camper Doe 6 and had not yet sexually abused him at the time Ms. Garrott caught the two of us alone. Ms. Garrott warned me that I should not permit minors to be alone with me in my room.
11. It is my understanding that I should have been fired for violating the 2003 Camp Policy of no campers in counselor's rooms.

ER

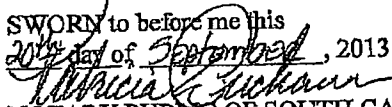
12. Had I been fired when Ms. Garrett caught me alone with Camper Doe 6, I would not have been allowed the opportunity to sexually abuse Camper Doe 6 on several occasions during the remainder of the 2003 Second Session.
13. As a result of the Arpaio incident, I came to the realization that it was not normal to show pornography to and masturbate with minor males. I also realized that it was criminal to participate in these activities with minor males. In spite of this knowledge, and a ^{high} desire on my part to cease the sexual abuse, the lack of competent adult supervision and oversight of the barracks at The Citadel Summer Camps, especially at night, made it all too easy for me to continue to prey upon and sexually abuse the minor male campers.
14. As an Academic Review Tutor in 2001, I was permitted to hold my review sessions with the minor male campers in my barracks room instead of the Mess Hall, where all other review sessions were held. I used these closed door review sessions ^{to groom} ~~to groom~~ campers that I had targeted to sexually abuse.
15. In 2001, 2002 and 2003, had there been frequent and random after Taps room checks to enforce the no campers in counselor's rooms rule, I would have stopped having campers visit my barracks room at night for fear of being caught and fired;

ef

or I would have actually been caught in the act of sexually abusing the minor male campers resulting in my being fired and reported to law enforcement. .

Further affiant sayeth not.


Louis Neal "Skip" Reville

SWORN to before me this
20th day of September, 2013

NOTARY PUBLIC OF SOUTH CAROLINA
MY COMMISSION EXPIRES: 4-26-2020

STATE OF SOUTH CAROLINA	)	
	)	
COUNTY OF CHARLESTON	)	COURT OF GENERAL SESSIONS
	)	
State of South Carolina,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Charleston: 12-GS-10-1835 et al
	)	Berkeley: 12-GS-08-0353 et al
Louis Neal "Skip" Reville,	)	Dorchester: 12-GS-18-0425 et al
	)	
Defendant.	)	

TRANSCRIPT OF HEARING

The within Hearing was held on June 13, 2012, before The Honorable R. Markley Dennis, Jr. in Courtroom 4C of the Charleston County Courthouse, 100 Broad Street, Charleston, South Carolina; attended by counsel, as follows:

APPEARANCES:

Scarlett Wilson, Solicitor
Debi Herring-Lash, Assistant Solicitor
9TH CIRCUIT SOLICITORS OFFICE
Charleston, South Carolina

-and-

Meghan Hall, Assistant Solicitor
1ST CIRCUIT SOLICITOR'S OFFICE
St. George, South Carolina
Appearing for State of South Carolina

Craig Jones, Esq.
Appearing for Defendant

Lewis Hems, Esq.

William Nixon, Esq.

DEBORAH GARRISON
Circuit Court Reporter - 9th Judicial Circuit
Post Office Box 901
Johns Island, South Carolina 29457
dgarrison@scoouris.ny



State of South Carolina v. Louis N. Reville
Case No. 12-GS-16-1835 et al
Hearing of June 13, 2012
Before The Honorable R. Markley Dennis, Jr.

110

1 it is hard to sit here and listen to this. It
2 takes a toll year after year. We came to you
3 and asked that you hear this case and you didn't
4 run, and you could have. You never run from us.
5 I know you are able, but I also know the toll
6 that it takes.

7 The clerk's office has been remarkable
8 from the start of this case, trying to stream-
9 line things so that we could get this done at
10 this time; for the victims, that was very
11 important for us. I appreciate all the work
12 that they did for us, from the Grand Jury
13 process forward.

14 You know, we've heard so much today.
15 What I think is very important for all of us
16 to see is that child molestation is an adult
17 problem. It is our problem as adults.

18 THE COURT: Amen.

19 SCARLETT WILSON: When we see people
20 that have children — as you know, I don't have
21 children of my mine, I do have many in my life.
22 It takes enormous trust to raise your child and
23 to be able to give them a healthy and happy
24 life. You have to trust other people. You have
25 to trust other parents, you have to trust

1 coaches, you have to let them grow and be
2 independent and learn from others. To have that
3 trust and then have it taken away, I know what I
4 imagine that would be like. I also know that, I
5 can't really imagine, not being a parent myself,
6 what it must feel like to have to take that leap
7 of faith, have that trust and then have it taken
8 away.

9 You know, the victim who stepped
10 forward tapped into something that I would hope
11 would be brought forward, and that's the anger.
12 We hear so much about the tears, about the
13 mourning, the loss, but the anger is there.
14 While we wouldn't ask the Court to do anything
15 out of anger, this prosecution has not been out
16 of anger, but it is outrageous -- it is
17 outrageous that some that we have trusted in
18 this community, some of those people have taken
19 advantage of loopholes in the law and have
20 shirked their responsibilities, morally, to do
21 what was right.

22 That aspect of this case is something
23 that this victim has taken on. While I don't
24 have children, I will take the liberty of saying
25 (addressing John Doe #13), 'Son, it was not your

1 fault. It was not your job.'

2 There were some who had a job and who
3 had a role. To hear those people neglect and --
4 to see that they have neglected to stand up and
5 the time to do something strong, something
6 right, reputations be damned. That opportunity
7 was neglected.

8 To hear them justify that by saying
9 'there was no corroboration, we didn't have
10 enough evidence,' there is never enough evidence
11 on day one. There is never enough evidence when
12 witness one, victim one comes forward on that
13 first day. People who are not trained, who do
14 not have the tools and who do not have the
15 motivation but had the audacity to say there was
16 no corroboration, there was no case, that's what
17 we are here for. We have some of the best in
18 the state, if not the nation, in prosecution.
19 We have law enforcement. We have the D. Norton
20 Children's Center. We are not the backwoods:
21 We have every resource you can imagine in this
22 community and it was there. People were
23 discouraged from using it. It is a true shame.

24 That said, the investigation that
25 eventually took place was an investigation

1 gearing us for trial. - That investigation could
2 have easily taken place a decade ago.

3 But what happened that Friday when the
4 phone started ringing, Ms. Herring Lash was
5 brought into the case immediately, I was brought
6 in. Mount Pleasant Police Department,
7 Detectives Bacon and Willis, they did a
8 remarkable job -- because in a case like this,
9 with this volume, you have two things that can
10 happen -- and I know you see it in some of our
11 bigger trials. One is that you can have too
12 many chiefs and everybody wanting to be a boss,
13 or you can have so many people involved that
14 nobody wants to take responsibility and nothing
15 gets none. In this case they were organized,
16 they were methodical. We met, we had a plan and
17 the plan was to get this thing ready for trial
18 in June, one way or the other. If it was a
19 guilty plea, great. IF it was a trial, great.
20 But we wanted these children to be able to have
21 a summer with this behind them and start the new
22 year fresh. We have accomplished that. I
23 commend them for that -- of course, Ms. Hall,
24 Ms. Herring Lash, all of the law enforcement
25 agencies that were involved.

1 Your Honor, you know, from the many
2 conversations that we've had administratively
3 how I feel about the importance of accepting
4 responsibility and the value that it has in our
5 system. It's critical in almost every case.

6 In this case, this defendant -- he
7 has cooperated and he has accepted full
8 responsibility. While we appreciate that, it's
9 also important to note that he has started from
10 day one the effort to save his skin. His
11 manipulation continued from the moment that this
12 thing unfolded. There was one person in this
13 world, on October 28th, one person, who realized
14 the landslide, the landslide of victims, and
15 accusations that were going to be out there --
16 it was him. He knew more than anyone and he
17 started with the letters to parents, trying to
18 reach back out to victims, to mitigate. I
19 don't want the Court to misunderstand that in
20 considering accepting and admitting
21 responsibility.

22 You know, the overwhelming, overarching
23 thing is that this man has threatened, gravely
24 threatened two of the most important aspects of
25 any young person's life, I believe, especially

1 in this country. The first is the involvement
2 in sports. Gosh, so many of us who have gone on
3 to do well can look back to those times playing
4 sports. Having a team. Having people taken an
5 interest in them. Having those great mentors.
6 Parents kinda have to love you. When you've got
7 a wonderful coach or a teacher who invests in
8 you, that does wonders for your self-worth.
9 This man has threatened that, greatly threatened
10 it. I am using that word for a reason, and I'll
11 explain that in a minute.

12 The other aspect, obviously, is that
13 this man has used and abused in the name of God.
14 He used God as a ruse, as a ruse. He was more
15 methodical than we were, and he epitomized evil,
16 he epitomized what the devil can do. It's hard
17 enough in this life, especially in this day and
18 age, to find that spiritual path; to have
19 someone threaten that spiritual path the way
20 that he has is abominable. We've seen that here
21 today.

22 I use the word "threaten" not to
23 minimize what's happened here but I think it's
24 important for all of us, as the adults in the
25 room, for all of us to recognize and to give

1 hope that these lives -- these lives -- don't
2 have to be relived. They are threatened. It is
3 a long road. For those victims, especially the
4 ones in Dorchester who were not able or willing
5 to come forward, we can only hope that the
6 message gets out that they've got to deal with
7 it now, because it will be back one way or the
8 other -- one way or the other.

9 There is hope. We don't know what's
10 going to happen from here. The threat will be
11 there for a long time but these lives don't have
12 to be ruined. We have to remember that this
13 young man, and the young men who did cooperate
14 with police and were able to -- perhaps they had
15 that family support that some don't, -- that
16 they did stand up, unlike some of the adults in
17 this community. They did stand up when it was
18 time. They did do the right thing. I believe
19 that they've given you all you need to put Mr.
20 ReVillle away forever.

21 From hereon, we as a community have to
22 make sure that we give these victims hope. We
23 have to make sure that we recognize that this is
24 not an isolated problem -- and that is one of
25 the things that was so great about your

1 (addressing John Doe #13) talking here today.
2 In this country, we act like this just doesn't
3 happen. We have such a hard time with these
4 cases because people don't want to believe it.
5 They do not want to believe it.

6 Perhaps one of the good things that
7 will come out of this case and the publicity,
8 perhaps one of the good things that will come
9 out of Pennsylvania, is that finally adults will
10 believe that this stuff really does happen, that
11 children really aren't equipped to deal with it,
12 that we have to deal with it. We can't just
13 look the other way, pass the buck and say,
14 'Next.'

15 As I mentioned, Debi Herring Lash was
16 brought into this case that day, as was I. We
17 are fortunate to have her, certainly, in the
18 office. But more than that, bigger than that,
19 in this community.

20 THE COURT: I agree.

21 SCARLETT WILSON: She is going to
22 address the Court more specifically as to
23 sentencing, but thank you for your patience and
24 for your willingness to serve.

25 THE COURT: Thank you, Solicitor.

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON
Mother Doe A,

Plaintiff,

v.

The Citadel

Defendant,

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON
CAMPER DOE 6

Plaintiff,

v.

THE CITADEL,

Defendant.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

Civil Action No.: 2011-CP-10-9200

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

Civil Action No.

AFFIDAVIT OF
LOUIS NEAL "SKIP" REVILLE

I, Louis Neal "Skip" Reville, provide this affidavit of my own free will on Friday, September 20, 2013 at the Perry Correctional Institute, 430 Oaklawn Road, Pelzer, SC 29669.

1. In April of 2007, I met with Mark Brandenburg and Col. Joseph Trez in Bond Hall on the campus of The Citadel.

2. I was informed during the meeting that a camper who attended The Citadel Summer Camp in 2002, while I served on the camp staff as the Head CCQ, alleged that I had acted inappropriately with him. I lied to Mr. Brandenburg and Col. Trez and denied allegations



el

of inappropriate activity with the minor camper. I had, in fact, sexually abused the camper in my assigned barracks room, at night, behind a closed door.

3. After the April 2007 meeting with Mr. Brandenburg and Col. Trez, I lived in fear for a year that The Citadel was going to report the child sexual abuse allegation to law enforcement which would result in my being arrested and charged.

4. In October 2011, when confronted by the Mt. Pleasant Police and questioned about sexually abusing minor males, I freely co-operated with the law enforcement investigators and admitted/confessed to the sexual abuse of my victims.

5. Being questioned by law enforcement in October 2011 made me realize that I had been caught, and that I was not going to be able to lie my way out of the child sexual abuse accusations that were being made against me.

6. Had I been reported to and questioned by law enforcement officials any time after the April 2007 meeting with Dr. Brandenburg and Col. Trez, I would have admitted to the sexual abuse of the complaining minor camper, as well as the other minor campers that I sexually abused while I was employed by The Citadel Summer Camp during the years 2001, 2002, and 2003.

7. Had The Citadel reported the allegations of child sexual abuse to law enforcement, and had I been questioned by law enforcement in or about April of 2007, my admission/confession of the child sexual abuse would have resulted in my conviction; and I would not have been able to sexually abuse numerous other minor males until my arrest in October 2011.

ef

Further affiant sayeth not.


Louis Neal "Skip" Reville

SWORN to before me this
~~20th~~ day of ~~September~~, 2013
~~Charleston, South Carolina~~
NOTARY PUBLIC OF SOUTH CAROLINA
MY COMMISSION EXPIRES: ~~4-26-2014~~



STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON) CASE NO. 2011-CP-10-9200
MOTHER DOE A,)
Plaintiff,)
vs.)
THE CITADEL,)
Defendant.)

STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON) CASE NO. 2012-CP-10-1860
JOHN DOE CAMPER,)
Plaintiff,)
vs.)
THE CITADEL,)
Defendant.)

STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON) CASE NO. 2012-CP-10-1858
JOHN DOE 2,)
Plaintiff,)
vs.)
THE CITADEL,)
Defendant.)

VIDEOTAPED PATRICIA KINARD
DEPOSITION OF:



CAROLINA REPORTING
843.832.0801 * www.carolina-reporting.com

Page 30	Page 32
1 way the question was asked.	1 CERTIFICATE OF REPORTER
2 THE WITNESS: I see.	2
3 MR. STONEY: So don't take that as any	3 I, Carol Denise Lauder, Registered
4 signal from me. If you know the answer to the	4 Professional Reporter and Notary Public for the
5 question, go ahead and answer.	5 State of South Carolina at Large, do hereby certify
6 THE WITNESS: Okay. Could you repeat	6 that the foregoing transcript is a true, accurate,
7 it again?	7 and complete record.
8 BY MR. SLOAN:	8 I further certify that I am neither related
9 Q. In 2007, if you had received a call	9 to nor counsel for any party to the cause pending
10 when you were the administrative assistant to the	10 or interested in the events thereof.
11 President from a Citadel alumnus that his son had	11 Witness my hand, I have hereto affixed my
12 been at the summer camp and was sexually abused	12 official seal this 15th day of June, 2013 at
13 there, isn't it true that you would have called	13 Charleston, Charleston County, South Carolina.
14 Public Safety?	14
15 A. Yes, sir.	15
16 Q. Okay. And is there a particular	16
17 Citadel policy that you would refer to to do that	17
18 or is it just common sense? Why would you do that?	18
19 A. There may be a policy, sir, I don't	19
20 know, but I believe that would be common sense.	20
21 Q. Okay. All right, I believe that's all	21
22 the questions that I have for you. I don't know if	22
23 Ellis has any.	23
24 MR. ROBERTS: None.	24
25 MR. STONEY: I don't have any.	25
Page 31	
1 THE VIDEOGRAPHER: This concludes the	
2 deposition of Patricia Kinard. Off the record at	
3 3:03. Tape one.	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	

9 (Pages 30 to 32)

STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON) CASE NO. 2011-CP-10-9200
MOTHER DOE A,)
Plaintiff,)
vs.)
THE CITADEL,)
Defendant.)

STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON) CASE NO. 2012-CP-10-1860
JOHN DOE CAMPER,)
Plaintiff,)
vs.)
THE CITADEL,)
Defendant.)

STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON) CASE NO. 2012-CP-10-1858
JOHN DOE 2,)
Plaintiff,)
vs.)
THE CITADEL,)
Defendant.)

VIDEOTAPED DEPOSITION OF:
COLONEL GLENN ADDISON



Wilbanks (101-177-349-6970)

ed505823-781c-4e1c-8fb0-4365fd887a54

1 he never saw this letter, right?

2 A. That's what he shared with the board,
3 yes.

4 Q. If General Rosa had seen this letter on
5 May 16th of 2007, would you have expected him to
6 fully inform the board of what he had been told
7 about these allegations?

8 A. I think he would have initially
9 contacted the chairman and maybe the executive
10 committee and then -- yes, he would have informed
11 the entire board in a short period of time, based
12 upon his previous experience and knowledge.

13 Q. The school had just come through the
14 Arpaio litigation, where it paid out \$3.5 million
15 and it was truly an embarrassment to The Citadel;
16 right?

17 A. The Insurance Reserve Fund was 3.5, and
18 it was -- it was an embarrassment because it
19 involved one of our own and -- but it was also --
20 it was just an embarrassment.

21 Q. If General Rosa received this letter on
22 May 16th of 2007, tell me why it's not -- if he
23 never said anything to the board about it, why
24 it's not a cover-up by him, or, in the
25 alternative, gross incompetence?

1 MR. COOKE: Objection to the form.

2 A. As I said before, I had complete
3 confidence in General Rosa. He's never given me
4 any reason to question his work; he's a man of
5 integrity and honor. And I take him at his word
6 that he never saw it. Why he never saw it, I
7 don't know. But all I can do is take him at his
8 word for that. Because nothing that I've seen him
9 do the entire time I've known him would have
10 prevented him from taking immediate action had he
11 seen this. There would have been no reason not to
12 on his part; he would have. And that's why I
13 wrestled with this when I first saw it; I tried to
14 figure out what had occurred. But all I could
15 assume was he knew nothing, and I take him at his
16 word that he didn't.

17 Q. I take it, then, that if you would have
18 expected General Rosa to immediately act based on
19 this and tell the board everything, we know one
20 person for absolute sure who knew everything in
21 there and who authored the letter and signed it?

22 A. Yes.

23 Q. And we know for sure he never told the
24 board about this, did he?

25 A. No.

1 Q. That's gross incompetence, isn't it?

2 MR. COOKE: Objection to the form of the
3 question.

4 A. I'm not -- I don't know what the term
5 would be for it. I have a -- my lack of
6 confidence in his abilities. Whether it rises to
7 the level of gross incompetence or whether he was
8 actually in the process of doing an investigation,
9 trying to corroborate or whatever, I don't know.
10 But should this have been shared with the
11 President and the -- by the policy or by the
12 guidelines? Absolutely. And that's why I was as
13 adamant as I was that we should have been
14 informed.

15 Q. And if Mr. Brandenburg's excuse for not
16 telling the board in May or June about everything
17 in this May 16, 2007, letter -- his excuse is
18 that, I was doing an investigation, then you would
19 agree with me that his investigation was
20 pathetically bad, wouldn't you?

21 MR. COOKE: Objection to the form of the
22 question.

23 A. I think I used those words.

24 MR. SLOAN: Okay. All right, sir. Why
25 don't we take a break and we'll --

APPENDIX 1 TO ANNEX B:

General Procedures for Conducting
Formal Investigations of
Sexual Harassment Complaints

1. Respect the rights of all parties.
2. Provide the alleged harasser timely and adequate notice of the allegations and give the alleged harasser an opportunity to respond in person or in writing before a neutral person or panel.
3. Select an Investigator who:
 - A. Has knowledge and training in issues dealing with sexual harassment.
 - B. Is thoroughly familiar with The Citadel's Sexual Harassment Policy.
 - C. Has credibility with The Citadel community.
 - D. Is neutral to all parties and represent The Citadel in a fair manner.
 - E. Is fair and not reach a conclusion until the investigation is completed.
 - F. Is able to maintain confidentiality of information.
4. In selecting the panel or board members to hear the case use the following criteria:
 - A. Select members who have no conflict of interest preventing them from acting fairly toward either the alleged harasser or victim.
 - B. Select panel or board members who have received training instructions or adequate material on sexual harassment so that they are knowledgeable of what sexual harassment is and what The Citadel's policies are.
 - C. Procedures should be timely and follow the guidelines stated within this memorandum.
5. Confidentiality should be honored by all participants in the process to the greatest extent possible, keeping in mind that neither the complainant nor the alleged harasser is bound by confidentiality although both can be asked to observe it.
6. Plan the strategy for the Investigation.
 - A. Create a timeline (include when interviews will be taken, report prepared, and decision reached).
 - B. Identify specific issues or allegations to be addressed.
 - C. Identify witnesses to be interviewed.
 - D. Identify/obtain documents.



E. Prepare a list of general questions for each interview.

7. Inform the alleged harasser to avoid any unnecessary contact with the complainant and of the prohibitions of retaliation.

8. Inform the complainant about retaliation, provide examples, and request that any attempts at retaliation be reported immediately.

9. Arrange to tape record all interviews and appearances before a board or panel. If either party objects to recording the interview, make a written record of the fact and resort to taking written notes.

10. Reach a conclusion. There are four possible outcomes to the board or hearing process:

A. the harassment occurred; or

B. the harassment did not occur; or

C. the allegation was unsubstantiated but with probable cause; or

D. there was insufficient information to make a determination.

11. Write the report and provide it to the person (Vice President/President) who will make the decision.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	CASE NO.: <u>2011-CP-10-9200</u>
MOTHER DOE A,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
THE CITADEL,	)	
	)	
Defendant.	)	

MEMORANDUM IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

AND NOW COMES Defendant The Citadel, The Military College of South Carolina ("Defendant" or "The Citadel") in the above-captioned matters and files the following Memorandum in Support of Motion for Summary Judgment:

INTRODUCTION

This lawsuit has been commenced by the mother of an alleged victim of abuse by Louis "Skip" ReVille against The Citadel. Plaintiff alleges that The Citadel failed to prevent ReVille from abusing her son. ReVille's crimes were unspeakable. Nevertheless, Plaintiff's claims against The Citadel cannot stand as a matter of law because:

- (a) Plaintiff cannot present any evidence that she sustained any damages cognizable under South Carolina law.
- (b) The Citadel owed no common law or statutory duty of care to Plaintiff.
- (c) Plaintiff's claims are barred by the statute of limitations contained in the South Carolina Tort Claims Act, at S.C. Code § 15-78-110, because she did not file this action within two years after she discovered her loss.
- (d) Plaintiff's outrage claim is barred by the South Carolina Tort Claims Act.
- (e) Plaintiff cannot proffer a scintilla of evidence that The Citadel acted with the requisite level of culpability for an outrage claim.
- (f) Plaintiff's potential recovery is limited to \$300,000.00 under the South

{00489513.DOC.1 }

Carolina Tort Claims Act, S.C. Code § 15-78-120(a)(1), because Plaintiff's claims involve a single alleged "occurrence."

On April 23, 2007, the father of a camper at The Citadel's summer camp ("Camper Doe") reported to The Citadel that ReVille had engaged in sexual misconduct with his son at The Citadel Summer Camp five years prior, in or around 2002. Camper Doe's father spoke by telephone with in-house General Counsel for The Citadel, Mark Brandenburg; during that telephone conversation, Camper Doe's father told Attorney Brandenburg that on a single occasion during Camper Doe's stay at the summer camp (some five years earlier), a counselor named "Skip" invited his son, then a minor, into his room; the two of them "watched pornography and masturbated while [Camper Doe] was in 'Skip's' room." (*See* Ex. A ¶ 3). Attorney Brandenburg subsequently spoke with Camper Doe, by then of majority age, via telephone. Camper Doe reported that "on one occasion, 'Skip' had invited him into his room and showed him pornography" and "convinced him to masturbate while in the room." (*See id.* ¶ 4).

Attorney Brandenburg telephoned ReVille, who coincidentally had submitted his resignation from his part-time temporary employment with The Citadel Writing Center on March 22, 2007 and had recently worked his final day at The Citadel. (*See* Fudge Deposition, at 58:18-59:20; Separation Form; Timesheet Printout (attached hereto as Exs. B-D, respectively)). When confronted by Attorney Brandenburg, ReVille emphatically denied Camper Doe's allegations.

Brandenburg continued his investigation on July 1, 2007, when he met with Camper Doe and his parents in Texas. Camper Doe discussed what had happened to him and mentioned there was another camper in the room at the time. (*See* Ex. E, at 74:1-25). Camper Doe's father expressed a desire for privacy, stating, "I don't want to be another name in the Charleston papers." (*See id.*, at 121:24-122:2). Camper Doe's Father further stated that he did not want for his family to "go and be a part of Charleston gossip." (*See id.*, at 144:10-11). At the close of the interview, Camper Doe's father discussed the fact that The Citadel had not accepted Camper Doe for admission as a cadet and stated that, by admitting him as a cadet, The Citadel, "can be part of

{00489513 DOC 1 }

the root cause to fix him." (*See id.*, at 123:16-17). Camper Doe's father also expressed his belief that admitting his son as a cadet would be, "a very inexpensive way for The Citadel to say, do you know what – we'll fix our own." (*See id.*, at 123:19-23).

In compliance with the wishes of Camper Doe and his family, Attorney Brandenburg worked with Citadel admissions employees seeking a solution that would allow Camper Doe's admission as a cadet. (*See* Brandenburg Depo., Vol. I, at 205:25-206:25 (attached hereto as Ex. F)). When it was determined that Camper Doe lacked the requisite academic qualifications for admission, Brandenburg proposed to Camper Doe and his parents that the IRF would pay for the necessary courses at a community college in order to allow him to reapply to The Citadel. (*See id.*, at 207:1-208:16). Attorney Brandenburg never heard again from Camper Doe or his parents.

The following facts are indisputable with regard to Camper Doe's report in 2007 and The Citadel's response thereto (*see generally* Ex. E):

- The report concerned an incident that had occurred approximately five years prior.
- The summer camp closed the year prior to Camper Doe's report.
- ReVille had resigned from his employment at The Citadel prior to Camper Doe's report.
- Camper Doe's report did not identify any physical sexual contact between ReVille and any minor.
- Camper Doe was an adult, with the autonomy to make his own decision with regard to the complaint.
- Camper Doe was unwilling to report the incident to the police, desiring to maintain his anonymity. In fact, Camper Doe or his family never reported the incident to law enforcement prior to ReVille's arrest in 2011.
- After the interview of Camper Doe and his family, they did not follow up with Attorney Brandenburg concerning the incident.

In light of the cumulative effect of those factors and in compliance with all applicable laws,

(00489513.DOC.1)

Attorney Brandenburg did not report the alleged incident to law enforcement or recommend that it be reported to law enforcement.

In October 2011, incidents of sexual misconduct by ReVille came to light, and various law enforcement agencies initiated investigations into ReVille's activities. At the completion of those investigations, charges were filed against ReVille in Charleston, Berkeley, and Dorchester counties. On June 13, 2012, ReVille pleaded guilty to numerous charges of criminal sexual conduct with a minor, solicitation of a minor, lewd acts upon a minor, and dissemination of obscene material. The Honorable R. Markley Dennis, Jr., sentenced ReVille to fifty years imprisonment.

Plaintiff Mother Doe A alleges that ReVille abused her son on occasions in 2007 and 2008. (See Pl.'s Am. Compl. ¶ 133). There is no evidence that Plaintiff's son was abused at the summer camp or on The Citadel's campus. To the contrary, Plaintiff alleges that her son was abused while being coached by ReVille in Mount Pleasant. Plaintiff Mother Doe A's Amended Complaint alleges claims sounding in: (a) gross negligence/failure to warn; (b) negligent hiring, retention and supervision; (c) the Jessica Horton Act, S.C. Code § 59-154-10; (d) civil conspiracy; (e) the mandatory reporting statute, S.C. Code § 63-7-310; (f) intentional infliction of emotional distress/outrage; and (g) loss of services.

For the reasons that follow, this Court should grant The Citadel's Motion for Summary Judgment. In an effort to conserve resources and avoid unnecessary duplication, The Citadel hereby incorporates by reference (as if set forth at length) its various Memoranda in Support of Motions for Summary Judgment filed in *John Doe Camper v. The Citadel*, No. 2012-CP-10-1860; *John Doe 2 v. The Citadel*, No. 2012-CP-10-1858; and *Mother Doe on Behalf of John Doe 3 v. The Citadel*, No. 2012-CP-10-1859, including its: (a) Memorandum in Support of Motion for Summary Judgment filed on April 17, 2014 ("Prior Memorandum"); (b) Supplemental Memorandum in Support of Motions for Summary Judgment Concerning the Existence of a

{00489513.DOC.1 }

Duty of Care filed on April 28, 2014; and (c) Supplemental Memorandum in Support of Motion for Summary Judgment filed on June 6, 2014. The Citadel incorporates all of those memoranda herein as if set forth at length.

ARGUMENTS

A. Standard of Review

The standards governing a motion for summary judgment are well-settled in South Carolina:

This court reviews the grant of a summary judgment motion under the same standard applied by the trial court pursuant to Rule 56(c), SCRCP. *Jackson v. Bermuda Sands, Inc.*, 383 S.C. 11, 14 n. 2, 677 S.E.2d 612, 614 n. 2 (Ct. App. 2009). Rule 56(c), SCRCP, provides that summary judgment shall be granted when "the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." "The purpose of summary judgment is to expedite the disposition of cases not requiring the services of a fact finder." *Matsell v. Crowfield Plantation Cmty. Servs. Ass'n, Inc.*, 393 S.C. 65, 70, 710 S.E.2d 90, 93 (Ct. App. 2011) (citing *George v. Fabri*, 345 S.C. 440, 452, 548 S.E.2d 868, 874 (2001)).

An adverse party may not rely on the mere allegations in his pleadings to withstand a summary judgment motion, but must set forth specific facts showing there is a genuine issue for trial. *Strickland v. Madden*, 323 S.C. 63, 68, 448 S.E.2d 581, 584 (Ct. App. 1994). Nonetheless, "in cases applying the preponderance of the evidence burden of proof, the non-moving party is only required to submit a mere scintilla of evidence in order to withstand a motion for summary judgment." *Hancock v. Mid-South Mgmt. Co.*, 381 S.C. 326, 330, 673 S.E.2d 801, 803 (2009).

See Paine Gayle Props., LLC v. CSX Transp., Inc., 400 S.C. 568, 576, 735 S.E.2d 528, 532-33 (Ct. App. 2012) (affirming grant of summary judgment). "However, it is not sufficient for a party to create an inference that is not reasonable or an issue of fact that is not genuine." *Town of Hollywood v. Floyd*, 403 S.C. 466, 477, 744 S.E.2d 161, 166 (2013).

"[W]hen the evidence is susceptible of only one reasonable interpretation, summary judgment may be granted." *Brooks v. Northwood Little League, Inc.*, 327 S.C. 400, 403, 489

S.E.2d 647, 648 (Ct. App. 1997).

B. Plaintiff Has Not Sustained Recoverable Damages

1. Plaintiff's Claimed Damages

For the reasons set forth below, Plaintiff cannot proffer a scintilla of evidence establishing that she has suffered a compensable injury. Plaintiff has attempted to characterize her claimed damages as loss of her child's services. However, an examination of the injuries for which she seeks compensation reveals that she is really claiming only loss of filial consortium, which is not recoverable in South Carolina.

In her discovery responses in this case, Plaintiff has suggested that she is seeking to recover the following elements of damages in this lawsuit:

10. Please set forth an accurate statement of all medical, hospital, drug and/or other related costs incurred by the Plaintiff Mother Doe A individually and/or as Natural Parent on behalf of her minor child as referenced in the complaint as a result of the incident alleged in the complaint. Please provide the bills, invoices or other data for supporting expenses incurred.

ANSWER: The mother herself does not have the statement of costs incurred but has requested one of Chet Williams, Child and Family Therapist, 5855 Executive Center Dr., Suite 111, Charlotte, NC 28212, and it will be provided when obtained. We are also agreeable to providing a release for the defendants to obtain the same information, assuming it will be treated with appropriate discretion. . . .

16. If Plaintiff Mother Doe A individually and/or as Natural Parent on behalf of her minor child as referenced in the complaint sustained a financial loss as a result of the incidents alleged in the Complaint, other than medical expenses, state the nature and amount of each such loss, and the date of loss.

ANSWER: Expenses have been incurred for therapy for her child and herself, as indicated above. []In addition to out of pocket costs, there are intangible injuries. [H]er child has become less participatory with family activities. He is now more easily angered, especially with his siblings. His mother has observed his mood fluctuating between periods of solitude and exclusion, fits of rage, guilt, and deep-seated betrayal. She believes he now has anger management issues that he did not have before the abuse. For a number of years the sexual abuse resulted in "secret" keeping that puts the family in a no-win situation with regard to the

{00489513.DOC.1 }

other siblings in the family, as information about the abuse must either be spread more broadly among those family members or a certain level of ambiguity has to be maintained about the problems now posed for her son's interaction with family members.

Mother Doe's brother, her child's uncle, has commented on her child's antisocial behavior which has led to very awkward, and heated conversations between Mother Doe A and her brother, who does not understand the impact of abuse on her child's psyche and how it has eroded his ability to trust people in positions of authority. Mother Doe A has observed that her son's abuse has changed the family's dynamic, and caused, among other things, Mother Doe A's brother to visit less frequently.

(See Plaintiff's Amended Answers to First Set of Interrogatories ¶¶ 10 and 16, Ex. G hereto).

Plaintiff has not produced any actual medical bills or evidence that she has actually incurred any medical expenses. Moreover, Plaintiff recently elaborated on the damages she seeks to recover:

Mother Doe A's damages are those permitted in various cases for loss of services. Past South Carolina cases have acknowledged claims for a parent's "shame, humiliation, and mental anguish," and "outrage and deprivation," and "the insult offered to [a parent's] feeling," and "the agony in the destruction of his hopes concerning his child," and the effect on the child's "companionship." These are intangibles, and jurors have been quite serious about the value of those intangibles.

Mother Doe A knows her son was abused by Reville, and knows her child held that secret for a number of years. The Mother also has complications among her other children as a result of the abuse to this son, some of which was testified to by Chet Williams.

Mother Doe A knows the probable emotional/psychological effects of child sexual abuse (see Margolis powerpoint slide - denial, anger, depression, social and family withdrawal, detachment, loss of caring, reduced ability to express emotions, loss of self-esteem, loss of trust in others including parents, guilt, shame, substance abuse and suicidal ideation). There are many instances where Mother Doe A's son refused to talk to her for long periods. He has been resisting therapy because he was angry that his intention to keep this secret was uncovered by the police investigation. His plan to keep silent about Reville reflects his shame and denial, burdens the Mother is keenly aware that her child was bearing alone. He has been withdrawn from her and other family members and has shown loss of caring about her and other family members.

So we have a Mother who sees several of the known sexual abuse effects in her son and a son who is in denial and refuses therapy. The pre-Reville mother/son

{00489513.DOC.1 }

relationship is gone forever, and she will now forever carry the justifiable concern for the increased risk of future harms that her son will be more susceptible to in the long-term. She has an at many times angry son who withdraws from her and others, having had his caring relationships with his Mother and his family affected. She is also aware that he has an increased risk for complications for his own relationships and future problems to deal with as a result of the abuse. Mother Doe A desperately wants him to get help but he refuses and this causes more damage to the relationship, and burdens her. One only need look at Camper Doe 6 who made it to college on a scholarship and soon after his life went into a 8 year downward spiral of drugs, depression and suicide attempt – all related directly to the abuse of Skip Reville.

Mother Doe A is left with the choice every time she sees her son - do I bring up getting help and further damage our relationship or just watch him slip away as other effects start to show up? How is a mother supposed to talk to her son about the disgusting acts detailed by Reville in the Burke records? How can a mother enjoy companionship with her son when he is angry, withdrawn, doesn't care about his family like he used to and refuses to get any help for the underlying problem which is the Reville abuse? Every parent will understand going from good relationship and companionship with their child to years of the opposite with no end in sight. Those would be among the damages. Essentially, because of The Citadel's assistance to Reville, the Mother now has a never-ending complication with this child, and her other children, as the time-bomb elements of sexual abuse can re-occur at any time later in life.

(See April 11, 2014 Email from Sloan to Cooke, attached hereto as Ex. H).

For the reasons that follow, in light of these claimed damages, Plaintiff cannot proffer a scintilla of evidence supporting her contention that she has sustained any compensable injury.

2. Plaintiff May Not Recover for Her Alleged Emotional Distress

To the extent Plaintiff seeks to recover for her *own* emotional distress, that claim is not cognizable under South Carolina law and attempts an end run around the South Carolina Supreme Court's unwavering refusal to recognize a general claim for negligently causing emotional distress. Plaintiff's claim is, of necessity, a claim for negligence inasmuch as it is brought pursuant to the South Carolina Tort Claims Act.

There was a time in the past when South Carolina law did appear to allow recovery for negligently inflicted general emotional distress. In *Padgett v. Colonial Wholesale Distrib. Co.*, 232 S.C. 593, 604, 103 S.E.2d 265, 270 (1958), a negligently operated truck struck the plaintiff's

{00489513.DOC.1 }

home, allegedly causing fright, exposure to the cold, weight loss, fever and a skin condition. The Court considered whether damages might be "recoverable for shock, fright and emotional upset when there is no physical impact." Ultimately, the Court concluded that the question of whether the shock caused physical injury was properly submitted to the jury:

We think that under the authorities above quoted, the trial Judge was correct in submitting to the jury the question of whether or not the respondent had sustained physical or bodily injury as a consequence of the shock, fright and emotional upset experienced by him. If the respondent's bodily injury was proximately caused by the shock, fright and emotional upset as a result of the negligence and willfulness of the appellant, he was entitled to recover such damages as would compensate him for the injury so sustained.

See id., 232 S.C. at 607-08, 103 S.E.2d at 272. In reaching that conclusion, the Supreme Court made a metaphysical connection between physical harm and some psychic harms:

"The interdependence of the mind and body is in many respects so close that it is impossible to distinguish their respective influence upon each other. It must be conceded that a nervous shock or paroxysm, or a disturbance of the nervous system, is distinct from mental anguish, and falls within the physiological, rather than the psychological, branch of the human organism."

See id., 232 S.C. at 605, 103 S.E.2d at 271 (citations omitted).

Subsequently, the South Carolina Supreme Court cited *Padgett* in stating that "[w]e have recognized the rule that there is no liability for emotional distress without a showing that the distress inflicted is extreme or severe." *See Rhodes v. Security Fin. Corp. of Landrum*, 268 S.C. 300, 302, 233 S.E.2d 105, 106 (1977). Concluding that there was no evidence to support a recovery, the Court observed that "[w]hile there is testimony that appellant was emotionally upset from the attempt to collect the forged note, there is no showing that the attempts by respondent's agents to collect were unreasonable or abusive, nor that appellant's emotional upset was other than transient and trivial." *See id.* With *Rhodes*, the Court first began to limit recovery for negligent infliction of emotional distress.

The Supreme Court next stated, two years later, in *Hudson v. Zenith Engraving Co.*, 273 S.C. 766, 770, 259 S.E.2d 812, 813 (1979), that "[i]n order to prevail in a tortious action in

{00489513.DOC.1 }

which the sole damages alleged are those of mental anguish, plaintiff must show that the conduct on the part of defendant was extreme and outrageous, causing distress that is of an extreme or severe nature." Two years thereafter, the Supreme Court quoted the language referenced from *Hudson* and *Rhodes*, and formally recognized the tort of outrage (or *intentional* interference with emotional distress). See *Ford v. Hutson*, 276 S.C. 157, 276 S.E.2d 776 (1981).

Importantly, the Supreme Court next in *Dooley v. Richland Hosp.*, 283 S.C. 372, 322 S.E.2d 669 (1984), rejected an invitation to recognize a general tort of negligent infliction of emotional distress — beyond intentional and reckless conduct — because the plaintiffs had failed to make any showing of physical injury to support their claim. The Court stated that one criticism of permitting a tort for negligent infliction of emotional distress is "that it will allow for fraudulent claims" and that "[o]ne method of eliminating this danger has been to require some type of physical injury in addition to any claimed emotional injury." See *id.*, 283 S.C. at 375, 322 S.E.2d at 671. Later that year, the Court refused to permit the recovery of emotional distress damages in a legal malpractice claim, despite a litany of claimed "physical" manifestations of the distress (including crying spells, headaches, change of hair color, and an inability to sleep with her spouse for several years). See *Caddel v. Gates*, 284 S.C. 481, 327 S.E.2d 351 (1984).

In *Kinard v. Augusta Sash & Door Co.*, 286 S.C. 579, 336 S.E.2d 465 (1985), the Supreme Court finally recognized the tort of negligent infliction of emotional distress, but restricted it to very limited circumstances. Importantly, the Supreme Court limited it to claims by a bystander who observes an accident that actually causes death or serious physical injury:

- (a) the negligence of the defendant must cause death or serious physical injury to another;
- (b) the plaintiff bystander must be in close proximity to the accident;
- (c) the plaintiff and the victim must be closely related;
- (d) the plaintiff must contemporaneously perceive the accident; and

(e) the emotional distress must both manifest itself by physical symptoms capable of objective diagnosis and be established by expert testimony.

See id., 286 S.C. at 582, 336 S.E.2d at 465.

As the law of South Carolina stands, the modern rule of the Supreme Court has been to recognize emotional distress damages in three specific circumstances: (a) when accompanied by actual physical injury, such as in a car accident; (b) outrage; and (c) negligent infliction in a "bystander" situation. In the nearly thirty years since *Kinard*, the Supreme Court has steadfastly refused to extend liability for emotional distress beyond these three limited circumstances:

- In *Hansson v. Scalise Bldrs. of S.C.*, 374 S.C. 352, 358-59, 650 S.E.2d 68, 72 (2007), the Court held in the context of an outrage claim: "Under the heightened standard of proof for emotional distress claims emphasized in *Ford*, a party cannot establish a prima facie claim for damages resulting from a defendant's tortious conduct with mere bald assertions. To permit a plaintiff to legitimately state a cause of action by simply alleging, 'I suffered emotional distress' would be irreconcilable with this Court's development of the law in this area. In the words of Justice Littlejohn, the court must look for something "more"-in the form of third party witness testimony and other corroborating evidence-in order to make a prima facie showing of 'severe' emotional distress."
- In *Babb v. Lee Cty. Landfill SC, LLC*, 405 S.C. 129, 141, 747 S.E.2d 468, 474 (2013), the Court refused to allow a claim for emotional distress damages flowing from trespass and nuisance in the form of odors from a landfill: "In short, allowing recovery for personal annoyance and discomfort under the guise of trespass and nuisance would be the stealth recognition of an entirely new tort."

A case almost directly on point with the present case is another sexual abuse case arising under the Tort Claims Act, *Doe v. Greenville County School District*, 375 S.C. 63, 651 S.E.2d 305 (2007). There, Court refused to extend the negligent infliction of emotional distress damages to encompass a claim by parents stemming from sexual activity between their daughter and a school teacher, stating: "[b]ecause South Carolina courts have limited the recognition of negligent infliction of emotional distress claims in circumstances such as the one presented in this case to bystander liability, Mr. and Mrs. Doe have not stated a claim which is cognizable

under South Carolina law."

Here, to the extent she seeks to recover for her emotional distress, Plaintiff's claims do not fall within the ambit of any cause of action for emotional distress recognized by the Supreme Court. She does not claim that The Citadel caused any physical impact to her or that she was a bystander observing her son's abuse. Instead, Plaintiff in this case seeks the "stealth recognition of an entirely new tort" for negligent infliction of emotional distress in the absence of any physical impact or the death or serious injury of a bystander, based solely on the *knowledge* that Plaintiff's son was abused. No contemporary South Carolina authority recognizes such a claim.

3. Plaintiff's Recoverable Damages Are Limited to Medical Expenses for Injuries to Plaintiff's Son and Loss of Services, Neither of Which Are Supported By a Scintilla of Evidence

a. A Parent's Recoverable Damages Are Limited to Medical Expenses for Injuries to the Child and Loss of Services

As Plaintiff is not entitled to recover for her own alleged emotional distress caused by ReVille's abuse of her son, the next consideration is what damages are allowed to a parent claiming an injury to his or her child.

The Supreme Court has concluded that, in cases such as this, a parent's potential damages are extremely limited in scope. In *Doe v. Greenville County School District*, 375 S.C. 63, 651 S.E.2d 305 (2007), cited in the previous section, a student's parents sued a school district, alleging that a substitute teacher at the school was involved in a sexual relationship with their fourteen year old daughter. Specifically, the parents alleged that the school had prior complaints and warnings regarding the teacher's inappropriate interest in young girls and should have known about the development of this relationship. The trial court granted the school district's motion to dismiss. On appeal, the Supreme Court affirmed in part and reversed in part the trial court's dismissal. The Court first concluded, as discussed in the preceding section, that the *parents* could *not* assert a claim for negligently inflicted emotional distress:

{00489513.DOC.1 }

In [*Kinard v. Augusta Sash & Door Co.*, 286 S.C. 579, 336 S.E.2d 465 (1985),] this Court recognized that a parent may bring a cause of action for negligent infliction of emotional distress as a result of injury to his or her child. *Kinard*, 286 S.C. at 582, 336 S.E.2d at 467. The Court instructed that such an action is strictly limited to the "bystander liability" scenario. . . . Mr. and Mrs. Doe admit that they did not and cannot allege facts which would support a bystander liability cause of action. Because South Carolina courts have limited the recognition of negligent infliction of emotional distress claims in circumstances such as the one presented in this case to *bystander liability*, Mr. and Mrs. Doe have not stated a claim which is cognizable under South Carolina law.

See id., 375 S.C. at 68, 651 S.E.2d 307 (emphasis added).

Next, the Court analyzed the plaintiffs' loss of filial consortium claim and expressly held that South Carolina would not recognize such a claim. Specifically, the Court held that "our common law only allowed a parent to maintain an action for the loss of a child's services and earning capacity. These common law claims did not include the intangible losses of aid, companionship, and society which have traditionally defined loss of consortium claims. Accordingly, in absence of some action from the legislature, this Court has no authority upon which it could rely in finding that South Carolina law recognizes claims for loss of filial consortium." *See id.*, 375 S.C. at 69-70, 651 S.E.2d at 308. Finally, the Court held that the plaintiffs could state a claim for negligent supervision to seek recovery for their daughter's medical expenses. *See id.*, 375 S.C. at 71-72, 651 S.E.2d at 309.

Thus, following the *Greenville County School District* case, a parent may recover only two forms of damages for an injury to a child: (a) medical expenses the parent paid for the care of the child; and (b) the loss of the child's services as a result of the injury. *See Wright v. Colleton County School District*, 301 S.C. 282, 391 S.E.2d 564 (1990) (holding that medical expenses and lost services may be recoverable losses under the South Carolina Tort Claims Act).

b. Plaintiff Cannot Proffer a Scintilla of Evidence That She Paid Medical Expenses for Injuries to Her Son or Lost Any "Services" as a Result of the Alleged Abuse of Her Son

As set forth above, the *only* damages potentially recoverable in this case are: (a) medical

expenses Plaintiff paid for her son's treatment; and (b) loss of services. Plaintiff can proffer evidence of neither.

First, Plaintiff has not presented any evidence that she paid medical bills for the treatment of her son. While Plaintiff has suggested that her son saw Chet Williams on a limited basis, she has proffered no evidence showing what she paid, if anything, for that treatment. There is no evidence that Plaintiff's son sustained any physical injury requiring medical treatment.

Second, despite her efforts to recast her claimed damages, Plaintiff is not claiming loss of her son's services. Specifically, Plaintiff has not proffered any evidence that, because of The Citadel's actionable conduct, her son has been unable to provide work for a family business or to provide services for Plaintiff. She cannot identify any specific "services" that are being withheld from her as a result of abuse by Mr. ReVille. She has not proffered any evidence that her son sustained any physical injury that precludes him from performing specific tasks for her. In fact, Plaintiff has not shown that ReVille's abuse has rendered her son unable to perform any specific type of work or render any particular service.

Plaintiff's discovery responses and correspondence to The Citadel's counsel confirm that, in reality, she is claiming loss of consortium damages, not loss of services. For example, Plaintiff claims intangible injuries for:

- Her son becoming "less participatory with family activities."
- Her son being "easily angered, especially with his siblings."
- Her son's "secret" causing disharmony in the family.
- Her son's behavior causing strains between Mother Doe A and her brother.
- Changes to family's dynamic that have caused, among other things, Mother Doe A's brother to visit less frequently.
- Complications among Plaintiff's other children as a result of the abuse to this son.
- Instances where Plaintiff's son refused to talk to her for long periods and be

{00489513.DOC.1 }

withdrawn from her and other family members.

- Loss of "[t]he pre-Reville mother/son relationship."
- Plaintiff having and "angry son who withdraws from her and others, having had his caring relationships with his Mother and his family affected."
- Strain to the mother-son relationship.

None of the claimed elements of damages constitute loss of services. Plaintiff has not shown, and cannot show, that she suffered a loss of the services of her son as the result of ReVile's abuse.

These are common elements of loss of consortium under a different name. All of these items involve alleged harm to the Plaintiff's relationship with her son and her loss of his companionship. In reality, as her claimed damages were described by her counsel above, Plaintiff is not seeking to recover "loss of services" at all. Instead, she is seeking to recover loss of her son's consortium, which the Supreme Court has expressly prohibited in *Doe v. Greenville County School District, supra*. Plaintiff's detailed explanation of her damages is nothing more than a claim that she has lost the companionship of her son and has felt damage to the familial relationship. This is the very crux of "loss of consortium." Plaintiff's claimed damages are plainly prohibited.

Plaintiff can cite to no authority that would include the damages claimed by Plaintiff within the definition of "loss of services." To the contrary, "loss of services" has always been an element of damages *separate from* harm to the familial relationship or loss of the companionship of a loved one. For example, the spousal consortium statute permits recovery of damages for injury to the "right to the companionship, aid, society *and services*" See S.C. Code § 15-75-20. That statute expressly separates lost services from the other traditional elements of damages recoverable for injury to a spouse. In other words, "services" are a demonstrably different species of damages from loss of companionship, aid and society.

Plaintiff has suggested that "[p]ast South Carolina cases have acknowledged claims for a parent's 'shame, humiliation, and mental anguish,' and 'outrage and deprivation,' and 'the insult offered to [a parent's] feeling,' and 'the agony in the destruction of his hopes concerning his child,' and the effect on the child's 'companionship.'" (See Ex. H). Much of the quoted language Plaintiff used originates from very old caselaw, which is not applicable to her claims. For example, in *Kirkpatrick v. Lockhart*, 2 Brev. 276, 4 S.C.L. 276 (S.C. Ct. App. 1809), a father sued for the forcible abduction of his daughter. There, the court held that, in the absence of evidence of loss of services of the daughter, the father could still recover damages amounting to lost consortium:

We are, therefore, of opinion there is no necessity to resort to this absurd fiction, to support an action so well founded in justice, reason, and policy. The true ground of action cannot be the loss of service, for a child may be of an age so tender, or of a constitution so delicate, as to be incapable of rendering any service. *The true ground of action is the outrage, and deprivation; the injury the father sustains in the loss of his child; the insult offered to his feelings; the heart-rendering agony he must suffer in the destruction of his dearest hopes, and the irreparable loss of that comfort, and society, which may be the only solace of his declining age.*

See *id.* (emphasis added). Likewise, in *Dobson v. Cothran*, 34 S.C. 518, 13 S.E. 679 (1891), the Supreme Court addressed a father's claim for damages from the abduction of his minor daughter for improper purposes. There, the trial judge charged that "[t]he true ground of the action, as I understand the law, is not so much the loss of the services of the child, *but the outrage and deprivation, the injury the father sustains in the loss of his child, the insult offered his feelings, the agony in the destruction of his hopes concerning his child, and the irreparable loss of that comfort and society which may be the only solace of his declining years.*" See *id.*, 13 S.E. at 679-80 (emphasis added). Finally, in *Rumler v. Ganitt*, 121 S.C. 117, 113 S.E. 581 (1922), the Court affirmed a judgment for the plaintiff "for the loss of services of plaintiff's daughter and causing the plaintiff *shame, humiliation, and mental anguish* by seducing, debauching, and carnally knowing Clara Rumler, the daughter of plaintiff." See *id.*, 113 S.E. at 581.

{00489513.DOC.1 }

The Supreme Court in *Doe v. Greenville County School District*, the Court, refused to recognize these ancient causes of action against one other than the person actually seducing the minor:

Additionally, Mr. and Mrs. Doe's claim that South Carolina's recognition of a cause of action for seduction is a valid basis for recognizing a claim for loss of filial consortium is misleading. A claim for seduction requires the plaintiff to establish that the defendant, by promising to marry or through some other device, enticed the plaintiff, an unmarried chaste woman, to consent to unlawful sexual intercourse. *See* 18 S.C. Jur. Seduction § 2 (1993). The right to sue upon an action for seduction belongs to the victim of the seduction. *See* 18 S.C. Jur. Seduction § 9. However, traditionally, a claim for seduction was a father's (or mother's in the absence of the father) right of action for the loss of his daughter's services. *See* 18 S.C. Jur. Seduction § 8. In either case, the defendant to the action must be the perpetrator of the seduction. *See* 18 S.C. Jur. Seduction § 2. Clearly, the School District is not the perpetrator of the seduction in this case. Accordingly, this Court's recognition of a claim for seduction would not lend support to Mr. and Mrs. Doe's argument that this Court should recognize a claim for loss of filial consortium.

See Doe v. Greenville County School District, 375 S.C. 63, 70, 651 S.E.2d 305, 308 (2007). Plaintiff simply has not presented any evidence that this case is not squarely within the prohibitions of *Doe v. Greenville County School District*.

In conclusion, none of the damages that Plaintiff seeks to recover as the mother of an injured child are available in a case like this.

C. Defendant is Entitled to Summary Judgment Because It Owed No Legal Duty of Care to Plaintiff

For the reasons set forth, *inter alia*, in Sections B(1)-(5) of the Prior Memorandum (including all subsections), The Citadel is entitled to summary judgment as to Plaintiff's claims because Plaintiff did not owe a duty of care to Plaintiff under South Carolina common law or through breach of any statutory duty. The instant case is even further removed than the facts presented to this Court in the Prior Memorandum, inasmuch as Plaintiff is not the actual victim of the abuse committed by Skip ReVille. Rather, Plaintiff is the *parent* of the alleged victim. Plaintiff can cite no caselaw imposing a duty of care extending beyond the victims of ReVille to

{00499513 doc.1 }

their parents. See e.g., *Doe ex rel. Doe v. Wal-Mart Stores, Inc.*, 393 S.C. 240, 711 S.E.2d 908 (2011); *Doe v. Marion*, 373 S.C. 390, 645 S.E.2d 245 (2007); *Bishop v. South Carolina Dep't of Mental Health*, 331 S.C. 79, 86, 502 S.E.2d 78, 81 (1998).

D. Defendant is Entitled to Summary Judgment Because Plaintiff's Claims Are Time-Barred

For the reasons set forth, *inter alia*, in Sections C(1)-(4) the Prior Memorandum, The Citadel is entitled to summary judgment as to Plaintiff's claims because all of those claims are time-barred by the statute of limitations contained in the South Carolina Tort Claims Act. See S.C. Code § 15-78-110. In particular, Plaintiff's claims are barred because she commenced this action on December 14, 2011, more than two years after the alleged abuse of her son in 2007 and 2008. Plaintiff was not a minor when her claim arose, so she is not entitled to any tolling of the statute of limitations.

E. Defendant Is Entitled to Summary Judgment as to Plaintiff's Outrage Claim

For the reasons set forth, *inter alia*, in Sections E and F of the Prior Memorandum, The Citadel is entitled to summary judgment as to Plaintiff's outrage claim. In particular, that claim is barred by the South Carolina Tort Claims Act, which precludes liability for claims premised upon malice or intent to harm. See e.g., *Ward v. City of N. Myrtle Beach*, 457 F. Supp. 2d 625, 646-47 (D.S.C. 2006) ("[T]he South Carolina Tort Claims Act excludes the intentional infliction of emotional harm from the definition of 'loss' for which a government may be liable under the Tort Claims Act."). In addition, Plaintiff cannot proffer a scintilla of evidence that The Citadel acted in such an outrageous and intentional manner as to permit the imposition of liability under that claim.

F. Plaintiff's Maximum Possible Recovery Is Limited to \$300,000.00, as She Alleges Injury from a Single "Occurrence"

For the reasons set forth, *inter alia*, in Section G of the Prior Memorandum, The Citadel is entitled to summary judgment limiting Plaintiff's potential recovery to the limits of the South

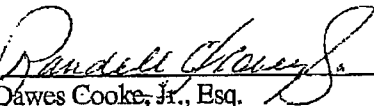
[00489513.DOC.1 }

Carolina Tort Claims Act. In particular, Plaintiff's claims involve a single unfolding sequence of events that all proximately flow from a single alleged act of negligence. See e.g., S.C. Code §§ 15-78-3(g) and 15-78-120(a)(1) & (2).

CONCLUSION

For the reasons discussed above, this Court should grant Defendant The Citadel summary judgment as to all of Plaintiff's claims.

BARNWELL WHALEY PATTERSON &
HELMS, LLC

By: 
M. Dawes Cooke, Jr., Esq.
Randell C. Stoney, Esq.
P.O. Drawer H (29402)
288 Meeting Street, Suite 200
Charleston, SC 29401
(843) 577-7700
Counsel for Defendant The Citadel

Dated: September 19, 2014
Charleston, South Carolina

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the DEFENDANT'S MEMORANDUM IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT was served upon all counsel of record via E-Mail & U.S. Mail on this 19th day of September, 2014.

ATTORNEY FOR PLAINTIFF:

Allan P. Sloan, III, Esq.
Louis Herns, Esq.
Carl Pierce, Esq.
Pierce, Herns, Sloan & Wilson, LLC
P. O. Box 22437
Charleston, SC 29413
louispherns@phswlaw.com
chipsloan@phswlaw.com
carlpierce@phswlaw.com

ATTORNEY FOR PLAINTIFF:

Gregg Meyers, Esq.
Jeff Anderson & Associates, P.A.
366 Jackson St., Suite 100
St. Paul, MN 55101
Gregg@AndersonAdvocates.com


Melanie L. Mason, Paralegal



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

John Doe 2,

Plaintiff,

-vs-

President John W. Rosa, individually,

Defendant.

C/A #: 2:12-cv-00794-RMG

AFFIDAVIT OF
MARK C. BRANDENBURG

PERSONALLY appeared before me, Mark C. Brandenburg, who, being duly sworn, deposes and states as follows:

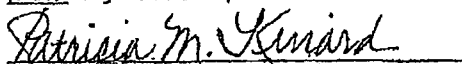
1. I am the General Counsel at The Citadel, The Military College of South Carolina. I have been employed as the General Counsel at The Citadel since October, 2005.
2. On Monday, April 23, 2007, I received a message from Wanda Milligan, Administrative Assistant to the President, concerning a phone call she received on that day from [REDACTED]. Ms. Milligan took notes during her conversation. A copy of her notes is attached as Exhibit A.
3. I called Mr. [REDACTED] at approximately 4:00 pm on April 23, 2007. Mr. [REDACTED] stated that his son, [REDACTED] attended The Citadel Summer Camp during the summers of 1998, 1999, 2000, 2001, and 2002. He alleged that a counselor named "Skip" invited [REDACTED] into his room during one of the summers [REDACTED] attended the camp. Mr. [REDACTED] further alleged that "Skip" and [REDACTED] watched pornography and masturbated while [REDACTED] was in "Skip's" room.
4. I subsequently spoke via telephone with [REDACTED]. At the time of that conversation, [REDACTED] was nineteen (19) years old. He reported that, on one occasion, "Skip" had invited him into his room and showed him pornography. He also said that "Skip" convinced him to masturbate while in the room. [REDACTED] could not remember the year in which this incident occurred.

5. I reviewed graduation programs for The Citadel Summer Camp from 2001 and 2002. Louis "Skip" ReVile is listed as a CCQ during the 2001 summer camps. He is identified as the Senior Counselor in 2002. Copies of the relevant pages from these graduation programs are attached as Exhibit B.
6. Prior to Mr. [REDACTED] phone call on April 23, I had never heard any allegations concerning ReVile.
7. Between April 23 and August, 2007, I discussed the [REDACTED] allegations with Lt Gen John W. Rosa, USAF (Ret.), President of The Citadel. Lt Gen Rosa never directed me to conceal any information from anyone concerning ReVile.
8. No official from The Citadel ever directed me to conceal any information from anyone concerning ReVile.
9. I had no knowledge of the termination of Mr. ReVile's employment on April 20, 2007, nor did I have any knowledge as to his future employment. More specifically, I did not enter into any agreement, with Mr. ReVile or anyone else, for Mr. ReVile to resign from employment from The Citadel for any reason related to the accusation made against him.
10. Upon information and belief, I am not acquainted with, and have had no personal connection with, any of the children who were victimized by Mr. ReVile after April of 2007.

FURTHER DEPONENT SAYETH NOT


MARK C. BRANDENBURG

SWORN to before me this
18th day of March, 2013.


Notary Public for South Carolina
My Commission Expires: 12/01/2018



23 Apr 07, 15.45

172

c)

son [redacted] 18 yrs
came around 10 yrs old
came to yrs
counselor for couple
yrs.

One day said did not want
to come back

Today - told Father had
problems at Citadel
Summer Camp

Met Gen Rosa 2005
in CO at his retirement

- son been on drugs
- "one more kid"
- happened when son was
12/13/14

Counselors in Charge of Quarters

Skip ReVille

Robert Killian
G Harding
Rob Heaton
Nick Smith
Travis Taylor
Joe Walker

*The Citadel
Summer Camp*

Charleston, SC



Graduation Exercises

First Session

July 7th, 2001

0881

CITADEL 0003610

Counselors in Charge of Quarters

Skip Reville

Rob Heaton

Robert Jackson

Robert Killian

Nick Smith

Travis Taylor

Joe Walker

0882

CITADEL 0003611

The Citadel Summer Camp

Charleston, SC



Graduation Exercises

Second Session

August 4th, 2001

Graduation Exercises

Summerall Chapel

August 3, 2002

10:15 a.m.

-Program-

Invocation.....Chaplain (Col.) David Golden
Advance the Colors.....Crumpton Color Guard
Welcome and Introduction of Guests.....Major Bill Bates
Report to Parents.....Major Bates
Remarks.....Brigadier General J. Emory Mace
Mark Clark Awards.....General Mace
Senior Counselor Awards.....Lieutenant Skip ReVelle
Outstanding Section Awards.....General Mace
Creative Youth Development Award.....General Mace
Thomas S. Blair Award.....General Mace
Awarding of Graduation Certificates.....General Mace
Benediction.....Chaplain Golden

The Citadel Summer Camp

Charleston, SC



Graduation Exercises

First Session

July 6th, 2002

Graduation Exercises

Summerall Chapel

August 3, 2002

10:15 a.m.

-Program-

Invocation.....Chaplain (Col.) David Golden
Advance the Colors.....Crumpton Color Guard
Welcome and Introduction of Guests.....Major Bill Bates
Report to Parents.....Major Bates
Remarks.....Brigadier General J. Emory Mace
Mark Clark Awards.....General Mace
Senior Counselor Awards.....Lieutenant Skip ReVille
Outstanding Section Awards.....General Mace
Creative Youth Development Award.....General Mace
Thomas S. Blair Award.....General Mace
Awarding of Graduation Certificates.....General Mace
Benediction.....Chaplain Golden

CITADEL 0003613

0884

The Citadel Summer Camp

Charleston, SC

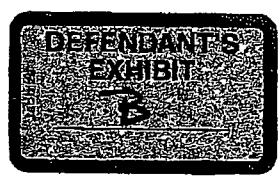


Graduation Exercises

Second Session

August 3rd, 2002

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION



JOHN DOE 2,) CIVIL ACTION NO.:
Plaintiff,) 2:12-CV-00794RMG
vs.)
PRESIDENT JOHN W. ROSA,)
Individually,)
Defendant.)

DEPOSITION OF: LT. COLONEL L. CHRISTINE FUDGE
DATE TAKEN: Tuesday, April 9, 2013
TIME: 10:00 a.m.
PLACE: 134 Meeting Street
Suite 160
Charleston, SC 29401
REPORTED BY: TERI L. SAMPSON, RPR,
Notary Public and Certified
Live Note Reporter

POST OFFICE BOX 21784
CHARLESTON, SOUTH CAROLINA 29413-1784

Fudge, Christine DCSC

1 forms that we could verify?

2 A I would think so.

3 Q Okay. Okay. So, then, in 2007, you signed
4 another separation form for Mr. Reville?

5 A Uh-huh (affirmative).

6 (Discussion off the record.)

7 MS. MOORE: And this will be Exhibit 6.

8 BY MS. MOORE:

9 Q And again, that's your signature in the
10 middle of the page?

11 A Yes, it is.

12 Q Okay. And that's Mr. Reville's name in the
13 top box?

14 A Yes, it is.

15 Q Okay. Under "Type of separation," what is
16 selected in 2007?

17 A It looks like "resignation."

18 Q Okay. And what is selected as the reason for
19 separation in the next box?

20 A Mutually satisfactory release.

21 Q Explain why those two items were checked.

22 A He said he wasn't going to come back for the
23 next school year.

24 Q Okay. And why is the form dated March 22nd,
25 2007?

Fudge, Christine DCSC

1 A The forms can be dated any time. It would
2 have an effective date and the effective date would be
3 what they would go by.

4 Q Okay. So the -- okay. So did Mr. Reville
5 come talk to you about this?

6 A I believe so.

7 Q Would there have been an email exchanged
8 about this?

9 A I'm not sure.

10 Q Okay. Did you fill out this form?

11 A No.

12 Q Who would have filled this form out?

13 A Our office manager.

14 Q So was the office manager sitting in the
15 meeting with you and Mr. Reville when you discussed his
16 resignation?

17 A I can't say.

18 Q Well, how else would she have filled out the
19 form?

20 A She may have asked me.

21 Q Okay. What's your understanding of the
22 Freedom of Information Act?

23 A I'm not sure what you mean.

24 Q Do you know -- do you know what the Freedom
25 of Information Act is?

Fudge, Christine DCSC

CITADEL 0003834

[illegible]

White - Payroll
 Dixon - Department of State

010 - Report - Worked - Permanent
020 - Report - Worked - Temporary
158 - Holiday
170 - Annual Leave
180 - Sick Leave - Employee

- 144 - State Laws - Family
- 230 - Military Laws
- 260 - Federal Laws
- 280 - Court Laws
- 320 - Laws Without Pre.

CTU - Comp Home Dead

1. IDENTIFY THE PERSONS WHOSE NAMES ARE REFLECTED IN THE INFORMATION
 ASSIGNED TO YOU. LIST THE NAMES OF THE PERSONS WHOSE NAMES ARE
 REFLECTED IN THE INFORMATION.

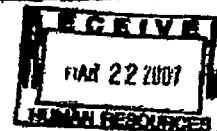
NAMES: Charles Sanders DATE: 5/17/70
Charles Sanders SA
 ORGANIZATION: SA

**DEFENDANT'S
EXHIBIT**



I. EMPLOYING DEPARTMENT		
Employee Name: Louis N. ReVelle	Employee ID (Last 4 of SSN):	Department: Writing and Learning Center
Position Number: HT0205	Effective Date of Separation: 4/20/07	Position Type: ☐ Permanent ☒ Temporary
Type of Separation: ☒ Resignation ☐ Reduction in Force ☐ Deceased ☐ Retirement ☐ Termination ☐ End of Temporary Employment		
Reason for Separation (Please attach any documentation)		
☐ Accept Other Employment (110) ☐ Job Dissatisfaction (111) ☐ Domestic Abuse or Pregnancy (112) ☐ Attend School (113) ☐ Failure to Report to Work (114) ☐ Personal Reasons (115) ☐ Long Term Disability (116) ☐ Resign While on Layoff (117)	☒ Mutually Satisfactory Release (118) ☐ Moving to New Location (119) ☐ Abandoned Position (230) ☐ Inaptitude for Job (231) ☐ Chronic Absenteeism/Tardiness (232) ☐ Expired Layoff Rights (233) ☐ Unsatisfactory Performance (234) ☐ Physical or Mental Impairment (235)	☐ Demoted for Cause (237) ☐ Layoff (240) ☐ Other (242) ☐ Contract Expiration (250) ☐ Regular Retirement (480) ☐ Early Retirement (491) ☐ Disability Retirement (470) ☐ Death (510)
Is the employee eligible for rehire in your dept? ☒ Yes ☐ No		
If you checked "No", please explain:		
Did the employee have supervisory responsibilities? ☐ Yes ☒ No If yes, complete the following section		
Employee Name(s):		
Interview Supervisor Name:		
Is the employee returning as a temporary employee? ☐ Yes ☒ No		
If yes, what date? Return date:		
Chris L. Davis Signature of Supervisor 3/22/07 Date		
II. HUMAN RESOURCES USE		
EMPLOYMENT ☒ HRIS ☐ HRIS ☐ Personnel File ☐ Employment Vendor ☐ Date of Employment: ☐ E-mail Separation Notice	BENEFITS ☐ Exit Interview ☐ HRIS ☐ Insurance Division ☐ Retirement System ☐ Other:	
J. Y. [Signature] Signature	_____ Signature	

HR-402



CITADEL 00022
(RFP #1)

10:24:19 1

2

3

4

5

6

7

8

9

10

11

RE: SUMMER CAMP INTERVIEW

12

JULY 1, 2007

13

14

10:24:19 15

16

17

18

19

20

21

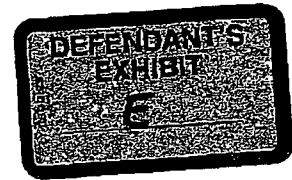
22

23

24

25

THE CITADEL 0000287
(FOIA 2011)



11:35:34 1 A. And he at that time pulled out his penis and
2 started masturbating and asked us to join him, and I
3 got up, said I was tired, went to the bed and just
4 said I was going to fall asleep and --

5 Q. Okay.

6 A. -- just go to sleep.

7 Q. This was in his room?

8 A. That's right.

9 Q. Okay.

10 A. He -- he kind of got a little aggressive and
11 was asking me to come back to the computer and join
12 them --

13 Q. All right.

14 A. -- which I ended up doing.

11:36:14 15 Q. Was over there with him?

16 A. That's right.

17 Q. Okay. And had he joined?

18 A. That's right.

19 Q. Okay.

20 A. And I did it. Immediately after, I felt
21 completely violated.

22 Q. Okay.

23 A. I mean, it was just a horrible experience for
24 me. I didn't tell anyone until this year.

25 Q. Okay.

12:28:52 1 : got on the phone and
2 told his dad, and said, I'll call you back, and
3 that's when he called you.
4 : Right.
5 : So I don't even think he
6 even -- I don't even think you ran it by , if
7 you were going to call the Citadel or not. You just
8 picked up the phone and called.
9 : I just picked up the phone
10 and --
11 : The only thing ever
12 said to me is -- he said, Mom, I don't want -- he
13 said, I have felt guilty for years, I -- that I never
14 said anything when I could have, and maybe he's done
12:29:19 15 this to other kids because I didn't talk.
16 : Yeah.
17 : And he said, I don't want
18 him to do this to anybody else.
19 : Right.
20 : That's -- that's my side of
21 the --
22 : Okay.
23 : -- what happened that day.
24 : But one of the things is --
25 is, you know, I don't want to -- you know, I -- I

THE CITADEL 0000527
(FOIA 2011)

12:30:30 1 young man deserves for the Citadel to take another
2 look at him. I think this young man needs an
3 education. He needs to be -- if he's been able to go
4 from -- from -- from -- you know, go from 100 percent
5 to zero and back --
6 : Yeah.
7 : -- and get to a point, you
8 know --
9 : Uh-huh.
10 : -- I think he deserves a
11 chance.
12 : Yeah.
13 : And -- and that's -- you
14 know -- but it's up to him. He's an adult. But for
12:31:03 15 me, I think the Citadel was -- was part of the root
16 cause. I think that it can be part of the root cause
17 to fix him.
18 : Right.
19 : And, you know, I think it's
20 a very inexpensive way for the Citadel to say, do you
21 know what --
22 : Right.
23 : -- we'll fix our own.
24 : Yeah.
25 : We'll -- we'll -- we'll keep

THE CITADEL 0000531
(FOIA 2011)

12:48:18 1 know, that's why you don't see us with -- with
2 attorneys.

3 : Right.

4 : You don't see us with
5 anything. I want to do whatever this happens --
6 and -- and you guys can do -- the Citadel can do all
7 the investigating and looking and so forth to -- to --
8 to corroborate story --

9 : Uh-huh.

10 : -- but we don't want to go
11 and be part of the Charleston gossip.

12 : Sure.

13 : And that's not what anybody
14 needs.

12:48:49 15 THE WITNESS: Yeah.

16 : Well, it's not going to help
17 anybody.

18 : It won't help anybody.

19 : Right, right.

20 : And -- you know, and all I'm
21 saying is -- is not the Citadel but the summer camp
22 was -- was -- was part of the root cause. Now I'm
23 just, you know, as a parent saying, you know --

24 : Uh-huh.

25 : -- there's no way that you

THE CITADEL 0000573
(FOIA 2011)

1 STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
 2 COUNTY OF CHARLESTON) CASE NO. 2011-CP-10-9200
 3 MOTHER DOE A,)
 4 Plaintiff,)
 5 vs.)
 6 THE CITADEL,)
 7 Defendant.)



8 STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
 9 COUNTY OF CHARLESTON) CASE NO. 2012-CP-10-1860
 10 JOHN DOE CAMPER,)
 11 Plaintiff,)
 12 vs.)
 13 THE CITADEL,)
 14 Defendant.)

15
 16 STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
 17 COUNTY OF CHARLESTON) CASE NO. 2012-CP-10-1858
 18 JOHN DOE 2,)
 19 Plaintiff,)
 20 vs.)
 21 THE CITADEL,)
 22 Defendant.)

23
 24 VOLUME I VIDEOTAPED
 25 30(b)(6) DEPOSITION OF: MARK BRANDENBURG

Brandenburg, Mark - Vol. I

1 STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
2)
3 COUNTY OF CHARLESTON) CASE NO. 2012-CP-10-1859
4)
5 MOTHER DOE 2, ON BEHALF)
6 OF JOHN DOE 3;)
7)
8 Plaintiff,)
9)
10 vs.)
11)
12 THE CITADEL,)
13)
14 Defendant.)

15 VOLUME I VIDEOTAPED
16 30 (b) (6) DEPOSITION OF: MARK BRANDENBURG

17 DATE TAKEN: Wednesday, June 5, 2013

18 TIME: 10:00 a.m.

19 PLACE: Pierce Herms Sloan & Wilson
20 321 East Bay Street
21 Charleston, South Carolina

22 REPORTED BY: EVE WILBANKS
23 Registered Professional
24 Reporter, Certified LiveNote
25 Reporter and Notary Public

* * * * *

POST OFFICE BOX 21784

CHARLESTON, SOUTH CAROLINA 29413-1784

Brandenburg, Mark - Vol. I

1 see what I talked to him about at previous
2 meetings. And when I pulled it up on the computer
3 and then when I saved it, it said "modified."

4 Q. All right.

5 A. That's my best guess. I'm sorry.

6 Q. Then page 80, that's the August list,
7 right?

8 A. That's a meeting we had in August, yes.

9 Q. And the Doe case is on both the August
10 and September list?

11 A. Correct, yes.

12 Q. And then what is 81? That's dated
13 September.

14 A. That would be a meeting that I had with
15 him on September 3rd or somewhere close to that, I
16 would guess.

17 Q. So we have a July, August and September
18 meeting with General Rosa, all of which the Doe
19 case was --

20 A. Right.

21 Q. -- talked about?

22 A. Right.

23 Q. Okay. Who is on -- on document 83, this
24 is August 8th, 2007, who is that --

25 A. The name -- the number is really

1 scratched out. August 8th of 2007?

2 Q. Yeah.

3 A. Yeah.

4 Q. Who is that? Telephone call with who?

5 A. John Powell.

6 Q. Who is that?

7 A. He's the director of admissions.

8 Q. And what was decided was they couldn't
9 get Doe into school that year; is that right?

10 A. What was happening at this time is I was
11 having -- I'd had a phone call on August 3rd from
12 Doe's father, and I believe there were other phone
13 calls during that time period. But his -- his
14 goal was to get his son into The Citadel. And so
15 I went down -- or I called downstairs and I talked
16 with John and I said, Where is he? You know, what
17 is the -- what is the status, so to speak, of him?

18 And John says to me, He's missing
19 Algebra II. Also lacks two lab sciences. The
20 state requires three lab sciences, Biology I and
21 II. He said, Even if we -- I think he said, Even
22 if we substitute a physical science for one of the
23 lab sciences, we were still -- still going to come
24 up two courses short for what he had to have in
25 order to matriculate.

1 And so I called the father back again --
2 the negotiations that were back and forth during
3 this time period was he wanted his son in The
4 Citadel. And so I went back to the father and I
5 said, We can't put him in this year. This is
6 August 8. So this is probably within two or three
7 days of the freshman class reporting that year.
8 And I said, We just can't do it. We -- he needs
9 two courses; we can't let him come in. And it's
10 going to be -- I think I even said -- yeah, I
11 said, It's not fair -- It's going to be unfair to
12 him because he's just not going to be prepared.

13 And so in the course of these
14 negotiations and also talking with the Insurance
15 Reserve Fund and downstairs, the thought was,
16 let's have him go to a -- like a Trident Tech, a
17 technical school someplace, and get the two high
18 school courses that he needs and get a -- and get
19 a couple of other courses, get ahead, and The
20 Citadel will pay for it.

21 Q. Right. That was the 20,000?

22 A. That's the 20,000. And that was the
23 negotiations with the Insurance Reserve Fund, and
24 the Insurance Reserve Fund said, We'll -- you
25 know, We'll put up the \$20,000 that he can use to

1 fund those -- to fund those classes. And maybe it
2 was a week later, because I see -- I see one other
3 conversation with the father on 8/13, but sometime
4 in there -- whether between 8/8 and 8/13 or after
5 8/13 is when the class matriculated. And after
6 that, I didn't hear anything more. But the
7 agreement was -- you know, that the father had
8 agreed to, was the 20,000 to go to a technical
9 school or something, and then -- and I said -- the
10 father asked, Could he come next year guaranteed?
11 And my recollection is we said, We can't guarantee
12 it, but, you know, we'll certainly look favorably
13 on the application. And he was supposed to go
14 back and talk with young Doe and get the -- and
15 get them all to agree to it, and I didn't ever
16 hear from him after that.

17 Q. So you had only talked to Doe's dad from
18 July 1st up through this time. You never talked
19 to Doe, right?

20 A. Right.

21 Q. And when you and Doe's dad worked out
22 some type of agreement, Doe never agreed to it, to
23 the best of your knowledge?

24 A. To the best of my knowledge, he didn't.

25 Q. During any of your briefings to the

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF CHARLESTON	)	CASE NO.: 2011-CP-10-9200
	)	
Mother Doe A,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
The Citadel,	)	
	)	
Defendant.	)	



**AMENDED ANSWERS TO THE CITADEL'S FIRST SET OF INTERROGATORIES TO
PLAINTIFF, MOTHER DOE A, INDIVIDUALLY AND/OR AS NATURAL PARENT OF
THE MINOR CHILD AS REFERENCED IN THE COMPLAINT**

TO: COUNSEL FOR THE DEFENDANT

Plaintiff provides these amended answers to The Citadel's First Set of Interrogatories pursuant to Rule 33 of the South Carolina Rules of Civil Procedure as follows:

1. Give the names, present accurate addresses and place of employment of all persons known to the Plaintiff Mother Doe A, individually and/or as Natural Parent on behalf of her minor child as referenced in the complaint and/or their counsel who will or may be witnesses concerning the facts of this case and set forth a summary sufficient to inform Defendant(s) of the important facts known to or observed by each witness.

ANSWER:

Mark Brandenburg, counsel for The Citadel, was the individual who in 2007 was aware that Reville had abused a camper in 2002 by his investigating a complaint made in April, 2007. After he had traveled to Texas to conduct a sworn statement in the company of a court reporter, and recorded the information about the camper's 2002 abuse by Reville and other irregularities committed by Reville, he returned to

the Citadel and analyzed how long the school would have to wait to know if any claim would be brought against The Citadel by that 2002 camper. No report was made to federal or state officials about what The Citadel had learned about Reville's sexual interest in children. The Citadel chose to adopt, either because of what was amended or despite what was recommended, a policy of concealment of Reville's known sexual interest in children.

Mrs. Chris Fudge of the Citadel Writing Center, is expected to have information about (1) either about her not having been informed at any time after July 1, 2007, that Louis Reville was known to have a sexual interest in children, or her having been informed after July 1, 2007 that Louis Reville was known to have had a sexual interest in children, and (2) inquiries that were made of her, or not made of her, about Louis Reville after July 1, 2007.

██████████ is the child of Mother Doe A. He can be communicated with through counsel. He is a student. He has information about his molestation by Reville, his concealment of the information, and the process of reporting the information to law enforcement personnel investigating Reville.

██████████, who can be communicated with through counsel, is the person designated as Mother Doe A. Her identity is disclosed on the agreement among counsel to preserve her identity as confidential with respect to the public record. She is self-employed. She has information on how the sexual abuse by Reville has affected her son, how the concealment by The Citadel enabled Reville to have access to her child, and the affects on her of The Citadel's incomprehensible conduct in shielding Reville from law enforcement and enabling him to have contact with her child and other children.

Louis Reville is presently incarcerated at Kirkland Correctional Institute, 4344 Broad River Road, Columbia SC 29210. He has information about his misconduct with children, his guilty plea, and how the silence by The Citadel enabled him to maintain his interest in being around children and how he exploited those opportunities to engage children in sexual conduct.

John W. Rosa is a retired United States Air Force officer who serves as President of The Citadel and has since January 3, 2006. He was informed in 2007 of the camper's 2002 information and has information about his conscious election to not report the information he had received. He also has information about the federal funding The Citadel receives, and their reporting obligations under Title IX, 20 U.S.C § 1681 - 1688, and the Cleary Act, 20 U.S.C 1092(f)

Other individuals with information, and the information they have, are disclosed in the documents produced with this response.

2. Please identify and give the present accurate addresses of all persons, whether listed in the foregoing interrogatory or not, from whom written or recorded statements have been taken in connection with the allegations of the complaint and identify, with present accurate addresses, the person or persons now having custody of such written or recorded statements.

ANSWER: No statements have been taken by counsel for the plaintiffs. Statements were taken by law enforcement, of Reville, and presumably from the child in this action, pursuant to Reville's criminal conviction for molesting the plaintiff's child. The 2002 camper gave a sworn statement to The Citadel in 2007, and that statement is in the possession of The Citadel in its unredacted form. Various statements have been collected from other sources, and they are produced with the original response to these interrogatories. Those documents are again produced with these amended responses.

3. Please list all photographs, statements, sketches, records, tangible items or other prepared documents of which Plaintiff Mother Doe A, individually and/or as Natural Parent on behalf of her minor child as referenced in the complaint are aware that are in any way related to or connected to any of the facts or issues of this case and in their possession or that of their attorney or any agents and identify, with accurate present addresses, the person or other agents having possession of the same.

ANSWER: In possession of counsel for the plaintiff are documents produced by the Citadel, as well as the following documents which are again produced in pdf format on a cd-rom disk:

Reville Social Security Card, redacted

8/6/01 letter to Citadel regarding Arpaio

2002 Resume of Skip Reville

May, 2002 Memorandum of Instruction for Citadel Summer Camp

2002 Citadel Summer Camp Counselor Handbook

4/10/02 SLED check on Reville

2002 and 2003 Arpaio trial transcript volumes 1- 5

2/20/04 letter to Skip Reville from James Brown, Academic Dean of
Pinewood Prep

3/16/04 memorandum of meeting at Pinewood Prep

12/13/05 Email from Amy Hurdock to administrative team

6/13/06 SC Employment Security Commission forms (two) by Juliet
Londergan

7/1/06 Email from Amy Hurdock to Julie Londergan

11/15/06 Dorchester School District Two Application by Skip Reville

1/9/07 SLED check on Skip Reville

7/1/07 Sworn statement by 2002 camper

3/10/08 Dorchester School District Two personnel change form

2007 to 2009 Clery reports by the Citadel,

10/28/11 waiver of rights by Skip Reville,

10/28/11 statement by Skip Reville
10/30/11 statement by Skip Reville
12/12/11 Complaint in Doe v. Pinewood Prep et al.,
12/16/11 statement by Skip Reville,
3/5/12 SLED Investigative report
3/18/12 article headlined "Police warned Citadel in '01"
3/19/12 article headlined, "Six lawsuits allege Citadel, president 'concealed'
sex abuse of campers,"
6/13/12 transcript of Reville guilty plea
7/8/2012 news article from the Post and Courier headlined, "Child molester
Skip Reville says Citadel police officer turned him away when he wanted to confess,"
2012 letter from Carrie ReVile to Judge Dennis

4. Please list all photographs, statements, statutes, records, medical records, x-rays, tangible items or other prepared items of which Plaintiff Mother Doe A, individually and/or as Natural Parent on behalf of her minor child as referenced in the complaint are aware that are in any way related to or connected to any of the facts or issues of this case but are in the possession of any person other than the Plaintiff(s) or their attorneys or agents and identify, with accurate present addresses, the person or other agents having possession of the same.

ANSWER: See response to interrogatories 3 and 6, and the documents against produced by CD-rom with these responses. Documents held by others are not known.

5. Provide a list of names, addresses and qualifications of any expert witnesses whom the Plaintiff Mother Doe A, individually and/or as Natural Parent on behalf of her minor child as referenced in the complaint or their counsel proposes to use as a witness at the trial of the case as to the Defendant and set forth the following:

- a. The subject matter concerning the Defendant on which such expert is expected to testify;
- b. The substance of the facts or the opinions to which each such expert is expected to testify as to the Defendant; and
- c. Furnish a summary of the grounds for each such opinion as to the Defendant expected to be from each expert named in response to this interrogatory.

ANSWER: No expert has yet been retained to provide testimony as a witness in this case. If an expert is retained this interrogatory will be supplemented, as required by SCRCP 26(e).

6. Please give the names and addresses of all of the Plaintiff's family doctors, dentists, psychologists, psychiatrists, counselors, therapist, mental health or other health care professionals for the ten years prior to filing this lawsuit.

ANSWER:

Mother Doe A has received medical care in the last ten years from:

Dr. Toya Pound, ob-gyn, East Cooper Women's Center, 1280 Hospital Drive Suite 200, Mt Pleasant SC 29464.

Greg Bottone, DDS, Dentist, 924 Tall Pine Road, Mt Pleasant SC 29464

Chet Williams, Child and Family Therapist, 5855 Executive Center Dr, Suite 111, Charlotte, NC 28212.

There is no objection to authorizing release of information from those providers, assuming it will be treated with appropriate discretion.

7. If within the ten years prior to filing this lawsuit, the Plaintiff Mother Doe A, individually and/or as Natural Parent on behalf of her minor child as referenced in the complaint suffered any type of physical or mental injury, illness, or other complaint, please state the following:

- a. List fully all such prior injuries, illnesses, complaints and symptoms stating to which area or areas of the body they related, the dates and causes or cause of origin, and the date or dates when complaints and symptoms were no longer noticed.
- b. State when, where, and the nature of medical treatment, if any, received for each such prior injury, illness, or complaint including the name of the medical practitioners providing such care.
- c. Describe fully any accident or occurrence that gave rise to each of these injuries, complaints, or illnesses giving the date of each such accident or occurrence, where it occurred, and the nature of the event.
- d. If a claim was made arising out of the injury, give the name of the person against whom the claim was made, the name of their insurer, the full caption and action number of any suit that was filed, and the disposition of the claim.

ANSWER: Mother Doe A has made no prior complaint about any prior injury. Her routine medical treatment as requested by this interrogatory is reflected in the records of the providers listed in response to interrogatory six. She has no objection to those records being released to defendants, assuming it will be treated with appropriate discretion. Those records will reflect information responsive to this interrogatory, to the extent the information is available, and the response to the interrogatory can be derived or ascertained from those records.

8. Please give the names and present accurate addresses of any and all physicians, psychiatrists and/or therapists or other health care professional, including psychologists or counselors, who examined and/or treated the Plaintiff Mother Doe A, individually and/or as Natural Parent on behalf of her minor child as referenced in the complaint as a result of the incident described in the complaint. Please also list the dates of treatment and a summary of the treatment.

ANSWER:

Chet Williams, Child and Family Therapist, 5855 Executive Center Dr., Suite 111, Charlotte, NC 28212. There is no objection to producing his records for the defendants, assuming it will be treated with appropriate discretion.

9. Please list the names and addresses of any and all hospitals and/or treatment centers to the Plaintiff Mother Doe A, individually and/or as Natural Parent on behalf of her minor child as referenced in the complaint were admitted as a result of the incident described in the complaint along with the dates of treatment.

ANSWER:

Chet Williams, Child and Family Therapist, 5855 Executive Center Drive, Suite 111, Charlotte, NC 28212. There is no objection to producing his records for the defendants, assuming it will be treated with appropriate discretion.

10. Please set forth an accurate statement of all medical, hospital, drug and/or other related costs incurred by the Plaintiff Mother Doe A, individually and/or as Natural Parent on behalf of her minor child as referenced in the complaint as a result of the incident alleged in the complaint. Please provide the bills, invoices or other data for supporting expenses incurred.

ANSWER:

The mother herself does not have the statement of costs incurred but has requested one of Chet Williams, Child and Family Therapist, 5855 Executive Center Dr, Suite 111, Charlotte, NC 28212, and it will be provided when obtained. We are also agreeable to providing a release for the defendants to obtain the same information, assuming it will be treated with appropriate discretion.

11. List all physicians, counselors, psychiatrist, psychologist, therapist and mental health care workers, which you or your minor child are presently under the care of, and please state the following:

- a. The name, address and business telephone number of each physician, counselor, psychiatrist, psychologist, therapist and mental health care worker;
- b. The purpose for which you saw each physician, counselor, psychiatrist, psychologist, therapist and mental health care worker; and
- c. The periods of time when you were under the care of each physician, counselor, psychiatrist, psychologist, therapist and mental health care worker.

ANSWER: Chet Williams, Child and Family Therapist, Alexander Youth Network, 6220 Thermal Road, Charlotte, NC 28211, who has been consulted in response to the realization that her son was affected by Louis Reville, has a current treatment relationship and has since 2011.

12. After each alleged assault as identified in the Complaint, did Plaintiff Mother Doe A, individually and/or as Natural Parent on behalf of her minor child as referenced in the complaint have any conversations with any employee, agent, or official of The Citadel, or overhear any conversations involving any employee, agent, or official of The Citadel, or any other person pertaining in anyway to the assault? If

so, state exactly as possible, the date and time of the conversation as well as the conversation or what Plaintiff(s) overheard.

ANSWER: Mother Doe A, for herself or on behalf of her child, had no communications with The Citadel after learning of her child's assaults by Reville or after learning that The Citadel might have prevented those assaults by acting in a responsible manner with the information they had in April, 2007 that Reville was known to have a sexual interest in children.

13. Has Plaintiff Mother Doe A, individually and/or as Natural Parent on behalf of her minor child as referenced in the complaint given any written or recorded statements about any of the incidents or Plaintiff(s) claim for injuries? If so, provide the following.

- a. person to whom statement made;
- b. date of statement(s);
- c. whether Plaintiff(s) was provided a copy of statement; and
- d. whether Plaintiff(s) still has a copy of the statement.

ANSWER: Mother Doe A has provided no prior statements about her injuries.

14. Has Plaintiff Mother Doe A, individually and/or as Natural Parent on behalf of her minor child as referenced in the complaint ever been arrested? If so, identify each arrest by date, charge and disposition.

ANSWER: Mother Doe A has never been arrested.

15. Please set forth the following information regarding Plaintiff Mother Doe A, individually and/or as Natural Parent on behalf of her minor child as referenced in the complaint:

- a. full legal name;
- b. current address;
- c. date of birth;
- d. social security number; and
- e. current driver's license number, including state of issue and date of expiration.

ANSWER: Mother Doe A's full legal name is [REDACTED]. She presently resides at [REDACTED]. Her Date of Birth is [REDACTED]. Her Social Security Number is [REDACTED] and should be regarded as confidential. She holds [REDACTED] driver's license number [REDACTED].

16. If Plaintiff Mother Doe A, individually and/or as Natural Parent on behalf of her minor child as referenced in the complaint sustained a financial loss as a result of the incidents alleged in the Complaint, other than medical expenses, state the nature and amount of each such loss, and the date of loss.

ANSWER: Expenses have been incurred for therapy for her child and herself, as indicated above. In addition to out of pocket costs, there are intangible injuries. Her child has become less participatory with family activities. He is now more easily angered, especially with his siblings. His mother has observed his mood fluctuating between periods of solitude and exclusion, fits of rage, guilt, and deep-seated betrayal. She believes he now has anger management issues that he did not have before the abuse. For a number of years the sexual abuse resulted in "secret" keeping that puts the family in a no-win situation with regard to the other siblings in the family, as information about the abuse must either be spread more broadly among those family members or a certain level of ambiguity has to be maintained about the problems now posed for her son's interaction with family members.

Mother Doe's brother, her child's uncle, has commented on her child's antisocial behavior which has led to very awkward, and heated conversations between Mother Doe A and her brother, who does not understand the impact of abuse on her child's psyche and how it has eroded his ability to trust people in positions of authority. Mother Doe A has observed that her son's abuse has changed the family's dynamic, and caused, among other things, Mother Doe A's brother to visit less frequently.

17. Has Plaintiff Mother Doe A, individually and/or as Natural Parent on behalf of her minor child as referenced in the complaint ever made a claim for compensation arising out of personal injury other than this claim? If so, identify the previous claim(s) as follows:

- a. a brief description of incident giving rise to claim, including date, place and how occurred;
- b. attorney representing Plaintiff(s) in claim;
- c. name of insurance carrier(s) defending claim(s); and
- d. disposition of claim(s).

ANSWER: Mother Doe A has made no prior claim.

18. Has Plaintiff Mother Doe A, individually and/or as Natural Parent on behalf of her minor child as referenced in the complaint ever been involved in any lawsuit(s) other than this lawsuit? If so, identify the previous lawsuit(s) as follows:

- a. brief description of incident giving rise to claim, including date, place and how occurred;
- b. attorney representing Plaintiff(s) in claim;
- c. name of insurance carrier(s) defending claim(s); and
- d. disposition of claim(s).

ANSWER: Mother Doe A has not been party to any other civil lawsuit for damages, and has been the subject of no criminal proceedings. Her child was involved in Reville's sentencing hearing since Reville pleaded guilty to molesting her child, among many others.

19. Please identify any and all "witnesses who were former employees and/or agents of The Citadel who," you allege, "knew or should have known of the allegedly dangerous propensities of Louis "Skip" Reville with regard to minor children."

ANSWER: Persons with information responsive to this interrogatory known at present are:

Mark Brandenburg, counsel to The Citadel, who apparently informed President Rosa in 2007.

Louis Reville and the individuals to whom he disclosed or attempted to disclose his own molestation of children.

President Rosa.

20. Please identify, by date, location, and individuals involved, all incidents in which you allege Louis "Skip" Reville inappropriately touched a camper or former camper at The Citadel. As to each incident, please give a complete description of the incident.

ANSWER: The information called for by this interrogatory is not information Mother Doe A possesses. However, information about it is contained in the 2002 camper's sworn statement under questioning by Mark Brandenburg, and was also

conveyed by Louis Reville when, by his own account, his attempt to self-disclose was rejected by The Citadel. It is not known if Reville's guilty plea includes any conduct with Citadel campers beyond the sources noted above. The 2002 camper's sworn statement is in possession of the Citadel, and was obtained by the plaintiff from the Citadel's website in redacted form. It is 321 pages, and the first page is labeled Citadel 387. It is produced with these responses to interrogatories.

21. Please identify, by date, location, and individuals involved, all incidents in which you allege Louis "Skip" Reville inappropriately touched a camper or former camper at locations away from The Citadel. As to each incident, please give a complete description of the incident.

ANSWER: See response to interrogatory 20. Louis Reville concedes he was inappropriate with campers.

22. Please provide the name, address and phone number of all persons you allege have contacted The Citadel and complained and/or voiced their concerns about Louis "Skip" Reville. As to each person, the individual associated with The Citadel they conveyed their concerns or complaints, the date and method of communication of their concerns and complaints, and the specific concern or complain which they communicated to The Citadel.

ANSWER: This is not information known to Mother Doe A. It is now publicly known that disclosures were made in 2007 by the father of the 2002 camper by telephone call to The Citadel in 2007 (April 23, 2007), the 2002 camper's disclosure

in 2007 (July 1, 2007), during his sworn statement under questioning by Mark Brandenburg, according to the document produced by the Citadel. As that information has been disclosed by the Citadel, it has not included the identity of the 2002 camper. It is not known if any aspects of Reville's guilty plea involved Citadel campers.

23. As to each individual you allege "knew or should have known of the allegedly dangerous propensities of Louis "Skip" Reville with regard to minor children," please identify each act, omission, or information you allege informed each witness of the allegedly dangerous propensities of Louis "Skip" Reville, and as to each act, omission, or information, please identify the date or dates on which it occurred, should have occurred, or was conveyed to the individual, respectively, as we as all other witnesses to the act, omission, or information.

ANSWER: On April 23, 2007, the father of the 2002 camper called The Citadel to report that his son was molested by Reville in 2002 during the summer camp. On July 1, 2007, Mark Brandenburg traveled to Texas to take a sworn statement of that 2002 camper. From 2007 through Reville's arrest, neither Brandenburg nor President Rosa made any disclosure that Reville was known to have a sexual interest in children, and had committed sexual assaults against children on The Citadel campus. The Citadel knew that Reville had worked as a tutor at The Citadel until at least April 20, 2007 (Reville represented to Coastal Christian that he performed as a tutor until May, 2007), and The Citadel knew or should have known that he continued to have contact with children since 2002, from his work at

Pinewood Prep, prior to 2007, to his work with the other child-oriented employers and activities after 2007. Specifically, Velocity Sports Performance, Mt. Pleasant Recreation, Bishop England, basketball coaching in Summerville he did from 2000 to 2008, substitute for Dorchester County District 2., basketball coach for Moultrie Middle School, Eastbridge Presbyterian, Coastal Christian Preparatory School. Had the Citadel even internally shared the information it had in 2007 about Reville's known sexual interest in children then Reville's application to be principal of Coastal Christian would not have been approved, because his having listed as a reference Mrs. Chris Fudge of the Citadel Writing Center would have, if properly pursued by Mrs. Fudge, have disclosed his sexual interest in children.

Had The Citadel reported Reville, as it should have under either its internal policies or as it should have under Title IX or under the reports it made under the Cleary Act, his SLED check of June, 2007 would have reflected the report and Reville would have been unable to have contact with the plaintiff's child.

In a news article of March 6, 2012, Citadel President Rosa was quoted as saying, of the information The Citadel had about Reville, "We are sorry we didn't pursue it more." Either President Rosa has changed his opinion, or those who govern the Citadel have elected to

24. Please identify all athletic teams your minor child has participated on since 1991 forward.

ANSWER: The child of Mother Doe A participated in the following activities:

[REDACTED]

[REDACTED]

25. Please identify, by name, address, and phone number, all individuals who have served as coaches for athletic teams your minor child has participated on since 1991 forward. As to each coach, please identify the athletic team he or she coached, and the years he or she coached.

ANSWER:

The only coaches Mother Doe A can recall are identified in response to interrogatory 24. She has no contact information for those coaches.

26. Please identify all teachers your minor child has had since 1991 forward.

ANSWER:

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

27. Please identify all disciplinary actions taken against your minor child by any school official, for whatever reason, from 1991 forward. As to each action, please identify the incident which led to the disciplinary action, by time, place and a description of the event. Also, please identify, by name, address, and phone number, all individuals involved in the incident, to include the school officials who discovered the incident, investigated the incident, and effected disciplinary action for the incident.

18

28. If Plaintiff Mother Doe A, individually and/or as Natural Parent on behalf of her minor child as referenced in the complaint rely upon any portion of any records to establish the alleged negligent act, set forth the specific portion or portions of the records, which are relied upon.

ANSWER: The Citadel benefits from federal funds, and as such is obligated to make reports of criminal conduct including sexual assault under the Cleary Act and under Title IX, and the Citadel has in fact made reports under the Cleary Act from 2007 to the present.

The Citadel has in its possession, and has had since 2007, information from the report made in 2007 by the 2002 camper. That report was first made on April 23, 2007, and then was made in detailed form on July 1, 2007. That information, and Louis Reville's attempt to self-report his conduct, are documents which should have been reported to law enforcement and through reports made under Title IX and under the Cleary Act. Reville was never reported to law enforcement by The Citadel, so was able after April 23, 2007 to sexually exploit children. President Rosa acknowledged in march, 2012 that The Citadel should have done more to pursue the information it had, and apparently now the governing body of the Citadel has disagreed with President Rosa and contends that The Citadel has no obligation to report. We expect depositions of the individuals who comprise the Board of Visitors, when they are available, to also have information about that position of The Citadel.

Mother Doe relies on the records of the information The Citadel had from April 23, 2007, about Reville's sexual interest in children, and The Citadel's lack of

reporting that information, to establish the negligent actions of the Citadel.
Specifically, The Citadel made no report to law enforcement about the information it
had since April 23, 2007 that Reville had a sexual interest in children.


Gregg Meyers
Jeff Anderson & Associates, PA
366 Jackson Street
St. Paul, MN 55101
(651) 227-9990
(651) 297-6543 (facsimile)
gregg@andersonadvocates.com

ATTORNEY FOR THE PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the enclosed Plaintiff's Answers to The Citadel's First Set of Interrogatories by causing a copy of the document to be placed in the United States mails, first class postage pre-paid, addressed to:

M. Dawes Cooke, Jr.
Randell C. Stoney, Jr.
885 Island Park Drive
P.O. Drawer H
Charleston, SC 29402

Done March 4, 2013

A handwritten signature in black ink, appearing to read "Gregg Meyers", with a stylized flourish at the end.

Gregg Meyers



From: Allan Sloan [chipsloan@phswlaw.com]
Sent: Friday, April 11, 2014 1:59 PM
To: M. Dawes Cooke; Gregg@andersonadvocates.com
Cc: Randell C. Stoney, Jr.; Randell C. Stoney, Jr.; John Fletcher; Chris Kovach
Subject: RE: Mother Doe A v. The Citadel, et al

Dawes:

Mother Doe A's damages are those permitted in various cases for loss of services. Past South Carolina cases have acknowledged claims for a parent's "shame, humiliation, and mental anguish," and "outrage and deprivation," and "the insult offered to [a parent's] feeling," and "the agony in the destruction of his hopes concerning his child," and the effect on the child's "companionship." These are intangibles, and jurors have been quite serious about the value of those intangibles.

Mother Doe A knows her son was abused by Reville, and knows her child held that secret for a number of years. The Mother also has complications among her other children as a result of the abuse to this son, some of which was testified to by Chet Williams.

Mother Doe A knows the probable emotional/psychological effects of child sexual abuse (see Margolis powerpoint slide - denial, anger, depression, social and family withdrawal, detachment, loss of caring, reduced ability to express emotions, loss of self-esteem, loss of trust in others including parents, guilt, shame, substance abuse and suicidal ideation). There are many instances where Mother Doe A's son refused to talk to her for long periods. He has been resisting therapy because he was angry that his intention to keep this secret was uncovered by the police investigation. His plan to keep silent about Reville reflects his shame and denial, burdens the Mother is keenly aware that her child was bearing alone. He has been withdrawn from her and other family members and has shown loss of caring about her and other family members.

So we have a Mother who sees several of the known sexual abuse effects in her son and a son who is in denial and refuses therapy. The pre-Reville mother/son relationship is gone forever, and she will now forever carry the justifiable concern for the increased risk of future harms that her son will be more susceptible to in the long-term. She has an at many times angry son who withdraws from her and others, having had his caring relationships with his Mother and his family affected. She is also aware that he has an increased risk for complications for his own relationships and future problems to deal with as a result of the abuse. Mother Doe A desperately wants him to get help but he refuses and this causes more damage to the relationship, and burdens her. One only need look at Camper Doe 6 who made it to college on a scholarship and soon after his life went into a 8 year downward spiral of drugs, depression and suicide attempt - all related directly to the abuse of Skip Reville.

Mother Doe A is left with the choice every time she sees her son - do I bring up getting help and further damage our relationship or just watch him slip away as other effects start to show up? How is a mother supposed to talk to her son about the disgusting acts detailed by Reville in the Burke records? How can a mother enjoy companionship with her son when he is angry, withdrawn, doesn't care about his family like he used to and refuses to get any help for the underlying problem which is the Reville abuse? Every parent will understand going from good relationship and companionship with their child to years of the opposite with no end in sight. Those would be among the damages. Essentially, because of The Citadel's assistance to Reville, the Mother now has a never-ending complication with this child, and her other children, as the time-bomb elements of sexual abuse can re-occur at any time later in life.

Chip

Allan P. Sloan III
Pierce, Hems, Sloan & Wilson, LLC
The Blake House
321 East Bay Street
Charleston, South Carolina 29401
Telephone: (843) 722-7733
Fax: (843) 722-7732



This email is covered by the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521 and is legally privileged. The information contained in this communication is confidential, is subject to the attorney-client privilege, may constitute inside information, and is intended only for the use of the addressee. It is the property of Pierce, Hems, Sloan & Wilson, LLC. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify us immediately by return e-mail, and destroy this communication and all copies thereof, including all attachments.

From: M. Dawes Cooke [mailto:mdc@barnwell-whaley.com]
Sent: Thursday, April 10, 2014 5:35 PM
To: Allan Sloan; Gregg@andersonadvocates.com
Cc: Randell C. Stoney, Jr.; Randell C. Stoney, Jr.; John Fletcher; Chris Kovach
Subject: Mother Doe A v. The Citadel, et al

Chip, on a related note -- since Mother Doe A will be one of the first cases reached for trial -- can you clarify what damages she is claiming? I'd like to pass this information along to my clients.

Thanks
Dawes

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Mother Doe A,

Plaintiff,

v.

The Citadel

Defendant,

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

John Doe Camper

Plaintiff

v.

The Citadel

Defendant

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

JOHN DOE 2

Plaintiff

v.

THE CITADEL

Defendant

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

Civil Action No.: 2011-CP-10-9200

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

Civil Action No.: 2012-CP-10-1860

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

Civil Action No.: 2012-CP-10-1858

FILED
2014 APR 25 PM 9:03
JULIE A. ARMSTRONG
CLERK OF COURT
BY

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

MOTHER DOE 2, on behalf of
JOHN DOE 3

Plaintiff

v.

THE CITADEL

Defendant

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

Civil Action No. 2012-CP-10-1859

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

CAMPER DOE 6

Plaintiff

v.

THE CITADEL

Defendant

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

Civil Action No. 2013-CP-10-5247

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

JOHN DOE, A MINOR, BY HIS
GUARDIAN AD LITEM JOHN ROE,

Plaintiff

THE CITADEL

Defendant

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

Civil Action No. 2013-CP-10-4770

**MEMORANDUM OF PLAINTIFFS' MOTHER DOE A, CAMPER DOE 6 AND
JOHN DOE IN OPPOSITION TO THE CITADEL'S MOTION FOR SUMMARY
JUDGMENT AS TO JOHN DOE CAMPER, JOHN DOE 2 & MOTHER DOE 2**

This matter is before the court on the motion of the Defendant, The Citadel, pursuant to Rule 56 of the South Carolina Rules of Civil Procedure, in the cases of John Doe Camper v. The Citadel, Case No. 2012-CP-10-1860; John Doe 2 v. The Citadel, Case No. 2012-CP-10-1858; and Mother Doe 2 on behalf of John Doe 3 v. The Citadel, Case No. 2012-CP-10-1859. The Defendant filed the referenced summary judgment motions on March 6, 2014, asserting several arguments critical to all Plaintiffs' claims in the above-captioned consolidated matters, including, but not limited to, the following grounds: (1) that The Citadel owed no duty of care to Plaintiffs pursuant to Doe v. Marion, 373 S.C. 390, 645 S.E.2d 245 (2007); (2) that Plaintiffs' claims involve a single occurrence as defined by the SCTCA so as to limit each Plaintiff's potential recovery to \$300,000; and (3) that certain plaintiffs' claims are barred by the two-year statute of limitations of the South Carolina Tort Claims Act ("SCTCA"). (See Citadel's Motions for Summary Judgment, attached hereto as exhibits 1, 2 & 3). Given the common issues of law and fact underlying these consolidated matters, Plaintiffs Mother Doe A, Camper Doe 6 and John Doe, while not parties to the instant motions, have a significant interest in the issues presented and, therefore, submit the following memorandum in opposition.

BACKGROUND AND PROCEDURAL HISTORY

This action arises out of the child sexual abuse of numerous Plaintiff victims by former cadet and Citadel employee, Louis "Skip" ReVille. Plaintiff Camper Doe 6 was abused by ReVille at The Citadel Summer Camp in 2003. Plaintiff Mother Doe A is the mother of a child abused by ReVille from 2007-2008, after The Citadel received a report of multiple allegations of child sexual abuse concerning ReVille. Like Mother Doe A's child, Plaintiff John Doe was similarly abused by ReVille after The Citadel failed to take appropriate required action in response to multiple allegations of child sexual abuse against ReVille. The evidence in this case

reveals The Citadel had countless opportunities (and duties) from 2001 to 2011 to prevent the harm suffered by Plaintiffs. It neglected to do so on every occasion. The relevant facts are as follows.

From 1957 until 2006, The Citadel operated a residential summer camp for children ages ten to fifteen wherein The Citadel employed Citadel cadets, college students, and former campers as counselors. Among the counselors selected, employed and supervised by The Citadel was Louis ReVile, who was recommended and hired by The Citadel as Head Counselor in Charge of Quarters ("CCQ") in 2001 and Senior Counselor for the summers of 2002 and 2003.

In 2001, during ReVile's first summer at The Camp, The Citadel was notified that a well-respected volunteer counselor, former Citadel Cadet, Citadel Graduate and United States Marine Corps Captain, Michael Arpaio, had sexually abused and molested a ten-year old male camper in his dorm room during the course of The Camp's First Session. In addition, The Citadel learned that campers attending The Camp had been exposed to pornography, profanity, alcohol, and inappropriate touching. The Citadel was later informed that additional minor campers were sexually abused by Michael Arpaio while attending The Camp between 1995 and 2000.

After receiving notice of these instances of sexual abuse, The Citadel continued to operate The Camp as usual. Absent additional safety precautions, ReVile, like Arpaio, was able to utilize The Camp to sexually abuse and molest at least seventeen boys, including Camper Doe 6, during the summers of 2001, 2002, and 2003. During this time, The Citadel operated The Camp as it had in the years leading up to Arpaio's abuse—turning a blind eye to inappropriate

conduct, policy violations, and Citadel procedures requiring termination and reporting of sexual assault, sexual abuse, sexual harassment, sexual misconduct, and immoral and illegal conduct.

In fact, Camp Director Major Bill Bates, Deputy Director Jennifer Garrett, Colonel John Lackey, Commandant General Emory Mace, and others were aware of ReVille's policy and code of conduct violations and knew, or should have known, that ReVille was sexually harassing, molesting and abusing The Camp's minor campers on The Citadel campus. These individuals, as well as other Citadel officials and staff, were aware of ReVille's deviant, pedophilic tendencies as early as 2001, wherein it was noted that ReVille was "senior counselor material *if learns to distance himself from campers . . .*" (Exhibit 4, 2001 Employee Evaluation).

Furthermore, during the summer of 2002, The Camp's Deputy Director, Jennifer Garrett, caught ReVille alone with a minor camper in his dorm room. Both Garrett and Camp Director Major Bates discussed the issue with ReVille, but declined to reprimand or terminate his employment despite established policies and procedures requiring immediate termination for such a violation. Additionally, neither Garrett nor Bates followed up with the minor camper or other counselors to investigate any inappropriate or suspicious behavior involving ReVille and minor campers, and no written report of ReVille's infraction was ever recorded in his employee file. Rather, when faced with notice of ReVille's inappropriate behavior, The Citadel took no action, and as a result, at least four young boys were sexually abused and molested by ReVille at The Camp in 2002.

In the summer of 2003, ReVille was asked back to The Camp to again serve as Senior Counselor where he was entrusted with the care and supervision of Plaintiff Camper Doe 6.¹

¹ Notably, ReVille was hired as Senior Counselor despite a clearly deficient application which The Citadel's own experts agree was cause for concern. (See Exhibit 5, 2003 Application, referencing as

During the First Session of the 2003 Camp, ReVille began grooming Doe 6, who was a minor, for what would progress into a repeated pattern of sexual abuse and molestation. In July 2003, at the beginning of The Camp's Second Session but before ReVille had actually succeeded in sexually abusing and molesting Plaintiff, Camp Director Garrott caught ReVille alone in his room with Plaintiff rubbing "Icy-Hot" on Plaintiff's leg. Upon discovering ReVille and Doe 6 alone, Garrott ignored, neglected and disregarded The Camp's policy requiring immediate termination for such behavior and further neglected to even draft a report or memorandum to document the violation.

Garrott now concedes, however, that pursuant to Camp and Citadel policies and procedures, ReVille should have been terminated immediately for having the minor Plaintiff in his room and rubbing "Icy-Hot" on his leg, the incident should have been recorded in ReVille's permanent file, and a written report should have been drafted and circulated regarding the matter. Garrott has likewise conceded that had ReVille been terminated, Doe 6 would not have been subjected to ReVille's sexual abuse and molestation. (Exhibit 8, Deposition of Jennifer Garrott, p. 57:10-13).

Notwithstanding, ReVille was neither terminated, nor was a report drafted and placed in ReVille's file documenting the policy violation. Instead, ReVille was permitted to continue to serve at The Camp as Senior Counselor for the entirety of the second session of 2003. During this three week session, after Garrott caught ReVille alone with Doe 6, ReVille repeatedly and on numerous separate occasions initiated inappropriate contact with Doe 6 in ReVille's dorm

qualifications: "5'11"; brown hair; brown eyes; athletic; can cook; recite poetry; dance; enjoys walks on the beach."; Exhibit 6, Shapiro Deposition, p. 185-187; Exhibit 7, Margolis Deposition, p. 226-228)

room. This inappropriate contact progressed to sexual molestation which occurred on multiple separate occasions throughout the duration of the three week camp session.

In the summer of 2005, after being subjected to ReVille's sexual abuse and molestation in 2003, Doe 6 returned to work at The Camp as a Junior Counselor. After completing pre-camp counselor training in June of 2005, which included a section on child sexual abuse prepared by People Against Rape, Doe 6 felt compelled to report ReVille's acts of sexual abuse to Director Garrott. However, as soon as Doe 6 explained to Garrott that he wanted to talk about "Skip ReVille," her demeanor immediately changed. She abruptly called off the meeting, claiming she had another obligation. No less than an hour later, Doe 6 was fired and instructed to leave the premises within two hours. (Exhibit 9, Deposition of Camper Doe 6, p. 142-144) Because Citadel and Camp policy would require reports of sexual abuse to be disclosed to Citadel Public Safety and other appropriate law enforcement agencies, The Citadel chose to terminate Doe 6 without just cause to avoid the damaging ramifications such a report could have on the college.

In 2007, The Citadel received yet another report of abuse regarding ReVille—this time involving multiple children. Specifically, on April 23, 2007, the father of a former camper called President John W. Rosa and reported that his son had been sexually abused while attending The Camp in 2002. The call was forwarded to The Citadel's General Counsel, Mark Brandenburg who followed up with the former camper ("Camper Doe" or "Doe") that evening. The allegations of the complaint reported to The Citadel were memorialized in a letter from Mark Brandenburg to The Citadel's insurance carrier, the Internal Reserve Fund ("IRF"), and copied to President Rosa. The letter, dated May 16, 2007, stated:

Both allege that during one summer, [Doe] and another camper were coerced by a counselor into the counselor's room, where the counselor showed them pornographic movies and convinced them to masturbate. [Doe] alleges the

counselor watched the movies and masturbated as well. Importantly, however, [Doe] specifically said that the counselor never touched him or the other camper. [Doe] does allege that the counselor *engaged in this activity frequently, though, and with many other campers.*

The letter further noted that Doe's father "wanted the school to know about this incident and to know that an apparent predator was once affiliated with the school." (Exhibit 10, May 16, 2007 Letter to IRF).

Thereafter, Brandenburg was dispatched to Dallas, Texas on July 1, 2007, to take the former camper's statement. The statement was transcribed by a court reporter and revealed the following:

- i. In 2001, ReVile hosted movie nights where he would order pizza or Chinese food to entice campers to come to his room to watch pornography. During these movie nights, ReVile would masturbate in front of the boys and encourage them to do the same. ReVile would also shower with the boys.
- ii. On one occasion, ReVile invited the 2002 Camper and his friend, also a camper, to his room. ReVile ordered Chinese food and began showing the boys pornographic videos on his computer. Eventually, ReVile began masturbating in front of the boys and encouraged them to join him. When the camper refused, ReVile "got a little aggressive" and asked the boy to come back to the computer and join him, which he did.
- iii. ReVile also insisted that the 2002 Camper and the other camper spend the night with him in his room. When the 2002 Camper tried to leave, ReVile coerced him into staying and masturbating in front of him.
- iv. ReVile abused the other camper who accompanied the 2002 Camper to ReVile's dorm room, as well as four other campers, multiple times during the summers of 2001 and 2002.
- v. Furthermore, the 2002 Camper personally observed younger boys going into ReVile's room late at night over the course of the summer. He further explained that at least five other boys had been involved, stating: "I know there are about five other kids that experienced it a few times."

(See Exhibit 11, July 1, 2007 Statement at 73-75, 80-81, 83). When asked by Brandenburg whether "there [was] anything [he] want[ed] the Citadel to do as a result of this," Doe expressed

his foremost desire to put an end to the abuse, stating: "Most of all, the thing I want the most is just to make sure that [ReVille] doesn't have a chance to do this to anyone else." (Exhibit 11, July 1, 2007 Statement, p. 109).

In an email to the IRF, dated August 8, 2007, Brandenburg summarized his findings from the interview, stating, "In short. . . I found [the 2002 Camper] to be believable." (Exhibit 12, Aug. 8, 2007 Email to IRF). In this same email, Mr. Brandenburg called attention to ReVille's emphatic denial of the allegations, and even likened his statements to similar comments made by Arpaio during the 2002 sexual abuse investigation. However, despite the admitted similarities to the Arpaio matter and the confirmed credibility of the information obtained from the investigation, The Citadel never reported the abuse to the Citadel Public Safety, the Charleston Police, SLED, the Title IX Coordinator, or other authorities as mandated by clearly established campus policies and procedures as well as statutory and common law.

Both the April 23, 2007 report, and the July 1, 2007 statement containing additional specific facts and allegations of sexual abuse and identification of victims not only alleged acts of inappropriate sexual misconduct against the former camper himself but also alleged acts of criminal sexual conduct against many other children, including victims presently residing on The Citadel campus enrolled as cadets. (Exhibit 11, July 1, 2007 Statement, p. 105). These allegations were sufficient to trigger the duties set forth under the Citadel's policies and procedures regarding reporting to law enforcement as well as the duties to report set forth under state and federal law, including, S.C. Code Ann. § 59-154-10, ("The Jessica Horton Act"); S.C. Code Ann. § 63-7-310, ("Mandatory Reporting Act"); 20 U.S.C. § 1092(f), ("Clery Act"); 20 U.S.C. § 1681, ("Title IX"). However, after undertaking the duty to investigate Doe's allegations, Brandenburg and The Citadel took no further action regarding the matter.

Not long after Doe's statement, ReVille obtained employment as a coach and tennis instructor in Mt. Pleasant through which he was provided access to other minor victims, including Mother Doe A's son. In late 2007, ReVille began grooming Mother Doe A's child for what would progress into sexual abuse and molestation which occurred on multiple separate occasions throughout the duration of 2008. As with Mother Doe A's child, Plaintiff John Doe A also suffered similar abuses by ReVille after 2007.

Pursuant to The Citadel's policies and procedures, the sexual abuse and molestation suffered by Doe and Camper Doe 6, who were minors under the age of 18 when the abuse occurred, constitutes sexual assault, sexual harassment, immoral conduct, illegal activity, unlawful sexual behavior, contact which is not mutually agreed upon, sexual misconduct, and prohibited sexual activity. These same policies mandate prompt actions such as reporting of the conduct to Citadel Public Safety or law enforcement, as well as termination where, as here, the conduct involves an employee. (Exhibit 13, Sexual Assault Crisis Intervention Policy; Exhibit 14, Sexual Harassment Policy; Exhibit 15, Serious Incidents Policy; Exhibit 16, Camp Policies Regarding Sexual Misconduct Issues; Exhibit 17, Counselor Code of Conduct; Exhibit 18, College Regulations).

Despite The Citadel's duties and obligations pursuant to these policies and procedures, however, the Citadel concealed its knowledge of ReVille's child sexual abuse until October of 2011, when ReVille was finally arrested on charges of molestation and sexual abuse of twenty-three boys, including Doe, Camper Doe 6, Mother Doe A's child and John Doe.

Complaints in the instant matter were timely filed by Mother Doe A, Camper Doe 6 and John Doe on December 14, 2011, September 9, 2013, and August 13, 2013, alleging common claims of gross negligence and outrage. Defendant filed motions for summary judgment in the

related cases of John Doe Camper, John Doe 2 and Mother Doe 2 on March 6, 2014. As noted, given the common issues of law and fact underlying these consolidated matters, Plaintiffs Mother Doe A, Camper Doe 6 and John Doe oppose Defendant's motions on the grounds stated herein.

STANDARD OF REVIEW

Summary judgment is a drastic remedy which should be cautiously invoked to ensure that a litigant is not improperly deprived of a trial on disputed factual issues. Madison ex rel. Bryant v. Babcock Ctr., Inc., 371 S.C. 123, 134, 638 S.E.2d 650, 655 (2006). As such, summary judgment is proper only when "the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." Rule 56(c), SCRCP. In determining whether any triable issues of fact exist, the court must view the evidence and all reasonable inferences that may be drawn from the evidence in the light most favorable to the non-moving party. Madison ex rel. Bryant, at 134, 638 S.E.2d at 655. Summary judgment should be denied if more than one inference can be drawn from the evidence. Miller v. City of Camden, 329 S.C. 310, 315, 494 S.E.2d 813, 815 (1997) (citing Koester v. Carolina Rental Center, Inc., 313 S.C. 490, 443 S.E.2d 392 (1994)).

LAW/ANALYSIS

Defendant submits The Citadel is entitled to summary judgment on several critical disputed issues—namely, the existence of a duty of care and the number of "occurrences" under the SCTCA. These issues, being mixed questions of law and fact, are not appropriately resolved at summary judgment. See e.g. Miller, 329 S.C. at 314, 494 S.E.2d at 815 (noting that where there are factual issues regarding whether the law imposes a duty, the existence of a duty

becomes a mixed question of law and fact to be resolved by the fact-finder); Hurd v. Williamsburg County, 363 S.C. 421, 427-28, 611 S.E.2d 488, 492 (2005) ("Ordinarily, the question of proximate cause is one of fact for the jury and the trial judge's sole function regarding the issue is to inquire whether particular conclusions are the only reasonable inferences that can be drawn from the evidence."). Moreover, Plaintiffs need only submit a mere scintilla of evidence to withstand Defendant's motion. Indeed, the evidence supporting plaintiffs as to the existence of a duty of care and the presence of multiple occurrences far exceeds this burden.

In particular, as set forth herein, Citadel witness and expert testimony reveals that not only did The Citadel have a statutory duty to take action in response to numerous reports regarding ReVille's child sexual abuse, but The Citadel voluntarily undertook various duties of care pursuant to its policies and procedures, and the failure to take the appropriate action required by these policies in 2001, 2002, 2003, 2005 and 2007 created the danger for the Plaintiffs. Citadel witnesses and experts have likewise admitted that The Citadel had a special relationship with ReVille and that Citadel officials, employees and/or agents were more than acutely aware of a specific threat of harm to Plaintiffs by ReVille.

Furthermore, within the repeated failures and neglect of duty by The Citadel through the acts of President Rosa, Mark Brandenburg, Colonel Trez, Colonel Lackey, Major Bates, Jennifer Garrott and others, the evidence reveals at least thirty-three separate and distinct occurrences of gross negligence beginning in 2001 and ending in 2011. Such evidence established by The Citadel's own witnesses and experts surely meets (and far exceeds) the mere scintilla burden of proof.

As to the statute of limitations, The Citadel's motion inappropriately attempts to supplant the specific statute of limitations governing the instant matters—*i.e.*, the sexual abuse statute of

limitations contained in S.C. Code Ann. § 15-3-555, which extends the limitation period for actions arising out of child sexual abuse to six years after the victim reaches age twenty-one— with the general two year statute of limitations provided by the South Carolina Tort Claims Act. Such a position ignores the plain language of the controlling statute and the well-settled rule of statutory interpretation that where two statutes are in conflict, the more recent and specific statute will prevail. See Hodges v. Rainey, 341 S.C. 79, 85, 533 S.E.2d 578, 581 (2000).

As addressed in turn below, The Citadel is not entitled to summary judgment on these critical disputed issues because there are genuine issues of material fact requiring further inquiry to clarify application of the law. See Grooms v. Malboro County School Dist., 414 S.E.2d 802, 803 (Ct. App. 1992) (“Summary judgment should not be granted except where it is perfectly clear that no genuine issue of material fact exists and an inquiry into the facts is not desirable to clarify application of the law.”).

A. SUMMARY JUDGMENT ON THE ISSUE OF DUTY IS IMPROPER.

Defendant's motion asks this Court to resolve a factual dispute as to whether The Citadel, after failing to take action in response to numerous complaints about ReVille from 2001-2011, had a duty to protect the Plaintiff victims from ReVille. The evidence reveals such a duty existed. An affirmative legal duty may be created by statute, a contractual relationship, status, property interest, or some other special circumstance. Jensen v. Anderson County Dept. of Soc. Servs., 304 S.C. 195, 199, 403 S.E.2d 615, 617 (1991); Miller v. City of Camden, 317 S.C. 28, 33-34, 451 S.E.2d 401, 404 (Ct. App. 1994). While there is no general common law duty to control the conduct of another or to warn a third person or potential victim of danger, South Carolina recognizes the following five exceptions to this rule: 1) where the defendant has a special relationship to the victim; 2) where the defendant has a special relationship to the injurer;

3) where the defendant voluntarily undertakes a duty; 4) where the defendant negligently or intentionally creates the risk; and 5) where a statute imposes a duty on the defendant. Faile v. S.C. Dept. of Juvenile Justice, 350 S.C. 315, 334, 566 S.E.2d 536, 546 (2002)). As detailed herein, the evidence, including Citadel witness and expert testimony, reveals four of the above five exceptions apply in the instant matter so as to create such a duty on the part of The Citadel.

a. Doe v. Marion is inapplicable to the instant matter.

In maintaining Defendant owed no common law or statutory duty of care to Plaintiffs, The Citadel incorrectly relies on Doe v. Marion, 373 S.C. 390, 645 S.E.2d 245 (2007), as the governing law in this case. Absent the common theme of sexual abuse, Marion is entirely inapposite. Specifically, at issue in Marion was whether the Child Abuse Reporting Statute (presently S.C. Code § 63-7-310) created either a private cause of action for *negligence per se* or a common law duty to warn where a doctor who treated a pedophile patient failed to warn future victims of the patient's predilection for child sexual abuse. Here, Plaintiffs do not assert a private cause of action under § 63-7-310, or that § 63-7-310 created a duty of care. Rather, Plaintiffs actions are rooted in the Citadel's negligence in creating the harm for Plaintiffs through numerous acts of gross negligence, including the failure to report or warn.

The Citadel's reliance on Marion likewise overlooks the relevant exceptions to the rule that there is no general common law duty to control the conduct of another or to warn a third person or potential victim of danger. Only one of these exceptions was addressed in Marion; the instant case involves at least four. Indeed, Marion, which cited these exceptions with favor, did not overturn the well-established duties provided by these exceptions—exceptions which, when applied to the facts herein, support the reasonable inference that The Citadel, unlike Dr. Marion, owed a duty of care to Plaintiffs. Id., at 249 (citing the recognized exceptions set forth in Faile v.

S.C. Dept. of Juvenile Justice, 566 S.E.2d 536, 546 (2002)). Accordingly, Doe v. Marion is not controlling.

b. The Citadel had a duty to control the conduct of another or to warn Plaintiffs under the exception for voluntarily undertaking a duty.

While The Citadel maintains it had no duty to warn or to control the conduct of ReVille, a review of Citadel policies and procedures, as well as the various services undertaken by The Citadel, reveals otherwise. "[I]t has long been the law that one who assumes to act, even though under no obligation to do so, thereby becomes obligated to act with due care." Madison ex rel. Bryant v. Babcock Ctr., Inc., 371 S.C. 123, 136-37, 638 S.E.2d 650, 656-57 (2006) (citing Sherer v. James, 290 S.C. 404, 406, 351 S.E.2d 148, 150 (1986); Roundtree Villas Assn. v. 4701 Kings Corp., 282 S.C. 415, 423, 321 S.E.2d 46, 50-51 (1984); Miller v. City of Camden, 317 S.C. 28, 33-34, 451 S.E.2d 401, 404 (Ct. App. 1994)). "One who undertakes, gratuitously or for consideration, to render services to another which he should recognize as necessary for the protection of the other's person or things, is subject to liability to the other for physical harm resulting from his failure to exercise reasonable care to perform his undertaking, if (a) his failure to exercise such care increases the risk of such harm, or (b) the harm is suffered because of the other's reliance upon the undertaking." Id. (quoting Restatement (Second) of Torts § 323 (1965)).

Although a volunteer assumes the duty to use due care, the question whether a duty of care arises in a given case may depend on the existence of particular facts. Miller v. City of Camden, 329 S.C. 310, 314-15, 494 S.E.2d 813, 815-16 (1997) (citing Carson v. Adgar, 326 S.C. 212, 486 S.E.2d 3 (1997)). Evidence, such as prior conduct or internal memoranda, could serve as evidence of a voluntary undertaking. Id. (citing Vaughan v. Town of Lyman, 370 S.C. 436,

635 S.E.2d 631, 637-38 (2006) (finding genuine issue of material fact as to whether there was a voluntary undertaking of the maintenance of town sidewalks where there were references to sidewalk maintenance in town minutes; there were town ordinances regulating sidewalks; town was aware of complaints about the sidewalks and did not report these to any other authority; and the town had previously handled complaints about sidewalks); Fickling v. City of Charleston, 372 S.C. 597, 643 S.E.2d 110, 116 (Ct. App. 2007) (fielding complaints, maintaining a log of calls, and having a policy and employees in place to repair sidewalks was used by a court as evidence to assess whether there was a voluntary undertaking)). “Where there are factual issues regarding whether the defendant was in fact a volunteer, the existence of a duty becomes a mixed question of law and fact to be resolved by the fact-finder. Id. Here, the evidence leads to the reasonable inference that The Citadel voluntarily undertook the duty to report, to investigate and to protect Plaintiffs from harm.

i. Duty Voluntarily Undertaken by Adoption of Citadel Policies.

The evidence revealed in discovery establishes The Citadel undertook various duties pursuant to its policies and procedures, including, the duty to report ReVille to law enforcement. Citadel expert Anne Franke testified that an institution can self-impose mandatory reporter duties by undertaking policies obligating certain officials to report. (Exhibit 19, Deposition of Anne Franke, Vol. I, p. 176:6-18). Thus, by adopting policies for the protection and well-being of prospective and foreseeable victims, the Citadel acquired a duty under state common law to provide Plaintiffs with adequate protection against that danger. See e.g. DeShaney v. Winnebago Cnty. Dep’t of Soc. Servs., 489 U.S. 189, 202, 109 S. Ct. 998, 1006, 103 L. Ed. 2d 249 (1989) (observing that by voluntarily undertaking to provide petitioner with protection against a danger it played no part in creating, the state may have acquired a duty under state tort

law to provide petitioner with adequate protection against that danger). Here, The Citadel acquired such a duty through its policies aimed at preventing harm and imposing reporter duties.

In particular, The Citadel's "Serious Incidents Memorandum," dated April 2000, defines "serious incident" as "unexpected occurrences directly or indirectly involving The Citadel, which require a response or action from the college administration; or which have the potential to generate positive or negative publicity regarding the college." (Exhibit 15, Serious Incidents Memo, p. 1). Among the non-exclusive list of examples of serious incidents are "allegations concerning illegal or immoral activities at the college." (Exhibit 15, p. 12). The policy directs that when an individual is in receipt of allegations concerning illegal or immoral activities at the college, they are required to notify the Executive Assistant to the President, *i.e.* Colonel Trez, who is, in turn, required to alert the President and, if criminal activity is alleged, to contact the Department of Public Safety. (Exhibit 15, p. 12). Further, if criminal activity involving someone affiliated with the Citadel occurs, as in the instant case, the "first member of the Citadel community learning of the occurrence" is required to report it to the Citadel Public Safety Department. Mark Brandenburg has testified that if the Serious Incidents policy was in effect--which it was--it applied to him. (Exhibit 20, Brandenburg Deposition, p. 261:5-11). Brandenburg also acknowledged that per the policy, Col. Trez was required to report allegations of illegal or immoral activities involving ReVille to the Citadel Department of Public Safety. (Exhibit 20, Brandenburg Deposition, p. 264:5-17). However, no report to the Citadel Public Safety was ever made.

In addition, The Citadel self-imposed a duty to report pursuant to its "Summer Camp Policies Regarding Sexual Misconduct Issues." This policy unambiguously requires that, "[r]egardless of validity of the violation, any sexually inappropriate conduct reports concerning

any camper or employee of the camp will be turned over to the Citadel Public Safety Department and a thorough investigation will be conducted.” (Exhibit 16, Camp Policies Regarding Sexual Misconduct Issues). The policy likewise makes clear that “[t]here are no time period restrictions regarding sexual misconduct investigations,” stating, “[a]ll sexual misconduct allegations disclosed *at any time* concerning *any individual(s)*, currently or *formerly*, associated with the camp, will be investigated upon disclosure.” Despite the duty imposed by this policy, no member of The Citadel administration reported the child sexual abuse complaint by Doe to the Citadel Public Safety Department.

In addition to self-imposing the duty to report to law enforcement, The Citadel had disseminated policies against sex discrimination and harassment that obligated Citadel officials, employees and/or agents to report the 2007 sexual abuse complaint to the Citadel’s Title IX Coordinator. (Exhibit 21, Memorandum Number 4, August 15, 2005; Exhibit 22, Memorandum Number 51, June 30, 2000 at p. 13; Exhibit 23, General Procedures for Conducting Formal Investigations of Sexual Harassment Complaints). The sexual assault policy also provides that “The Citadel will punish any individual who is found to have committed a sexual assault.” Brandenburg admitted that the 2007 complaint against ReVile constituted a sexual assault. (Exhibit 20, Brandenburg Deposition, p. 265-266). However, he does not recall ever considering contacting The Citadel’s sexual response coordinator. (Exhibit 20, Brandenburg Deposition, p. 267:5-8).

The Citadel also undertook various duties pursuant to its Employee Misconduct Policy, which include: 1) not expunging molestation findings from the employee’s record; 2) not terminating any investigation in exchange for resignation by the employee; 3) providing factual and candid responses to inquiries by potential employers; and 4) fully cooperating with law

enforcement. (Exhibit 24, In the Event of Employee Misconduct Policy). The Citadel failed to impose any of these requirements with regard to ReVille. In fact, The Citadel's actions in instructing ReVille to lay low and to leave Citadel employment with no record of the sexual abuse report were in direct violation of this policy.

The evidence reveals that by virtue of adopting policies and procedures, The Citadel undertook a duty to report ReVille to law enforcement and to warn plaintiffs, the community, and potential employers of ReVille's dangerous propensities and known acts of abuse. See Miller, 329 S.C. at 314-15, 494 S.E.2d at 815-16 (stating "[e]vidence such as . . . internal memoranda, could serve as evidence of a voluntary undertaking."). Despite the duties undertaken pursuant to the above policies in effect, The Citadel ensured that none were followed, and that the child sexual abuse was instead concealed. In other words, by its very own policies and procedures, The Citadel failed to exercise due care. See Madison ex rel. Bryant, 371 S.C. at 140, 638 S.E.2d at 659 (noting the standard of care in a given case may be established by a defendant's own policies and guidelines).

i. Duty Voluntarily Undertaken by Investigation.

Citadel witness and expert testimony confirms there was a duty by The Citadel to protect foreseeable victims, such as the Plaintiffs, by undertaking an investigation into the 2007 report of sexual abuse. Brandenburg admitted that "preventing harm to other young boys or victims" was a goal of the investigation. (Exhibit 20, Brandenburg Deposition, Vol. I, p. 31:4-7). He further agreed that "by undertaking the investigation . . . The Citadel was aiming to prevent harm to potential victims." (Exhibit 20, Brandenburg Deposition, Vol. I, p. 31:8-11). Similarly, Brandenburg testified that The Citadel's core values apply to him and that the moral sense of duty and obligation of responsibility for the welfare of others would apply to his investigation of

an alleged sexual offense. (Exhibit 20, Brandenburg Deposition, Vol. II, p. 259, lines 11-19); Exhibit 18, College Regulations, defining "Duty" as "individual accountability and moral obligation of responsibility for the welfare of others."). By voluntarily undertaking an investigation guided by the "moral obligation of responsibility for the welfare of others" and with the goal of "preventing harm to other young boys or victims," The Citadel owed a common law duty of care to Plaintiffs.

Having undertaken the investigation (the *only* investigation conducted in 2007), The Citadel was obligated to act with due care. It did not. In fact, by its own policies and procedures, The Citadel failed to exercise due care. Indeed, if The Citadel had conducted an impartial investigation and not one led by its General Counsel as part of an attempt to conceal ReVille's sexual abuse, The Citadel would have taken action in accordance with, rather than in opposition to, its own policies and procedures and state and federal law requiring reporting to law enforcement, child protective services and the school's Title IX coordinator. Instead, The Citadel neglected to follow these well-established policies and intentionally concealed the matter from law enforcement, the Citadel community, the Board of Visitors and the public at large. The Citadel's deviation from its own policies and procedures demonstrates its lack of due care under the relevant circumstances. See Peterson v. National Railroad Passenger Corporation, CSX, and Southco Sweeping and Maintenance, Co., 618 S.E.2d 903, 906 (2005) (holding company's deviation from internal maintenance policies admissible to show breach of duty owed); Madison ex rel. Bryant, 371 S.C. at 140, 638 S.E.2d at 659 (noting the standard of care in a given case may be established by a defendant's own policies and guidelines).

In sum, The Citadel undertook the duty to report ReVille to law enforcement; to report the 2007 sexual abuse complaint to the Citadel's Title IX Coordinator; to punish any individual

who is found to have committed a sexual assault; to not expunge molestation findings from the employee's record; to not terminate an investigation in exchange for resignation by the employee; to provide factual and candid responses to inquiries by potential employers; to fully cooperate with law enforcement; and to prevent harm to future victims by undertaking an investigation. By voluntarily undertaking these duties, The Citadel owed a duty to Plaintiffs to use reasonable care to protect them from the risk of harm created thereby. Whether The Citadel exercised such care is a question of fact for the jury.

c. The Citadel had a duty of care under the special relationship exception based on The Citadel's relationship with ReVille.

The evidence establishes The Citadel had a special relationship with ReVille while he was a Citadel cadet, Citadel employee, alumnus using campus facilities, invited guest speaker and prospective job applicant. This special relationship existed at the time the April 23, 2007 report was made and continued until ReVille was arrested in 2011. Through this special relationship, The Citadel had a duty to control ReVille's conduct so as to prevent the threat of future harm to Plaintiffs. The Citadel's failure to monitor and control ReVille's conduct while he was a Citadel employee is a proximate cause of the Plaintiffs' injuries.

A common law duty to warn potential victims of an individual's dangerous conduct arises under the special relationship exception where, as here, the defendant "has the ability to monitor, supervise and control an individual's conduct" and the defendant is aware of a specific threat of harm to potential victims by the individual. Bishop v. S. Carolina Dep't of Mental Health, 331 S.C. 79, 86, 502 S.E.2d 78, 81 (1998). A duty to warn under this exception does not require the threat to be made while under the control of or in the custody of the defendant;

instead, all that is required is that the defendant was aware or should have been aware of the specific threat by the individual. Id. at 88, 502 S.E.2d at 82.

At all times relevant herein, The Citadel was aware of a specific threat by ReVille and had the ability to monitor, supervise and control ReVille. Turning first to the existence of a special relationship, testimony from Citadel General Counsel, Mark Brandenburg indicates ReVille was on campus working in the writing center on April 24, 2007, when Brandenburg contacted ReVille to alert him of the allegations. (Exhibit 20, Brandenburg Deposition, Vol. I, p. 44:10-22; p. 131:10-12, 132:4-8). In fact, the call to the writing center turned into a face to face meeting with Brandenburg and Colonel Trez in Bond Hall, where ReVille was instructed to "lay low and stay off campus" while Brandenburg and Trez conduct their own investigation into the sexual abuse report. (Exhibit 20, Brandenburg Deposition, Vol. I, p. 98:20-99:4, 101:4-102:14; 130:24-131:12; Exhibit 25, ReVille Affidavit, May 21, 2013). Directing ReVille to lay low and stay off campus not only confirms that ReVille had unfettered access to campus but further demonstrates The Citadel's ability to "supervise, monitor and control" ReVille's conduct.

As further evidence of ReVille's relationship with The Citadel, ReVille's application to the South Carolina Employment Security Commission, Unemployment Insurance Division, notes his "last day worked for the school was 04/30/07." (Exhibit 26, ReVille Unemployment Application, dated 6/7/07, p. 19). ReVille's 2008 job application for a position as a coach in Mt. Pleasant similarly references his employment with The Citadel as extending to May 2007. (Exhibit 27, Velocity Sports Application, p. 2). ReVille also had a Citadel email address on April 23, 2007, that he continued to maintain until at least June 2007. (Exhibit 20, Brandenburg Deposition, Vol. I, p. 45:14-18).

What's more, ReVille continued to have access to the campus after May 2007 by returning to campus numerous times to speak to the Honor Committee, to incoming freshman, and in 2010 at the unveiling of the remodeled Honor Court. (Exhibit 25, ReVille Affidavit, May 21, 2013, p. 3). Given ReVille's demonstrated access to and affiliation with the institution, President Rosa and Colonel Trez further admit that ReVille had a "different relationship" with The Citadel than the ordinary graduate. (Exhibit 28, Trez Deposition, Vol. I, p. 81:2-82:6; Exhibit 29, Rosa Deposition, Vol. II, p. 230:10-14;). Thus, while The Citadel contends ReVille was no longer affiliated with the college after April 20, 2007, the evidence suggests otherwise.

As to knowledge by The Citadel of a specific threat of harm to victims, The Citadel, including President Rosa and Colonel Trez, was well aware in 2007 that a child molester is a threat to the community at large:

Q: Is a child sexual predator an ongoing threat to the community at large?

A: It could—yes.

(Exhibit 28, Trez Deposition, Vol. I, p. 54:23-25).

Q: . . . Skip ReVille is on campus, the next day when he tries to find ReVille, he's on The Citadel Campus, wouldn't you agree that if that person who has been accused of being a pedophile is on The Citadel campus, that that's a current threat to not only The Citadel, but the public at large?

A: Possibly . . .

(Exhibit 29, Rosa Deposition, Vol. I, July 29, 2013, p. 168:10-16). Notably,

Despite this knowledge, Citadel officials and employees designated the matter "close hold", intentionally concealing Doe's 2007 report of sexual abuse from law enforcement, the Board of Visitors, the Citadel community, and the public at large. (Exhibit 30, Deposition of Jennifer Shiel, January 21, 2014, p. 36:9-20). The Citadel's concealment of the sexual abuse by

ReVille enabled ReVille to continue his abusive acts on unwitting boys in the community, including the Plaintiffs. Likewise, The Citadel's concealment of its knowledge of ReVille as a child molester, which included alerting ReVille to the allegations, directing him to "lay low" and permitting him to leave The Citadel with no record of the 2007 complaint, created the reasonably foreseeable risk that ReVille would continue to sexually abuse boys. Indeed, as conceded by The Citadel's own expert, allowing a sexual molester to leave campus means that he is a threat to minors wherever he goes off campus. (Exhibit 7, Margolis Deposition, Vol. I, p. 20:6-11). By unleashing a known sexual predator onto the community, there can be no dispute that The Citadel was well aware of a specific threat of harm to Plaintiffs by ReVille.

Furthermore, Citadel witnesses admit that The Citadel's duty to protect extends beyond the walls of The Citadel to include the surrounding community and the State of South Carolina, including the Plaintiffs:

- Q: ... its reach goes beyond the gray walls of The Citadel?
A: Yes, it does.
Q: To the people in Mt. Pleasant?
A: Yes.
Q: To the people in Columbia. Everywhere in the state of South Carolina.
Correct?
A: Right.
Q: The duty, honor, loyalty of The Citadel doesn't stop at the gate.
A: No.

(Exhibit 31, Deposition of Christine Fudge, Oct. 10, 2013, p. 19:19-20:4). The overwhelming evidence, therefore, establishes a special relationship and knowledge by The Citadel of a specific threat of harm to Plaintiffs so as to create a duty of care.

The imposition of a duty on the part of The Citadel based upon a special relationship in this case is likewise consistent with South Carolina jurisprudence. In Bishop, the South Carolina Supreme Court, quoting Tarasoff v. Regents of University of California, 17 Cal.3d 425, 131

Cal.Rptr. 14, 551 P.2d 334 (1976), determined the Department had a special relationship with mother because the Department had custody and control of mother. Thus, the court determined if the Department knew or should have known a specific threat was made by mother, the Department had a duty to warn the threatened third party of mother's release. Notably, as to the Department's knowledge of a specific threat of harm, the court stated:

Although the Department's discharge summary stated mother related to the examiners she had no intention of hurting herself or her family and *mother did not make a specific threat of harm to her child while in the Department's custody*, the Department was *aware mother had made specific threats to harm victim in the past*. These threats were noted on the documents admitting mother into the custody of the Department. This knowledge was sufficient to trigger the Department's duty to warn victim of mother's release because a specific threat had been made by mother to harm a specific person.

Bishop, 331 S.C. at 88, 502 S.E.2d at 82 (emphasis added). Therefore, to trigger the duty to warn, the court found it sufficient that the Department merely had knowledge that mother had made specific threats *in the past*. In fact, the opinion notes that "mother did not make a specific threat of harm to her child while in the Department's custody." Id. Consequently, the court found the Department breached its duty to warn of mother's release.

The control and knowledge of the Department in Bishop is not unlike that of The Citadel, which demonstrated control over ReVille and awareness of specific acts of abuse against multiple boys in the past. In fact, given the foreseeability of future like conduct, as acknowledged by The Citadel's own witnesses and experts, the threat of harm was arguably even more apparent in the instant case. Here, as in Bishop, The Citadel's knowledge of the threat of harm posed by ReVille is sufficient to trigger The Citadel's duty to warn and/or report ReVille to law enforcement.

- d. The Citadel had a duty to report and to prevent the threat of harm by sexual abuse under the statutory duty exception pursuant to Title IX, the South

Carolina Mandatory Reporter Statute, the Jessica Horton Act, and the Cleary Act.

In South Carolina, the test for determining when a statute creates a duty of care and supports an action for negligence is (1) whether the statute's essential purpose is to protect from the kind of harm the plaintiff has suffered and (2) whether the plaintiff is a member of the class of persons the statute is intended to protect. Rayfield, 374 S.E.2d at 914 (deriving test from comparison of Clifford v. Southern Railway, 69 S.E. 513 (S.C. 1910) and Hutto v. Southern Railway, 84 S.E. 719 (S.C. 1915)). Accordingly, a statute may create a duty of care of which the violation of constitutes breach in a negligence action, which thereby establishes negligence per se. Rayfield, 374 S.E.2d at 915.

i. Title IX

The evidence set forth herein establishes that The Citadel had a statutory duty under Title IX to eliminate the threat of harm posed to Plaintiffs by ReVille and to prevent its recurrence. The Citadel's conduct in response to the 2007 report of child sexual abuse by ReVille violated this duty. Title IX of the Education Amendments of 1972 [Title IX], codified at 20 U.S.C. §§ 1681 et seq. and Title 34 Code of Federal Regulations Part 106, seeks to eliminate, with certain exceptions, discrimination on the basis of sex in any education program or activity² receiving Federal financial assistance. 20 U.S.C. § 1681; 34 C.F.R. § 106.1. Title IX bestows a remedial and affirmative action requirement on institutes of undergraduate higher education to take such remedial action as necessary to overcome the effects of such discrimination. 34 C.F.R. §

² Under Title IX, an education program recipient of Federal financial assistance means "any State or political subdivision thereof, or any instrumentality of a State or political subdivision thereof, any public or private agency, institution, or organization, or other entity, or any person, to whom Federal financial assistance is extended directly or through another recipient and which operates an education program or activity which receives such assistance, including any subunit, successor, assignee, or transferee thereof." 34 C.F.R. § 106.2(i). "Institutions" include those of higher education as defined by 34 C.F.R. § 106.2(l), (m), (n), and (o), which includes The Citadel as an institute of undergraduate higher education.

106.3(a). Therefore, Title IX's essential purpose to eliminate sex discrimination by definition seeks to protect other individuals from the possibility of sex discrimination. For eliminating known sexual discrimination, whether it be in the form of harassment or abuse, prevents the future sexual abuse of other individuals. Accordingly, the Plaintiff victims are members of the class of persons Title IX is intended to protect.

As early as 2000, the Office of Civil Rights [OCR] provided guidance to schools, including The Citadel, on their obligations under Title IX regarding complaints of sexual discrimination and harassment. (Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties ("OCR 2001 Guidance"), January 2001; see also DCL, April 4, 2011, <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.html>). The guidance disseminated by the OCR establishes the standards imposed on federal fund recipients, such as The Citadel, for Title IX compliance. For instance, OCR highlighted that the United States Supreme Court in Gebser v. Lago-Visa Indep. School Dist., 524 U.S. 274 (1998), expressly affirmed that schools must take remedial action to remedy the effects of the harassment on the victim. (Exhibit 32, OCR 2001 Guidance). Similarly, schools must "disseminate a policy against sex discrimination" and "adopt and publish grievance procedures providing for prompt and equitable resolution of sex discrimination complaints, including complaints of sexual harassment." (*Id.*).

The Citadel's own expert, Mr. Margolis, also put forth a presentation highlighting the requirements of Title IX, to include the definition of sexual harassment:

Sexual violence is a form of sexual harassment prohibited by Title IX.

- Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol

- An individual also may be unable to give consent due to an intellectual or other disability
- May include rape, sexual assault, sexual battery, and sexual coercion.

(Notebook 3 to Margolis Deposition, Margolis Healy PowerPoint, p. 7).

In 2007, as referenced above, The Citadel disseminated policies against sex discrimination and harassment that governed its actions regarding Doe's complaint of ReVille's sexual abuse. (Exhibit 21, Memorandum Number 4; Exhibit 22, Memorandum Number 51; Exhibit 23, General Procedures for Conducting Formal Investigations of Sexual Harassment Complaints). Title IX requires schools to designate at least one employee to coordinate compliance with the regulations implementing Title IX. (Exhibit 32, OCR 2001 Guidance). Despite President Rosa himself bringing in Janet Shealy as the Citadel's Sexual Assault Response Coordinator in 2006, neither he nor any other Citadel administrator referred the ReVille sexual abuse claims to Ms. Shealy. (Exhibit 29, Rosa Deposition, July 29, 2013, p. 29, 83).

Title IX also requires that if the school knows, or even reasonably should know, of sexual harassment, the school is responsible for taking immediate effective action to eliminate the hostile environment and prevent its recurrence. (Exhibit 32, OCR 2001 Guidance). Even if the school does not learn of the sexual harassment from the victim but from some other source, the school violates Title IX if it fails to take "immediate and effective corrective action." (OCR 2001 Guidance). Gary Margolis, Defendant's own expert, has acknowledged the importance of the requirement to take immediate action regardless of whether the complaint comes from the victim, a parent, or a third party. (Exhibit 33, Notebook 3 to Margolis Deposition, Margolis Healy PowerPoint, p. 12). The OCR further instructs that "if harassment has occurred, doing nothing is always the wrong response." (Exhibit 32, OCR 2001 Guidance).

Title IX further emphasizes a school's duty to respond promptly to allegations of harassing conduct or possible criminal conduct, noting:

In some instances, a complainant may allege harassing conduct that constitutes both sex discrimination and possible criminal conduct. Police investigations or reports may be useful in terms of fact gathering. However, because legal standards for criminal investigation are different, police investigations or reports may not be determinative of whether harassment has occurred under Title IX and DO NOT relieve the school of ITS DUTY to respond promptly.

(Exhibit 32, OCR 2001 Guidance) (emphasis added). As emphasized by OCR, the prompt response contemplated by Title IX requires "taking effective corrective actions to stop the harassment, prevent its recurrence, and remedy its effects on the victim." (Exhibit 32, OCR 2001 Guidance; Exhibit 33, Margolis Healy PowerPoint, p. 12). Thus, in addition to taking action to stop the harassment or sexual violence and prevent its recurrence, Title IX recipients, such as The Citadel, are required to provide victim assistance.

The fact-finder in this case will have little to no difficulty determining that The Citadel did nothing to rehabilitate or assist Camper Doe, as is required by Title IX, and instead acted to conceal his complaint of sexual abuse. Moreover, The Citadel took no action in response to Doe's third party complaint of sexual abuse as to the two former campers who were presently residing on campus as Citadel Cadets. In fact, The Citadel entirely ignored the fact that ReVille, who was still on campus on April 24, 2007, may have still been abusing, harassing or otherwise creating a hostile environment for these cadets. Instead, the evidence establishes The Citadel intentionally neglected its Title IX duties in favor of concealing the allegations and its knowledge of ReVille's dangerous propensities. The Citadel's motives were self-serving, and as a former member of President Rosa's staff who lived through this ordeal testified:

Q. Looking back on the period of time when you were working within the President's office....do you believe that President Rosa was indifferent towards

concerns that he should have been worried about; for example, other victims who may be abused?

Mr. Kovach: Objection.

A. Yeah, I do think he was indifferent to it.

(Exhibit 30, Shiel Deposition, p. 49-50).

The Citadel's failure to abide the duty of care established by Title IX is further evinced in its decision to extend the responsibility for investigating the 2007 complaint to the Citadel's General Counsel. Title IX specifically requires an impartial investigation, and The Citadel's own expert agrees that college attorneys are not impartial parties for purposes of a Title IX investigation. (Exhibit 7, Margolis Deposition, p. 124-125; Exhibit 33, Margolis Healy PowerPoint, p. 19). What's more, the only outside entity permitted by the Citadel to have knowledge of the complaint and the investigative process was its insurer, the South Carolina Insurance Reserve Fund ("IRF"). (Exhibit 20, Brandenburg Deposition, p. 169, 190-191). The Citadel's decision to involve the IRF in the investigation was in direct violation of OCR's caution against using insurance company investigations to guide the school's response to complaints of sexual abuse or harassment, because, as OCR explains, "[t]he purpose of an insurance investigation is to assess liability under the insurance policy, and the applicable standards may well be different than those under Title IX." (Exhibit 32, OCR 2001 Guidance). The Citadel's use of the General Counsel to "investigate" the child sexual abuse and its involvement of the IRF in the investigation directly violates Title IX and the duty of care provided by the OCR and the statutory scheme.

Defendant's own expert even conceded that The Citadel's response to the 2007 complaint violated Title IX:

Q: when Doe made a third-party complaint as to eyewitness Doe and the six others who were abused the year before, The Citadel's duty under Title IX requiring it to take immediate action to eliminate the harassment, prevent its recurrence, and address its effects applied to the many others, not just Doe, correct?

A: Correct.

* * *

Q: You would agree with me that the Title IX coordinator at The Citadel didn't oversee those allegations and the investigation of them by Mark Brandenburg, correct?

A: That is correct.

Q: That would be a violation of Title IX, correct?

A: It would be a violation of this, correct.

(Exhibit 7, Margolis Deposition, Vol. I, 308:8-16; 309:11-20).

In light of the foregoing, The Citadel's actions in response to the 2007 report of child sex abuse violated the duty of care established by Title IX, and its breach of the duty constitutes negligence per se and common law negligence under the statutory duty exception reiterated in Faile and Marion.

ii. South Carolina Mandatory Reporter Statute

While Doe v. Marion declined to find a private right of action under South Carolina's Mandatory Reporter Statute, S.C. Code § 63-7-310(A), for the failure of a physician to report suspected child sexual abuse, the intentional failure of The Citadel to report the 2007 allegations of child sexual abuse created the risk of harm to plaintiffs by preventing the mechanisms established by the legislature in enacting § 63-7-310 to prevent child sexual abuse. See id. 373 S.C. at 398-99, 645 S.E.2d at 249-50. The Citadel Public Safety are mandatory reporters of child abuse pursuant to S.C. Code § 63-7-310(A), and as such, The Citadel assumed a duty to report

Doe's 2007 complaint of child sexual abuse regarding ReVille. Section 63-7-310(A) provides, in relevant part:

(A) A physician, nurse, dentist, optometrist, medical examiner, or coroner, or an employee of a county medical examiner's or coroner's office, or any other medical, emergency medical services, mental health, or allied health professional, member of the clergy including a Christian Science Practitioner or religious healer, school teacher, counselor, principal, assistant principal, school attendance officer, social or public assistance worker, substance abuse treatment staff, or childcare worker in a childcare center or foster care facility, foster parent, *police or law enforcement officer*, juvenile justice worker, undertaker, funeral home director or employee of a funeral home, persons responsible for processing films, computer technician, judge, or a volunteer non-attorney guardian ad litem serving on behalf of the South Carolina Guardian Ad Litem Program or on behalf of Richland County CASA *must report in accordance with this section when in the person's professional capacity the person has received information which gives the person reason to believe that a child has been or may be abused or neglected as defined in Section 63-7-20.*

(B) *If a person required to report pursuant to subsection (A) has received information in the person's professional capacity which gives the person reason to believe that a child's physical or mental health or welfare has been or may be adversely affected by acts or omissions that would be child abuse or neglect if committed by a parent, guardian, or other person responsible for the child's welfare, but the reporter believes that the act or omission was committed by a person other than the parent, guardian, or other person responsible for the child's welfare, the reporter must make a report to the appropriate law enforcement agency.*

S.C. Code Ann. § 63-7-310 (formerly cited as 20-7-510).

A plain reading of the statute reveals that regardless whether The Citadel and its administrators are, by definition, mandatory reporters, "police" and "law enforcement officer[s]" unequivocally are mandatory reporters. This fact is confirmed by the current head of Citadel Public Safety, Colonel William Fletcher, who clarified that Citadel Public Safety are "certified" law enforcement officers. (Exhibit 34, Deposition of Fletcher, p. 17:14-18). Therefore, if The Citadel had reported the sexual abuse to Citadel Public Safety, as required by the Serious Incidents policy outlined above, Citadel Public Safety was required to contact the Charleston Police or SLED who would have investigated the matter and arrested ReVille. See S.C. Code §

63-7-410. However, the evidence leads to the reasonable inference that The Citadel deliberately chose not to involve Citadel Public Safety in order to prevent inevitable disclosure by law enforcement of child sex abuse by a Citadel employee on the Citadel campus. Indeed, Chief Fletcher acknowledged that in 2007, he could not have alerted SLED unless the allegation was reported to him. (Exhibit 34, Fletcher Deposition, p. 23:8-17). The intentional failure of The Citadel to report the 2007 complaint of child sexual abuse created the risk of harm to plaintiffs by preventing the mechanisms established by the legislature in enacting § 63-7-310 to prevent child sexual abuse.

iii. Jessica Horton Act

The Jessica Horton Act, S.C. Code Ann. § 59-154-10, effective June 6, 2007, requires notification to SLED by campus police of "a report alleging that an act of criminal sexual conduct has occurred on the property of the institution." In particular, the Act provides:

(B) The chief of the campus police of an institution of higher learning, or his designee, immediately shall notify the State Law Enforcement Division 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.

(C) Upon notification, the State Law Enforcement Division shall participate in a joint investigation of the death or alleged act of criminal sexual conduct. In the case of a death, the State Law Enforcement Division shall lead the investigation. In the case of an alleged act of criminal sexual conduct, the campus police shall lead the investigation.

S.C. Code Ann. § 59-154-10.

Here, Brandenburg specifically testified that the Horton Act applied to Doe's report and that he, along with President Rosa and Colonel Trez, is an "official of the institution" for purposes of the Act. (Exhibit 20, Brandenburg Deposition, Vol. I, p. 180-181). Brandenburg

likewise conceded that the allegations reported by Doe alleged criminal sexual conduct. (Exhibit 20, Brandenburg Deposition, Vol. I, p. 184-185, agreeing Horton Act applied to July 1, 2007 statement). Thus, the Horton Act, which was in effect after Doe's July 1, 2007 statement containing additional allegations and identification of victims, imposed a duty on The Citadel to notify SLED and to participate in a joint investigation. This action was not taken.

Furthermore, Chief Fletcher testified that he would have notified SLED pursuant to the Horton Act if he had been informed of the 2007 report. (Exhibit 34, Fletcher Deposition, p. 18-19). As noted, however, the evidence leads to the reasonable inference that The Citadel deliberately chose not to inform Citadel Public Safety in order to prevent disclosure to law enforcement. As above, the intentional failure of The Citadel to inform Citadel Public Safety of the 2007 complaint created the risk of harm to plaintiffs by preventing the mechanisms established by the legislature in enacting § 59-154-10 to prevent sexual abuse.

iv. Clery Act

Additional evidence of The Citadel's intentional concealment of the 2007 child sex abuse complaint is its failure to include the complaint in The Citadel's report of crime statistics for the 2007 time frame, pursuant to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. § 1092 (f). The General Counsel's own documents show that he was responsible for The Citadel's reporting obligations under the Clery Act and, accordingly, knew, or should have known, the law. (Exhibit 35, Email from Jennifer Shiel, October 24, 2007, including list of Mr. Brandenburg's files to include Clery Act Report- 2007, p. 11). The Clery Act requires an annual security report that contains crime statistics "for the three most recent calendar years concerning the occurrence on campus, in or on non-campus buildings or property, and on public property" of a list of crimes "that are reported to local police agencies

or to a campus security authority.” 34 C.F.R. § 668.46. Sex offenses, forcible and non-forcible are included. Id. 34 C.F.R. § 668.46(c)(2) also requires that “an institution must record a crime statistic in its annual security report for the calendar year in which the crime was reported to campus security”—rather than the year crime occurred.

However, The Citadel did not include the child sex abuse complaint in the 2007 report. Nor did it report the 2007 child sex abuse complaint to any law enforcement entity, thereby also preventing the trigger of any duty to report pursuant to the Clery Act. As above, The Citadel’s concealment of the 2007 complaint created the risk of harm to plaintiffs by preventing the disclosure of sex offenses and crime statistics in violation of 20 U.S.C. § 1092 (f).

e. The Citadel owed a common law duty to Plaintiffs under the exception for negligently or intentionally creating the risk.

Defendant will maintain that The Citadel is not liable for Plaintiffs’ injuries and damages under the statutory exception to the waiver of governmental immunity for “an act or omission of a person other than an employee including but not limited to the criminal actions of third persons.” S.C. Code Ann. § 15-78-60(20). However, any argument as to this exception is unpersuasive. The fact that ReVille, as a third party, sexually abused the Plaintiffs does not affect the common law duty The Citadel owed to Plaintiffs to not negligently or intentionally create the risk that ReVille would commit acts of sexual abuse against them. See Madison ex rel Bryant, 638 S.E.2d at 660 (holding facts that independent contractor directly provided services to plaintiff or that third party committed criminal act against plaintiff did not affect the government’s common law duty to plaintiff to exercise reasonable care in supervising and providing appropriate care to plaintiff).

Particularly instructive on the issue of duty of care in this context is Greenville Memorial Auditorium v. Martin, 391 S.E.2d 546, 547 (1990). There, the plaintiff claimed that a public auditorium was negligent in adequately securing and maintaining its premises during a concert where the plaintiff was injured by a bottle thrown by an unknown individual from the auditorium's balcony. The Court held that the exception to the waiver of immunity for a loss resulting from the act or omission of a person other than an employee did not apply, because Martin did not allege the auditorium was liable for the third party's actions. Id.; S.C. Code § 15-78-60(20). Rather, the complaint alleged that the auditorium was liable for its own negligence in creating a reasonably foreseeable risk of such third party conduct. In upholding the jury verdict for the plaintiff, the Supreme Court reasoned:

[The auditorium] cannot successfully defend that [plaintiff's] injuries were caused by the wrongful criminal act of a third party, where the very basis upon which [the auditorium] is claimed to be negligent is that [it] created a reasonably foreseeable risk of such third party conduct.

Id. at 547-548.

As in Martin, The Citadel is liable for its own negligence in creating a reasonably foreseeable risk of sexual abuse by ReVille. Specifically, The Citadel's deliberate concealment of its knowledge of ReVille as a child molester, which began as early as 2001 and extended until ReVille's arrest in 2011, included repeatedly ignoring known acts of abuse at the Citadel Summer Camp, directing ReVille to "lay low" and permitting ReVille to leave The Citadel with no record of the 2007 complaint or prior abuses, created the reasonably foreseeable risk that ReVille would continue to sexually abuse boys. Additionally, alerting ReVille to the allegations on April 24, 2007, served to create and exacerbate the risk of harm to Plaintiffs by allowing ReVille to revise his tactics so as to better allay suspicions and escape detection.

The evidence also establishes that Citadel leaders, including President Rosa, who had a wealth of experience dealing with sexual harassment and abuse, were well aware that sexual predators continue to abuse and pose a threat to the community. (Exhibit 36, Culture Change at Air Force Academy, October 14, 2003, regarding sexual assault reporting policies implemented by Rosa at the U.S. Air Force Academy; Exhibit 29, Rosa Deposition, Vol. I, p. 168:7-169:13; Exhibit 28, Trez Deposition, p. 54:23-25). The Citadel's own expert further confirms that ReVille had a propensity to abuse victims within a discrete class of society, calling him a preferential child molester, and even opining as to the foreseeability that ReVille would continue molesting boys once he left Citadel campus. (Exhibit 7, Margolis Deposition, p. 19-20; 188).

Thus, The Citadel's own negligence allowed ReVille to remain undetected in the Charleston community as a decorated Citadel alumnus and former employee using his unblemished record at The Citadel to gain continued employment with children. The Citadel's conduct created the reasonably foreseeable risk that the Plaintiff victims would be abused by ReVille. The overwhelming evidence, therefore, establishes that The Citadel is liable for its own conduct in negligently and intentionally concealing a known child sexual predator and in failing to take the required action—actions required by Citadel policy and state and federal law—to report ReVille to law enforcement and put an end to the abuse.

B. SUMMARY JUDGMENT ON THE ISSUE OF A SINGLE OCCURRENCE IS IMPROPER AND PREMATURE.

Another critical factual dispute at issue concerns the determination of the number of "occurrences" of negligence by The Citadel under the South Carolina Tort Claims Act ("SCTCA"). Defendant maintains that the instant matter involves only one single occurrence, limiting Plaintiffs' damages to the \$300,000/\$600,000 limit of the SCTCA. The Citadel's

position is grossly misguided. Importantly, to the extent the determination of the number of "occurrences" requires a finding of proximate cause, the issue is one of fact not appropriately resolved at summary judgment. See Hurd v. Williamsburg Cnty., 363 S.C. 421, 427-28, 611 S.E.2d 488, 492 (2005) ("Ordinarily, the question of proximate cause is one of fact for the jury and the trial judge's sole function regarding the issue is to inquire whether particular conclusions are the only reasonable inferences that can be drawn from the evidence."); see also Chastain v. AnMed Health Found., 388 S.C. 170, 174, 694 S.E.2d 541, 543-44 (2010) (affirming verdict reduction where jury was not instructed on issue of occurrences and number of occurrences could not be ascertained from jury verdict). Nonetheless, contrary to Defendant's assertion, the evidence set forth herein reveals numerous separate and distinct acts of negligence warranting a finding of multiple occurrences in this case.

a. A finding of multiple occurrences is supported by the SCTCA's statutory scheme and by South Carolina jurisprudence.

The limitations on liability imposed by the SCTCA are found in Section 15-78-120, which provides, in part, that "no person shall recover in any action or claim brought hereunder a sum exceeding three hundred thousand dollars because of loss arising from a single occurrence regardless of the number of agencies or political subdivision involved." S.C. Code § 15-78-120(a)(1). The SCTCA defines "occurrence" as "an unfolding sequence of events which proximately flow from a single act of negligence." S.C. Code § 15-78-30(g). That the SCTCA contemplated recovery against a single entity for multiple occurrences is demonstrated in the statute's use of the term "single act of negligence" in defining "occurrence." If the legislature sought to impose a limit based on whether a plaintiff had brought a single claim or had suffered a single injury, it could have employed such language in expressing the limit in § 15-78-120(a)(1)

or in defining "occurrence" in § 15-78-30(g). It did not. Instead, the legislature chose to limit liability in the SCTCA by using the term "occurrence" and by defining that term by focusing on each negligent act from which proximately flowed an unfolding sequence of events giving rise to the claim or action.

South Carolina courts similarly interpret the SCTCA as permitting recovery for multiple occurrences. Specifically, in Boiter v. S. Carolina Dep't of Transp., 393 S.C. 123, 132, 712 S.E.2d 401, 405 (2011), the South Carolina Supreme Court addressed the issue of occurrences where two separate entities were accused of committing two separate and distinct acts of negligence causing the plaintiff's injury. Relying on the statutory scheme's focus on "wrongful act" as opposed to injury, the Boiter court found multiple occurrences based on two independent acts of negligence. Id. In so finding, the Court specifically rejected respondent's argument equating the number of occurrences with the number of injuries sustained. Id. at 133-34, 712 S.E.2d at 406. Rather, the Boiter court focused on the number of independent and separate acts of negligence. Id. at 134. In other words, as applied in Boiter, the SCTCA dictates a finding of multiple "occurrences" where multiple independent acts of negligence are found to proximately cause an injury. Id.

Also instructive is Williamson v. South Carolina Insurance Reserve Fund, which involved occurrences of negligence as to two different physicians who examined the plaintiff during childbirth and failed to take necessary steps at different times during the delivery to prevent harm to the child. See 355 S.C. 420, 422, 586 S.E.2d 115, 116 (2003). The circuit court found two occurrences had been established for purposes of the SCTCA because the negligent acts of each doctor were entirely independent and not the result of the other doctor. See id. at 423, 586 S.E.2d at 116. Although the Supreme Court declined to address the issue of

occurrences on appeal, the circuit court's holding is nonetheless instructive. Cases in other jurisdictions similarly find multiple occurrences by a single government entity. See Brooks v. Memphis & Shelby County Hosp. Auth., 717 S.W.2d 292 (Tenn. App. 1986) (finding two occurrences when one employee negligently failed to prevent patient from falling off a stretcher and a second employee negligently administered an overdose of medication, resulting in patient's death).

Here, as in Boiter, this is a case of multiple occurrences. In particular, Plaintiffs have alleged, and Citadel witnesses and experts have admitted, multiple separate acts of negligence resulting in Plaintiffs' injuries. Notably, The Citadel's independent acts of gross negligence span a period of ten years beginning in 2001 and extending all the way to 2011. Throughout this period, the evidence revealed in discovery has established numerous independent acts of negligence by numerous employees, agents, and officials of The Citadel, including General Rosa, Mark Brandenburg, Colonel Trez, Colonel Lackey, Major Bates, Jennifer Garrott, and the Board of Visitors. These Citadel officials, employees, and/or agents engaged in reckless and wrongful neglect of their duties and of Citadel policies and procedures as well as state and federal law and failed, on hundreds of occasions between 2001 and 2011 to make any report to law enforcement, Citadel Public Safety, The Citadel Title IX Coordinator, child protective services, or to employers about ReVille. As discussed below, these actions did not combine to form one single occurrence of negligence. Rather, the separate and distinct acts of negligence by The Citadel and its officials, employees and/or agents from 2001 to 2011, as in Boiter, constituted separate occurrences of negligence as contemplated by the SCTCA.

- b. The evidence establishes multiple separate "occurrences" of negligence by The Citadel, entitling Plaintiffs to recovery of the limit of liability for each separate occurrence.**

The evidence reveals that in 2001, 2002, 2003, 2005 and 2007, The Citadel had numerous opportunities to put an end to ReVille's abuse by reporting him to law enforcement. It neglected this opportunity on countless occasions, each resulting in a separate occurrence of negligence. Specifically, as early as August 6, 2001, The Citadel was in receipt of a letter from Sergeant Middleton of the Charleston Police Department which highlighted several concerning practices occurring at The Camp, including that "[s]ome of the counselors are allowing certain campers to leave their rooms . . . to go into camp counselor's room[s], watch movies, and fall asleep in the same bed with counselors until the following morning." (Exhibit 37, Middleton Letter, August 6, 2001). The letter also noted that "[s]ome of the counselors engage in sexual conversation in the presence of the campers." (Exhibit 36). Notably, upon receipt of this letter, The Citadel took no action whatsoever. Indeed, ReVille has admitted to abusing nearly eight campers during the 2001 Summer Camp. To do so, he lured campers into his room at night with food and movies—the very practice highlighted in Middleton's letter. (Exhibit 38, ReVille Affidavit, Sept. 20, 2013). Had The Citadel taken action in response to Sergeant Middleton's letter, whether by interviewing counselors and campers or by implementing various safety practices such as random and frequent room checks, ReVille's sexual abuse would have been discovered or, in the alternative, ReVille would have stopped having campers in his room for fear of being caught and fired. (Exhibit 38, ReVille Affidavit, Sept. 20, 2013).

Consistent with the lack of response to Sergeant Middleton's letter, The Citadel failed to take any action in response to ReVille's 2001 "Counselor Evaluation" which notes that ReVille was "senior counselor material if learns to *distance himself from campers*." (Exhibit 4, 2001

Counselor Evaluation). The Citadel's failure to take action in response to red-flags regarding ReVille continued throughout 2002 and 2003 as well.

In 2002, Camp Director Jennifer Garrott walked in on ReVille with a camper alone in his room, a violation of Camp policy warranting termination. (Exhibit 38, ReVille Affidavit, Sept. 20, 2013). Garrott took no action in response ReVille's policy violation, neglecting to even document the offense in ReVille's employment file. In 2003, Director Garrott again walked in on ReVille alone with a minor, Camper Doe 6, and ReVille was rubbing "Icy-Hot" on Doe 6's leg. Garrott took no action and Camper Doe 6 was abused by ReVille shortly thereafter. (Exhibit 38, ReVille Affidavit, Sept. 20, 2013). Also in 2003, Garrott's assistant spoke to ReVille four to five times about having minors alone in his room; however, no further action was taken. Colonel Lackey similarly received a report from a counselor that ReVille was having minors in his room. On none of these occasions was ReVille terminated, nor were the infractions documented in ReVille's file, despite camp policies and procedures requiring such action. (Exhibit 38, ReVille Affidavit, Sept. 20, 2013). Instead, ReVille was permitted to continue serving as The Camp's Senior Counselor entrusted with the responsibility of the safety and well-being of the very boys he was abusing.

In 2005, The Citadel neglected yet another opportunity to put an end to ReVille's abuse when Director Garrott, knowing Camper Doe 6 was about to report ReVille, terminated him instead of receiving the report of sexual abuse Doe 6 was prepared to make. (Exhibit 9, Deposition of Camper Doe 6, p. 142-144). By failing to act in accordance with its policies, duties and accepted professional standards, The Citadel provided ReVille the mechanisms that enabled him to pursue his pedophile activities. (Exhibit 28, Deposition of Col. Trez, Vol. I, p. 154-55, agreeing that The Citadel provided ReVille the mechanisms that enabled him to pursue

his pedophile activities). On each of these separate occasions, The Citadel acted recklessly, negligently and wantonly in failing to perform the duties undertaken by its policies and by accepted professional standards.

As to the April 23, 2007 report of sexual abuse by Camper Doe, The Citadel could have put an end to ReVille's abuse by simply adhering to its own policies and the requirements of state and federal law regarding mandatory reporting of sexual abuse to law enforcement. This simple act would have resulted in an investigation by trained professionals and a conviction. (Exhibit 39, ReVille Guilty Plea, Scarlett Wilson Testimony). ReVille even stated he would have confessed to the multiple acts of sexual abuse if interviewed by law enforcement in 2007. (Exhibit 40, ReVille Affidavit, Sept. 20, 2013). However, The Citadel's negligence does not end there.

The very next day after the report of sexual abuse by Doe, Brandenburg and Colonel Trez met with ReVille on The Citadel campus and alerted him of the allegations. Notice of the allegations not only gave ReVille an opportunity to revise his tactics to remain undetected, it also allowed him to contact two of the victims referenced in Doe's report and urge them to pledge their silence if questioned by Brandenburg. These victims, who happened to be current cadets on The Citadel campus, were former campers abused by ReVille at the Citadel Summer Camp. Notably, Brandenburg neither spoke with nor interviewed these cadet victims. (Exhibit 20, Brandenburg Deposition, Vol. I, p. 139-140, 142, 144).

In addition to alerting ReVille of the allegations, The Citadel engaged in a deliberate attempt to cover-up the matter. Specifically, Jennifer Shiel, Assistant to Mark Brandenburg in 2007, has testified that there was a concerted effort to cover up Doe's report of sexual abuse regarding ReVille from the very beginning. (Exhibit 30, Shiel Deposition, January 21, 2014, pp.

36:9-20; 46:12-20). Her testimony reveals that the cover up was instituted by President Rosa and the matter was labeled "close hold":

Q. And during the time period from when the report was made until the time that you left the Citadel, having lived through it, do you believe there was a conscious effort to cover up or conceal this report of sexual abuse?

[Mr. Kovach: Objection.]

A. Yes.

Q. And was President Rosa in charge ultimately of making sure that this report was concealed and covered up?

[Mr. Kovach: Objection.]

A. In my opinion, yes.

* * *

Q. Having worked in the President's office during this time period, was there ever any doubt in your mind that President Rosa wanted this report of sexual abuse to be kept under wraps?

[Mr. Kovach: Objection.]

A. No. It was very clear that the term that was used about it was "close hold." I mean only people that needed to know about it were supposed to know about it. That was it.

(Exhibit 30, Shiel Deposition, p. 46:12-20). The Citadel's negligent acts in effecting a cover-up extends to each independent actor who neglected their duties to report and to warn by colluding in the cover up. These include President Rosa, Mark Brandenburg, Colonel Trez, and others within the chain of command who were aware of the report of sexual abuse and failed to take the necessary action mandated by Citadel policies and by state and federal law.

In furtherance of the cover-up, The Citadel permitted ReVile to leave Citadel employment with no record of the sexual abuse; endorsed ReVile as an educator and coach in the Charleston community; allowed ReVile to continue trading on his reputation at the Citadel

to secure continued employment with children; and allowed ReVile to remain at large preying on and sexually abusing the Plaintiffs and other boys despite the foreseeability of continued child sexual abuse by ReVile. Each of these actions in derogation of The Citadel's duties as a state actor, standing alone, constitute a separate occurrence of negligence giving rise to the abuses suffered by Plaintiffs.

That these numerous separate negligent acts caused the injuries suffered by Plaintiffs is supported by Defendant's own expert witness testimony. In fact, Defendant's expert, Gary Margolis, opined as to the foreseeability that a child sexual predator such as ReVile will continue to abuse children where he works:

Q. Do you agree with me, Dr. Margolis, that child sexual predators create risk of harm to children in their communities?

A. Yes, sir. I do.

Q. And why?

A. They pose a risk to the health and safety of children.

Q. If a child sexual predator is accused of abusing 11-to-15-year-old boys in the past, in your opinion, is it foreseeable that he will abuse 11-to-15-year-old boys near where he lives and works in the future?

A. Again, based on my law enforcement experience, not any psychological experience as such, I would agree with that, more likely than not, it would.

Q. Would you agree, based on your law enforcement experience and your academic background and education, that if you became aware in 2007 that a man has sexually abused children in 2002 and 2003 at a summer camp where he worked, would you agree that it would be foreseeable that any victims he was to have from 2004 through 2007 and 2007 through 2011 would occur where he worked and spent his time?

A. I would agree that it would predispose me to believe that he would be offending again and would have offended again.

(Exhibit 7, Margolis Deposition, Vol. I, p. 18-19). Mr. Margolis further opined that an individual accused of sexually abusing minors in the past is a current threat to children wherever he goes:

Q. Would you agree with me that if you were notified that an individual had sexually abused a minor on campus five years previously, and that individual is currently on campus, and that there are minors on campus when that report comes in five years later, that that person poses a threat to the campus?

A. I would agree with you, yes.

Q. And when that individual leaves the campus, he's a threat to minors wherever he goes off campus, correct?

A. I would agree that that's a reasonable assumption.

(Exhibit 7, Margolis Deposition, Vol. I, p. 19-20). Margolis likewise admits that another investigator looking at the facts presented could conclude that there was a cover up. He further admits that his investigation did not uncover any evidence that Defendant and others at The Citadel did not engage in a cover up of ReVille's sexual abuse:

Q. [C]an you point me to any evidence that The Citadel did not engage in a cover-up to make sure that Skip ReVille's name appeared nowhere with regard to any allegations that Doe had made?

A. In terms of the civil defense sheets that were created?

Q. In terms of anything.

A. I cannot.

(Exhibit 7, Margolis Deposition, Vol. I, p. 109:7-13, 278:17-25, 279:2-3).

In sum, each of the separate and distinct negligent acts and/or omissions of The Citadel outlined herein, standing alone, are a proximate cause of the injuries and losses suffered by Plaintiffs, constituting numerous separate occurrences as contemplated by S.C. Code Ann. §§ 15-78-30(g) and 15-78-120. Furthermore, in addition to the independent acts of gross negligence

above, each day The Citadel actively concealed the known allegations and other knowledge of ReVille's sexual abuse constitutes separate and distinct negligent acts and/or omissions giving rise to hundreds of occurrences as contemplated by S.C. Code § 15-78-120.

Thus, when the SCTCA is applied to the evidence in this case, the following is clear: (1) multiple separate and distinct acts of neglect were committed by The Citadel and its officials, agents and/or employees from 2001-2011; and (2) each of these acts resulted in a separate occurrence--i.e., an "unfolding sequence of events which proximately flow from a *single act of negligence*." S.C. Code § 15-78-120 (emphasis added). Consequently, Plaintiffs' total limit on liability as contemplated by the SCTCA is \$300,000/\$600,000 multiplied by the number of occurrences.³ Accordingly, summary judgment on the issue of a single occurrence is not

³ Plaintiff has identified at least thirty-three separate occurrences of negligence as pleaded in the complaint and proven by the evidence. These include: 1) Failing to close the Summer Camp upon learning of the Arpaio allegations in 2001; 2) Failing to interview all campers after the Arpaio allegations in 2001 to determine whether any campers were abused by any counselors, including ReVille; 3) Failing to take any action in response to Sgt. Middleton's August 6, 2007 letter highlighting concerning practices at The Camp (deposition testimony by Margolis and Shapiro confirm this action should have been taken). 4) Allowing The Camp to operate from 2001 to 2005 without enforcing sufficient supervision and safety measures post-Arpaio to prevent to their best ability abuses by a child sexual predator, including failing to ensure the methods used by Arpaio to carry out his abuse (having minors alone in his room) were not capable of being repeated; 5) Failing to interview all campers after learning that ReVille needed to "distance himself from campers" in 2001 to determine whether ReVille had been inappropriate with them in any manner; 6) Failing to reprimand, terminate, document or take any otherwise appropriate preventative action in 2002 when ReVille was caught alone in his room with a camper contrary to Citadel policy; 7) Failing to reprimand, terminate, document or take any otherwise appropriate preventative action in 2003 when ReVille was caught alone in his room with Camper Doe 6 rubbing "Icy Hot" on the minor's leg contrary to Citadel policy; 8) Failing to take Camper Doe 6's report in 2005 and failing to take any action to frustrate ReVille's ability to continue abusing children despite knowledge that Camper Doe 6 was abused and was attempting to report ReVille; 9) Failing to report ReVille's 2002 and 2003 abuse after adopting and implementing the Summer Camp Policy Regarding Sexual Misconduct issues, which emphasized the lack of time period restrictions regarding reporting and mandated that all sexual misconduct allegations be reported; 10) Failing to exercise slight care in reviewing and analyzing the Citadel policies, procedures and guidelines applicable to Garrott's discovery in 2002 and 2003 of ReVille alone in a room with a minor and failing to ascertain the appropriate action mandated by those policies, including termination, reprimand, internal documentation of the violation and reporting of the abuse to law enforcement; 11) Failing to check ReVille's references at Pinewood Prep prior to hiring ReVille for the 2006-2007 school year as such a call would have revealed the reasons for ReVille's termination—

inappropriate conduct with minors—and such would have been an immediate red flag on April 23, 2007; 12) Failing to immediately report Doe's call on April 23, 2007 to Citadel Public Safety, the Charleston Police or SLED (See Exhibit 41, Deposition of Patricia Kinard, p. 30:9-20; 13) Referring Doe's call on April 23, 2007 to Mark Brandenburg instead of reporting to Colonel Trez and Citadel Public Safety; 14) Failing to report to Colonel Trez, Citadel Public Safety and other law enforcement authorities after Mark Brandenburg spoke with Doe and his father on April 23, 2007; 15) Failing to report Doe's complaint alleging improper and immoral conduct to Citadel Public Safety, pursuant to Citadel policy, after Trez was informed of the allegations; 16) Failing to follow Citadel policies and procedures requiring the disclosure of Doe's complaint of sexual abuse to the Title IX coordinator and/or SARC, who was required to file an anonymous report of the allegations; 17) Establishing a close-hold policy regarding Doe's complaint with the goal of keeping the complaint from leaking outside the chain of command to individuals required to report the allegations to law enforcement and child protective services; 18) Filtering the complaint to a settlement matter with a focus on clocking the statute of limitations; 19) Failing to conduct a thorough and impartial investigation (see Exhibit 42, Addison Deposition, p. 113-115—"I don't know if Brandenburg investigation was gross incompetence or trying to corroborate....his investigation was pathetically bad."); 20) Meeting with ReVile on April 24, 2007, and alerting him to the allegations prior to law enforcement involvement; 21) Advising ReVile to "lay low;" 22) Failing to contact Pinewood Prep after learning from Jenni Garrot that "Skip was asked to leave Pinewood Prep" and that the reason for his termination was likely inappropriate conduct with children (see Brandenburg notes and Exhibit 20, Brandenburg Deposition, p. 115:3-9, "...she looked at me like, oh goodness, could this be another Arpaio case? Which, of course, is exactly what we were worried about."); 23) Failing to report to Colonel Trez and Citadel Public Safety the abuse of eyewitness Doe or the other campers referenced in Doe's report after learning, between April 23, 2007 and May 1, 2007, that the eyewitness and others who were abused were cadets on the Citadel campus in 2007; 24) Failing to take appropriate action to investigate the allegations against eyewitness Doe and the many others by neglecting to take any action other than sending an email to these victims (See Exhibit 20, Brandenburg Deposition at 151-152); 25) Failing to immediately report the allegations to public safety when Rosa received the May 16, 2007 letter informing him of the abuse and the existence of many other victims or, in the alternative, failing to exercise slight care in carrying out his official duties by neglecting to read his mail; 26) During the May 2007 Board of Visitors meeting, each board member was grossly negligent in failing to ask a single question about the allegations, Brandenburg was negligent in not informing the Board of the details of Doe's report, and President Rosa was negligent in failing to correct Brandenburg to ensure the Board was aware of all allegations including the allegations implicating many other victims; 27) Failing to report to law enforcement or take any action with regard to eyewitness Doe and other involved campers after taking Doe's July 1, 2007 statement containing new information identifying these victims by name and photograph; 28) Failing to document and update ReVile's personnel file with Doe's allegations as to Doe, eyewitness Doe and the many others; 29) Failing to inform employers who were conducting background checks or reference checks on ReVile; 30) Failing to investigate whether ReVile was working around children after 2007; 31) Defendant Garrott was grossly negligent and deliberately indifferent to ReVile's abuse in failing to inform Brandenburg during or after their meeting on April 24, 2007, of ReVile's inappropriate acts and sexual misconduct in 2001, 2002 and 2003 and in failing to inform him of Camper Doe 6's attempt to report in 2005, or in the alternative, Garrott did inform Brandenburg about the 2001, 2002, 2003 and 2005 incidents, and he ignored or concealed the information; 32) Failing to exercise slight care in reviewing and analyzing the Citadel policies, procedures and guidelines applicable to the April 23, 2007 report and the July 1, 2007 statement as to Doe, eyewitness Doe and the many others, and failing to ascertain the appropriate action mandated by those policies, including internal documentation of the abuse and reporting of the abuse to law

supported by the evidence and is inconsistent with South Carolina jurisprudence as applied in the context of this case. Moreover, the determination of the number of occurrences is a question of fact.

C. THE SPECIFIC SEXUAL ABUSE STATUTE OF LIMITATIONS OF § 15-3-555 GOVERNS THESE ACTIONS SO AS TO RENDER ALL CLAIMS FILED BEFORE A VICTIMS 27TH BIRTHDAY TIMELY.

The statute of limitations is only at issue in the case of Camper Doe, who, in accordance with § 15-3-555, had just reached the age of twenty-seven at the time of filing the instant action. Section 15-3-555 of the South Carolina Code was enacted in 2001 to expand the limitations period for actions involving sexual abuse to six years after the victim becomes twenty-one or three years from the time of discovery of the injury, whichever occurs later. S.C. Code Ann. § 15-3-555. In an attempt to circumvent the unambiguous application of § 15-3-555, Defendant maintains the general two year statute of limitations of § 15-78-110 for actions governed by the SCTCA applies. Defendant's position is misguided and irreconcilable with the rules of statutory interpretation—namely, the well-settled tenet that where two statutes are in conflict, the more recent and specific statute will prevail. See *Hodges v. Rainey*, 341 S.C. 79, 85, 533 S.E.2d 578, 581 (2000). Here, § 15-3-555, as the more recent and specific statute, controls so as to bring Camper Doe's claims within the statute of limitations.

- a. Section 15-3-555 is the controlling statute of limitation in this case and, therefore, Plaintiff's claims are timely.

It is well-settled that where two statutes are in conflict, the more recent and specific statute will prevail over an earlier, general statute. See *Hodges*, 341 S.C. at 85, 533 S.E.2d at

enforcement; and 33) Failing to know and comply with South Carolina law with regard to reporting allegations of child sexual abuse to law enforcement.

581. "Where there is one statute addressing an issue in general terms and another statute dealing with the identical issue in a more specific and definite manner, the more specific statute will be considered an exception to, or a qualifier of, the general statute and given such effect." Spectre, LLC v. S.C. Dept. of Health and Envtl. Control, 386 S.C. 357, 688 S.E.2d 844, 851 (2010).

"Specific statutes are not to be considered repealed by a later general statute unless there is a direct reference to the earlier statute or the intent of the legislature to do so is explicitly implied." Denman v. City of Columbia, 387 S.C. 131, 138-39, 691 S.E.2d 465, 469 (2010).

Here, the SCTCA, enacted in 1998, contains a general limitations provision which states:

Except as provided for in Section 15-3-40⁴, any action brought pursuant to this chapter is forever barred unless an action is commenced within two years after the date the loss was or should have been discovered; provided, that if the claimant first filed a claim pursuant to this chapter then the action for damages based upon the same occurrence is forever barred unless the action is commenced within three years of the date the loss was or should have been discovered.

S.C. Code Ann. § 15-78-110. With specific regard to actions involving sexual abuse, Section 15-3-555 of the South Carolina Code was enacted three years after the SCTCA to expand the limitations period to six years after the victim becomes twenty-one or three years from the time of discovery of the injury, whichever occurs later. Section 15-3-555(A) provides in pertinent part:

An action to recover damages for injury to a person arising out of an act of sexual abuse or incest must be commenced within six years after the person becomes twenty-one years of age or within three years from the time of discovery by the person of the injury and the causal relationship between the injury and the sexual abuse or incest, whichever occurs later.

S.C. Code Ann. § 15-3-555. According to the terms of the statute their plain and ordinary meaning, there is no dispute that the instant case falls within the purview of the more recent and specific

⁴ Section 15-3-40 extends the limitations period for minors, who were under the age of eighteen at the time the cause of action accrues, to their nineteenth birthday. S.C. Code Ann. § 15-3-40.

limitations period pronounced by § 15-3-555 and not the general limitations period provided in the SCTCA. As set forth in the Complaint, the underlying injuries giving rise to Camper Doe's claims against The Citadel are repeated acts of sexual abuse occurring on its premises when Plaintiff was a minor. Thus, there is no question that the instant case constitutes "an action to recover damages for injury to a person" and that the underlying injury giving rise to the action arises from "an act of sexual abuse."

What's more, the Defendant has even conceded that § 15-3-555 applies to this litigation. Specifically, by email dated November 16, 2007, Mark Brandenburg, The Citadel's general counsel, applied the sexual abuse statute of limitations in construing the limitations period for Camper Doe, stating:

Fortunately, since we now have a transcript of my interview with [Doe], we have an unequivocal trigger of the statute of limitations. As you know, under S.C. Code Ann. 15-3-555, "An action to recover damages for injury to a person arising out of an act of sexual abuse or incest must be commenced within six years after the person becomes twenty-one years of age or within three years from the time of discovery by the person of the injury and the causal relationship between the injury and the sexual abuse or incest, whichever occurs later." At this point, we [k]now that [Doe] has "discover(ed)... the causal relationship" between the injuries described in the interview and the alleged abuse. Thus, at the very latest, the statute began to run on the date of the interview in June. Unfortunately, though, since the statute provides that the limitations period does not expire until three years after that discovery or six years after the person becomes twenty-one years of age, the period arguably does not expire until [Doe's 27th] birthday.

(Exhibit 43, Brandenburg's 11/16/2007 Email to IRF). Accordingly, applying the well-settled rules of statutory interpretation, the more recent and specific statute of limitations dealing specifically with child sexual abuse controls and, therefore, Camper Doe's claims filed prior to his twenty-seventh birthday are not time-barred.

- b. The legislative intent underlying § 15-3-555 compels application of the sexual abuse statute to avoid the unjust result of a narrow, general limitation period on victims of childhood sexual abuse.**

"The cardinal rule of statutory construction is to ascertain and effectuate the intent of the legislature." Hodges, 341 S.C. at 85, 533 S.E.2d at 581. Under the plain meaning rule, it is not the court's place to change the meaning of a clear and unambiguous statute. Id. Where the statute's language is plain and unambiguous, and conveys a clear and definite meaning, the rules of statutory interpretation are not needed and the court has no right to impose another meaning. Id. "The legislature's intent should be ascertained primarily from the plain language of the statute." Georgia-Carolina Bail Bonds, Inc. v. Cnty. of Aiken, 354 S.C. 18, 23, 579 S.E.2d 334, 336 (Ct. App. 2003). What a legislature says in the text of a statute is considered the best evidence of the legislative intent or will; therefore, courts are bound to give effect to the expressed intent of the legislature. Hodges, 341 S.C. at 85, 533 S.E.2d at 581. The language must also be read in a sense which harmonizes with its subject matter and accords with its general purpose. Hitachi Data Sys. v. Leatherman, 309 S.C. 174, 420 S.E.2d 843 (1992). "A statute must receive a practical and reasonable interpretation consistent with the 'design' of the legislature." Smith v. South Carolina Ins. Co., 350 S.C. 82, 87, 564 S.E.2d 358, 361. "Once the legislature has made [a] choice, there is no room for the courts to impose a different judgment based upon their own notions of public policy." South Carolina Farm Bureau Mut. Ins. Co. v. Mumford, 299 S.C. 14, 19, 382 S.E.2d 11, 14 (Ct. App. 1989).

With regard to the sexual abuse statute, there is no indication the legislature intended to limit the application of the statute simply because the defendant is a government entity. The legislative intent underlying § 15-3-555 suggests that the legislature intended the statute to apply to all claims arising out of sexual abuse. Specifically, § 15-3-555 was passed and made effective in 2001—after the SCTCA. In addition, the legislative history of § 15-3-555 suggests no intent

to limit the applicability of the statute with regard to claims against a government entity. See South Carolina Bill Summary, 2001 Reg. Sess. H.B. 3131 (Describing the purpose of the act as "to amend Chapter 3, Title 15 by adding section 15-3-555 so as to provide a statute of limitations for actions based on sexual abuse or incest of six years from the time a person becomes twenty-one or within three years of discovering the injury and the causal relationship between the injury and the abuse or incest."). Indeed, in ratifying § 15-3-555, the legislature implicitly highlighted the importance of providing a remedy to victims of sexual abuse.

Likewise, if the plain language of 15-3-555 and the legislative history supporting the same is not enough, it bears noting that § 15-3-555 is currently pending amendment to entirely abolish the limitations period for an action based on childhood sexual abuse. Specifically, the proposed amendment revises § 15-3-555 to read as follows:

[T]he provisions of this chapter which provide limitations on the commencement of civil actions do not apply to a civil action to recover damages for injury to a victim arising out of an act of sexual abuse or incest which occurred when the victim was under the age of eighteen.

2013 S.C. House Bill No. 3940, 120th Session, April 11, 2013. Certainly, such an expansive stance on broadening the rights of victims to seek remedies for childhood sexual abuse is instructive as to the legislature's intent to extend this right to victims regardless of the identity of the defendant as a government entity. Moreover, because §§ 15-3-555 and 15-3-40 are within the same chapter, the language of the new statute would modify that of § 15-3-40 so as to remove the limitations period for all child sexual abuse claims. See 2013 S.C. House Bill No. 3940 (stating "the provisions of *this chapter* . . . do not apply to a civil action . . . arising out of an act of sexual abuse . . . which occurred when the victim was under the age of eighteen.") (emphasis added).

Also instructive is Doe v. R.D., 308 S.C. 139, 417 S.E.2d 541 (1992). There, our supreme court, confined by the limitations period that pre-dated § 15-3-555, expressly recognized the unjust result of a narrow statute of limitations on victims of childhood sexual abuse. In so noting, the Court observed:

We are aware of the damage that sexual abuse can cause in the lives of the victims. We also recognize that the application of a statute of limitations can appear unjust. In Note, *Adult Survivors of Childhood Sexual Abuse and Statutes of Limitations: A Call for Legislative Action*, 26 Wake Forest L.Rev. 1245 (1991), the author details the rationale for statute of limitations and the application of such statutes in sexual abuse cases. A number of states have amended their statute of limitations to protect the sexually abused. A few courts have allowed the plaintiff to avoid the statute of limitations because the plaintiff has successfully claimed a disability. Several other states have applied the discovery rule by allowing the plaintiff to maintain an action where, as in the case at bar, the plaintiff discovered the causal connection between the injury and abuse within the statutory period. *While the result may be appealing, we are without authority to amend our statute. An exception to the plain and unambiguous language of our statute of limitations must come from our legislature.*

Id., at 141-42, 417 S.E.2d at 542-43 (emphasis added) (footnotes and internal citations omitted).

While the court in Doe v. R.D. was confined by the statute of limitations existing at the time, it presented a compelling case for legislative action. Id. at 142, n. 4 (noting at least three state legislatures amended the statute of limitations to accommodate adult survivors of sexual abuse in the wake of decision such as Doe v. R.D.). Fortunately, we are not so confined today. Indeed, it was against this backdrop that § 15-3-555 was enacted to avoid the unjust result of the reluctant R.D. Court—the very result sought by Defendant in the instant case.

Moreover, statutes of limitations governing other specific causes of action have been held to apply to Tort Claims Act defendants. For instance, in the context of medical malpractice, the specific medical malpractice statute of limitations of § 15-3-545 has been found to apply to government hospitals under the Tort Claims Act. See Kerr v. Richland Mem'l Hosp., 383 S.C.

146, 149, 678 S.E.2d 809, 811 (2009) (finding the statute of limitation and repose provision of § 15-3-545 applies to government hospitals under the Tort Claims Act). Here, as in Kerr, the statute of limitation governing the specific tort at issue controls.

Accordingly, as expressed in the language of the statute, § 15-3-555 applies to all actions arising out of sexual abuse and is the relevant statute of limitations governing this case. As such, Plaintiff's claims, having been filed within the limitations period provided by § 15-3-555, are timely.

c. Even assuming § 15-3-555 were inapplicable, Plaintiff's claims are still timely under the rationale espoused in Doe v. Bishop of Charleston.

Even assuming § 15-3-555 were inapplicable, Camper Doe's action is timely pursuant to the Supreme Court's holding in John Doe v. The Bishop of Charleston, which found deliberate acts of deception and concealment of knowledge of sexual abuse by employees, such as in the instant case, would toll the limitations period. Id., 754 S.E.2d 494, 500-501 (2014). As outlined herein, the evidence leads to the reasonable inference that The Citadel deliberately undertook to conceal and cover-up ReVille's abuses at the summer camp. The Citadel's concealment began in 2001 and ended in 2011 when ReVille was finally apprehended. Accordingly, as in Doe v. Bishop, such acts of concealment by The Citadel would toll the limitations period so as to render all victim's claims timely.

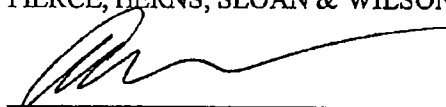
CONCLUSION

In sum, the issues presented involve a host of factual issues not appropriately resolved at the summary judgment stage. Notwithstanding, the evidence, including admissions by Citadel witnesses and experts, establishes a duty on the part of The Citadel pursuant to four of the referenced five exceptions applicable to these cases. The evidence further reveals, and Citadel

witnesses and experts have admitted, to multiple acts of gross negligence by The Citadel arising from the institution's vast ineptitude and extreme indifference for the safety and well-being of children. Likewise, summary judgment on the statute of limitations is unsupported by the well-settled rules of statutory construction dictating application of the specific sexual abuse statute of limitations in these actions.

Respectfully submitted,

PIERCE, HERNS, SLOAN & WILSON, LLC

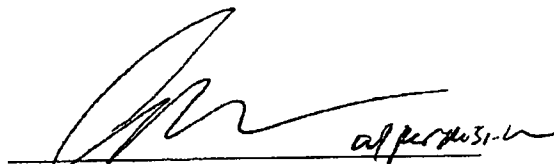


Carl E. Pierce, II
Allan P. Sloan, III
Louis P. Herns
Kristen B. Fehsenfeld
321 East Bay Street
Post Office Box 22437
Charleston, SC 29401
(843) 722-7733

ATTORNEYS FOR PLAINTIFF'S
MOTHER DOE A AND CAMPER DOE 6


_____, 2014
Charleston, South Carolina

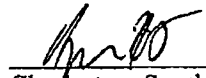
JEFF ANDERSON & ASSOCIATES, P.A.
Gregg Meyers, #9908
Jeffrey R. Anderson, pro hac vice pending
1 Poston Road Suite 110
Charleston, SC 29407
843-556-1025, 843-556-1055 facsimile
Jeff@Andersonadvocates.com
Gregg@Andersonadvocates.com



GEDNEY M. HOWE, III, P.A.
Gedney M. Howe, III, Esq.
8 Chalmers Street (29401)
Post Office Box 1034
Charleston, SC 29402-1034
(843) 722-8048

WYNDHAM LAW FIRM, LLC
Robert J. Wyndham, Esq.
47 State Street (29401)
Post office Box 598
Charleston, SC 29402-0598
(843) 853-6121

ATTORNEYS FOR PLAINTIFF JOHN DOE

 2014
Charleston, South Carolina

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
C/N: 2012-CP-10-1860

JOHN DOE CAMPER,)
Plaintiff,)

v.)

THE CITADEL,)
Defendant.)

**NOTICE OF MOTION AND MOTION
FOR SUMMARY JUDGMENT**

FILED
2014 MAR -6 PM 1:46
JULIE J. ARMSTRONG
CLERK OF COURT
BY *CP*

TO: **W. MULLINS McLEOD, JR., ESQ. AND JAMES B. MOORE, III, ESQ.,
ATTORNEYS FOR PLAINTIFF**

YOU WILL PLEASE TAKE NOTICE that the undersigned attorneys for Defendant, The Citadel ("Defendant"), will move before this Court, at least ten (10) days from the date hereof or as soon as thereafter as counsel may be heard, for an Order granting Defendant summary judgment and entering judgment against the Plaintiff pursuant to Rule 56 of the South Carolina Rules of Civil Procedure because there are no genuine issues of material fact supporting Plaintiff's claims. The grounds for this Motion are that:

- (a) Defendant is entitled to summary judgment as to all counts under S.C. Code § 15-78-60(25), because Plaintiff claims a loss resulting from duties relating to "supervision, protection, control, confinement, or custody of any student, patient, prisoner, inmate, or client of any governmental entity," and Plaintiff cannot proffer a scintilla of evidence that The Citadel exercised such duties in a grossly negligent manner.
- (b) Defendant is entitled to summary judgment as to all counts to the extent they assert claims based upon an alleged failure to investigate his report in 2007, because no legal duty of care flowed to Plaintiff as to that claim.
- (c) Defendant is entitled to summary judgment as to all of Plaintiff's claims because such claims are barred by the statute of limitations contained in the South Carolina Tort Claims Act, at S.C. Code § 15-78-110, because he did not file this action within two years after the loss was discovered or within one year of reaching the age of eighteen. See S.C. Code § 15-3-40.



- (d) Defendant is entitled to summary judgment as to Plaintiff's invasion of privacy claim (Count 3), outrage claims (Counts 4-6), assault claim (Count 8), false imprisonment claim (Count 9) and sexual harassment claim (Count 10) because those claims are barred by the South Carolina Tort Claims Act, *see e.g.*, S.C. Code §§ 15-78-30(f) & 15-78-60(17).
- (e) Defendant is entitled to summary judgment as to Plaintiff's outrage claims (Counts 4-6) because Plaintiff has had other potential remedies available to him.
- (f) Defendant is entitled to summary judgment as to Plaintiff's outrage claims (Counts 4-6) because Plaintiff cannot proffer a scintilla of evidence that The Citadel acted with the requisite level of culpability for an outrage claim.
- (g) Defendant is entitled to summary judgment as to Count 10 of Plaintiff's Complaint because his claim does not involve an unlawful employment practice by The Citadel and because Plaintiff failed to exhaust his administrative remedies.
- (h) Defendant is entitled to summary judgment as to Counts 3, 4, 8 and 9 because those claims are premised on a theory of *respondeat superior*, but the alleged conduct was well outside of the scope of the alleged employment of Defendant ReVille.
- (i) Plaintiff's potential recovery is limited to \$300,000.00 under the South Carolina Tort Claims Act, S.C. Code § 15-78-120(a)(1), because Plaintiff's claims involve a single alleged "occurrence."

This Motion may also be supported by a memorandum of law filed subsequent hereto, and by the argument of counsel at the hearing of these motions. This Motion will also be supported by the pleadings, depositions, discovery and documents produced in this matter.

BARNWELL, WHALEY, PATTERSON, AND
HELMS, LLC

By: *M. Dawes Cooke, Jr.*

M. Dawes Cooke, Jr., Esq.

Randell C. Stoney, Esq.

P.O. Drawer H (29402)

288 Meeting Street, Suite 200

Charleston, SC 29401

(843) 577-7700

Counsel for Defendant The Citadel

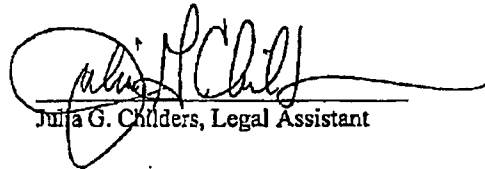
Dated: March 5, 2014
Charleston, South Carolina

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 5th day of March, 2014, a true copy of Defendant's Notice of Motion and Motion for Summary Judgment has been served upon Plaintiff's counsel by mailing a copy via U.S. mail, properly addressed with sufficient postage affixed thereto, as follows:

W. Mullins McLeod, Jr., Esquire
Julie L. Moore, Esquire
D. Ellis Roberts, Esquire
McLeod Law Group, LLC
134 Meeting Street, Suite 160
Charleston, South Carolina 29401

FILED
2014 MAR -6 PM 1:46
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____


Julia G. Childers, Legal Assistant



M. Dawes Cooke, Jr.
John W. Fletcher
jffletcher@barnwell-whaley.com

March 5, 2014

1.516
The Honorable Julie J. Armstrong
Clerk of Court, Charleston County
100 Broad Street, Suite 106
Charleston, South Carolina 29401

RE: John Doe Camper vs. The Citadel
Civil Action No.: 2012-CP-10-1860
BWPB File No.: 1.516

Dear Julie:

Enclosed please find the original and one (1) copy of Defendant The Citadel's Notice of Motion and Motion for Summary Judgment, along with a Motion and Order Information Form and Cover Sheet and our firm's check in the amount of Twenty-Five and 00/100 (\$25.00) Dollars for the filing fee. Please file the original Motion and return a clocked copy to us in the self-addressed, stamped envelope provided for your convenience. By copy of this letter we are serving a copy of the Motion upon Plaintiff's counsel.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Dawes Cooke'.

M. Dawes Cooke, Jr.
John W. Fletcher

MDCjr/JWF/jgc
Enclosures (as stated)

cc: W. Mullins McLeod, Jr., Esquire
Julie L. Moore, Esquire
D. Ellis Roberts, Esquire

M. Dawes Cooke, Jr.
B.C. Kilgough*
Randell C. Stoney, Jr.
Phillip S. Ferderigos
K. Michael Barfield

William C. Helms, III*
* Registered patent attorney
* Retired

Ernest B. Lipscomb, III*
J. Gail Rahn
Todd K. Musheff
John A. Jones
Lucinda D. Gardner
John W. Fletcher

Alissa D. Fleming
Barbara J. Wagner, Ph.D.
Jeremy E. Bowers
D. Summers Clarke, II
Jeffrey M. Bogdan
Bradley B. Banias

288 Meeting Street, Suite 200, Charleston, SC 29401

Mail: P.O. Drawer H, Charleston, SC 29402-P-843577-7700-F-843577-7708
www.barnwell-whaley.com

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2012-CP-10-1858

Plaintiff,

v.

**NOTICE OF MOTION AND MOTION
FOR SUMMARY JUDGMENT**

Defendants.

FILED
2014 MAR -6 PM 1:45
JULIE J. ARMSTRONG
CLERK OF COURT
s, ESQ.,
s for Defendant, The
om the date hereof or

- (a) Defendant is entitled to summary judgment as to all claims because, under South Carolina law, Defendant owed no common law or statutory duty of care to Plaintiff. *See e.g., Doe v. Marion*, 373 S.C. 390, 645 S.E.2d 245 (2007).
- (b) Defendant is entitled to summary judgment as to all of Plaintiff's claims because such claims are barred by the statute of limitations contained in the South Carolina Tort Claims Act, at S.C. Code § 15-78-110, because he did not file this action within two years after the loss was discovered or within one year of reaching the age of eighteen. *See* S.C. Code § 15-3-40.
- (c) Defendant is entitled to summary judgment as to Plaintiff's outrage claim (Count 2) because that claim is barred by the South Carolina Tort Claims Act, *see e.g.*, S.C. Code § 15-78-30(f) and because Plaintiff has had other potential remedies available to him.



- (d) Defendant is entitled to summary judgment as to Plaintiff's outrage claim (Count 2) because Plaintiff cannot proffer a scintilla of evidence that The Citadel acted with the requisite level of culpability for an outrage claim.
- (e) Plaintiff's potential recovery is limited to \$300,000.00 under the South Carolina Tort Claims Act, S.C. Code § 15-78-120(a)(1), because Plaintiff's claims involve a single alleged "occurrence."

This Motion may also be supported by a memorandum of law filed subsequent hereto, and by the argument of counsel at the hearing of these motions. This Motion will also be supported by the pleadings, depositions, discovery and documents produced in this matter.

BARNWELL, WHALEY, PATTERSON, AND
HELMS, LLC

By: M. Dawes Cooke, Jr.

M. Dawes Cooke, Jr., Esq.

Randell C. Stoney, Esq.

P.O. Drawer H (29402)

288 Meeting Street, Suite 200

Charleston, SC 29401

(843) 577-7700

Counsel for Defendant The Citadel

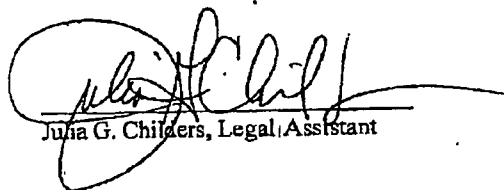
Dated: March 5, 2014
Charleston, South Carolina

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 5th day of March, 2014, a true copy of Defendant's Notice of Motion and Motion for Summary Judgment has been served upon Plaintiff's counsel by mailing a copy via U.S. mail, properly addressed with sufficient postage affixed thereto, as follows:

W. Mullins McLeod, Jr., Esquire
Julie L. Moore, Esquire
D. Ellis Roberts, Esquire
McLeod Law Group, LLC
134 Meeting Street, Suite 160
Charleston, South Carolina 29401

FILED
2014 MAR -6 PM 1:45
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____


Julia G. Childers, Legal Assistant



M. Dawes Cooke, Jr.
John W. Fletcher
jffletcher@barnwell-whaley.com

March 5, 2014

1.538
The Honorable Julie J. Armstrong
Clerk of Court, Charleston County
100 Broad Street, Suite 106
Charleston, South Carolina 29401

RE: John Doe 2 vs. The Citadel
Civil Action No.: 2012-CP-10-1858
BWPH File No.: 1.537

Dear Julie:

Enclosed please find the original and one (1) copy of Defendant The Citadel's Notice of Motion and Motion for Summary Judgment, along with a Motion and Order Information Form and Cover Sheet and our firm's check in the amount of Twenty-Five and 00/100 (\$25.00) Dollars for the filing fee. Please file the original Motion and return a clocked copy to us in the self-addressed, stamped envelope provided for your convenience. By copy of this letter we are serving a copy of the Motion upon Plaintiff's counsel.

Sincerely,

M. Dawes Cooke, Jr.
John W. Fletcher

MDCjr/JWF/jgc
Enclosures (as stated)

cc: W. Mullins McLeod, Jr., Esquire
Julie L. Moore, Esquire
D. Ellis Roberts, Esquire

M. Dawes Cooke, Jr.
B.C. Killough*
Randell C. Stoney, Jr.
Phillip S. Ferderigos
K. Michael Barfield

William C. Helms, III*
* Registered patent attorney
* Retired

Ernest B. Lipscomb, III*
J. Gall Rabn
Todd M. Musheff
John A. Jones
Lucinda D. Gardner
John W. Fletcher

Alissa D. Fleming
Barbara J. Wagner, Ph.D.
Jeremy E. Bowers
D. Summers Clarke, II
Jeffrey M. Bogdan
Bradley B. Banias

288 Meeting Street, Suite 200, Charleston, SC 29401
Mail-P.O.-Drawer-H, Charleston, SC 29402-P-843-577-7700-F-843-577-7700
www.barnwell-whaley.com

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2012-CP-10-1859

MOTHER DOE 3, on behalf of JOHN DOE 3,)

Plaintiff,)

v.)

THE CITADEL,)

Defendants.)

NOTICE OF MOTION AND MOTION
FOR SUMMARY JUDGMENT

FILED
2012 MAR -6 PM 1:47
CLERK OF COURT
J. J. ARISTARQUE

TO: W. MULLINS McLEOD, JR., ESQ. AND JAMES B. MOORE, III, ESQ.,
ATTORNEYS FOR PLAINTIFF

YOU WILL PLEASE TAKE NOTICE that the undersigned attorneys for Defendant, The Citadel ("Defendant"), will move before this Court, at least ten (10) days from the date hereof or as soon as thereafter as counsel may be heard, for an Order granting Defendant summary judgment and entering judgment against the Plaintiff pursuant to Rule 56 of the South Carolina Rules of Civil Procedure because there are no genuine issues of material fact supporting Plaintiff's claims. The grounds for this motion are that:

- (a) Defendant is entitled to summary judgment as to all claims because, under South Carolina law, Defendant owed no common law or statutory duty of care to Plaintiff. *See e.g., Doe v. Marion*, 373 S.C. 390, 645 S.E.2d 245 (2007).
- (b) Defendant is entitled to summary judgment as to Plaintiff's outrage claim (Count 2) because that claim is barred by the South Carolina Tort Claims Act, *see e.g., S.C. Code § 15-78-30(f)* and because Plaintiff has had other potential remedies available to him.
- (c) Defendant is entitled to summary judgment as to Plaintiff's outrage claim (Count 2) because Plaintiff cannot proffer a scintilla of evidence that The Citadel acted with the requisite level of culpability for an outrage claim.
- (d) Plaintiff's potential recovery is limited to \$300,000.00 under the South Carolina Tort Claims Act, S.C. Code § 15-78-120(a)(1), because Plaintiff's claims involve a single alleged "occurrence."



This Motion may also be supported by a memorandum of law filed subsequent hereto, and by the argument of counsel at the hearing of these motions. This Motion will also be supported by the pleadings, depositions, discovery and documents produced in this matter.

BARNWELL, WHALEY, PATTERSON, AND
HELMS, LLC

By: M. Dawes Cooke, Jr.

M. Dawes Cooke, Jr., Esq.

Randell C. Stoney, Esq.

P.O. Drawer H (29402)

288 Meeting Street, Suite 200

Charleston, SC 29401

(843) 577-7700

Counsel for Defendant The Citadel

Dated: March 5, 2014
Charleston, South Carolina

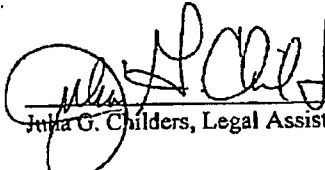
12-1859

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 5th day of March, 2014, a true copy of Defendant's Notice of Motion and Motion for Summary Judgment has been served upon Plaintiff's counsel by mailing a copy via U.S. mail, properly addressed with sufficient postage affixed thereto, as follows:

W. Mullins McLeod, Jr., Esquire
Julie L. Moore, Esquire
D. Ellis Roberts, Esquire
McLeod Law Group, LLC
134 Meeting Street, Suite 160
Charleston, South Carolina 29401

FILED
2014 MAR -6 PM 1:47
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____


Julia G. Childers, Legal Assistant



M. Dawes Cooke, Jr.
John W. Fletcher
jfletcher@barnwell-whaley.com

March 5, 2014

1538
The Honorable Julie J. Armstrong
Clerk of Court, Charleston County
100 Broad Street, Suite 106
Charleston, South Carolina 29401

RE: Mother Doe 3, on behalf of John Doe 3 vs. The Citadel
Civil Action No.: 2012-CP-10-1859
BWPB File No.: 1538

Dear Julie:

Enclosed please find the original and one (1) copy of Defendant The Citadel's Notice of Motion and Motion for Summary Judgment, along with a Motion and Order Information Form and Cover Sheet and our firm's check in the amount of Twenty-Five and 00/100 (\$25.00) Dollars for the filing fee. Please file the original Motion and return a clocked copy to us in the self-addressed, stamped envelope provided for your convenience. By copy of this letter we are serving a copy of the Motion upon Plaintiff's counsel.

Sincerely,

M. Dawes Cooke, Jr.
John W. Fletcher

MDCjr/JWF/jgc
Enclosures (as stated)

cc: W. Mullins McLeod, Jr., Esquire
Julie L. Moore, Esquire
D. Ellis Roberts, Esquire

M. Dawes Cooke, Jr.
B.C. Killough
Randell C. Stoney, Jr.
Phillip S. Ferderigos
K. Michael Barfield

William C. Helms, III
* Registered patent attorney
* Retired

Ernest B. Lipscomb, III
J. Gail Rahn
Todd M. Murrell
John A. Jones
Lucinda D. Gardner
John W. Fletcher

Allisa D. Fleming
Barbara J. Wagner, Ph.D.
Jeremy E. Bowers
D. Summers Clarke, II
Jeffrey M. Bogdan
Bradley B. Banias

288 Meeting Street, Suite 200, Charleston, SC 29401

Mail: P.O. Drawer H, Charleston, SC 29402 P 843.577.7700 F 843.577.7708
www.barnwell-whaley.com

COUNSELOR EVALUATIONS

██████████
Rehire—reserved, but diligent

██████████
Possible rehire—needs to work harder, immature

██████████
Definite rehire—good counselor, should take more authority

██████████
Definite rehire—good at staff work, dependable

██████████
Definite rehire—hard worker

██████████
Possible rehire—misses activities, needs more enthusiasm, immature. Needs to learn to distinguish between camper and counselor relationships

██████████
Possible rehire—does work, but complains

██████████
Do not rehire—not dependable, doesn't handle responsibility well

██████████
Do not rehire—not trustworthy

██████████
Possible rehire—trouble with authority

██████████
Definite rehire—good with kids, firm but fair

██████████
Definite rehire—excellent, takes job to the new extreme

██████████
Definite rehire—definite HSC material; possible staff position if applicable

██████████
Definite rehire—excellent work with drum and bugle, takes initiative and gets the job done



CITADEL Box 443-B-00281
(PHSW Tagged Doc's)

██████████
Possible rehire—lazy attitude toward camp, not dependable during activities but when told responds well.

██████████
Possible rehire—lazy attitude, mind on other matters and not on camp duties but overall okay

██████████
Do not rehire—been here too damn long, but will forever remain "BIG DADDY"

██████████
Definite rehire—lazy attitude but overall good

██████████
Definite rehire—great HSC, director of operations material

Reville, Skip
Definite rehire—senior counselor material if learns to distance himself from campers, works well with younger kids

██████████
Definite rehire—immature but gets job done, learn to take things less personal.

██████████
Definite rehire—good HSC, needs to work on communication skills and tactfulness, too intense at times

██████████
Possible rehire—needs to take job more serious, possible good counselor

██████████
Definite rehire—very dependable

██████████
Definite rehire—will be a good counselor, need to distinguish between counselor and camper

██████████
Definite rehire—senior counselor material, very conscientious

██████████
Definite rehire—good counselor, needs to mature

CITADEL Box 443-B-00284
(PHSW Tagged Docs)

(Attach Photo Here)



The Citadel Summer Camp Employment Application Staff / Counselor / Junior Counselor / Counselor-in-Training

(Office use only - Do not write in this space)

Name: Louis Skip Revilla Age: 23 Class / Company (Cadets Only):
Home Address: 400 Beaufort Street Phone #: 347-4883
Home Address: Summerville, SC 29483 Phone #: (Same)
E-mail Address: Old man revilla@aol.com

INSTRUCTIONS: Complete all parts of (1) The Citadel Student Employment Application; (2) Application Data Record; and (3) Summer Camp Employee Application. Attach a recent photo or snapshot. Return all three forms to the Camp Office, at which time an interview will be scheduled.

Mailing Address:

The Citadel Summer Camp
MSC 51 - The Citadel
Charleston, SC 29409
FAX: (843) 953-6803

SUMMER CAMP EXPERIENCE:

1. Have you been a camper or worked at any summer camp? Yes 8 No Name of Camp: Here
2. Have you ever been a camper or worked at The Citadel Summer Camp? Yes ✓ No ✓ Years as camper

Mark Clark Award winner? Year(s)? St. Counselor Award winner? Year(s)?

Years as counselor 2 Positions held CCO, Jr. Counselor

3. Special qualifications to serve as counselor: 5'11"; brown hair; brown eyes;
athletic; can cook, write poetry; dance;
enjoys walks on the beach

VARSITY ATHLETIC EXPERIENCE:

High School:

College:

PRIMARY ACTIVITIES: (Sports Skills / Interests) - Counselors instruct campers in 2 or 3 of the following sports activities. Circle your skill level for each activity: C = Competitive, R = Recreational, or U = Unskilled. Rank each activity, from 1 (highest) to 12 (lowest), according to your preference:

Sport	Skill	Rank	Sport	Skill	Rank
Basketball	C R U	_____	Soccer	C R U	_____
Racquetball	C R U	_____	Swimming	C R U	_____
Softball	C R U	_____	Team Handball	C R U	_____
Flag Football	C R U	_____	Tennis	C R U	_____
Wrestling	C R U	_____	Volleyball	C R U	_____
Sailing/Canoeing	C R U	_____	Air Rifle Marksmanship	C R U	_____



CITADEL-00041
(RFP #1)

AQUATIC SKILLS: (✓)

- ☐ Red Cross Lifeguard Training
☐ Red Cross CPR Training
☐ Red Cross Water Safety Instructor
☐ SC Wildlife / Citadel Boating Card

TUTORING SKILLS:

(Circle those you are capable of teaching.)

Algebra	Reading	Air Rifle	Trap/Shotgun
Math	English	Study Skills	

SPECIALIZED ACTIVITIES: Circle 3 of the Specialized Activities listed below and rank them in order of your teaching preference

- Camp Newspaper
 Chess
 Chorus / Choir

- Color Guard
 Computer Skills
 Drill Team

- Drum & Bugle Corps
 Photography
 Scout Merit Badges
 Trap Shooting (Indicate NRA level, if applicable)

- SCUBA Diving
 Variety Show
 Weight Lifting

CAMPER AGE PREFERENCE: Rank your first to third choices of the age of camper with whom you wish to work.
(10, 11, 12, 13, 14, or 15 year olds)

1. 2. 3.

CLOTHING SIZES: Please circle appropriate sizes for Camp uniforms. T-shirts are 50/50 blend and will shrink some; shorts have minimal shrinkage. Sizes listed below are MENS MEASUREMENTS.

T-shirts -- S M L XL XXL

Shorts -- S M L XL XXL

SUMMER SCHOOL: Counselors taking summer school classes will be paid less than those who do not. The Camp can not permit every counselor to take summer school classes, in order to maintain coherent operations and scheduling.

- ☐ YES - I plan to attend summer school, and take _____ class(es) per session.
☐ NO - I do not plan to attend summer school.

CAMP INFORMATION:

First Session: June 8 - June 28, 2003

Second Session: July 6 - July 16, 2003

- Staff and HSCs will report on Sunday, June 1, 2003.
- Counselors working 1st Session (or both sessions) will report for training on Monday, June 2, 2003.
- Counselors working 2nd Session will report for training on Wednesday, July 2.
- In the space below, provide appropriate comments (conflicts with camp dates, routine, or schedule / additional information):

In case of an emergency, contact: Name: _____ Phone #(s): (H) _____
 Relation: _____ (W) _____

I have reviewed this application for completeness and accuracy. I understand the commitment required of those employed by the camp and believe I am prepared for this work. Furthermore, I authorize the Camp to research relevant background information that may be required to arrive at an employment decision. I will keep the Camp informed of changes to information on this application.

(Signature)

(Date)

CITADEL 00042
(RFP #1)

The Citadel Summer Camp
COUNSELOR CODE OF CONDUCT

The Citadel Summer Camp personnel must always remember that they are role models and mentors to the hundreds of boys and girls that attend the Camp each year. They must always practice mature judgment and be mindful of the well being of the campers.

**WHILE ON CAMPUS, CAMP PERSONNEL WILL COMPLY WITH
THE FOLLOWING REGULATIONS:**

1. Use of tobacco, alcohol, and/or drugs, in any form, is prohibited.
2. Camp personnel will not use profanity or make any obscene remarks or gestures.
3. Camp personnel will never use force when disciplining a camper. Campers are not cadets; they are 10 to 15 year old campers!
4. While on campus, there will be limited interaction between summer school students and camp personnel.
 - o Camp personnel will have no direct contact with Summer School students other than casual meeting encounters.
 - o Summer School students and Camp personnel are not permitted to visit each others living area/rooms, unless on official business and registered with the guard at the gate.
5. Sexual activity, in any form, with any person is prohibited while on campus. "Sexual activity" includes kissing, handholding, lying together, groping, fondling and sexual intercourse.
6. Male personnel and campers may NOT visit the girls' living areas at any time unless specifically authorized.
7. Female personnel and campers may NOT visit the boys' living areas at any time unless specifically authorized.
8. Camp personnel must read and abide by procedures set forth in the "Counselor Handbook."

Violation of any of the above policies will result in immediate dismissal

I, Louis Reville, understand and accept the policies listed above. I realize that I am a role model to the campers of The Citadel Summer Camp and I will make every effort to act accordingly. I feel I am capable of meeting these standards and agree to follow them at all times while employed by The Citadel Summer Camp.

X Louis Reville
(Staff/Counselor's Signature)

15 April 2003
(Date)

CITADEL 00043
(RFP #1)

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON) NINTH JUDICIAL CIRCUIT
MOTHER DOE A,)
Plaintiff,)
-against-) Civil Action No:
THE CITADEL,) 2011-CP-10-9200
Defendant.)

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON) NINTH JUDICIAL CIRCUIT
JOHN DOE CAMPER,)
Plaintiff,)
-against-) Civil Action No:
THE CITADEL,) 2012-CP-10-1860
Defendant.)

(CAPTION CONTINUES NEXT PAGE)

VIDEOCONFERENCE DEPOSITION OF:

LEONARD SHAPIRO

(Called as an Expert Witness)

HELD: Thursday, March 27, 2014

10 a.m. - 4:37 p.m.

Kingston, New York

ALBANY COURT REPORTING, INC.
518-557-5180
www.albanycourtreporing.com
email: ineedareporter@gmail.com



bd5e84f2-ec58-4133-ab97-facc1b1603f5

RECEIVED
APR 04 2016
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable R. Markley Dennis, Jr.
Circuit Court Judge
Case No.: 2011-CP-10-9200

Appellate Case No. 2015-001920

Mother Doe A.....Appellant,

v.

The Citadel.....Respondent.

And

Case No.: 2013-CP-10-6330

John Doe 201 and Jane Doe 201.....Appellants,

v.

The Citadel.....Respondent.

APPELLANTS' RECORD ON APPEAL
Volume III of III

Allan P. Sloan, III, SC Bar #006914
Joseph C. Wilson, IV
Kristen B. Fehsenfeld
PIERCE, HERNS, SLOAN & WILSON, LLC
321 East Bay St.
Charleston, SC 29401
T: (843)722-7733; F: (843)722-7734
chipsloan@phswlaw.com
joewilson@phswlaw.com

kristenfehsenfeld@phswlaw.com

and

Gregg Meyers, #9908
Jeffrey R. Anderson, pro hac vice pending
JEFF ANDERSON & ASSOCIATES, P.A.
366 Jackson Street Suite 100
Saint Paul, MN 55101
T: (651) 227-9990; F: (651) 297-6543
Jeff@Andersonadvocates.com
Gregg@Andersonadvocates.com
Attorneys for Appellants

M. Dawes Cooke, Esq.
Randell C. Stoney, Jr., Esq.
John W. Fletcher, Esq.
BARNWELL WHALEY PATTERSON &
HELMS, LLC
288 Meeting Street, Suite #200 (29401)
Post Office Drawer H
Charleston, SC 29402-0197
Attorneys for Respondent

INDEX

Index	0001
Form 4 Order Denying Motion for Summary Judgement (Filed 02/02/2015)	0003
Formal Order Denying Motion for Summary Judgement (Filed 05/29/2015)	0004
Plaintiff's Motion to Alter or Amend (Filed 06/15/2015)	0016
Order Denying Motion to Alter or Amend (Filed 08/06/2015)	0024
Transcript of Hearing on January 26-27, 2015	0025
Renewed Motion for Summary Judgement (Filed 01/26/2015)	0326
Formal Order Denying Defendant's Motion for Summary Judgement (Filed 12/01/2014)	0431
Form 4 Order Denying Motion for Summary Judgement (Filed 09/24/2014 – Formal Order to Follow)	0507
Plaintiff's Memorandum in Opposition to Motion for Summary Judgement (Filed 9/22/2014)	0508
Defendant's Memorandum in Support of Motion for Summary Judgement (Filed 09/18/2014)	0859
Plaintiff's Memorandum in Opposition to Motion for Summary Judgement (Filed 04/25/2014)	0924
Reply Brief to Defendant's Memorandum in Support of Summary Judgement (Filed 04/25/2014)	1264
Defendant's Motion for Summary Judgment (Filed 05/02/2014)	1284
Transcript of Hearing on June 6, 2014	1289
Amended Complaint of Mother Doe A	1321

Answer to Amended Complaint	1393
Complaint of John Doe 201	1433
Certificate of Counsel	1462

1 L. Shapiro
 2 And it says, "The written application
 3 provides the information you need to assess
 4 the background and interests of applicants.
 5 Questions should help you determine whether
 6 applicants have mature, adult relationships
 7 as well as clear boundaries and ethical
 8 standards for their conduct with youth." Do
 9 you see that?

10 A. I do see that.

11 Q. And Mr. ReVille's 2003 application that
 12 we went over earlier, you'd agree with me
 13 that if you had reviewed that as a camp
 14 director, you wouldn't have determined that
 15 he was a mature adult who could lead
 16 children, would you?

17 MR. BOWERS: Object to the form.

18 A. Taken out of the context that you're
 19 stating this, if I had no history with
 20 Mr. ReVille of any kind, that he was simply
 21 an applicant and I was reviewing that
 22 application, that would not be somebody who
 23 would get through my screening process. But

1 L. Shapiro
 2 if Mr. ReVille had worked for me and I knew
 3 of him and knew his background extensively
 4 for years, I still probably would have
 5 addressed it with him and said, you know,
 6 "What is this that you're putting here?" And
 7 I would expect that he would say, "Oh, come
 8 on. I'm just kidding." But I would say that
 9 this is an application form and that it is
 10 not appropriate and change it or do a new
 11 application.

12 BY MR. SLOAN:

13 Q. I understand that. But even assuming
 14 this was an attempt at a joke, this is a sick
 15 joke, isn't it? When you put down that your
 16 qualifications to be senior counselor, you're
 17 putting what color your eyes are and your
 18 hair, and that you're athletic and that you
 19 like to take walks on the beach, that's a
 20 sick joke, isn't it? Who would find that
 21 funny?

22 MR. BOWERS: Object to the form.

23 A. I don't believe I have the

1
2 L. Shapiro
3 qualifications to say whether it's sick or
4 warped or incredibly poor sense of humor. I
5 don't believe I'm able to qualify what his
6 intent was or how it should be construed,
7 except to say that it doesn't belong on an
8 application, that's it's inappropriate, and
9 that it would be a cause of concern to me as
10 a camp director. And quite frankly, what's
11 written there does not conform to the
12 standards that one would expect of an
13 application.

13 Q. If you go to page ten.

14 A. Got it.

15 Q. Under inappropriate and harmful physical
16 behavior is "Showing pornography or involving
17 youth in pornographic activities," the very
18 last one there.

19 A. Yes, I see it.

20 Q. You don't disagree with that, do you?

21 A. As being inappropriate? I absolutely
22 agree.

23 Q. Then on page 11 -- (interrupted)

1

2 CAMPER DOE 6,

3 Plaintiff,

4 vs.

Case Action No.: 2013-CP-10-5247

5 THE CITADEL,

6 Defendant,

7

JOHN DOE, A MINOR, BY HIS
8 GUARDIAN AD LITEM JOHN ROE,

9 Plaintiff;

10 vs.

Case Action No.: 2013-CP-10-4770

11 THE CITADEL,

12 Defendant,

13

14

15

Videoconference Deposition of GARY MARGOLIS,
16 held on Monday, February 17, 2014, taken at the Sound
Vision, 310 Hurricane Lane, Suite 1, Williston, Vermont,
17 05495, commencing at 10:11 a.m., before Karen L. Wright,
a RPR, CRR and Notary Public in and for the State of
18 Vermont.

19

20

21

22

23

24

25



c488e420-413d-4cb3-8f68-fe063379afd8

1

2 just not sure if my -- if my accounts
3 payable or accounts receivable folks have
4 done any of that. I just don't recall if
5 I've sent that information to them.

6 Q. Okay.

7 A. Likely that I haven't.

8 Q. Is that something you can easily
9 determine how much time you spent and how
10 much you billed to Barnwell Whaley since
11 March of 2013?

12 A. Yes, sir. I can call my financial
13 team and ask them if we've sent any
14 invoices, sure.

15 Q. All right. Do you agree with me,
16 Dr. Margolis, that child sexual predators
17 create risk of harm to children in their
18 communities?

19 A. Yes, sir. I do.

20 Q. And why?

21 A. They pose a risk to the health and
22 safety of children.

23 Q. If a child sexual predator is
24 accused of abusing 11-to-15-year-old boys in
25 the past, in your opinion, is it foreseeable

c488e420-413d-4cb3-8f68-fa063379afd8

1

2 that he will abuse 11-to-15-year- old boys
3 near where he lives and works in the future?

4 A. Again, based on my law enforcement
5 experience, not any psychological experience
6 as such, I would agree with that, more
7 likely than not, it would.

8 Q. Would you agree, based on your law
9 enforcement experience and your academic
10 background and education, that if you became
11 aware in 2007 that a man had sexually abused
12 children in 2002 and 2003 at a summer camp
13 where he worked, would you agree that it
14 would be foreseeable that any victims he was
15 to have from 2004 through 2007 and 2007
16 through 2011 would occur where he worked and
17 spent his time?

18 A. I would agree that it would
19 predispose me to believe that he would be
20 offending again and would have offended
21 again.

22 Q. Would you agree with me that if you
23 were notified that an individual had sexually
24 abused a minor on campus five years
25 previously, and that individual is currently

c488e420-413d-4cb3-8f68-fe063379afd8

1

2 on campus, and that there are minors on
3 campus when that report comes in five years
4 later, that that person poses a threat to
5 the campus?

6 A. I would agree with you, yes.

7 Q. And when that individual leaves the
8 campus, he's a threat to minors wherever he
9 goes off campus, correct?

10 A. I would agree that that's a
11 reasonable assumption.

12 Q. If a child sexual predator was a
13 camp counselor in the year 2001 and had a
14 single room as the counselor and used movies
15 and food to lure campers into his room and
16 abuse them there in his room, knowing those
17 facts, what would you do to prevent
18 counselors in the future at that summer camp
19 -- what would you make sure happened as part
20 of your rules to prevent abuse of summer
21 campers going forward?

22 A. Develop appropriate policies and
23 procedures, train individuals to those
24 policies and procedures, and then hold them
25 accountable to those policies and procedures.

c488e420-413d-4cb3-8f58-fe063379afd8

1

2 opposite conclusion, I just -- that, I don't
3 agree with. If you're telling me that
4 someone could do their own investigation and
5 come up with a different finding, well, then,
6 I would agree with that, absolutely.

7 Q. And that was all I was asking.

8 Isn't it true, Mr. Margolis, that somebody
9 else, another fact-finder, decision-maker,
10 could look at this case based upon the facts
11 presented and conclude that there was a
12 cover-up? Isn't that possible?

13 A. It is possible.

14 Q. Now, what evidence, okay, would you
15 need in order to conclude that there was a
16 cover-up?

17 A. We would need to have found evidence
18 that implied intent, intent to collusion, you
19 know, intent to hide in some way, shape, or
20 form was deliberate in that regard.

21 Q. All right. So you would be looking
22 for evidence that there was an intent to
23 hide; is that right?

24 A. Correct..

25 Q. All right. What other evidence

c488e420-413d-4cb3-8f68-fe063379afd8

1

2 that supports both the complainants and the
3 respondents.

4 Q. And is also one of the -- the
5 reasons is so that any hostile environment
6 will be corrected or eliminated?

7 A. I would agree with that.

8 Q. And in eliminating a hostile
9 environment that includes either sexual abuse
10 or sexual harassment, one of the things that
11 Title IX requires is that actions be taken
12 against a predator; isn't that correct?

13 A. It requires that a fair and
14 impartial process for both the respondent and
15 the complainant be conducted should the
16 complainant wish to do so in order to seek
17 an outcome and a resolution.

18 Q. Okay. And back in 2007, Title IX
19 clearly required college campuses to conduct
20 an impartial investigation of all instances
21 of sexual abuse; isn't that correct?

22 A. That they know of, correct.

23 Q. And back in 2007, a general counsel
24 of a college or university would not be an
25 impartial party to whom an investigation

1

2 should be conducted by; isn't that correct?

3 A. We agreed with that and we
4 stipulated to that.

5 MR. STONEY: Objection.

6 THE WITNESS: We stated as much in
7 our -- in our report. And, in fact, some
8 of the challenges that we saw here were
9 consistent with what was happening in
10 general, hence the reason why the Dear
11 Colleague letter was issued in April of 2011.

12 Q. All right. And in addition to the
13 general counsel not being an impartial
14 investigator, the OCR has also cautioned
15 colleges and universities not to allow
16 insurance companies to do an investigation of
17 sexual abuse; isn't that correct?

18 A. I don't recall that specifically
19 being in the Dear Colleague letter or in the
20 law. Doesn't mean it's not. I just don't
21 recall that specific passage.

22 Q. Okay. Well, based upon your having
23 worked with Title IX and worked in this
24 subject area, do you believe that insurance
25 companies can be impartial in the

c488e420-413d-4cb3-8f68-fe063379efd8

G. MARGOLIS

ReVille had a propensity to abuse boys within a certain described range of age?

A. I don't recall that specifically, but it wouldn't be a surprise to me.

Q. Okay. And why wouldn't it be a surprise in the field of sexual predators?

A. Because that's who he offended on, and it's consistent with his offense patterns, as I understand them.

Q. Okay. And from a criminal standpoint, young boys would be a discrete class of victims as compared to all ages and both sexes; isn't that correct?

A. That's what I've come to understand from experts in this area, yes.

Q. So it's pretty clear to you that Mr. ReVille had a propensity to abuse victims within a discrete class within our society; is that right?

A. Yes. I believe they're called preferential child molesters or preferential molesters.

Q. Now, in doing any type of investigation, do you naturally like to see



Nationwide Depositions, Hearings and Trials • Conference Facilities
Videoconferencing • Legal Video Services • Exhibit Scanning
Transcript / Video Synchronization • 24-7 Online Repository

1.888.ACR.3335 • 1.800.862.4206 (FAX)
info@acrdepos.com • www.acrdepos.com • scheduling@acrdepos.com

1
2 she caught Mr. ReVille alone in a room
3 rubbing Icy Hot on a child's leg. Okay?

4 A. Yes, sir.

5 Q. All right. So we have, in '01, in
6 his performance review, they're saying that
7 he needs to distance himself from campers.
8 In '02, he breaks the rule and is alone in
9 a room with a camper, right?

10 A. Yes, sir.

11 Q. According to Jenni Garrott. And
12 then if we look at Tab 11, Citadel Bates
13 Number 41, have you ever seen this document
14 before, Mr. ReVille's application for
15 employment at the summer camp in 2003?

16 A. I don't recall seeing it.

17 Q. Under -- under Question 3 on his --
18 for the summer camp, it says: "Special
19 qualifications to serve as counselor." Can
20 you read to me what Mr. ReVille put down on
21 his application to be the senior counselor at
22 The Citadel Summer Camp in 2003.

23 A. "5'11", brown hair, brown eyes,
24 athletic, can cook, recite poetry, dance,
25 enjoys walks on the beach."

c4B8e420-413d-4cb3-8f68-fe063379afd8

1

2 Q. Does that cause you concern?

3 A. Does it cause me concern?

4 Q. Yeah. If you had been in charge of
5 hiring the senior counselors at Citadel
6 Summer Camp, what would you have done about
7 that response?

8 A. I think it's odd.

9 Q. Right. Well, let me -- if you'd
10 turn two pages over to the counselor code of
11 conduct that Mr. ReVille signed, which is
12 Bates Number 43. Does it say at the very
13 top that counselors "must always practice
14 mature judgment and be mindful of the
15 well-being of the campers"?

16 A. Yes, sir.

17 Q. Going back to Bates Number 41.
18 There's no way, is there, that Mr. ReVille
19 was using mature judgment when he filled out
20 Section 3 as to his qualifications to be a
21 counselor?

22 A. I think it's definitely odd.

23 MR. STONEY: Objection.

24 Q. Why is it odd?

25 A. Because it's an odd response to the

c468e420-413d-4cb3-8f68-fe063379afd8

1

2 question.

3 Q. It's completely inappropriate, isn't
4 it?

5 A. Absolutely.

6 Q. All right. Would you want to send
7 your son to a camp where the camp counselor
8 put down those were his qualifications, his
9 height, his hair color, his eye color, that
10 he's athletic, that he can cook, that he
11 likes to recite poetry, that he dances and
12 he enjoys walks on the beach? Would you
13 want to send your son to spend three months
14 with that guy?

15 A. I would have concerns.

16 Q. All right. It doesn't appear
17 anywhere in your report, does it?

18 A. What doesn't, sir?

19 Q. Anything having to do with his
20 application in 2003.

21 A. I don't recall it being included on
22 our report, sir. Maybe Ms. Franke looked at
23 it and included it in hers.

24 Q. I've looked at Ms. Franke's report.
25 And all it talks about is what should happen

c488e420-413d-4cb3-8f68-f083379afd8

1

2 others, correct?

3 MR. STONEY: Objection.

4 THE WITNESS: Correct. But, again,
5 because of, in our opinion, an inappropriate
6 investigation.

7 Q. Did you say in your opinion because
8 it was an inappropriate investigation?

9 A. Because of the problems we found
10 with the investigation. Indicating that he
11 left the school without anything in his
12 personnel file or his HR jacket isn't
13 necessarily surprising. I think it goes back
14 to, you know, the investigation that was
15 conducted and how it was conducted and such
16 created some of those problems.

17 Q. Let me ask you this with regard to
18 Skip ReVille: Let's say in the year 2010,
19 can you point me to any evidence that The
20 Citadel did not engage in a cover-up to make
21 sure that Skip ReVille's name appeared
22 nowhere with regard to any allegations that
23 Doe had made?

24 A. In terms of the civil defense sheets
25 that were created?

c488e420-413d-4cb3-8f68-fe063379afd8

1

2 Q. In terms of anything.

3 A. I cannot.

4 Q. All right. Let's go over to

5 Notebook-2, please. By the way, have you

6 ever been -- any of your consulting ever

7 been on behalf of a child that had been

8 abused or a victim who had been abused at a

9 university, or have you always represented

10 the university?

11 A. In litigation, we've always been on

12 the defense side. We tell universities and

13 colleges what they do wrong all the time.

14 But in terms of litigation, we tend to be on

15 the defense side.

16 We may have had -- yeah, I don't

17 even recall. I was going to say we may

18 have had one case on the plaintiff's side,

19 but I can't recall the details.

20 Q. Were you personally on it as the

21 lead person?

22 A. No. I think it would have been

23 Steven.

24 Q. All right. Tab 1 in Notebook-2.

25 Did you consider the college regulations when

c488e420-413d-4cb3-8f68-fe063379af08

1

2 A. It's possible.

3 Q. And you have -- at the bottom of
4 that, you have: "Regardless of whether a
5 harassed student, his or her parent, or a
6 third party files a complaint," correct?

7 A. Correct.

8 Q. And so this would -- when Doe made
9 a third-party complaint as to eyewitness Doe
10 and the six others who were abused the year
11 before, The Citadel's duty under Title IX
12 requiring it to take immediate action to
13 eliminate the harassment, prevent its
14 recurrence, and address its effects applied
15 to the many others, not just Doe, correct?

16 A. Correct.

17 Q. All right. Now, over on page -- I
18 think it's about -- it would be page 15.
19 These numerals are hard to see. Where it
20 says, "What Really Matters," at the top.
21 "Designate Title IX Coordinator," right?

22 A. Yep.

23 Q. All right. And The Citadel had done
24 that by 2007, correct? They had a Title IX
25 coordinator, right?

c488e420-413d-4cb3-8f68-fe063379afd8

1

2 A. Correct. I believe that's accurate.

3 Q. Yeah. And you say what really
4 matters is that the Title IX coordinator's:
5 "Responsibilities include overseeing all Title
6 IX complaints and identifying and addressing
7 any patterns or systemic problems that arise
8 during the review of such complaints,"
9 correct?

10 A. Correct.

11 Q. You would agree with me that the
12 Title IX coordinator at The Citadel didn't
13 oversee those allegations and the
14 investigation of them by Mark Brandenburg,
15 correct?

16 A. That is correct.

17 Q. That would be a violation of Title
18 IX, correct?

19 A. It would be a violation of this,
20 correct.

21 Q. And further down, I think it's about
22 three pages over, under "Preparing to
23 Investigate."

24 A. Yes, sir.

25 Q. It says -- the third bullet point

c488e420-413d-4cb3-8f68-fe063379afd8

STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON) CASE NO. 2011-CP-10-9200
MOTHER DOE A,)
Plaintiff,)
vs.)
THE CITADEL,)
Defendant.)

COPY

STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON) CASE NO. 2012-CP-10-1860
JOHN DOE CAMPER,)
Plaintiff,)
vs.)
THE CITADEL,)
Defendant.)

STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON) CASE NO. 2012-CP-10-1858
JOHN DOE 2,)
Plaintiff,)
vs.)
THE CITADEL,)
Defendant.)

VOLUME I VIDEOTAPED DEPOSITION OF:
JENNIFER CLAIRE GARROTT



CAROLINA REPORTING

843.832.0801 * www.carolina-reporting.com

Electronically signed by Eve Wilbanks (101-177-349-6970)

7776abfc-f7a1-43e5-b60a-dae45fcb1297

Page 2	Page 4
1 STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS	1 INDEX
2)	2 TESTIMONY OF JENNIFER CLAIRE GARROTT
3 COUNTY OF CHARLESTON) CASE NO. 2012-CP-10-1859	3 DIRECT EXAMINATION BY MR. HERNES 7
4 MOTHER DOE 2, ON BEHALF)	4 REPORTER'S CERTIFICATE 155
5 OF JOHN DOE 3,)	5 ERRATA SHEET 156
6 Plaintiff,)	6
7 vs.)	7
8 THE CITADEL,)	8 INDEX OF EXHIBITS
9 Defendant.)	9 (No exhibits were offered or marked
10	10 for identification.)
11 VOLUME 1 VIDEOTAPED	11
12 DEPOSITION OF: JENNIFER CLAIRE GARROTT	12
13 DATE TAKEN: Wednesday, August 21, 2013	13
14 TIME: 10:00 a.m.	14
15 PLACE: Pierce Hems Sloan & Wilson	15
16 321 East Bay Street	16
17 Charleston, South Carolina	17
18 REPORTED BY: EVE WILBANKS	18
19 Registered Professional	19
20 Reporter, Certified LiveNote	20
21 Reporter and Notary Public	21
22 *****	22
23 POST OFFICE BOX 21784	23
24 CHARLESTON, SOUTH CAROLINA 29413-1784	24
25	25
Page 3	Page 5
1 APPEARANCES	1 STIPULATIONS
2 REPRESENTING THE PLAINTIFF MOTHER DOE 2:	2 It is hereby stipulated and agreed by and
3 LOUIS P. HERNES, ESQUIRE	3 between the parties hereto, through their
4 KRISTEN BATES FRISENFIELD, ESQUIRE	4 respective counsel, that the reading and signing
5 (via telephone)	5 of the transcript is reserved by the Deponent.
6 Pierce Hems Sloan & Wilson, LLC	6 MR. HERNES: Before we turn on the video,
7 321 East Bay Street	7 why don't we go on the record. This is the
8 P.O. Box 22437	8 deposition of Jenni Garrett in the Doe cases
9 Charleston, South Carolina 29401	9 versus The Citadel. I have talked with Mr.
10 louis@hernes.com	10 Stoney concerning the exhibits that will be
11 REPRESENTING THE PLAINTIFFS JOHN DOE CAMPER, JOHN	11 used during the deposition. The exhibits will
12 DOE 2, MOTHER DOE 2:	12 not be marked during the course of the
13 JAMES B. MOORE, III, ESQUIRE	13 deposition. They will be referred to by their
14 McLeod Law Group	14 Bates stamp number -- most of them, you have
15 154 Meeting Street, Suite 160	15 Bates stamp numbers on them -- or will be
16 Charleston, South Carolina 29401	16 identified so that they can be found and
17 james@mcleod-lawgroup.com	17 reviewed. I have copies of all of the
18 REPRESENTING THE CITADEL:	18 exhibits for Mr. Stoney, a copy for the
19 RANDELL C. STONEY, JR., ESQUIRE	19 witness as well. And so while they will not
20 Barrwell, Whaley, Patterson & Helms	20 be attached and marked to the deposition, they
21 288 Meeting Street, Suite 200	21 are exhibits to the deposition, nonetheless.
22 Charleston, South Carolina 29401	22 Is that your agreement, Mr. Stoney?
23 rstoney@barrwell-whaley.com	23 MR. STONEY: That is correct.
24 ALSO PRESENT: DOUG WHITIN, LEGAL VIDEOGRAPHER	24 MR. HERNES: We also have an agreement
25	25 that during the course of the deposition minor

2 (Pages 2 to 5)

CAROLINA REPORTING

843.832.0801 * www.carolina-reporting.com

Electronically signed by Eve Wilbanks (101-177-349-6970)

7776abfc-f7a1-43e5-b80a-dde45fcb1297

Page 54 1 Bates made the decision to fire this individual? 2 A. Correct. 3 Q. Okay. And you would agree that he did a 4 fairly complete investigation, talking -- 5 interviewing several people, including the person 6 who was ultimately fired? 7 A. I -- I can't quite flow with what's 8 going on, so I can't say really. But -- 9 Q. It seems -- 10 A. Hand (sic), blow job, I mean, that -- 11 yes. 12 Q. It seems pretty straightforward to me. 13 At 7:50 he started talking with the girl involved. 14 At 8:04, he talked with another lady at the camp. 15 At 8:15, he talked with another lady at the camp 16 and made notes. 8:25, he talked with the first 17 girl or lady that he talked with for another five 18 minutes. And then he brought in the person that 19 was fired at 8:39, and that concluded at 8:54. 20 So my question is, Mr. Bates did an 21 investigation of the allegations, wrote notes 22 about it, put them in the terminated employee's 23 file, and he was terminated for violating the 24 sexual portion of the Code of Conduct? 25 A. Right.	Page 56 1 Box 235-02 through 009. Reports concerning the 2 camp would be made on a regular basis to the Board 3 of Visitors for The Citadel? 4 A. Repeat that again. I'm sorry. I was 5 reading. 6 Q. The Citadel Summer Camp would make 7 reports to the Board of Visitors concerning the 8 activities of the summer camp? 9 A. Correct. 10 Q. And that information would be compiled 11 by you or -- and/or Mr. Bates, which would then be 12 given to Colonel Lackey, who would make the report 13 to the Board of Visitors? 14 A. Well, we would give it to the 15 Commandant, who then would give it to the 16 President, who would then give it to the Board of 17 Visitors, from what I understand. 18 Q. Okay. But you all would compile the 19 information and it would be passed on -- 20 A. Yes, sir. 21 Q. -- to the Board of Visitors? 22 A. Yes, sir. 23 Q. So the Board of Visitors was aware of 24 the activities of The Citadel Summer Camp and knew 25 that it was operating, and was aware of what was
Page 55 1 Q. Do you agree with that? 2 A. Yes. I don't recall this incident, but 3 it looks like that is what happened. 4 Q. And Mr. Bates, as we noted, on 0047, 5 checked that this employee would be eligible for 6 rehire, the first -- the second page? 7 A. Okay. Okay. 8 Q. That's correct? 9 A. Yes, sir. 10 Q. And so when a counselor was going to be 11 terminated for cause, an investigation would be 12 done, it would be documented, and it would stay in 13 the camp files; and the person who was being 14 terminated, it would be in his file? 15 A. It should be, yes. 16 Q. Okay. Okay. I'm handing you the next 17 document. 18 THE VIDEOGRAPHER: Off the record at 19 11:07. 20 (The deposition went off the record.) 21 THE VIDEOGRAPHER: On the record at 22 11:07. 23 BY MR. HERNES: 24 Q. I've handed you documents in a folder 25 labeled 1999 BOV/Consent Order Updates, Citadel	Page 57 1 taking place with regards to the camp? 2 A. Yes. 3 Q. Okay.. We're done with that document. 4 I've handed you a document; the file folder was 5 2000-Office Correspondence, Citadel Box 263-006 6 through 0013. I'll give you a minute to look 7 through that. 8 A. Yes, sir. 9 Q. Okay. This was dealing with a problem 10 camper? 11 A. Uh-huh (indicating an affirmative 12 response). 13 Q. And ultimately, the camper, who is -- 14 his name appears on the very first line of 007, he 15 was removed from the camp by his mother? 16 A. Yes. 17 Q. And part of the -- there were some 18 disciplinary problems with this camper, cussing at 19 the counselors, refusing to clean up his room, 20 fighting, just various problems, doesn't listen; 21 and on one occasion, one of the counselors, Jeremy 22 Higgins (sic), grabbed him by the arm and put him 23 in a chair, correct? 24 A. Yes. 25 Q. Okay. And then the senior counselor,

15 (Pages 54 to 57)

CAROLINA-REPORTING

843.832.0801 * www.carolina-reporting.com

Electronically signed by Eve Willbanks (101-177-349-6970)

7776abfc-f7a1-43e5-b60a-dee45fcb1297

CONFIDENTIAL

1

1 STATE OF SOUTH CAROLINA IN THE COURT OF COMMON
2 COUNTY OF CHARLESTON PLEAS FOR THE NINTH
3 MOTHER DOE A, JUDICIAL CIRCUIT
4 Plaintiff, C/N: 2011-CP-10-9200
5 vs.
6 THE CITADEL,
7 Defendant.

7 STATE OF SOUTH CAROLINA IN THE COURT OF COMMON
8 COUNTY OF CHARLESTON PLEAS FOR THE NINTH
9 JOHN DOE CAMPER, JUDICIAL CIRCUIT
10 Plaintiff, C/N: 2012-CP-10-1860
11 vs.
12 THE CITADEL,
13 Defendant.

14 STATE OF SOUTH CAROLINA IN THE COURT OF COMMON
15 COUNTY OF CHARLESTON PLEAS FOR THE NINTH
16 JOHN DOE 2, JUDICIAL CIRCUIT
17 Plaintiff, C/N: 2012-CP-10-1858
18 vs.
19 THE CITADEL,
20 Defendant.
21

22 DEPOSITION OF: CAMPER DOE 6
23 DATE TAKEN: March 4, 2014
24 TIME: 11:40 a.m. - 5:55 p.m.
25 PLACE Courtyard Jacksonville
4670 Lenoir Ave., South
Jacksonville, Florida



A. WILLIAM ROBERTS, JR., & ASSOCIATES (800) 743-DEPO
scheduledepo.com

Page 2		Page 4	
1	STATE OF SOUTH CAROLINA	1	
2	COUNTY OF CHARLESTON	2	
3	MOTHER DOE 2, on behalf	3	
4	of JOHN DOE 3,	4	I-N-D-E-X
5	Plaintiff,	5	
6	vs.	6	Direct Examination by Mr. Stoney Page 5
7	THE CITADEL,	7	Cross-Examination by Mr. Hems Page 226
8	Defendant.	8	Redirect Examination by Mr. Stoney Page 241
9	STATE OF SOUTH CAROLINA	9	Recross Examination by Mr. Hems Page 245
10	COUNTY OF CHARLESTON	10	Further Redirect by Mr. Stoney Page 246
11	JOHN DOE, A MINOR, BY	11	EXHIBITS
12	HIS GUARDIAN AD LITEM,	12	DEFENDANT'S FOR IDENTIFICATION PAGE
13	JOHN ROE,	13	Exhibit No. 1 169
14	Plaintiffs,	14	Exhibit No. 2 176
15	vs.	15	Exhibit No. 3 181
16	THE CITADEL,	16	
17	Defendant.	17	
18	STATE OF SOUTH CAROLINA	18	
19	COUNTY OF CHARLESTON	19	
20	CAMPER DOE 6,	20	
21	Plaintiff,	21	
22	vs.	22	
23	THE CITADEL,	23	
24	Defendant.	24	
25	TAKEN BEFORE: Linda J. Beumer, RCR and Notary Public, A. William Roberts Reporting	25	

Page 3		Page 5	
1		1	STIPULATION
2		2	It was stipulated and agreed by, and between
3		3	counsel for the respective parties, and the
4	A P P E A R A N C E S:	4	witness, that the reading and signing of the
5		5	deposition by the witness not be waived.
6		6	---
7	LOUIS P. BERNES, Esquire	7	CAMPER DOE 6
8	of the law firm of	8	having been produced and first duly sworn as a
9	PIERCE, BERNES, SLOAN & WILSON, LLC	9	witness, was examined and testified as follows:
10	321 East Bay Street	10	DIRECT EXAMINATION
11	CHARLESTON, SC 29401	11	BY MR. STONEY:
12	(843) 722-7733	12	Q Camper Doe 6, my name is Randell Stoney.
13	appearing on behalf of the Plaintiff.	13	I represent The Citadel and I'm here today to ask
14		14	you some questions about this lawsuit that you
15		15	filed. A couple of ground rules -- have you ever
16		16	given a deposition before?
17	RANDELL C. STONEY, JR., Esquire	17	A No, sir.
18	and	18	Q All right. Well, it's important that you
19	CHRISTOPHER KOVACH, Esquire	19	understand my question, that I understand your
20	of the law firm of	20	answer, but more importantly, that the court
21	BARNWELL, WHALEY, PATTERSON & HELMS LLC,	21	reporter understands both of us so that the record
22	288 Meeting Street, Suite 200	22	is clear. For that reason, we need to wait until
23	Charleston, SC 29401	23	one is finished before the other begins, does that
24	(843) 577-7700	24	make sense?
25	appearing on behalf of the Defendant.	25	A Yes, sir.

Page 142

1 A Oh. His house, the upstairs room. There
2 is only one upstairs room. The rest was on the
3 bottom floor, ground floor.
4 Q And other than what you've talked about,
5 about him measuring you, was the abuse that you
6 referenced, watching pornography and
7 masturbating?
8 A Yes, sir.
9 Q Okay. All right. Now, so we go through
10 February of 2005 when you came to visit the
11 college, you stayed with ReVille, and nothing
12 happened at that time.
13 A No, sir.
14 Q So then you then come back to The Citadel
15 as a counselor in the summer of 2005.
16 A Yes, sir.
17 Q And tell me -- tell me what happened.
18 Tell me about that summer, was that summer good,
19 was it bad, what happened?
20 A It was -- it was okay at first. I went
21 to France. Went to France for about a month, maybe
22 a little more. And then I came back just in time
23 for the second session so I worked there.
24 We had a training, a new type of
25 training, at least that I hadn't seen, where the

Page 143

1 lady was talking about rape and pedophilia and how
2 to do it -- or how to recognize pedophiles, a lot
3 of -- you know, adult who spends a lot of time with
4 kids, and doesn't like to spend time with adults.
5 And even went so far as saying an adult minor with
6 him -- I'm sorry -- an adult exposing himself, you
7 know, to a minor is a crime, you know, and that if
8 any of that is caught, they should be turned in to
9 law enforcement, all that stuff.
10 And I also learned that it was a felony
11 not to report sexual abuse. And I was 18 and kind
12 of afraid, because I'm starting to realize now that
13 Mr. ReVille has sexually abused me and I might go
14 to jail for a felony, is kind of how I was
15 thinking.
16 But I still cared a lot about the man, so
17 while it took a two weeks of working there before I
18 finally mustered the courage to go speak with the
19 one person I trusted, Ms. Jenni Garrott. And so I
20 asked Ms. Garrott, I said, May I speak with you
21 about something? And she said, No problem.
22 And we sat down in a room and we faced
23 each other and I said, Well, I needed to speak with
24 you about Skip ReVille. And she said, Well, I --
25 she just completely changed her demeanor and said,

Page 144

1 Well, Camper Doe 6, I have to -- I have to go do
2 something. She started stuttering a lot. And then
3 asked me to go back to my room and she'll come talk
4 to me. I was on my free period, I believe it was
5 called.
6 So I went back to my room, about 40
7 minutes to an hour later, a man named Patrick Reid
8 came in, knocked on the door and said he needed to
9 speak with me. And we walked out to the middle of
10 the parade deck and he fired me an hour after I
11 tried to turn Skip in.
12 Q I'm going to -- I want to make certain
13 I've got some of the -- some of the terms correct.
14 So about two weeks into the session in 2005, you
15 approach Jenni Garrott about wanting to talk to her
16 about something; is that correct?
17 A About Skip ReVille.
18 Q Okay. But you didn't tell her it was
19 about Skip ReVille until you gotten --
20 A Exactly.
21 Q In other words, when -- what I understand
22 you to have told me is that when you brought his
23 name up, that's when her demeanor changed.
24 A Yes, sir. Absolutely.
25 Q All right. Now, do you remember what

Page 145

1 time of day it was?
2 A I think around 3:00, 4:00, 5:00 it was,
3 because it got dark a few hours after I was fired,
4 so...
5 Q And so then Patrick Reid came to your
6 room.
7 A Yes, sir.
8 Q And what -- who was Patrick Reid?
9 A He was the -- I believe he was the new
10 senior counselor.
11 Q All right.
12 A The year before he was the assistant
13 senior counselor, Moe Baldwin was the senior
14 counselor, but Moe Baldwin moved on to greener
15 pastures, so I believe he filled in his shoes,
16 Patrick Reid. So I guess that's why he did it, I
17 don't know.
18 Q So Patrick Reid came to your room, and
19 tell me again what happened.
20 A He knocked on my door, I said, Come in.
21 He opened the door. I was listening to music very
22 loud so I turned the music down. And I said, Is
23 everything going okay? And he says, Not really.
24 Can you come talk to me for a second? I'm like,
25 Sure.

Dave Arpaio
May 16, 2007

Page 2 of 2

[redacted] stated that he wanted the school to know about this incident, and to know that an apparent predator was once affiliated with the school. He suggested that the school take a statement from [redacted]. He also denied the trouble that he and his wife have had in raising [redacted] as outlined above. He did not say that he plans to file some type of claim against the school, but he did not rule out the possibility, either.

As you know, the standard statute of limitations for an injury allegedly suffered by a minor would begin to run on the day the minor turns eighteen (18) and would expire on that individual's nineteenth (19th) birthday. However, in 2001, the South Carolina General Assembly enacted S.C. Code Ann. § 15-3-555, which provides:

An action to recover damages for injury to a person arising out of an act of sexual abuse or incest must be commenced within six years after the person becomes twenty-one years of age or within three years from the time of discovery by the person of the injury and the causal relationship between the injury and the sexual abuse or incest, whichever occurs later.

(emphasis added). Pursuant to this statute, the limitations period would not begin to run until [redacted] realized the harm which allegedly resulted from the incidents he claims occurred in 2002. [redacted] were to file a lawsuit, we could expect him to argue that he did not reach that realization until the day his father called the school.

At the time I spoke with [redacted] they had not retained counsel. Moreover, [redacted] was eager that The Citadel "hear [redacted] story." As a result, The Citadel believes that someone should meet personally with [redacted] and his parents, and record a detailed statement of his allegations.

There [redacted] live [redacted], therefore there will be some expense involved in this effort. As we discussed on the phone, though, I would be happy to undertake this effort, as a special investigator for the IRF. As you know, I handled the pre-suit investigation of the Arpaio-related matters, as well as the majority of the discovery after those cases were filed. I continued to work on those cases once I assumed my role at The Citadel as general counsel. Thus, I already have experience in investigations of this type. I also have extensive knowledge of the camp from this time period, as [redacted] allegations overlap the period involved in the Arpaio cases. The Citadel recognizes that the IRF's funding of this investigation would be unusual. However, the school believes it would be beneficial to both the IRF and the institution, and the most likely approach to lead to a quick and inexpensive resolution of this claim.

Please let me know if the IRF will support this approach. I will be happy to answer any questions you might have, and to provide any additional information, as you should require.

With best regards, I am,

Yours truly,


Mark C. Brandenburg
General Counsel

MCH:jhs

cc: Lt. Gen. John W. Ross, USAF (Retired)

CITADEL 000381

THE CITADEL 0000235
(FOIA 2011)

May 16, 2007

E-mail: david.abramowitz@citadel.edu

David Abramowitz
Claims Manager
Insurance Reserve Fund
1201 Main Street, Suite 500
Columbia, SC 29201

VIA U.S. Mail and E-mail to dabramowitz@irf.sc.gov

Re: [REDACTED]

Dear David:

This letter is to provide additional information in support of our telephone conference of last week. As I said on the phone, The Citadel was recently contacted by [REDACTED] graduate of the school, concerning his son [REDACTED] as a camper at the now defunct Citadel Summer Camp for Boys / Citadel Summer Camp. According to Camp records, [REDACTED] attended the camp from [REDACTED] and then served as a counselor-in-training / junior counselor [REDACTED]

I spoke with [REDACTED] initially, and subsequently with [REDACTED]. Both allege that during one summer, [REDACTED] and another camper were coerced by a counselor into the counselor's room, where the counselor showed them pornographic movies and convinced them to masturbate. [REDACTED] alleges the counselor watched the movies and masturbated as well. Unfortunately, however, [REDACTED] ultimately said that the counselor never touched him or the other camper. [REDACTED] also alleges that his counselor engaged in this activity frequently, though, and with many other campers. [REDACTED] only experienced it once.

Based on the information [REDACTED] provided, which includes the first name of the counselor (though not the last name) and an allegation that it was that counselor's second year working for the camp, my research indicates this activity could have occurred in 2002. [REDACTED] should have been [REDACTED] years old at the time [REDACTED] currently [REDACTED] years old. During our conversation, [REDACTED] admitted that he has never revealed these allegations to anyone. His father verified that statement. However, the father alleges that, prior to this incident, [REDACTED] was a happy, well-adjusted boy who earned good grades in school while presenting few, if any, disciplinary problems. After the summer of 2002, he claims [REDACTED] became disruptive, and that his grades plummeted. [REDACTED] claims they have spent "thousands of dollars" attempting to correct [REDACTED] behavior, with no success. [REDACTED] was recently denied admission to The Citadel for membership in the class of [REDACTED]

[REDACTED] called the school and attempted to inform Lt Gen Rosa, President of The Citadel, of these allegations. Lt Gen Rosa's secretary took the call initially, and I responded on behalf of the president. I have spoken with [REDACTED] and [REDACTED] once. To my knowledge, no other representative has spoken with either of [REDACTED]

CITADEL 000382

THE CITADEL 0000236
(FOIA 2011)

David Abramson;
May 16, 2007

Page 2 of 2

[REDACTED] stated that he wanted the school to know about this incident, and to know that an apparent predator was once affiliated with the school. He suggested that the school take a statement from [REDACTED]. He also described the trouble that he and his wife have had in raising [REDACTED] as outlined above. He did not say that he plans to file some type of claim against the school, but he did not rule out the possibility, either.

As you know, the standard statute of limitations for an injury allegedly suffered by a minor would begin to run on the day the minor turns eighteen (18) and would expire on that individual's nineteenth (19th) birthday. However, in 2001, the South Carolina General Assembly enacted S.C. Code Ann. § 15-3-535, which provides:

An action to recover damages for injury to a person arising out of an act of sexual abuse or incest must be commenced within six years after the person becomes twenty-one years of age or within three years from the time of discovery by the person of the injury and the causal relationship between the injury and the sexual abuse or incest, whichever occurs later.

(emphasis added). Pursuant to this statute, the limitations period would not begin to run until [REDACTED] realized the harm which allegedly resulted from the incidents he claims occurred in 2002. If [REDACTED] were to file a lawsuit, we could expect him to argue that he did not reach that realization until the day his father called the school.

At the time I spoke with the [REDACTED], they had not retained counsel. Moreover, [REDACTED] was eager that The Citadel "hear [REDACTED] story." As a result, The Citadel believes that someone should meet personally with [REDACTED] and his parents, and record a detailed statement of his allegations.

The [REDACTED] live in [REDACTED], therefore there will be some expense involved in this effort. As we discussed on the phone, though, I would be happy to undertake this effort, as a special investigator for the IRF. As you know, I handled the pre-suit investigation of the Arpaio-related matters, as well as the majority of the discovery after those cases were filed. I continued to work on those cases once I assumed my role at The Citadel as general counsel. Thus, I already have experience in investigations of this type. I also have extensive knowledge of the camp from this time period, as [REDACTED] allegations overlap the period involved in the Arpaio cases. The Citadel recognizes that the IRF's funding of this investigation would be unusual. However, the school believes it would be beneficial to both the IRF and the institution, and the most likely approach to lead to a quick and inexpensive resolution of this claim.

Please let me know if the IRF will support this approach. I will be happy to answer any questions you might have, and to provide any additional information, as you should require.

With best regards, I am,

Yours truly,

Mark C. Brandenburg
General Counsel

MCB:jhs

CITADEL 000383

THE CITADEL 0000237
(FOIA 2011)

David Abramowitz
May 16, 2007

Page 2 of 2

cc. Lt Gen John W. Rosa, USAF (Retired)

CITADEL 000384

THE CITADEL 0000238
(FOIA 2011)

10:24:19 1

2

3

4

5

6

7

8

9

10

11

RE: SUMMER CAMP INTERVIEW

12

JULY 1, 2007

13

14

10:24:19 15

16

17

18

19

20

21

22

23

24

25



CITADEL 000387

THE CITADEL 0000287
(FOIA 2011)

11:34:33 1 with , and he ordered Chinese food and --
2 Q. Did anybody -- let me just stop you for a
3 second.
4 Did anybody go with you the first night?
5 A. .
6 Q. ? Bought food and talked?
7 A. That's right.
8 Q. Okay. Nothing -- nothing else happened?
9 A. No.
10 Q. Okay. Okay.
11 A. A few nights later we went back to
12 room. He ordered Chinese food.
13 Q. Okay.
14 A. And then he started telling us that he wanted
11:35:03 15 us to spend the night in his room.
16 Q. Okay.
17 A. And he just said, you know, you guys can stay
18 the night here. You'll stay the night here.
19 Then he started showing us things on the
20 computer. He wanted us to go to the computer. He
21 started showing us things. He started bringing up
22 pornographic videos, and then he started talking about
23 masturbation and how masturbating makes your penis
24 smaller and all these weird things.
25 Q. Okay.

CITADEL 000531

THE CITADEL 0000431
(FOIA 2011)

11:35:34 1 A. And he at that time pulled out his penis and
2 started masturbating and asked us to join him, and I
3 got up, said I was tired, went to the bed and just
4 said I was going to fall asleep and --

5 Q. Okay.

6 A. -- just go to sleep.

7 Q. This was in his room?

8 A. That's right.

9 Q. Okay.

10 A. He -- he kind of got a little aggressive and
11 was asking me to come back to the computer and join
12 them --

13 Q. All right.

14 A. -- which I ended up doing.

11:36:14 15 Q. Was over there with him?

16 A. That's right.

17 Q. Okay. And had he joined?

18 A. That's right.

19 Q. Okay.

20 A. And I did it. Immediately after, I felt
21 completely violated.

22 Q. Okay.

23 A. I mean, it was just a horrible experience for
24 me. I didn't tell anyone until this year.

25 Q. Okay.

11:36:43 1 A. But like I said, it only happened to me one
2 time.

3 Q. Okay.

4 A. I know there are about five other kids that
5 experienced it a few times.

6 Q. Okay.

7 A. He made it seem as if it was completely
8 normal.

9 Q. Okay.

10 A. And he totally treated these campers like --
11 he played favorites.

12 Q. Okay.

13 A. After that incident, I kind of crossed over
14 to the dark side, I guess you could say. I started

11:37:20 15 doing horribly in school.

16 Q. Okay.

17 A. It led to drug use and -- you know,
18 cigarettes, alcohol.

19 Q. All right.

20 A. And for the longest time, you know, I just
21 thought it was my fault, maybe that I was a bad
22 person, but I grew up, and I looked back on it, and,
23 you know --

24 Q. Okay.

25 A. -- I realized who the bad guy was.

11:41:48 1 Q. So he told you in 2002 --
2 A. That it started in --
3 Q. -- that it started in 2001?
4 A. That's right.
5 Q. Okay.
6 A. And I -- I believe there are five kids,
7 including and , that were involved in that
8 the year before.
9 Q. And tell me why you think that there were --
10 why you say that there were five kids involved?
11 A. Well, I remember there was -- I remember it
12 was and , and then -- I also remember
13 another kid in this section that definitely did
14 mention was involved.
11:42:17 15 Q. Okay.
16 A. I just can't remember his name. I wasn't
17 good friends with this kid.
18 Q. Okay. If you saw a list of names, would you
19 be able to pick it out?
20 A. I might be able to.
21 Q. Okay.
22 A. But, yeah, I -- -- and he talked
23 about it like it was him and a few other kids.
24 Q. Okay.
25 A. And the year that -- the year that it

CITADEL 000545

THE CITADEL 0000445
(FOIA 2011)

11:42:40 1 happened to me, I noticed that there were younger kids

2 coming in and out of room a lot.

3 Q. Okay.

4 A. I mean, you know, I'd go over there, and

5 there would be younger kids leaving the room that he

6 had just bought food for and stuff like that. I'm --

7 I don't know what, you know, that was all about but --

8 Q. This was in 2001 or in 2002?

9 A. 2002.

10 Q. In 2002? Okay. All right.

11 A. was a 2001.

12 Q. Okay.

13 A. In 2002, he was actually moved to a very head

14 position in the camp.

11:43:12 15 Q. Okay. In 2001, do you know where it is that

16 lived?

17 A. He lived -- he lived in a small room.

18 Q. Okay.

19 A. It might have been the second floor.

20 Q. Okay.

21 A. I don't know, though. I had no idea of

22 existence in 2001.

23 Q. Fair enough.

24 How about in 2002?

25 A. In 2002, he lived in the huge room.

CITADEL 000547

THE CITADEL 0000447
(FOIA 2011)

11:44:09 1 Q. () Okay. Did he have a
2 roommate that year?
3 A. I don't believe he did.
4 Q. Okay. Was there anybody -- well, you said
5 this only happened to you once.
6 A. That's right.
7 Q. Okay. And it was you and . Were there
8 any other counselors in the room?
9 A. There were none.
10 Q. Were there any campers in the room?
11 A. No.
12 Q. Okay. And you didn't tell anybody about
13 this?
14 A. I told no one.
11:44:36 15 Q. Okay. Why not?
16 A. I felt violated. I was embarrassed to tell
17 people.
18 Q. Okay. Okay. And you said you saw younger
19 campers going into his room at times?
20 A. That's right.
21 Q. When did you see that?
22 A. Just during camp.
23 Q. Okay. What time of day did this occur?
24 A. Night.
25 Q. Nighttime? Do you remember -- I mean, was it

12:14:30 1 Q. Why he picked you.
2 A. No, not at all.
3 Q. Okay. How about ? Did he ever give you
4 any explanation?
5 A. No.
6 Q. Do you know how many times it happened to
7 ?
8 A. I believe it happened a few times. Quite
9 often.
10 Q. Had it happened before it happened to you to
11 ?
12 A. Yes.
13 Q. Do you know if it happened afterwards --
14 A. I'm not sure.
12:14:56 15 Q. -- to him?
16 Okay. Do you know if it happened to
17 anybody else afterwards?
18 A. I'm not sure, but I wouldn't doubt it. I saw
19 kids coming in and out of his room --
20 Q. Okay.
21 A. -- at all hours.
22 Q. Okay. Okay. All right. And the first time
23 that you told anybody about this was when you told
24 your parents --
25 A. My mom.

CITADEL 000595

THE CITADEL 0000495
(FOIA 2011)

12:18:02 1 is the problem.

2 Q. Okay.

3 A. is the problem.

4 Q. Okay.

5 A. I just -- I -- I -- I don't want him to do to
6 another kid what he did to me.

7 Q. Okay. Did you have a sense that he -- well,
8 I'll go in a different direction.

9 Is there anything that you want the
10 Citadel to do as a result of this?

11 A. I was put in a hole because of what happened.

12 Q. Uh-huh.

13 A. I've been trying really hard to get myself
14 out of this hole.

12:18:44 15 Q. Yeah.

16 A. I do expect some sort of compensation. I --
17 I don't believe I'm in position to say what.

18 Q. Uh-huh.

19 A. I mean, every step that I've taken out of
20 this hole that I was put in I've done by myself, on my
21 own.

22 Q. Yeah.

23 A. Most of all, the thing I want the most is
24 just to make sure that doesn't have a chance to
25 do this to anyone else.

CITADEL 000603

THE CITADEL 0000503
(FOIA 2011)

[illegible]

Thank you again for all of your cooperation in this matter. (But some) we were not able to clear with a release, but I feel confident that we are not armed with any other dangerous weapons that might be against this child.

I hope you have a wonderful Thanksgiving!

ਮਾਰਕ

KARL C. BRUNDELLE
C/O Mrs. J. Brunelle
The Starke
171 Michigan St.
Grand Hall Room 469
Charleston, S.C. 29408
(843) 632-7752 (office)
(843) 632-7465 (mobile)
(843) 952-7752 (fax)
ars@brunelle.org

From: Mark O. Brandenburg
Sent: Wednesday, August 08, 2012 10:46 AM
To: David Stuckey
Cc: Dan Felt
Subject: RE: [REDACTED]

ဒဂုန်၊ မုခ်၊ ဝေန်

I stopped [redacted] after my convention trip (the former cannot complain) and his parents recently received the "rough" draft of the interview on this issue. I have not received an e-graphic sheet, however, at the end of June. The wife [redacted] We talked for a couple of hours and I received a copy as well, and has forwarded it.

I will be happy to provide a more complete report later and, indeed, I will be happy to send an electronic copy of the transcript, if you wish. In addition, though, I found [redacted] to be enjoyable. His story remained the same as the one he related to me over the past several months ago. He described one incident, in which [redacted] a fellow inmate, convinced him to visit the room of a socialist at the summer camp. Once there, the socialist showed them pornography pictures on his computer and convinced the prisoners to masturbate with him. [redacted] again specifically and emphatically denied that he was touched during the incident. Nonetheless, he says he felt "dirty" and ashamed afterward, and that his pride and general standard of life suffered tremendously afterward. He ultimately [redacted] through he eventually [redacted] he is currently working at a grocery store in [redacted] a store in [redacted] to be [redacted] through his parents are moving to [redacted] to be happy with his life; and professors at the medical school agree with him as to how that he has reversed his tendency to his parents. He also has parents described series of visits with doctors, psychologists, psychiatrists, etc., which have finally subsided with the resolution [redacted]

immediately identified the counselor without hesitation when he showed him pictures from the relevant time period. He had previously identified him only as "Skip". When he showed him pictures of a lab staff, though, he immediately identified Skip Raville, who was serving as the "spoor questioner" during the year in question. Moreover, his identification of the barracks (the camp was in that year, and indeed the room in which Raville was living was accurate. Skip's 1964 reported forced address of his, however, appears to be entirely accurate, and unfortunately, wrongly proved totally false.

was by far the most emotional of the three. She has significant animosity toward the
 reportedly said that he feels the school can pay for the solution, even as it was not a

PLAINTIFF'S
EXHIBIT

THE CITADEL 0000224
(FOIA 2011)

the problem. He is a Citadel graduate however, and I suspect feeling much of the typical desire that graduates have to see their sons attend The Citadel. [REDACTED] seems interested in attending, although not as interested as his father in seeing him attend.

Mark

Mark C. Brandenburg
General Counsel
The Citadel
171 McIntosh Street
Bond Hall, Room 369
Charleston, SC 29409
(843) 953-5252 (office)
(843) 475-8465 (mobile)
(843) 953-7592 (fax)
mark.brandenburg@citadel.edu

From: David Stuckey (mailto:dstuckey@irf.sc.gov)
Sent: Friday, June 15, 2007 3:48 PM
To: Mark C. Brandenburg
Cc: Dan Farris
Subject: [REDACTED]

Mark,

This email will confirm our telephone conversation on June 14, 2007 in which we discussed the above incident. During the conversation, we agreed that it would be in our best interest for you to meet with [REDACTED]. During this conversation with the [REDACTED] family, we agreed that a court reporter should be present in order to record the conversation for any possible litigation in the future. Even though a claim has not been filed with either The Citadel or the Insurance Reserve Fund, we would ask that the [REDACTED] family convey in writing their intentions and expectations regarding the investigation of this incident.

Once you have returned from that meeting, please give us a call.

Very respectfully,

David L. Stuckey, Jr.
Professional Liability Representative
South Carolina Insurance Reserve Fund
P.O. Box 11066
Columbia, SC 29211
Office: (803) 737-0028
Fax: (803) 737-3757

THE CITADEL
The Military College of South Carolina
171 Moultrie Street
Charleston, South Carolina 29409

3 July 2002

MEMORANDUM
NUMBER 9

THE CITADEL'S SEXUAL ASSAULT CRISIS INTERVENTION POLICY

1. INTRODUCTION:

The Citadel is a unique community in which students, faculty, staff, and administrators interact more closely than in most other institutions of higher learning. Centered around the Corps of Cadets, The Citadel strives to fulfill its mission of educating each cadet as a "whole person," seeking to promote academic excellence, strong military performance, and physical fitness, as well as exceptional character development and leadership training. Consequently, The Citadel community strongly supports a policy that prohibits abuse of power by sexual assault. This unlawful act and the coercion, intimidation, and lack of respect it represents is the antithesis of The Citadel's mission, and this behavior will not be tolerated. **THE CITADEL WILL PUNISH ANY INDIVIDUAL(S) WHO IS FOUND TO HAVE COMMITTED A SEXUAL ASSAULT.** Furthermore, the College believes that preventive education is critical to both attempting to reduce the likelihood of sexual assault on campus and to supplementing the process of contemporary leadership development among cadets. Thus, The Citadel is committed to presenting a strong, ongoing sexual assault prevention program in an effort to educate all members of The Citadel Community. **THIS POLICY APPLIES TO ALL MEMBERS OF THE CITADEL COMMUNITY TO INCLUDE CGPS STUDENTS, FACULTY, AND STAFF.**

2. DEFINITIONS:

A. **RAPE** is defined as any sexual intercourse (i.e., anal, oral, or vaginal) however slight with any object without affirmative consent (see definition at 2c).

B. **SEXUAL ASSAULT** includes rape and all other forms of unlawful sexual behavior and contact which is not mutually agreed upon (i.e., penetration with a foreign object including a finger; oral or anal sex; unwanted touching on skin or through clothing; or touching an intimate part of another person such as their genitals, buttocks, or breasts) without affirmative consent.



CITADEL 0002528

by all persons involved. Affirmative consent cannot be given in the following situations:

- 1) the person is unable to give consent (because the person is a minor under 18 years of age),
- 2) the person is unable to give consent because of his/her temporary or permanent mental handicap or physical incapacity such as a person who is under the influence of alcohol or drugs, who has "passed out" or "blacked out," and/or who is unconscious or semiconscious;
- 3) the person expressed by words or any other behavior a lack of agreement to engage in sexual activity;
- 4) the person having formerly consented to sexual activity subsequently expresses by words or any other behavior a lack of agreement to continue engaging in the sexual activity;
- 5) the person was induced to engage in sexual activity by the other person's:
 - a. physical coercion,
 - b. abuse of position of power, trust, or authority; and/or use of artificial means (i.e., drugs such as Rohypnol),
- 6) and/or when the consent is expressed in words or conduct by a third party.

In summary, "No" means "No." The communication of "No" may be expressed verbally or nonverbally (i.e., physical resistance, body language, etc.). Rape and other forms of sexual assault are illegal, regardless of the relationship between the perpetrator and victim (i.e., acquaintance or date rape is as serious a crime as stranger rape).

3. GENERAL GUIDELINES OF THE SEXUAL ASSAULT CRISIS INTERVENTION POLICY:

A. Upon enrollment and/or during orientation and annually thereafter, The Citadel will make available to each cadet, CGPS student, faculty, and employee the following:

- 1) The Citadel's policies on Cadet dating, Cadet fraternization, sexual harassment, and sexual assault;

CITADEL 0002529

2) information designed to reduce the risk of being sexually assaulted or committing sexual assault, (such information will also be displayed prominently on campus bulletin boards.);

3) guidelines which detail the range of formal and informal options for addressing a range of inappropriate behaviors including sexual assault; and

4) data on the prevalence of these crimes, both at The Citadel and in the local area.

B. The Citadel will make available educational programs to inform all students (both Cadets and CGPS), staff, and faculty in the campus community about the nature of sexual assault and sexual harassment. These programs are detailed in the annual Plan of Instruction (POI) for the Corps of Cadets. In addition, the following will be available:

1) Guest speakers, seminars, discussion panels, and/or drama troops may be utilized at various times in an attempt to maintain a preventive education program throughout the year.

2) Academic psycho-educational classes on drug and alcohol abuse, will be presented, which will include the discussion of the close relationship of substance use and sexual assault for all cadets.

3) Faculty, staff, and CGPS students may attend any of the above on a voluntary basis. Contact the Title IX Coordinator at 3-5252 for information.

C. Given that date/acquaintance rape is a particular problem on most college and university campuses, The Citadel will provide training and distribute literature, which focuses on assisting individuals who have been sexually assaulted. This program includes:

1) written protocol describing exact procedures for handling sexual assault cases (this policy);

2) written guidelines for seeking immediate medical and psychological treatment;

3) brochures which detail information about sexual assault and the options for addressing sex with assault in both a formal and informal manner; and

CITADEL 0002530

4) procedures for coordinating the activities of campus and local law enforcement agencies.

D. The Citadel's policy encourages individuals who have been sexually assaulted to formally report the incident to a member of the college's administration or to a Citadel Public Safety official (Campus Police).

E. The Citadel strongly encourages all cadets, CGPS students, faculty, and staff who have experienced a sexual assault or sexual harassment or have knowledge of another person's sexual assault or harassment to report such knowledge to either the Campus Police, the Commandant of Cadets or his/her representative, one of the Deans, the Ombudsperson, the Counseling Center staff, a member of the campus clergy, Human Resources, or the EEO/AA/Diversity Director. The report will not include the name of the individual who has been sexually assaulted or sexually harassed without the individual's permission, except when there is a known or a perceived future threat of imminent physical harm to the individual or others. This report may be done anonymously.

4. IMMEDIATE GUIDELINES IN THE EVENT YOU ARE SEXUALLY ASSAULTED (Refer to Annex A):

5. DO's and DON'Ts IN SUPPORTING A SEXUAL ASSAULT VICTIM (Refer to Annex B):

6. DUTIES AND RESPONSIBILITIES OF CAMPUS PERSONNEL:

A. The persons and agencies suggested in Annex A, Paragraph 1, are recommended initial points of contact for individuals who have been sexually assaulted. It is important to remember, however, that anyone on campus has the potential to be the first contact with someone who has been sexually assaulted, and thus everyone must be familiar with certain information and requirements. First and foremost, it is important to respect the wishes of the individual who has been sexually assaulted, especially as to whether to file a formal complaint or criminal charges. The healing process begins with this individual's control of decision-making which may affect his/her life dramatically.

B. Initial Contact. The Citadel community must be prepared to be the first contact in a sexual assault case. Handling a difficult situation is not easy. The guidelines at Annex B dealing with DO's and DON'Ts, should be kept in mind. (NOTE: THIS LISTING OF DO's AND DON'Ts IS AVAILABLE IN WALLET-CARD FORMAT AND IS RECOMMENDED TO BE CARRIED BY ALL MEMBERS OF THE CITADEL CAMPUS COMMUNITY.)

CITADEL 0002531

C. The Sexual Assault Response Coordinator (SARC) for The Citadel is the Director of Equal Opportunity/Affirmative Action/and Diversity. He/she will be assisted in these responsibilities by the Assistant Title IX Coordinators.

D. Sexual Assault Prevention Committee. This committee will consist of the Special Assistant to the President (Chair), Title IX Coordinator, Sexual Assault Response Coordinator, Director of Counseling Center, Citadel Physician, Assistant Commandant of Cadets for Administration and Coeducation, Director of Student Activities, Dean of Undergraduate Studies, Dean of CGPS, Director of Human Resources, Chaplain to the Corps of Cadets, and Director of Public Safety. Responsibilities:

- 1) Conduct annual review of this policy and recommend changes as required.
- 2) Review contents of annual education program on Sexual Assault and recommend changes as required.
- 3) Review annual statistics on Sexual Assaults on campus and in the local area to discuss trends and lessons learned.
- 4) Meet, as required, to discuss the latest educational material and issues related to Sexual Assault.

7. MYTHS AND REALITIES OF SEXUAL ASSAULT (Refer to Annex C):

8. PROCEDURES FOR FILING A SEXUAL ASSAULT COMPLAINT (Refer to Annex D):

9. FOLLOW-UP RESPONSIBILITIES IN THE AFTERMATH OF RAPE OR SEXUAL ASSAULT (Refer to Annex E):

10. FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA) AND THE CRIME AWARENESS AND CAMPUS SECURITY ACT OF 1990 (Refer to Annex F):

11. ADDITIONAL INFORMATION ON THE CITADEL'S SEXUAL HARASSMENT POLICY MAY BE FOUND IN MEMORANDUM 51, SEXUAL HARASSMENT, DATED 30 JUNE 2000:

12. RECOMMENDED CHANGES OR QUESTIONS REGARDING THIS POLICY SHOULD BE REFERRED TO THE CITADEL'S SEXUAL ASSAULT RESPONSE COORDINATOR/TITLE IX COORDINATOR AT 953-5252:

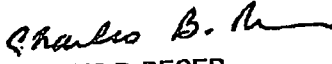
CITADEL 0002532

13. RESCISSION:

Memorandum Number 6, dated 2 August 1999, is rescinded.

FOR THE PRESIDENT:

OFFICIAL


CHARLES B. REGER
Colonel, USAF, Retired
Executive Assistant to the President

Attachments:

Annex A, Immediate Guidelines in the Event You are Sexually Assaulted
Annex B, DO's and DON'Ts in Dealing with a Sexual Assault Victim
Annex C, Myths and Realities of Sexual Assault
Annex D, Filing a Sexual Assault Complaint
Annex E, Follow-up Responsibilities in the Aftermath of Sexual Assault
Appendix 1, Protocol for Responding to a Sexual Assault (Initial Contact Person)
Appendix 2, Protocol for Responding to a Sexual Assault (Sexual Assault Response Coordinator)
Appendix 3, Sexual Assault Incident Report Form
Appendix 4, Sexual and Physical Misconduct Log
Annex F, FERPA and the Crime Awareness and Campus Security Act of 1990

DISTRIBUTION:

B

6
CITADEL 0002533

IMMEDIATE GUIDELINES IN THE EVENT YOU ARE SEXUALLY ASSAULTED:

1. GO TO A SAFE PLACE AND NOTIFY SOMEONE IMMEDIATELY AND SEEK ADVICE. The purpose of notifying someone immediately is for you to receive information regarding the options available to you after being sexually assaulted. The options include seeking medical care, seeking psychological assistance, requesting informal mediation, filing a formal complaint, and/or filing criminal charges. It may be helpful if a friend or neighbor accompanies you when you notify one of the resources listed below and on the next page. You are strongly urged to go to The Citadel Infirmary immediately after the incident. Medical procedures are in place to have you seen and evaluated promptly by a psychologist, a gynecologist, People Against Rape, etc. Medical decisions need to be made as soon as possible regarding evaluation and/or treatment of potential Sexually Transmitted Diseases (STD's), and whether to take the "morning after" birth control therapy. Counselors can help you decide whether you want to press charges, etc.

A. Resources to contact, in the recommended order for assistance and advice include:

- 1) The Citadel Infirmary: 953-6847
- 2) The Citadel Counseling Center: 953-6799; after hours via the Infirmary: 953-6847
- 3) The Citadel Public Safety: 953-5114 (available 24 hours a day)
- 4) Sexual Assault Response Coordinator (SARC): 953-5252
- 5) The Citadel Ombudsperson: 953-7953 */367-8340 (cell)
- 6) The Citadel Chaplain to the Corps: 953-5049 *
- 7) Your Cadet Human Affairs Team Members

* (Weekday/Daytime number – 24 hours a day/voicemail capability)-

B. Additional resources for cadets to contact for assistance include:

- 1) the officer-in-charge (OC) in your battalion
- 2) your company or battalion tactical officer

Annex A

CITADEL 0002534

3) your cadet chain of command

C. Off-campus resources to contact for assistance include:

- 1) Charleston Police Department: 911
- 2) "People Against Rape," a local, non-profit community agency specializing in assisting victims of sexual assault 24 hour phone # 722-RAPE
- 3) RAPE CRISIS CENTER – Medical University of South Carolina Emergency Room (MUSC); 792-9127

2. DO NOT STRAIGHTEN OR CLEAN UP THE SCENE OF THE SEXUAL ASSAULT AND DO NOT BATHE, DOUCHE, OR CHANGE CLOTHES. The purpose of this guideline is to maintain any physical evidence of the sexual assault. If you choose to file a formal complaint or a criminal charge, physical evidence can support your complaint. If you clean up the scene of the sexual assault, or if you bathe, douche, or change clothes, you may destroy the evidence needed to support a formal complaint or criminal charge. For example, physical evidence from your clothing, skin, or blood, hair samples on your body, clothing or fabric from the scene of the assault, evidence under your fingernails, semen stains on you, your clothing, or from the scene of the assault, etc., can all be preserved and noted in a police report. Similarly, physical evidence includes any injuries sustained during the assault including bruises, abrasions, swelling, teeth marks, and lacerations that can be documented in a medical chart. Formal documentation of evidence and injuries in a police or medical chart can be critical if you choose to file either a formal complaint or a criminal charge.

3. WITH THE ASSISTANCE OF A QUALIFIED PROFESSIONAL, DECIDE WHETHER YOU WISH TO NOTIFY THE POLICE. A qualified professional may include a doctor, nurse, counselor, ombudsperson, either at The Citadel or off-campus. The Citadel strongly encourages individuals to formally report crimes. Keep in mind that reporting the crime does not require you to file criminal charges. Three key points include:

- A. You may be in shock immediately after the assault and find it difficult to think clearly. Obtaining assistance with decision making from a qualified professional is important. Reporting to police and preserving evidence will allow you to file criminal charges later should you choose to file charges.
- B. If you have a preference regarding the gender of the police officer you would like to speak with, state your preference clearly. Most police departments attempt to accommodate such requests to the greatest degree possible.

Annex A
Page 2

CITADEL 0002535

- C. Even if you do not file criminal charges, information provided to the police may help protect others. Remember, many perpetrators of sexual assault will attempt to commit this crime repeatedly.

4. **HOSPITAL INFORMATION.** If the sexual assault occurred within 72 hours of the incident, all Citadel personnel will encourage you to go to a hospital emergency room for a medical evaluation. Emergency room personnel consider individuals who have been sexually assaulted to be a high priority for evaluation, but keep in mind that life-threatening cases are their first priority, so you may have to wait. However, if you wait beyond 72 hours after the sexual assault, evidence may no longer be available and will make prosecution, if desired, at a later time very difficult. Some suggestions include:

A. bring a friend to wait with you, if possible

B. bring a change of clothes to wear after the medical evaluation, since the clothes worn during the assault will be taken, if you choose to request the collection of physical evidence. If you removed the clothes you were wearing at the time of the sexual assault, put them in a paper bag and bring them with you to the hospital.

5. **THE PHYSICAL EXAM AT THE HOSPITAL.** You most likely will be evaluated by an emergency room resident, physician, or a nurse practitioner for any injuries that may have occurred during the sexual assault. You will be taken to the General Clinical Research Clinic (GCRC) on the second floor, where you will be seen by a Sexual Assault Nurse Examiner, and receive an exam to assess possible internal injuries. Women may also have a blood sample taken in order to be tested for a preexisting pregnancy. Women and men may also have a blood sample taken in order to be tested for any sexually transmitted diseases. With regard to treatment, you will be offered treatment for external and internal injuries and medication to prevent and/or treat any possible sexually transmitted diseases. Women may be offered "morning after" birth control, in order to help prevent pregnancy which may result from a rape. During your visit, you may request to speak with a psychiatric nurse, psychologist, counselor, or social worker to help you begin to cope with the experience. If the sexual assault occurred more than 72 hours before you arrive at the hospital or if you refuse to open a police report, then you will be sent directly to the follow-up clinic for treatment.

6. **THE COLLECTION OF PHYSICAL EVIDENCE AT THE HOSPITAL.** You may request that a hospital staff member complete the procedure to collect physical evidence of the sexual assault. This procedure, which is sometimes referred to as completing a "rape kit," may involve photographing physical injuries, preserving samples of semen, blood or other bodily fluids, and/or collecting hair samples from your body or clothing. It is important to note that you can choose to receive medical treatment at a hospital and choose NOT to allow the collection of physical evidence of the sexual assault. A "rape kit" can only be opened if the victim agrees to filing a police report and less than 72 hours has expired from the time of the sexual assault and the victim's exam at the hospital.

Annex A
Page 3

CITADEL 0002536

DO's AND DON'T's IN SUPPORTING A SEXUAL ASSAULT VICTIM

DO:

1. believe the victim; the time for investigation will come (as described in Annex C).
2. review the victim's options, then respect the choices regarding the options the victim wishes to implement.
3. help the victim if asked for assistance (e.g., if asked, call a resource person on the list in Annex A for the individual to talk to or to gain more information about options available).
4. be patient and supportive; do more listening than talking (it is not helpful to try to force someone to talk who is not ready).
5. keep in mind the myths and realities of sexual assault (See Annex C).

DON'T:

1. blame the victim for the sexual assault (e.g., "could'a, would'a, should'a" type statements), or imply blame due to alcohol/substance use (e.g., "this would never have happened if you weren't drinking").
2. judge the victim's decision-making; the complainant may be in shock as it is and may feel victimized all over again by such statements.
3. become angry with the individual for "allowing it to happen."
4. focus on asking the sexual details of the alleged assault.
5. make decisions or be overprotective; review all of the options, help the victim get in contact with the appropriate people, and support the final decisions.

Annex B

CITADEL 0002537

SOME COMMONS MYTHS ABOUT RAPE

- Myth:** "No" really means "Yes."
- Fact:** The rapist assumes that the victim really wants sex regardless of what he/she is really saying.
- Myth:** Rape is actually committed by a stranger.
- Fact:** Statistics show 70% to 90% are committed by someone the victim knows. On a college campus 80-90% of rapes are acquaintance rapes.
- Myth:** Some women "ask" to be raped, either because of their mode of dress, reputation or behavior.
- Fact:** Rape is a devastating experience! No one asks to be raped or wants to be hurt in that way.
- Myth:** Any victim could prevent rape if he/she wanted to. No one can be raped against their will.
- Fact:** No one can prevent rape, except a rapist. Studies have shown that in the majority of cases (87% in one study) rapists either had a weapon and/or threatened the survivor with death.
- Myth:** Acquaintance rape only happens in heterosexual relationships.
- Fact:** Rape can occur in any type of relationship including gay/lesbian ones. In addition, gays and lesbians can be vulnerable to homophobic violence including rape.
- Myth:** Women often "cry rape" to get back at a man. There is a high rate of false reporting.
- Fact:** Studies show that over 98% of rape reports are true reports. If a woman tells you she has been raped, believe her.
- Myth:** Rape/sexual assault only happens to women.
- Fact:** Men are also victims of rape. It is estimated that 10% of rapes occur to men.

Annex C

CITADEL 0002538

FILING A SEXUAL ASSAULT COMPLAINT

1. INFORMAL COMPLAINT.

A. Decide whether you wish to pursue informal mediation: You may choose to attempt to resolve your complaint through informal discussion about the behavior. Informal mediation usually involves a discussion with both the individual who is reporting the sexual assault and the individual(s) who is (are) the alleged perpetrator(s) of the assault, either alone or together, depending on the preference of the individual who is reporting the sexual assault. The discussions will include the following:

- 1) a verbal description of The Citadel's Sexual Assault Crisis Intervention Policy,
- 2) a verbal description of all the options available to the individual who is reporting the sexual assault, including a description of the process of filing a formal complaint and/or criminal charges,
- 3) recommendations regarding how the alleged perpetrator can change his/her behavior specifically to discontinue any behavior which may involve sexual assault or harassment, and
- 4) recommendations regarding how the individual who is reporting the sexual assault can respond if the alleged perpetrator's behavior does not change following the informal mediation.

B. Process of Informal Action. The Citadel Ombudsperson, a cadet commander, tactical officer, or other official who is approached by an individual who has been sexually assaulted (or on behalf of this individual) is expected to:

- 1) respond sensitively to the complaint (i.e., along the lines noted in the "DO's and DON'T's" in Annex B),
- 2) if the alleged victim requests, describe the process of seeking formal and informal action and the process of filing criminal charges,
- 3) provide information regarding all of the options available to the individual (described in Annex A),
- 4) if requested by the individual who has been sexually assaulted, initiate formal or informal actions (described in this annex): In this case, the individual who has allegedly been sexually assaulted will be asked for permission to give his or her name to the person against whom the claim is being made.

Annex D

CITADEL 0002539

NOTE: Anonymous complaints can only be pursued in general terms and are less likely to effect a behavior change. The person against whom the complaint has been made will be advised of the nature of the complaint and be allowed to respond. He or she will also be advised of the procedure for handling formal complaints in the event one is made. The goal of this meeting is to determine whether a problem exists, to agree on steps to rectify any identified problems, and to agree to prevent the situation from recurring. Both the individual who has been sexually assaulted and the individual against whom the complaint has been made will be notified in writing of the outcome of the informal meeting.

2. FORMAL COMPLAINT. DECIDE WHETHER YOU WISH TO FILE A FORMAL COMPLAINT:

A.

WITH WHOM DO YOU FILE COMPLAINT?		
If alleged Perpetrator is:	File complaint with:	Final action decided by:
Cadet	Commandant of Cadets	President
CGPS Student	Dean of CGPS	President
Faculty Member	Provost & VPAA	President
Citadel Employee (Non Faculty)	VP Finance & Business Affairs	President
Contractor working at The Citadel	VP Finance & Business Affairs	President

C. PROCESS OF FORMAL ACTION (CADETS). To initiate formal action, the individual who has been sexually assaulted notifies the office of the Commandant of Cadets. The Assistant Commandant for Discipline in conjunction with the Assistant Commandant for Administration and Coeducation will initiate a formal investigation within 3 working days of being notified of the complaint. If the investigation suggests that the matter should be further pursued, the matter will be referred to the Commandant (and law enforcement agencies, where indicated) for formal disciplinary action. In this way, The Citadel will fulfill its obligations to:

(1) the complainant: to take the complaint seriously, to investigate the allegation thoroughly, and if it is substantiated, to take swift and effective action to initiate discipline and to prevent recurrence. In addition, the Assistant Commandant who is responsible for the initial investigation will verify that all the options available (as described in this Annex) have been reviewed with the complainant.

(2) the accused: to protect the individual's due process rights.

*Annex D
Page 2*

CITADEL 0002540

NOTE: If the Commandant of Cadets decides not to pursue the matter, a written statement of the reasons will be given to the complainant and to the person against whom the complaint has been made. A copy will also be provided to the President.

C. PROCESS OF FORMAL ACTION (FACULTY AND STAFF). The person against whom the complaint has been made has the right to have the complaint investigated impartially, the right to respond to the complaint and make his or her case, including the right to call for statements from witnesses. Complaints shown to be false, frivolous, or wildly exaggerated may result in disciplinary action against the complainant. In addition, the person appointed by the Provost & VPAA or the Vice President for Finance and Business Affairs, who is responsible for the initial investigation will review resources for support, such as medical treatment and/or counseling services, for the person against whom the complaint has been made. (SEE MEMORANDUM 51, paragraphs 13-14 for a detailed explanation of this process for faculty and staff).

D. PROCESS OF FORMAL ACTION (CGPS STUDENT). See procedures outlined in the College of Graduate and Professional Studies Catalog, pages 16 and 17.

3. COUNSELING/REHABILITATION. Incidents of sexual assault will be considered gross misconduct on part of the perpetrator and will be grounds for expulsion (for students) and termination of employment (for faculty and staff) from The Citadel. In very rare circumstances, where the conduct is less serious it may be sufficient for the perpetrator to receive other punishment (e.g., suspension, tours/confinements), to apologize, to promise not to re-offend, and to be warned about future conduct. Additionally:

A. complainants will be protected against retaliation; allegations of retaliation will be investigated and dealt with under relevant disciplinary procedures.

B. the confidentiality of individuals involved in a formal complaint will be protected to the greatest possible degree; only those officials investigating, treating, or disciplining the persons involved are generally considered to have a "need to know." This would include the following officials at The Citadel:

Annex D
Page 3

CITADEL 0002541

- The President
- The Commandant (Cadet cases only), Dean of CGPS (CGPS Students cases only), Provost and VPAA, VP for Finance and Business Affairs (Faculty or Staff cases only)
- The Assistant Commandant or Investigating Officer Investigating the case
- The Infirmary Physician
- The Director of the Counseling Center
- The Title IX Coordinator
- The Director of Public Safety
- Tactical Officer or Vice President responsible for responding to allegations of retaliation
- The Vice President for Communications

C. If the complainant and the individual against whom the complaint has been made are in the same cadet company, the individual against whom the complaints have been made may be transferred to the Neutral Quarters until appropriate action has been taken by the Commandant's Department and/or the law enforcement authorities. If a determination is made that an assault of some type did occur, the individual will be permanently transferred to another battalion (if retained within the Corps of Cadets). If the complainant desires to transfer to another battalion, this will also be accomplished immediately.

D. the individual against whom the complaint has been made will be referred to the Counseling Center to receive information regarding counseling options available at the Counseling Center and with off-campus counselors. The individual will be offered opportunities to pursue counseling if he/she chooses to seek an increased understanding of his/her behavior. NOTE: That only students will be treated at the Counseling Center. All others must make their own arrangements for off campus health care providers.

E. The complainant will be offered information regarding available academic accommodations, including the following: assignment to a different section, a late withdrawal from a class, and/or options for medical discharge.

F. Faculty and staff may seek counseling assistance through The Citadel's Employee Assistance Program (EAP)

Annex D
Page 4

CITADEL 0002542

FOLLOW-UP RESPONSIBILITIES IN THE AFTERMATH OF A SEXUAL ASSAULT

1. Case Management

- A. The person charged with conducting the investigation will update the appropriate Vice President, (the Commandant, Provost/Vice President for Academic Affairs, or Vice President for Finance and Business Affairs), at least weekly as to the status of the investigation. The Vice President will keep the President and the Vice President for Communications informed.
- B. The person charged with conducting the investigation will keep the complainant and the individual against whom the complaint has been made informed at least weekly as to the progress of the investigation.

2. Support for the Complainant and the individual against whom the complaint has been made

The person conducting the investigation will encourage the complainant and the alleged perpetrator to receive counseling to assist in coping with post-traumatic reactions to a sexual assault. Counseling resources include:

- A. The Citadel Counseling Center - 953-6799 (for currently enrolled students)
- B. People Against Rape - 722-RAPE (24 Hours)
- C. Off-campus private practice mental health professional. This option must be paid for by the complainant directly. For cadets, the Infirmary/Counseling Center will implement appropriate accommodations for off-campus psychological assistance such as securing transportation off campus, requesting special orders permitting travel off campus, etc. (NOTE: The Counseling Center has a list of off-campus mental health professionals)

3. Press Inquiries

- A. All inquiries from media personnel will be directed to The Citadel Public Affairs Office. No one from any other area or department should address sensitive topics of which they may have knowledge without the expressed permission of the President of the College.
- B. A Public Affairs official will field media inquiries but will neither confirm nor deny reports which have yet to be substantiated.
- C. Reports that are substantiated (i.e., charges have been filed with local police, the accused admits guilt, or the investigation leads to disciplinary action) will

Annex E

CITADEL 0002543

be acknowledged by a Public Affairs official, but names of the parties involved will not be disclosed.

- D. The Public Affairs Office will prepare a general statement at the end of each academic year, noting the numbers of formal complaints of sexual assault which were filed the preceding year. The statement will only list numbers of formal complaints investigated, the number of formal complaints substantiated, and the final outcome of each formal complaint. No names will be released as part of this report. THIS INFORMATION WILL BE RELEASED IN RESPONSES TO SPECIFIC MEDIA INQUIRIES.

4. Institutional Follow-up

- A. Data about the occurrence of sexual assault among cadets will be collected and analyzed each year. A copy of any complaint alleging sexual assault by a member of the Cadet Corps will be provided to and maintained by The Assistant Commandant for Administration and Coeducation, regardless of whether or not the complaint is substantiated. This will include those infractions where the cadet is charged with an offense under the Conduct infractions such as Conduct Unbecoming a Cadet or Bringing discredit Upon the Citadel, etc. An accounting of all formal and informal reports received by the Office of the Commandant, the Counseling Center, the Ombudsperson, the Title IX Coordinator, the infirmary, and Public Safety will be turned into the Director of Equal Opportunity at the end of each semester using the form at Annex E, appendix 4. These reports will include data on all students, faculty, staff, and visitors.
- B. Analysis of the data will seek to pinpoint potential areas for improvement in education, training, and/or discipline within the Corps of Cadets (e.g., cases are found to come disproportionately from one company or one class), CGPS students, the faculty and/or The Citadel staff.
- C. Nothing in this policy will prevent faculty, staff, or students from exercising their legal rights.
- D. The Sexual Assault Response Coordinator (SARC) will collect all incident report forms and compile data on a regular basis (at least once annually).
5. The protocol for individuals to follow in responding to a sexual assault are included at appendix 1 and 2 to this annex.

Annex E
Page 2

CITADEL 0002544

PROTOCOL FOR RESPONDING TO SEXUAL ASSAULT
RESPONSIBILITIES OF THE INITIAL CONTACT PERSONAL,
CADETS, STUDENTS, STAFF, AND FACULTY

In the event that an individual informs you that he/she has been sexually assaulted:

- Listen to the individual who has been assaulted and provide support to the individual
- Inform the individual that the Sexual Assault Response Coordinator (3-5252) can provide complete information regarding options for 1) medical treatment, 2) psychological counseling, 3) academic accommodations, 4) changing living arrangements, 5) seeking informal mediation, 6) filing formal discipline charges, 7) filing criminal charges.
- Encourage the cadet to speak with the Sexual Assault Response Coordinator (3-5252) and offer to accompany the individual to the office of the Sexual Assault Response Coordinator (Rm. 369, Bond Hall)
- Encourage the cadet to go to The Citadel Infirmary (3-6847) for medical treatment and offer to accompany the individual, or encourage the individual to go to MUSC for medical treatment and offer to accompany the individual.
- Encourage the cadet to go to The Citadel Counseling Center (3-6799) for psychological counseling and offer to accompany the individual, or encourage the individual to contact a local counseling center or hotline for psychological counseling.
- Encourage the individual to go to The Citadel Department of Public Safety (3-5114) to file a report and offer to accompany the individual, or encourage the individual to contact the local police to file a report.
- Inform the individual that The Citadel has a Sexual Assault Crisis Intervention Policy which is available at: 1) the Office of the Sexual Assault Response Coordinator, 2) the Office of Undergraduate Studies, 3) the Office of the College of Graduate and Professional Studies, 4) the Office of Human Resources, 5) the office of the Commandant, 6) the Counseling Center, or 7) Public Safety.
- Advise and explain that options exist for pursuing 1) informal mediation at The Citadel, 2) formal disciplinary charges at The Citadel, and 3) formal criminal charges with the state and indicate that the Sexual Assault Response Coordinator can provide specific detailed information about each of these options.
- Ensure that the individual has a safe place to go after speaking with you.
- Contact the Sexual Assault Response Coordinator and file an anonymous report using the attached form.

Annex E
Appendix 1

CITADEL 0002545

PROTOCOL FOR RESPONDING TO SEXUAL ASSAULT

RESPONSIBILITIES OF THE SEXUAL ASSAULT RESPONSE COORDINATOR

In the event that an individual informs you that he/she has been sexually assaulted:

- Explain that conversations with the Sexual Assault Response Coordinator are confidential.
- Explain that sexual assault reports are not maintained in the student's permanent academic record and that the only formal documentation of a sexual assault report is an anonymous report which will not include the names of any of the individuals involved in the incident.
- Explain that the role of the Sexual Assault Response Coordinator is to 1) listen to the victim's concerns, 2) provide support, 3) explain the options and services available, and 4) assist him/her in evaluating which options and services are best for the victim.
- Ask the date and time of the sexual assault to determine if it is appropriate to discourage the individual from bathing, douching, changing clothes, or cleaning up the scene of the assault in the event that the individual chooses to go to the hospital or police for the collection of physical evidence of the sexual assault.
- Encourage the cadet to go to The Citadel Infirmary (3-6847) or MUSC for medical treatment (Cadets, CGPS students, staff, faculty, and visitors).
- Encourage the cadet to go to The Citadel Counseling Center (3-6799) or a local counseling center for psychological counseling (CGPS students, cadets, staff, faculty, and visitors).
- Explain options for seeking academic adjustments and accommodations such as rescheduling exams, seeking a late medical withdrawal from a class, and/or requesting a medical withdrawal from the college.
- Explain options for changing current living/working arrangements on campus.
- Describe options for pursuing 1) informal mediation at The Citadel, 2) formal disciplinary charges at The Citadel, and 3) formal criminal charges with the police.
- Encourage the individual to go to The Citadel Department of Public Safety (3-5114) to file a report.
- Encourage the individual to contact the local police to file a report.
- Provide the individual with a copy of the Sexual Assault Crisis Intervention Policy.

CITADEL 0002546

- Ensure the individual has a safe place to go after speaking with you.
- File an anonymous report of the sexual assault.

Annex 2
Appendix 2

CITADEL 0002547

THE CITADEL
Sexual Assault Incident Report Form

This form is used to document incidents involving sexual assault. The purpose of completing this form is to compile statistical records of sexual assault against Citadel students, both on and off campus. Completing this form will not result in a disciplinary or legal investigation. The form will **ONLY** be used to compile pertinent information regarding sexual assault in an effort to ascertain the prevalence of sexual assault and develop strategies to address this issue in the future. **Information contained on this form will remain confidential** – only statistical summaries will be disclosed in a manner in which the identity of all individuals remains confidential.

Date of Report _____ Name of Person Completing Form: _____ (Optional)

VICTIM/SURVIVOR INFORMATION		Are you the Victim? ☐ Yes ☐ No	
Age: _____	Victim Residence ☐ Barracks	Gender: ☐ Female	
Date of Incident _____	☐ On-Campus Housing	☐ Male	
	☐ Off-Campus Housing		
<u>Race/Ethnicity:</u>	<u>Disability:</u>	<u>Citadel Affiliation:</u>	<u>Class: (if student)</u>
☐ White	☐ None	☐ Student	☐ 1 st Class
☐ Black	☐ Sight	☐ Faculty	☐ 2 nd Class
☐ Asian	☐ Mental	☐ Staff	☐ 3 rd Class
☐ Hispanic	☐ Hearing	☐ Other	☐ 4 th Class
☐ Middle Eastern	☐ Physical		☐ CGPS
☐ Native American	☐ Other		☐ MECEPS
☐ Other			☐ ECEPS

SEXUAL MISCONDUCT INFORMATION

Describe the Incident (Check all that Apply)

- ☐ Rape (sexual intercourse against the victim's will by force, threat, or intimidation)
- ☐ Forced sodomy (anal intercourse)
- ☐ Forced oral copulation (oral genital contact)
- ☐ Forced sexual penetration by a foreign object, including a finger
- ☐ Sexual battery (forced touching of intimate parts, fondling, kissing, without penetration)
- ☐ Attempts of any of the above, be specific; _____

Annex E
Appendix 3

CITADEL 0002548

TYPE OF COERCION/FORCE INVOLVED (Check all that Apply)

Verbal pressure, arguments, or disregarding victim's lack of consent
Position of authority (professor, supervisor, employer, chain of command, etc.)
Threat of physical force (threatened to hit, held down, or otherwise injured)
Use of physical force (hit, held down, twisted arm, hurt, or otherwise injured)
Presence of weapon, be specific: _____
Victim/Survivor was significantly incapacitated by:

_____ alcohol _____ other drugs _____ sleep _____ disability _____ other

ALCOHOL WAS USED BY: _____ Victim/Survivor _____ Assailant

OTHER DRUGS WERE USED BY: _____ Victim/Survivor _____ Assailant

LOCATION OF INCIDENT: _____ On-Campus _____ Off Campus Date: _____
_____ Victim's residence _____ Outdoors _____ Vehicle
_____ Assailant's residence _____ Work Place _____ Parking lot
_____ Other Campus Facility _____ Other

DESCRIBE THE NATURE OF THE RELATIONSHIP BETWEEN THE VICTIM/SURVIVOR AND THE ASSAILANT(S) PRIOR TO THE ASSAULT:

_____ Stranger _____ Study Partner _____ Friend or non-romantic Acquaintance
_____ Relative _____ Planned Date _____ On-going Romantic Relationship
_____ Other _____ Impromptu data _____ Faculty or Staff Member

ASSAILANT INFORMATION

Gender: _____ Male _____ Female _____ Unknown
Number of Assailants: _____ Acquaintance _____ Stranger
Residence: _____ Barracks _____ On Campus _____ Off Campus
Race/Ethnicity: _____ Disability: _____ Citadel Affiliation: _____ Class: (if student)
_____ White _____ None _____ Student _____ 1st Class
_____ Black _____ Sight _____ Faculty _____ 2nd Class
_____ Asian _____ Mental _____ Staff _____ 3rd Class
_____ Hispanic _____ Hearing _____ Other _____ 4th Class
_____ Middle Eastern _____ Physical _____ CGPS
_____ Native American _____ Other _____ MECEPS
_____ Other _____ ECEP

CONTACTS AND SERVICES**VICTIM/SURVIVOR HAS REPORTED ASSAULT TO:**

_____ Chain of Command _____ Dean _____ Tactical Officer
_____ Campus Police _____ Counseling Center _____ Commandant of Cadets
_____ Local Police _____ Staff Member _____ SARC
_____ Local Hospital _____ Faculty _____ Infirmary
_____ Other _____ Clergy _____ Off Campus Medical Facility

If possible, describe the incident in your own words on a separate piece of paper and attach it to this form. Send form in an envelope to: DIRECTOR OF EQUAL OPPORTUNITY/AFFIRMATIVE ACTION AND DIVERSITY

Annex E
Appendix 3
Page 2

CITADEL 0002549

THE CITADEL COUNSELING SERVICES'
Sexual and Physical Misconduct Log (Year _____)

NAME	Sex Assault/ Phys Assault/ Harassment	Acquaint/ Stranger	Locals*	Assailant Gender	Assailant Affiliation	Date of Incident	Date of Report to Counseling Center	Date of Report to Police
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								
21								
22								
23								
24								
25								
26								
27								
28								
29								
30								

***CODES**

LOCAL:

- Barracks
- Off-Campus
- On-Campus, Academic Building
- Outdoors on Campus
- Campus, not specified

Assailant Affiliation:

- Student
- Faculty/Staff
- Not Affiliated with The Citadel
- Unsure of Affiliation

Report Submitted By: _____ Date: _____

**** SEND REPORT AT THE END OF EACH SEMESTER TO:**

The Director of Equal Opportunity/Affirmative Action and Diversity**

*This report will be kept by the Counseling Center, the Infirmary, the Ombudsperson, Public safety, and all Title IX Coordinators.

Annex E
Appendix 4

CITADEL 0002550

**FERPA AND THE CRIME AWARENESS
AND CAMPUS SECURITY ACT OF 1999**

As a result of the Student's Right to Know and Campus Security Act, passed by the US Congress in 1990, The Citadel will as a matter of policy disclose to the alleged victim of any crime of violence, the results of any student disciplinary proceeding or faculty and staff disciplinary hearing conducted by The Citadel against the alleged perpetrator of such crime.

Both the accusers and the accused shall be informed of the outcome of any Citadel disciplinary proceeding brought that alleges a sex offense.

Compliance with the provisions of the Crime Awareness and Campus Security Act does no constitute a violation of the Family Educational Rights and Privacy Act.

With the exception of the requirements listed above, The Citadel will not release any medical or disciplinary information on specific students without first obtaining his/her written release of specifically what information may be released and to whom. This includes information on a student requested by a parent.

Annex F

CITADEL 0002551

THE CITADEL
The Military College of South Carolina
171 Moultrie Street
Charleston, South Carolina 29409

MEMORANDUM
NUMBER 15

30 August 2002

SEXUAL HARASSMENT

1. PURPOSE:

All employees and students are entitled to a positive learning and working environment free of any type of sexual harassment. The Citadel's administration has zero tolerance for any form of sexual harassment or sexual violence. In severe instances, cadets may be expelled or employees may have their employment terminated.

Sexual harassment between or among any members of The Citadel community is prohibited, including faculty-student and student-to-student harassment. Sexual harassment also violates federal and state laws.

The purpose of this memorandum is to define and prevent sexual harassment, to establish policies on sexual harassment, to establish procedures for reporting and investigating sexual harassment complaints by students, faculty or staff in a timely manner, and to describe sanctions.

Recommended changes to this memorandum should be submitted to the Title IX Coordinator, Office of the President, who is the proponent for this regulation.

2. REFERENCES:

- A. Equal Employment Opportunity Commission (EEOC) Guidelines on Sexual Harassment in the Workplace (Title VII of the Civil Rights Act of 1964).
- B. Office for Civil Rights, U.S. Department of Education; Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties (Title IX of the Educational Amendments of 1972), dated 13 March 1997.
- C. South Carolina Human Affairs Law, S.C. Code Ann. 1-13 10 to-100 (1990).



CITADEL 0002438

3. BEHAVIORAL AND LEGAL DEFINITIONS:

A. Behavioral. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment under the following conditions:

- 1) Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment, or advancement, or other student opportunities.
- 2) Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting an individual's employment, or advancement, academic standing, or other student standing, or other student opportunities.
- 3) Such conduct has the purpose or effect of unreasonably interfering with a person's work, professional or academic performance or creates an intimidating, hostile, or offensive work, learning, or social environment.

B. Legal. Sexual harassment is a form of sexual discrimination and is prohibited by the following:

- 1) Title VII of the Civil Rights Act of 1964. Title VII covers all employers, including educational institutions, and prohibits discrimination on the basis of race, color, national origin, religion, and sex. Only employees (including student employees) are covered. Title VII is enforced by the Equal Employment Opportunity Commission (EEOC).
- 2) Title IX of the Educational Amendments of 1972. Title IX prohibits sex discrimination in schools receiving any federal assistance, including financial aid. Discrimination, including sexual harassment, is prohibited in the entire school, not just the program receiving federal funds. Students and employees are covered. In February 1992, the U.S. Supreme Court unanimously ruled that complainants under Title IX may sue for damages. Title IX is enforced by the Office for Civil Rights in the Department of Education.
- 3) Individuals may also be sued under the provisions of state law for criminal behavior which may include crimes of rape, sexual assault, or sexual abuse.

C. Offending Behaviors. Sexual harassment is unwanted sexual attention. It is usually repeated behavior but it could be one serious incident. It is frequently a display of formal or informal power intended to demean, embarrass, intimidate or coerce a person. It includes, but is not limited to, unwanted requests or demands for sexual favors, propositions, questions about a person's sexual practices, lewd comments, leering, sexual insults or

CITADEL 00024392

Innuendoes and sexually explicit jokes. It also includes unwanted touching, fondling, patting, pinching or kissing, as well as blocking a person's way. Sexual graffiti and sexually explicit pictures, cartoons or objects can also constitute sexual harassment. Although some forms of sexual harassment may be unintentional, words and behaviors such as those described above may be harassing when viewed or heard by others. Words which are demeaning to one gender, such as calling men and women derogatory names or by names for body parts are forms of sexual harassment. Both men and women can be sexually harassed although women are most often the targets of sexual harassment. Sexual harassment can also occur between members of the same sex.

Additional examples of sexual harassment are given in the following list but sexual harassment is not limited to these examples:

1) Quid Pro Quo. One form of sexual harassment is direct or indirect pressure for sexual activity with implicit or explicit threats or bribes such as a harasser asking a subordinate, co-worker, or peer to engage in sexual activity in order to receive improved work, learning, or social conditions (e.g., better grades, promotions, evaluations, etc.).

a. This form of harassment usually occurs when people use the power they have over others. Usually, the harasser asks a subordinate or co-worker to have sex in order to receive improved work conditions (e.g., better benefits, conditions, promotions, or performance ratings).

b. A school employee explicitly or implicitly ties a student's student's participation in an educational program or activity or bases an educational decision on the student's submission to unwelcome sexual advances, requests for sexual favors, or verbal, nonverbal, or physical contact of a sexual nature.

c. Quid pro quo harassment is also unlawful when he student or employee resists and suffers the threatened harm or submits in order to avoid the threatened harm.

d. Quid pro quo cases are usually the most flagrant and clear-cut (although not the most frequent) kind of sexual harassment. Typically the person involved is a supervisor, faculty member, or someone with formal power who can provide or withhold a benefit, service or evaluation, and thus has the power to harm the person involved.

e. The major elements of quid pro quo harassment are as follows:

CITADEL 00024403

The sexual advances or demands are unwanted, and submission is explicitly or implicitly a term or condition of employment or school status or is used as the basis for decisions about the individual's employment or school status.

2) Hostile Environment Sexual Harassment:

a. Sexually harassing conduct (which can include unwelcome sexual advances, requests for sexual favors, and other verbal, employee, by another student (peer), or by a third party) is behavior which is sufficiently severe, persistent, or pervasive to create a hostile or abusive educational or work environment that limits a person's ability to work or participate in or benefit from an educational program or activity.

b. Harassment occurs when one or more people create an uncomfortable, intimidating, and demeaning atmosphere for others either in the work place or educational setting by engaging in unwelcome activities such as sexual remarks, gestures, sexist pictures or pornography.

c. The harasser who creates a hostile environment does not have to be a person with formal power. In fact, most peer-to-peer harassment is of a hostile environment type.

d. The behavior does not have to be sexual in nature; it could be simply demeaning or intimidating; it could be general comments about the inferiority of females or males; or it could be physical threats or verbal abuse.

3) Examples of sexual harassment include, but are not limited to the following: Engaging in sexual comments, sexual innuendoes, degrading language, profanity, or vulgar comments.

a. Asking or commenting about a person's sexuality or spreading rumors about a person's sexual activities.

b. Engaging in humor or jokes about sex or about women or men in general.

c. Making sexually suggestive sounds or gestures, including winking, throwing kisses, making cat calls, licking lips, whistling, etc.

d. Pestering a person for dates.

CITADEL 00024414

- e. Ogling, leering, or looking a person up and down (elevator eyes).
- f. Unnecessary touching, fondling, patting, or pinching, or deliberate brushing against a person.
- g. Shouting obscenities at a person.
- h. Publicly discussing a man or woman's sexual attributes.
- i. Mooning.
- j. Pulling down one's own shorts or pants or those of another.
- k. Creating a sexually demeaning atmosphere, such as displaying posters or pictures that are sexist or otherwise demeaning to women or men, or having social events that focus on sexuality.
- l. Showing petty hostility to a particular sex by making sexual remarks.
- m. Engaging in sexual banter or jokes.
- n. Leaving obscene messages on campus computers.
- o. Promising rewards or benefits to someone for cooperating with sexual advances.
- p. Displaying sexual graffiti and sexually explicit pictures, cartoons, or objects.
- q. Sexually touching or rubbing oneself in a suggestive way when around another person.
- r. Intentionally cornering or blocking another's passage or other "in your face" type of behavior.
- s. Offering repeated, unwelcome sexual attention.
- t. Making demands, threats and bribes -- implied or direct -- for sexual activity. Committing sexual assault.
- u. Making demands, threats and bribes - - Implied or direct -- for sexual activity.
- v. Committing sexual assault.

CITADEL 00024425

4. CONFIDENTIALITY:

The confidentiality of the reporting party as well as those affected by the harassment (third party) will be observed to the greatest extent possible, with only those with a need to know being informed, provided it does not interfere with The Citadel's ability to investigate or take corrective actions.

5. INTENT:

The fact that someone did not intend sexual harassment of an individual is no defense to a complaint of sexual harassment. Regardless of intent, it is the effect and characteristics of the behavior that determine whether the behavior constitutes sexual harassment.

6. PROHIBITION AGAINST RETALIATION OR REPRISALS AGAINST ANYONE REPORTING SEXUAL HARASSMENT BEHAVIORS:

A. Retaliation against anyone reporting or thought to have reported sexual retaliation shall be considered a serious violation of the policy and shall be independent of whether a charge or informal complaint is substantiated, harassment behaviors or against anyone who is a witness or is otherwise involved in a sexual harassment complaint or proceeding is prohibited. Such Encouraging others to retaliate also violates this policy.

B. Examples of retaliation are as follows:

- 1) Threats or bribes.
- 2) Unfair grading.
- 3) Unfair evaluations.
- 4) Unfair assignments.
- 5) Withholding information or making it difficult to obtain in a timely manner.
- 6) Failure to inform the person about important events such as meetings or changes in policies.
- 7) Ridicule (public or private).
- 8) Oral or written threats or bribes.
- 9) Refusal to meet with a person even though that person has a right to a meeting.
- 10) Name calling.

CITADEL 00024436

- 11) Further harassment or intimidation of any nature.

7. SCOPE:

A. This policy covers all persons -- including administrators, faculty, staff, cadets, students of the College of Graduate and Professional Studies and other employees of The Citadel. The harassment of students by faculty or staff as well as by other students (peer harassment) is also covered, as is the harassment of faculty, staff, or other employees by students. Prospective and former cadets or students as well as visitors to The Citadel campus are also covered.

B. The harassment of cadets, students, and employees by vendors, including contractors, is prohibited.

C. Males as well as females are covered by this policy, and may also be victims of same-sex harassment.

8. OTHER FORMS OF HARASSMENT:

Discrimination and harassment based on race, color, religion, or national origin is strictly prohibited.

9. OFF-CAMPUS VIOLATIONS:

The Citadel will treat in the same manner as on campus violations any off-campus violations of this policy by any cadet, student, or member of the faculty or staff in those cases involving Citadel off-campus athletic events, internships, or any Citadel-sponsored event or program. The Citadel will also not tolerate the harassment of its cadets, nor other students, nor members of the faculty or staff by non-Citadel personnel in programs sponsored or supported by The Citadel.

10. IMPACT OF SEXUAL HARASSMENT:

Sexual harassment is demeaning and degrading. It affects an individual's self-esteem and can have a negative impact on performance at work or in class. It can make an individual feel angry, powerless, and fearful, as well as cause physical reactions such as tension/stress.

11. FALSE CHARGES:

Any one who knowingly makes false charges of sexual harassment will be subject to discipline. Such charges will be considered a serious offense. However, a complaint that cannot be substantiated simply because of a lack of evidence shall not be considered a false complaint. The decision on whether or not false charges were submitted will be made at the Vice President level after a careful review of the available facts.

CITADEL 00024447

12. CONSENSUAL RELATIONSHIPS:

The Citadel strictly prohibits amorous relationships between a cadet and any individual with professional responsibility for that student -- e.g., faculty, staff, or a member of the cadet's chain of command. The fact that a relationship may have been consensual at one time shall not be a defense to a subsequent charge of sexual harassment.

13. COMPLAINT PROCEDURES:

A. Options for Handling Complaints

- 1) The individual informally takes steps which may stop the behavior. (See Annex A.)
- 2) The Citadel initiates actions informally. (See Annex A.)
- 3) Formal charges under The Citadel's Sexual Harassment Procedures can be Filed against the offender by either the individual complaining or by The Citadel. (See Annex B.)
- 4) The person may file formal charges under federal and/or state laws.
- 5) The individual may seek advice or assistance from the Ombudsperson (See paragraph 21.)

B. Informal Complaints (See Annex A.)

- 1) Studies show that more than 90 percent of individuals who experience sexual harassment do not want to file formal charges.
- 2) Consequently, most complaints are handled informally, including those handled by the Ombudsperson.
- 3) Informal procedures are optional, and individuals can choose to bypass them, discontinue them, or initiate a formal complaint while using them.
- 4) The purpose of dealing with a complaint informally is to stop the offending behavior and to resolve the matter as expeditiously as possible.
- 5) Disciplinary action requires a formal charge and by the rules of due process requires a formal hearing. The Citadel cannot take disciplinary action using informal procedures.
- 6) Informal procedures are aimed at stopping the behavior rather than determining culpability.

CITADEL 00024458

7) Informal procedures are voluntary on the part of the victim, with no requirement that individuals use informal procedures before filing a formal charge.

8) There is no requirement that informal complaints be put into writing.

9) In cases of severe harassment, The Citadel may bypass informal resolution by filing its own formal charges against offenders.

10) In some cases, the identity of the complainant can be kept confidential and not be revealed to the alleged harasser without the person's permission.

C. Formal Complaint Procedures. (See Annex B.)

1) Formal complaint resolution procedures include conducting a thorough investigation that results in a formal written report of the investigator's findings of fact, conclusions of law, and recommended actions to resolve the complaint.

2) The parties to the complaint are interviewed as are witnesses and third parties.

3) Formal complaint procedures may be pursued by either the person complaining or by The Citadel.

4) A third party, who is not the direct victim of harassment but who feels that the sexual conduct of another in the educational or work environment has the purpose or effect of substantially interfering with the third party's welfare, academic, or work performance, may file a formal complaint.

5) A person who believes that he or she is a victim of sexual harassment should file the complaint within 180 days of the incident.

6) The formal complaint procedure should be completed within 30 days of the date of filing and within 60 days of the date of filing when the individual submits an appeal.

7) Formal complaints should be filed with The Citadel's Affirmative Action officer who also serves as The Citadel's Title IX Coordinator. The Affirmative Action Officer is responsible for ensuring that the policy is followed, that time frames are observed, and that questions from all parties are answered.

8) Investigations of allegations involving a member of the faculty or staff will be conducted in a confidential manner by an Affirmative

CITADEL 00024469

Action/Equal Employment Opportunity Advisory Committee, which is a three-person investigative committee appointed by the President or the Vice President who directed the investigation. The investigation will include questioning of the individual(s) accused of wrongdoing to afford them the opportunity to respond to the allegations of the complaint as well as any witnesses. The Advisory Committee will collect, record, and safeguard all information and/or evidence relative to the incident and report findings through the Vice President to the President for final disposition. If the recommendation is to terminate a faculty member for cause, the process will follow paragraph 4c of Section II of College Regulations and paragraphs 4c and 4d of General Order (GO) 14, dated 7 June 2000, Policies and Procedures On Probationary Reappointment, Academic Tenure, Academic Promotion, and Termination of Tenured Faculty. Proceedings involving (non-faculty) staff members will follow procedures outlined in The Citadel's Human Resources Policies and Procedures.

9) Investigations of allegations involving a cadet will be conducted through the use of a Commandant's Board or Hearing. The procedures outlined in the Blue Book will be followed for due process procedures. The results of the hearing or board will be forwarded to the Commandant of Cadets. Recommendations for suspension, dismissal, or expulsion will be forwarded to the President for final action.

10) A copy of all completed formal investigations of charges of sexual harassment will be forwarded to The Citadel's Affirmative Action Officer/Title IX Coordinator for filing.

11) All rights and procedures for appeals will be in accordance with paragraph 6 of College Regulations for cadets, paragraph 4c of Section II of the College Regulations and GO 14 for faculty members, and the State-approved, "The Citadel Employee Grievances Policy" for (non-faculty) staff members.

12) Hearings and boards will be either open or closed based on the desires of both the victim and the accused. Both must agree if the hearing is to be open based on their individual desires for confidentiality. If either party objects to the hearing being open, it will be closed.

13) The hearings or boards are administrative in nature; therefore, there is no right to legal representation. Appeal procedures are as stated in College Regulations.

14) The standard for findings of guilt or innocence is that of "a preponderance of evidence"- that is, there is sufficient evidence which is greater in weight or more convincing than the evidence, which is offered in opposition to it; that is, evidence which as a whole shows

CITADEL 00024470

that the fact sought to be proved is more probable than not. The Hearing Officer or Board will perceive the evidence of one side as outweighing the other based on which side has the most persuasive or impressive evidence. The strength or "weight" of evidence is not decided by the sheer number of witnesses but rather by the witnesses opportunity for knowledge, information possessed, and the manner of testifying.

14. SANCTIONS:

The following list of sanctions may be used when a person is found guilty of harassing behavior. The purpose of the sanctions will be reasonably calculated to end the sexual harassment, punish the harasser, and prevent recurrence of incidents. Although advice and counseling may be appropriate occasionally, they are not applied in lieu of sanctions. If alcohol were involved, attendance may be required at a program on alcohol abuse prevention. The sanctions listed below can be applied to cadets, faculty, students or staff. Those sanctions that specifically apply to a selected group are so designated, i.e., faculty/staff, cadets/students, cadets.

A. Applies to cadets, other students, faculty, or staff.

- 1) Written warning letter of reprimand.
- 2) Mandatory attendance at a sexual harassment training or counseling program. (This is not likely to be imposed as a single sanction.)
- 3) Change of job or class assignment (removes the person from being in a position to retaliate or further affect the victim).
- 4) A mandatory apology to the victim(s).
- 5) When ever there is an incident of sexual assault or sexual abuse, the incident will be reported to the police. Reporting an incident to the police will not affect any disciplinary proceeding conducted by The Citadel.
- 6) Required community service, such as preparing posters or disseminating information about harassment and/or sexual assault.

B. Applies only to faculty/staff.

Probation, suspension, dismissal or termination.

C. Applies only to cadets.

- 1) Prohibition from holding rank or participating in specific student activities, including sports, for a specified time period.

CITADEL 00024481

- 2) Transfer of the cadet or student to another academic class or company assignment.
- 3) Tours or confinements.
- 4) Suspension, dismissal, or expulsion.

15. PERSONS TO CONTACT IF AN INDIVIDUAL IS EXPERIENCING SEXUAL HARASSMENT:

A. There are several places to whom a person experiencing sexual harassment or one who is concerned about it can go for help. The person can choose the person with whom he or she feels most comfortable. The information will be kept confidential to the greatest extent possible. The persons listed in the following paragraphs can explain the policy and discuss options for handling the situation.

B. For faculty or staff members who feel that they have been sexually harassed or who are concerned about it, the following steps should be taken:

- 1) Discuss the matter with an immediate supervisor, an appropriate person upward in the chain of command and/or the Affirmative Action Officer, the Director of Human Resources or the Ombudsperson (see paragraph 21). Assistance is also available through the Chaplain or the Counseling Center's counselors who may suggest options and help the person decide what steps need to be taken next. The President's Hotline 953-OUCH is also available to report problems. This line is available via voice mail 24 hours a day. (See TABS A and B for how complaints are handled both informally and formally.)

- 2) To ensure confidentiality, the faculty or staff members should not discuss the complaint with persons other than the persons receiving the complaint.

- 3) Detailed procedures for informal complaints are located at Annex A.

- 4) Detailed procedures for formal complaints are located at Annex B.

C. Individuals who have knowledge of sexual harassment or who feel they have been sexually harassed should discuss the behavior with any of the people listed below.

- 1) Discuss the matter with an immediate supervisor in the chain of command, an appropriate person upward in the chain of command, and/or a tactical officer, an Assistant Commandant, or the

CITADEL 00024492

Commandant of Cadets. A cadet may also discuss the matter with the Ombudsperson (see paragraph 21), the Title IX Coordinator, a cadet Human Affairs Officer or a cadet Religious Officer, the Chaplain or any campus minister, a counselor in the Counseling Center, a member of The Citadel Faculty or Staff, or a Public Safety Officer. The important point is to report the alleged harassment to someone in authority.

2) It is the responsibility of the person receiving the complaint from a cadet to pass the information quickly (within 24 hours) to the officer listed below who will determine if an immediate investigation is required to determine the facts and circumstances surrounding the incident.

<u>IF THE PERSON ACCUSED IS</u>	<u>THE COMPLAINT SHOULD BE FILED WITH:</u>
A cadet	The Assistant Commandant of Cadets
CGPS or Summer School student	The Dean of Graduate and Professional Studies (CGPS)
A member of the Faculty	The Dean of Undergraduate Studies
A member of The Citadel Staff	The Affirmative Action Officer

3) The victim should complete the appropriate harassment complaint form (formal complaints only, see Appendix 2 to Annex B of this Memorandum).

4) The accused will be informed of the charges and be given the opportunity to refute the charges (formal complaints only).

5) The complainant will receive a timely written response to the allegation or be informed of the results face to face from the person listed in paragraph 15c(2) or the person who conducted the investigation. The notice will inform the complainant that the allegation was either substantiated or not and to whom it was sent for action (formal complaints only).

6) Sexual harassment complaints against a member of The Citadel Faculty or Staff will be promptly investigated by The Citadel Affirmative Action/Equal Opportunity Advisory Committee (formal complaints only).

CITADEL 00024503

7) If the complaint, based on the investigation, is deemed valid, then it will be sent to the appropriate Vice President for review and appropriate action:

IF THE ACCUSED IS:

REVIEW AND ACTION AUTHORITY IS:

A cadet

The Commandant of Cadets

CGPS or Summer School Student

Dean of Graduate and Professional
Studies (CGPS)

Faculty

VP for Academic Affairs

Staff

VP for Finance and Business Affairs

8) Throughout the process of investigation on harassment complaints, strict confidentiality will be maintained by all involved.

9) Final disposition on the matter will be taken by the President. The appropriate disciplinary action will be taken based on the facts, on a case-by-case basis.

10) Proven allegations of harassment may be considered as the commission of an act unbecoming a cadet which would tend to bring discredit to the institution or to the uniform.

16. RETALIATION:

Under no circumstances will retaliation, such as making threats or continued harassment, be tolerated when a person has reported an alleged sexual harassment violation.

17. REPORTING REQUIREMENTS:

A. The Citadel requires that all cadets, students, faculty, and administrators who have knowledge of sexual harassment to report it confidentially to the officials noted in paragraph 15 of this memorandum as soon as possible. The report will not include the name of the victim without the victim's permission unless there is a known or perceived threat of physical harm.

B. Such reporting enables Citadel administrations to identify problem areas that can, in some instances, be eliminated by initiating educational efforts for a particular unit without identifying the information that makes the educational efforts necessary. Such reporting also helps in identifying

CITADEL 00024514

persons who may have a history of harassment, which requires stronger means of intervention.

C. Affirmative Action Officer, who is The Citadel's Title VII and Title IX Coordinator, or one of the assistant coordinators listed in paragraph 18 of this memorandum.

18. TITLE VII AND IX COORDINATORS:

A. Her office phone number is 953-5252. Her office is located in Bond Hall.

B. The Assistant Title VII and Title IX Coordinators are: (1) The Assistant Commandant of Cadets for Coeducation and Administration -- office phone number is 953-6707; office located in Jenkins Hall; (2) The Multicultural Officer -- office phone number is 953-5096; office is located in the Counseling Center; (3) The Special Assistant to the VPAA for Cadet Matters -- office phone number is 953-4834; office is located in the Executive Wing of Bond Hall; and (4) the Dean of Undergraduate Studies -- office phone number is 953-5016; office is located in the Executive Wing of Bond Hall.

19. MAINTAINING RECORDS:

A. All complaints of sexual harassment will be recorded once they are reported to The Citadel. The records will remain confidential and will be kept in a secured, locked file.

B. Records will be maintained whether the complaint was made formally or informally. Records will be maintained on informal complaints only if reported to the Title IX Officer. For example, the Ombudsperson will not file reports because all the information that he/she has is confidential.

C. The records will be maintained in the following locations:

- 1) Affirmative Action, Equal Opportunity and Diversity.
- 2) Records on cadets will be maintained by the Assistant Commandant of Cadets for Coeducation and Administration.

D. The information may be used in subsequent complaints against the same person to assess whether a pattern of harassment exists.

E. Before the complaint is filed, the custodian will ensure that the complaint is properly completed and that a determination was properly made as to whether the complaint was substantiated or not substantiated and that it is marked properly.

F. Records will be maintained for the time period required by institutional policy for the type of person identified (cadet, faculty or staff).

CITADEL 00024535

20. TRAINING REQUIREMENTS:

A. The Commandant of Cadets will publish an annual training program concerning sexual harassment no later than the start of each academic year that outlines training requirements for all classes within the Corps of Cadets. This training is mandatory for all cadets. Make-up classes are required for any cadet who misses the regularly scheduled training.

B. New faculty and staff will attend mandatory initial training on Title VII and Title IX during their new employee or faculty orientation session. Mandatory sustainment training will be held annually according to requirements set forth by the Director of Human Resources for members of the staff and by the VPAA for the faculty.

C. READMITTED cadets will be required to attend Sexual Harassment Training at the very start of the semester that they return to The Citadel.

21. THE OMBUDSPERSON:

A. The President of The Citadel will appoint an Ombudsperson at the beginning of each academic year.

B. All communications with the Ombudsperson shall be considered confidential. The Ombudsperson will not reveal any name(s) of people without their express permission in writing unless there is a perceived threat of imminent physical harm or of other illegal activity.

C. The Ombudsperson will have direct access to the President of The Citadel and to all vice presidents and directors.

D. All interactions with the Ombudsperson shall be voluntary.

E. The general duties and responsibilities of the Ombudsperson are as follows:

1) Act as a source of information and assistance to all students, faculty, and staff with regard to alleged inequities. (No individual shall be retaliated against for using the services of an Ombudsperson.)

2) Bring the complaint to the attention of the appropriate Citadel official.

3) Seek to resolve the difficulty between the individual and The Citadel.

4) Make recommendations to the President and appropriate authorities when necessary on policies, procedures actions.

CITADEL 00024536

5) Address matters using existing policies and procedures in an informal manner. If the individual desires to use formal procedures, the Ombudsperson will direct the individual to the appropriate office or person.

6) Keep no case records on behalf of the organization. If notes are necessary to manage the work, the Ombudsperson will follow a consistent and standard practice for the destruction of any written notes as soon as possible.

7) Remain neutral and strive for objectivity and impartiality.

F. The Ombudsperson is LTC John Carter, Health and Physical Education Department. Office phone is 953-7453. Home phone is 577-6830.

22. MANDATORY POSTING REQUIREMENTS FOR THIS MEMORANDUM:

A. This regulation will be maintained in its entirety and permanently posted in the White Book binder located in each cadet's room. The presence of the booklet is an inspection item during Saturday Morning Inspections.

B. New faculty and staff will receive a copy of this memorandum during New Employee or Faculty Orientation.

C. A copy of this memorandum will be posted in the permanent section of every cadet company's bulletin board.

D. A copy of this memorandum will be located in every department's policy file in its administrative office.

E. Copies of this memorandum will be required reading for all staff and faculty on an annual basis. A roster indicating that the memorandum was read by all will be maintained in the department's administrative office.

23. RESCISSION:

Memorandum Number 51, dated 30 June 2000, is rescinded.

FOR THE PRESIDENT:

OFFICIAL

CHARLES B. REGER
COL, USAF, Retired
Executive Assistant to The President

CITADEL 00024547

Attachments:

Annex A: Informal Complaint Procedures
Annex B: Formal Complaint Procedures

Distribution:

1 each cadet
1 each staff member
1 each faculty member

CITADEL 00024538

INFORMAL COMPLAINT PROCEDURE

1. What Happens In an Informal Complaint Procedure

- A. Informal procedures are aimed at stopping the behavior rather than determining culpability or intent.
- B. There is no requirement that informal complaints be put into writing.
- C. Informal procedures are optional and voluntary on the part of the victim, with no requirement that individuals use informal procedures before filing a formal charge. In addition, the victim may discontinue the informal procedure at any time of his/her choosing.
- D. Disciplinary action requires a formal charge and, by the rules of due process, requires a formal hearing. Consequently, The Citadel cannot take action using informal procedures.
- E. Any complaint of harassment will be treated with the greatest degree of confidentiality possible. Only those with a need to know will be informed.
- F. Retaliation against the victim or the reporter of an informal complaint is prohibited.
- G. The individual making the complaint may be helped to handle the complaint on his/her own, or if the person so desires, a member of the chain of command or of The Citadel Faculty or Staff may handle the complaint by talking to the harasser and/or providing training to the harasser or the unit.
- H. Determining that the behavior fits the definition of sexual harassment is not as important as in formal procedures because the aim is to stop the offending behavior, not to determine whether it fits the specific definition of sexual harassment.
- I. Informal procedures usually do not require an investigation.
- J. The more serious the harassment, the more likely informal procedures may not be appropriate, particularly when violations of law have likely occurred.
- K. Normally, the information, advice, and informal process will be concluded within 30 days from receipt of the complaint.

ANNEX A 1

CITADEL 0002456

2) Informal Methods Individuals Can Use to Stop Harassment any times an individual who is experiencing harassment or who knows of harassment may simply want the behavior to stop and does not wish to report or file a formal charge against the harasser. The purpose of dealing with a complaint informally is to stop the offending behavior, prevent it in the future, and resolve the matter as expeditiously as possible. In these cases, the individual may try one or more of the following to correct the behavior:

- A. Tell the offender that the behavior is unwelcome and that it must stop.
- B. Put a copy of The Citadel's Sexual harassment Policy in the offender's mailbox after circling or highlighting the applicable parts.
- C. Send a letter to the harasser (see Appendix 1 to this Annex).
- D. Seek advice or assistance from the Ombudsperson. All communications with the Ombudsperson are strictly confidential unless there is a perceived imminent threat of danger or illegal activity.
- E. (For faculty or staff members) Seek advice or assistance from an immediate supervisor, an appropriate person upward in the chain of command, and/or the Affirmative Action Officer or the Director of Human Resources.
- F. (For cadets) Discuss the matter with an immediate supervisor in the chain of command, an appropriate person upward in the chain of command, and/or a Tactical Officer, an Assistant Commandant, or the Commandant of Cadets. A cadet may also discuss the matter with a Cadet Human Relations Officer, a Cadet Religious Officer, the Chaplain or any Campus Minister, a Counselor in the Counseling Center, or a member of The Citadel Faculty or Staff.

3. Actions on the Part of Individuals Who Receive an Informal Complaint

- A. Determine whether or not you are prepared to assist the individual with his/her complaint or if the individual should be referred to someone else. If you have not received training in handling complaints of this nature, then you should refer the complainant(s) to someone else who has had the training. If you refer them to someone else, make the appointment yourself and offer to take the complainant to the office of the person to whom you are referring the incident.
- B. If you decide to listen to the complaint, find out what the person wants to have happen, explain the difference between informal and formal

ANNEX A 2

CITADEL 0002457

procedures, and determine the individual's clear intent to treat the complaint in an informal manner. (Guidelines for conducting the interview with the complainant(s) are included at Appendix 2 to the Annex.)

C. Attempt to find a resolution that is satisfactory to the complainant, the accused, and The Citadel. At times, a satisfactory resolution may require the involvement of the Department Head or Supervisor in the case of a member of the faculty or staff and either the Commander or the Tactical Officer in the case of a cadet. The victim should have a say in whether or not supervisors should be informed because the individual may desire not to make a report of the matter as long as the actions taken stop the behavior.

D. Prepare an agreement to be signed by the complainant(s) and the accused if the complainant(s) will agree to this procedure.

E. Inform the complainant(s) of the method and time for filing a formal complaint if a satisfactory resolution cannot be obtained at the informal level.

F. Plan a follow-up meeting with the complainant(s) at a future time to verify that whatever action that was taken did stop the harassment and will prevent it from recurring to someone else. Sometimes, the settled (agreed-upon) cause of action by the complainant(s) is not sufficient to prevent recurrence of the harassment to someone else.

4. Outcomes of the Informal Procedures

A. Typical outcomes might include some or all of the following:

- 1) A decision to stop further action on the complaint;
- 2) a negotiated resolution of the complaint that is satisfactory to the person perceiving harassment;
- 3) or initiation of formal procedures by that person.

B. When informal procedures have shown that a violation of The Citadel's Sexual Harassment Policy has occurred, possible resolutions may include one or more of the following:

- 1) An apology to the complainant(s) by the accused.
 - a) Assisting the accused to understand better the effects of his/her conduct and ways in which this behavior could be changed.

ANNEX A.3

CITADEL 0002458

b) Participation by the accused in Sexual Harassment Training Sessions, counseling, or workshops.

c) Other interventions or actions aimed at ending the harassing behavior.

d) If the complainant(s) or the accused believes that procedural errors have occurred during the informal procedures, an appeal may be made to the Director of Human Resources (for staff and faculty) or to the Commandant of Cadets (for cadets), and/or a formal complaint can be initiated.

5. Should the Parties Be Required to Meet or Confront Each Other?

A. The decision of whether or not the complainant(s) will meet with the accused belongs with the individual(s).

B. Mediation should be presented as one option along with others to resolve the complaint. Mediation assumes a position of neutrality and may not always be appropriate when either the law or college policy has been violated. However, in situations when the victim wants to meet with the harasser to present his or her feelings, a third party can provide a safe and controlled environment in which this can occur. This offer should not be made unless the third party has received mediation training. The names of trained, on-campus mediators can be obtained by contacting the Director of Human Resources.

C. As an alternative, the person receiving the complaint may offer to meet with the accused on behalf of the complainant.

6 Recordkeeping When Informal Procedures Are Used

A. Issues of confidentiality are involved in the maintenance of records involving complaints of sexual harassment.

B. The Citadel, however, has a legal responsibility to identify behavior of faculty, staff, and/or students who commit sexual harassment. The Citadel, therefore, will make a record of reports concerning an individual who has been accused of sexual harassing behavior. The record of an informal complaint will not be used to take disciplinary actions against the individual when the complaint has been successfully resolved. Rather, the record will be used only to gather information that may be used to demonstrate a pattern of sexual harassment.

C. The name of the complainant(s) will be omitted from the report if he or she desires.

ANNEX A 4

CITADEL 0002459

D. The accused will be informed that a report will be filed on his/her alleged behavior and will be given an opportunity to respond in writing and have the response attached to the record. In the event the accused attaches a response, the complainant shall be informed and be given the opportunity also to have a response attached to the record.

E. The report will be filed in a locked container maintained by the Affirmative Action Officer in the case of staff/faculty or the Assistant Commandant of Cadets Coeducation and Administration in the case of cadets. The information may be used in the case of subsequent complaints against the same person to assess whether a pattern of harassment exists. Only the custodians of the locked container shall have access to the contents.

ANNEX A 5

CITADEL 0002460

USING A LETTER TO DEAL WITH SEXUAL HARASSMENT (Informal Complaint Procedures)

A letter to the alleged harasser can be a powerful means of dealing with sexual harassment. This technique was developed by Dr. Mary P. Rowe of the Massachusetts Institute of Technology. It has been extraordinarily successful in many institutions of higher education and in workplace situations. In approximately 90% of the cases, it stops the harassment of the particular person who wrote the letter and seems to prevent the future harassment of others by the harasser. It has been used successfully in the workplace by faculty and staff and in cases of one-to-one peer harassment by students at all levels.

The letter should be polite, low-key, and consist of the following:

Part I should be a factual account of what happened without any evaluation by the writer. It should include to the extent possible details including time, place, and a description of the behavior(s). Often the alleged harasser agrees with the facts but not with the interpretation.

Part II should describe how the writer feels about what happened such as misery, fear, revulsion. As in Part I, there are not evaluative words or accusations, only a description of how the writer feels.

Part III should describe what the writer wants to happen next. This part is usually short, since most people just want the harassment to stop.

The letter is best delivered in person or by certified mail with a return receipt requested. This ensures that the alleged harasser receives the letter.

A copy should be kept by the writer. Should there be any subsequent retaliation or continued harassment (which would be unusual), the letter can be used as evidence.

Copies should not be sent to anyone else. A letter copied to someone in authority is likely to lead to the recipient's contacting the administrator and then denying the incident and denigrating the writer's credibility. If the letter is to work, it should be a private communication between the two people involved.

Usually nothing happens other than the harassment stops. In the event that the alleged harasser wants to discuss the incident, the writer should say, "I am not going to discuss it; I just want your behavior to stop," and walk away.

ANNEX A
APPENDIX 1

CITADEL 0002461

THE CITADEL
The Military College of South Carolina
171 Moultrie Street
Charleston, South Carolina 29409

MEMORANDUM
NUMBER 39

26 April 2000

SERIOUS INCIDENTS

1. GENERAL:

Serious incidents are unexpected occurrences directly or indirectly involving The Citadel, which require a response or action from the college administration; or, which have the potential to generate positive or negative publicity regarding the college.

Serious incidents include, but are not limited to, such events as a death, serious injury, fire, accident, criminal activity, act of heroism, severe weather or other natural disasters affecting the campus.

All members of the Corps of Cadets, day and evening students, faculty, and staff of The Citadel are responsible for reporting such occurrences immediately.

2. PROCEDURES:

A. Death of Cadet(s):

1) Individual responsibilities:

Notify the Department of Public Safety.

2) Public Safety responsibilities:

a) Determine the appropriateness of notifying City of Charleston Police Department (on-campus death due to vehicle accident, homicide or suicide). Director of Public Safety will normally make this determination. Notify City Police as required. If death occurs on campus, the Coroner will also be notified.

b) Notify:

Commandant or Assistant Commandant
Director of Public Safety (Deputy Director in his absence)
President (through his office during duty hours) and the Executive Assistant
The Citadel Director of Religious Activities (if unavailable, contact The Citadel Episcopal or Catholic Chaplain)
The Citadel Physician



CITADEL 0002394

Counselor to the Corps of Cadets
Vice President for Facilities and Engineering
Vice President for Communications*
Director of Physical Plant*
Vice President for Finance and Business Affairs*
Safety and Risk Management Officer*

*The Director of Public Safety will normally direct which of these should be notified, depending upon circumstances.

c) Maintain police blotter, recording actions taken and personnel notified.

3) Notification of the next of kin:

The President will make the determination of who notifies the next of kin.

B. Death of Day or Evening Student(s) On Campus:

1) Individual responsibilities:

Notify the Department of Public Safety.

2) Public Safety responsibilities:

a) Determine the appropriateness of notifying the City of Charleston Police Department (on-campus death due to vehicle accident, homicide or suicide). Director of Public Safety will normally make this determination. Notify City Police as required. If death occurs on campus, the Coroner will also be notified.

b) Notify:

Director of Public Safety (Deputy Director in his absence)
President (through his office during duty hours) and the Executive Assistant
Vice President for Academic Affairs
Dean of Undergraduate Studies or the Dean of the College of Graduate & Professional Studies as appropriate
The Citadel Director of Religious Activities (if unavailable, contact The Citadel Episcopal or Catholic Chaplain)
The Citadel Physician
Vice President for Facilities and Engineering
Vice President for Communications
Director of Physical Plant*
Vice President for Finance and Business Affairs*
Director of Human Resources* (if student was also a Citadel employee)

Safety and Risk Management Officer*

*The Director of Public Safety will normally direct which of these should be notified, depending upon circumstances.

- c) Maintain police blotter, recording actions and personnel notified.

3) Notification of the next of kin:

The Vice President for Academic Affairs will confer with the individuals listed below to determine the most appropriate notification of the next of kin. He will inform the President and obtain his concurrence before proceeding with the actual notification.

The Citadel Director of Religious Activities (if unavailable, contact The Citadel Episcopal or Catholic Chaplain)
Executive Assistant to the President
Appropriate Dean (Undergraduate or College of Graduate and Professional Studies)

C. Death of Faculty or Staff Member or of a Faculty or Staff Member's Dependent on Campus:

1) Individual responsibilities:

Notify the Department of Public Safety

2) Public Safety responsibilities:

- a) Determine the appropriateness of notifying City of Charleston Police Department (on-campus death due to vehicle accident, homicide or suicide). Director of Public Safety will normally make this determination. Notify City Police as required. If death occurs on campus, the Coroner will also be notified.

b) Notify:

Director of Public Safety (Deputy Director in his absence)
President (through his office during duty hours) and the Executive Assistant
Appropriate Department Head
Vice President for Facilities and Engineering
The Citadel Director of Religious Activities (if unavailable, contact The Citadel Episcopal or Catholic Chaplain)
The Citadel Physician
Director of Human Resources
Vice President for Communications*

Director of Physical Plant*
Vice President for Finance and Business Affairs*
Safety and Risk Management Officer*

*The Director of Public Safety will normally direct which of these should be notified, depending upon circumstances.

c) Maintain police blotter, recording actions taken and personnel notified.

2) Notification of the next of kin:

The Vice President for Academic Affairs will confer with the individuals listed below to determine the most appropriate notification of the next of kin. He will inform the President and obtain his concurrence before proceeding with the actual notification.

The Citadel Director of Religious Activities (if unavailable, contact The Citadel Episcopal or Catholic Chaplain)
Executive Assistant to the President
Director of Human Resources

D. Fire:

1) Individual responsibilities:

Alert individuals in the area.
Notify fire department.
Notify Public Safety.
Assist at scene.

2) Public Safety responsibilities:

a) Dispatch first unit to the scene to:

Evacuate personnel.
Establish crowd control.
Set up vehicle traffic control.
Take actions to control fire.
Assume command at the scene until fire department and/or The Citadel Fire Marshal arrives.
Brief responding fire fighting personnel.

b) Dispatch second unit (if available) to meet fire department vehicles at the gate and lead them to the scene.

c) Notify:

The Citadel Fire Marshal (Physical Plant office during duty hours)
Director of Public Safety and Deputy Director
President (through his office during duty hours) and the Executive Assistant
Vice President for Facilities and Engineering
Safety and Risk Management Officer
Vice President(s) responsible for personnel or facilities involved
Building coordinators(s) of facilities involved

d) Maintain police blotter, recording actions taken and personnel notified.

E. Serious Injury (on-campus):

1) Individual responsibilities:

- a) Render immediate fire aid.
- b) Summon emergency medical service (EMS) – Dial 911 (9-911) from a barracks or on-campus office telephone.
- c) Notify Public Safety.
- d) Remain with injured person until assistance arrives.

2) Public Safety responsibilities:

- a) Summon EMS if not already accomplished.
- b) Dispatch unit to scene to:
 - Give "First Responder" care to injured person(s).
 - Establish crowd control.
 - Set up vehicle traffic controls.
 - Gather information, identify witnesses, and obtain other information for incident report.
 - Assist medical personnel as requested.
- c) Contact Sports Medicine (0800-1800 Monday-Friday) if it involves an athlete.
- d) Dispatch second unit (if available) to gate to escort responding emergency vehicles to the scene.

e) Notify:

The Citadel Physician
Director and Deputy Director of Public Safety
Commandant or Assistant Commandant (only if it is a
cadet who is injured)
President (through his office during duty hours) and the
Executive Assistant
Vice President for Facilities and Engineering
Safety and Risk Management Officer
Director of Physical Plant*
The Citadel Director of Religious Activities (if unavailable,
contact The Citadel Episcopal or Catholic Chaplain)*
Appropriate Department Head*
Vice President for Communications*
Vice President for Finance and Business Affairs*
Director of Human Resources (only if injured person is
employee)*

*The Director of Public Safety will normally direct which of these is to be notified
depending upon circumstances.

f) Maintain police blotter, recording actions taken and
personnel notified.

F. Serious Injury (Off Campus):

The serious injury of a member of The Citadel student body, faculty or
staff while off-campus would normally be handled by city or county medical and
law enforcement personnel. Should a member of The Citadel community learn of
such an occurrence, the following will apply:

1) Individual responsibilities:

Notify the Department of Public Safety.

2) Public Safety responsibilities:

a) Notify:

The Citadel Physician
Director of Public Safety
Commandant or Assistant Commandant (only if it is a
cadet who is injured)
President (through his office during duty hours) and the
Executive Assistant
Vice President for Facilities and Engineering
Safety and Risk Management Officer

The Citadel Director of Religious Activities (if unavailable,
The Citadel Episcopal or Catholic Chaplain will be
contacted)*

Appropriate Department Head*

Vice President for Communications*

Vice President for Finance and Business Affairs*

Director of the Physical Plant (only if a Citadel vehicle or
Physical Plant personnel are involved)

Director of Human Resources*

*The Director of Public Safety will normally direct which of these is to be notified
depending upon circumstances.

b) Maintain police blotter, recording actions taken and
personnel notified.

G. On-Campus Accidents:

All on-campus accidents, vehicle and otherwise, must be reported as soon
as possible. When such an accident is observed by a member of The Citadel
community, the following actions apply:

1) Individual responsibilities:

Notify EMS (Call 911) if personnel are injured in the accident.
Notify the Department of Public Safety (953-5114).
Notify Physical Plant.

2) Public Safety responsibilities:

Notify EMS if injuries are involved and EMS has not already been
notified.
Notify Fire Department if fire and/or hazardous materials are
involved.
Dispatch a unit to the scene to:

Give "First Responder" care to injured person(s).
Determine if a fire or hazardous material contamination
is involved or imminent.
Establish crowd control. (Evacuate personnel if
appropriate.)
Establish vehicle traffic controls.
Gather information, identify witnesses, and obtain other
information for accident report.
Transport individuals with minor injuries to The Citadel
Infirmary, if requested.
Assist fire and medical personnel as appropriate.

a) Notify:

The Citadel Physician if injuries, however minor, are reported
The Director of Public Safety and Deputy Director
Commandant or Assistant Commandant (only if a cadet is involved)
President (through his office during duty hours) and the Executive Assistant
Director of Physical Plant (Physical Plant office during duty hours)
Safety and Risk Management Officer
Vice President for Academic Affairs
Vice President for Facilities and Engineering
Appropriate Department Head*
Vice President for Communications*
Vice President for Finance and Business Affairs*
Director of Human Resources*

*The Director of Public Safety will normally direct which of these is to be notified, depending upon circumstances.

- b) Maintain police blotter, recording actions taken and personnel notified.
- c) Prepare appropriate accident/incident report.

3) Physical Plant responsibilities:

a) Respond to scene to:

Implement hazardous materials (HAZMAT) warnings and procedures, if appropriate.
Evaluate contributing factors to the accident from a real property and/or vehicle viewpoint.
Determine appropriate physical repair requirements.
Initiate accident prevention measures as appropriate.

H. Off-Campus Accidents Involving Citadel Personnel or Property:

All off-campus accidents, vehicle and otherwise, must be reported as soon as possible when observed by a member of The Citadel community. In such instances, the following actions apply:

1) Individual responsibilities:

- a) Notify the Department of Public Safety.

b) Notify the Physical Plant.

2) Public Safety responsibilities:

a) Gather information, identify witnesses, and obtain other information for the accident report.

b) Ensure that The Citadel Physical Plant has been notified in all cases involving Citadel real property or vehicles.

c) Determine whether or not the news media has been notified and if publicity is expected.

d) Notify:

The Citadel Physician if injuries, however minor, are reported
Director of Public Safety and Deputy Director
Commandant or Assistant Commandant (only if a cadet is involved)
President (through his office during duty hours) and the Executive Assistant
Vice President for Facilities and Engineering
Safety and Risk Management Officer
Appropriate Department Head*
Vice President for Communications*
Director of Human Resources*
Vice President for Finance and Business Affairs*

*The Director of Public Safety will normally direct which of these is to be notified depending upon circumstances.

e) Maintain police blotter, recording actions taken and personnel notified.

I. Criminal Activity:

The occurrence on The Citadel campus or the involvement of a member of The Citadel Corps of Cadets, day/evening student, faculty, staff or campus dependent, as the suspect or victim in an incident will be immediately reported by the first member of The Citadel community learning of the occurrence. Incidents include, but are not limited to, murder, rape, robbery, aggravated assault, simple assault, burglary, motor vehicle theft, liquor law violations, drug abuse, weapon possession violations, driving under the influence, theft (grand and/or petty larceny), trespass, hazing, telephone violations, computer violations, ATM card violations, and mail violations. The following responsibilities apply:

1) Individual responsibilities:

Notify the Department of Public Safety.

2) Public Safety responsibilities:

- a) Initiate an incident report and investigation as necessary.
- b) Contact the appropriate law enforcement agency (agencies) as necessary to ascertain the facts in the situation.
- c) If a member of the Corps of Cadets has been accused or is involved as a victim:

Notify the Commandant immediately. In his absence, notify the Assistant Commandant or Officer of the Day. Determine whether or not it is appropriate to have an offending cadet released to Public Safety custody; if so, follow standard operating procedures to accomplish same. Determine the current location and disposition of cadet victims. Notify in accordance with injured cadet notification procedures. (See paragraph 2.f.2)a. above.)

d) Notify:

Director of Public Safety and Deputy Director
President (through his office during duty hours) and the
Executive Assistant
Vice President for Academic Affairs*
Appropriate Vice President*
Vice President for Communications*

*The Director of Public Safety will normally direct which of these is to be notified, depending upon circumstances.

- e) Maintain police blotter, recording actions taken and personnel notified.

J. Act of Heroism:

Upon learning that a member of the student body, faculty, staff, Board of Visitors, or an alumnus of the college has performed an act of heroism, members of The Citadel community will notify the Director of Public Affairs. The Vice President for Communications will:

- 1) Verify the facts involved in the incident.
- 2) Inform the President and Executive Assistant.

3) Inform the Commandant or Assistant Commandant (if a cadet is involved).

4) Inform the appropriate department head.

5) Recommend to the President the appropriate recognition and arrange for news media coverage.

K. Severe Weather/Earthquake Damage:

(1) Individual responsibilities:

Notify the Department of Public Safety immediately.
Return to the scene of the damage to safeguard the area until the Public Safety officer arrives.
Assist the Public Safety Officer in warning persons in the area, controlling traffic, and otherwise preventing further damage or injury.

2) Public Safety responsibilities:

a) Dispatch a unit to scene of damage to:

Evaluate the situation, report the extent of damage and determine the appropriate response elements from the Physical Plant, off-campus utility (gas, electrical, water) or the Fire Department required.
Remain at the scene to control traffic and direct the arrival of appropriate Physical Plant and/or other responding personnel.
Take charge of damaged area to ensure that further damage and injury are kept to a minimum.
Interview witnesses, gather information, and prepare a preliminary incident report.

b) Notify:

Director of Physical Plant
Director of Public Safety and Deputy Director
President (through his office during normal duty hours) and the Executive Assistant
Vice President for Academic Affairs*
Vice President for Facilities and Engineering
Safety and Risk Management Officer
Vice President for Communications*
Commandant*
Department Head(s)*
Building monitor(s)*

Janitorial personnel*

*The Director of Public Safety will normally direct which, if any, of these individuals are to be notified depending upon the circumstances.

- c) Maintain police blotter, recording actions taken and personnel notified.

L. Other Incidents:

Any incident which has a recognized potential for news media interest will be reported by the first individual aware of the incident. Examples of such incidents include, but are not limited to, scandal involving an individual(s) closely identified with the college, allegations concerning illegal or immoral activities at the college, allegations of major personnel changes or firings at the college, and rumors of pending changes affecting the Corps of Cadets. The following responsibilities apply:

1) Individual responsibilities:

Notify the Executive Assistant to the President.
Refrain from commenting on the incident or situation to other individuals or to the news media until the facts can be ascertained.

1) Executive Assistant responsibilities:

Alert the President to the situation.
If criminal activity is alleged, contact the Department of Public Safety.
Contact the appropriate department head to ascertain the facts as known to him or her.
If warranted, appoint an appropriate fact-finding investigative panel of officers to determine the facts and report the same to the President.
Alert the Vice President for Communications to the situation.

3) Public Safety responsibilities:

Initiate actions in accordance with Paragraph 2.1. above if criminal activity is alleged.

3. ADMINISTRATION:

Each director or office manager in the college will prepare appropriate office instructions or checklists to ensure that all personnel have the necessary guidance to implement this memorandum. A copy of these instructions/checklists will be forwarded to the Department of Public Safety to be filed with the original memorandum.

4. RESCISSION:

This memorandum rescinds Memorandum No. 15 dated 22 May 1995.

FOR THE PRESIDENT:

OFFICIAL

CHARLES B. REGER
Colonel, USAF, Retired
Executive Assistant to the President

DISTRIBUTION:

B

13

CITADEL 0002406

THE CITADEL SUMMER CAMP

OFFICIAL CAMP POLICIES REGARDING SEXUAL MISCONDUCT ISSUES

1. ANY SEXUAL RELATIONSHIP BETWEEN ANY CAMP EMPLOYEE AND A CAMPER IS PROHIBITED. ANY PERSON NOT ADHERING TO THIS RULE WILL BE IMMEDIATELY DISMISSED FROM HIS/HER EMPLOYMENT WITH THE CITADEL AND WILL BE PROSECUTED TO THE FULLEST EXTENT OF THE LAW.
2. ANY PHYSICAL CONTACT BETWEEN AN EMPLOYEE OF THE CITADEL AND A SUMMER CAMPER SHOULD BE CLEARLY IDENTIFIED AS HAVING AN EDUCATIONAL PURPOSE OR AS A RESULT OF ILLNESS OR INJURY.
3. CAMP EMPLOYEES WILL KEEP AN OPEN DOOR WHEN VISITING CAMPER ROOMS ALONE. WHEN A CAMPER VISITS A COUNSELOR'S ROOM ALONE, IT IS THE RESPONSIBILITY OF THAT CAMP EMPLOYEE TO ENSURE THAT THE DOOR IS FULLY OPEN AND THAT IT STAYS OPEN UNTIL ANOTHER ALERT PERSON IS PRESENT IN THE ROOM.
4. REGARDLESS OF VALIDITY OF THE VIOLATION, ANY SEXUALLY INAPPROPRIATE CONDUCT REPORTS CONCERNING ANY CAMPER OR EMPLOYEE OF THE CAMP WILL BE TURNED OVER TO THE CITADEL PUBLIC SAFETY DEPARTMENT AND A THOROUGH INVESTIGATION WILL BE CONDUCTED.
5. FAILURE TO REPORT KNOWN MISCONDUCT AND/OR QUESTIONABLE BEHAVIOR IS GROUNDS FOR TERMINATION OF EMPLOYMENT WITH THE CITADEL. IF A CRIMINAL OFFENSE HAS BEEN COMMITTED, FAILURE TO REPORT THE INCIDENT IS CONSIDERED A FELONY AND WILL BE REPORTED TO THE NECESSARY LAW ENFORCEMENT AGENCIES FOR PROSECUTION.
6. ANY EMPLOYEE OF THE CAMP WHO HAS BEEN CHARGED OR CONVICTED OF A CRIMINAL OFFENSE WHILE WORKING AT THE CAMP HAS 24 HOURS FROM THE INITIAL ALLEGATION TO DISCLOSE SUCH INFORMATION TO THE DIRECTOR OF THE CAMP. ANY HIREE OF THE CAMP IS REQUIRED TO DISCLOSE ANY PENDING INVESTIGATION CONCERNING A CRIMINAL CONDUCT ALLEGATION.
7. ALL SEXUAL MISCONDUCT ALLEGATIONS DISCLOSED AT ANY TIME CONCERNING ANY INDIVIDUAL(S), CURRENTLY OR FORMERLY,



CITADEL 0002283

ASSOCIATED WITH THE CAMP, WILL BE INVESTIGATED UPON DISCLOSURE. THERE ARE NO TIME PERIOD RESTRICTIONS REGARDING SEXUAL MISCONDUCT INVESTIGATIONS.

8. AT NO TIME IS ANY MINOR PARTICIPANT OF THE CAMP ALLOWED OFF CAMPUS WITHOUT PERMISSION FROM THE DIRECTOR. ALL OFF-CAMPUS TRIPS INVOLVING A MINOR PARTICIPANT OF THE CAMP REQUIRE NO LESS THAN 3 PERSONS. IF THE MINOR PARTICIPANT IS A FEMALE, AT LEAST ONE OTHER FEMALE MUST BE PRESENT.
9. ALL CAMP EMPLOYEES MUST ADHERE TO THE GUIDELINES AND STANDARDS OF THE CITADEL BE SUBJECT TO THE CITADEL'S STANDARD OF REVIEW.

I UNDERSTAND AND WILL ABIDE BY THESE POLICIES:

X _____

Print Name: _____ Date: _____

CITADEL 0002284

COUNSELOR CODE OF CONDUCT

The Citadel Summer Camp personnel must always remember that they are role models and mentors to the hundreds of boys and girls that attend the Camp each year. They must always practice mature judgment and be mindful of the well being of the campers.

WHILE ON CAMPU.S, CAMP PERSONNEL WILL COMPLY WITH THE FOLLOWING REGULATIONS:

1. Use of tobacco, alcohol, and/or drugs, in any form, is prohibited.
2. Camp personnel will not use profanity or make any obscene remarks or gestures.
3. Camp personnel will never use force when disciplining a camper. Campers are not cadets; they are 10 to 15 year old campers!
4. While on campus, there will be limited interaction between summer school students and camp personnel
 - a. Camp personnel will have no direct contact with Summer School students other than casual meeting encounters.
 - b. Summer School students and Camp personnel are not permitted to visit each others living areas/rooms, unless on official business and registered with the guard at the gate.
5. Sexual activity, in any form, with any person is prohibited while on campus. "Sexual activity" includes kissing, handholding, lying together, groping, fondling and sexual intercourse.
6. Male personnel and campers may NOT visit the girls' living areas at any time unless specifically authorized.
7. Female personnel and campers may NOT visit the boys' living areas at any time unless specifically authorized.
8. Camp personnel must read and abide by procedures set forth in the "Counselor Handbook."

COMPUTER ROOM:

The Senior Counselor will have a key to the barracks Computer Room for use by counselors. This room is especially helpful when writing "Counselor Letters" to parents. Please take special care of this room so that the camp's privilege of using it is not revoked. **CAMPERS ARE NEVER ALLOWED IN THE COMPUTER ROOM** (unless permission has been granted by the Camp Director).

COUNSELOR LOUNGE:

An air-conditioned room in the barracks will be designated as a "counselor lounge", for use during free time and periods off. This is a common area for use by all counselors. Care must be exercised to ensure the activities of a few do not interfere with others. Care must also be taken to ensure the lounge is kept clean. If problems arise with the lounge, it may be closed.

- a. Male and female counselors, and guests who are properly "signed-in," may jointly use the lounge.
- b. Camp employees and visitors are expected to self-police behavior and cleanliness in this area.
- c. Individuals may be barred from the lounge for disruptive behavior, and the lounge may be closed entirely if problems persist.

CURFEW:

Counselors under the age of 18 have a curfew of 12:00 midnight. For accountability, these individuals must report to the Staff Duty Officer in the front sallyport to sign-in each night. Curfew violations will result in immediate termination of employment.

DANCES:

1. Remember: The Citadel Summer Camp Dances are for the campers... not for counselors to find a boy- or girlfriend. Counselors will NOT bring guests to dances. This rule also applies to counselors on their "day off."
2. Counselors will act as chaperones and be visible at all times. Counselors will be assigned to perform specific functions or monitor various areas during the dance. Assignments will be handed out and posted in the guardroom on the day of the dance.
3. Counselors MUST BE PROPERLY DRESSED IN UNIFORM WHILE AT A DANCE. If a counselor is on a "day off" and desires to attend the dance, he/she must be in uniform.
4. Counselors exhibiting inappropriate behavior may be dismissed.
5. At the end of the dance, sections will be dismissed one at a time and return to the barracks in formation. Everyone should stay in the auditorium until his/her section is dismissed.

Remember: You are accountable for your campers and yourself.



CITADEL-Box 295-0076
(PHSW Tagged Doc's)

DAYS OFF:
 1. Days off will be assigned at the beginning of each session. Assignments will be given to each HSC. Section counselors will then make their night duty schedules.

2. Days off usually run from after dinner until the 7:00 a.m. meeting 36 hours later. When making the night duty schedule with your section, try to make sure you are not scheduled for night duty the night before your day off. If you are, you will be expected to work. Schedules will NOT be rearranged.
3. In order to optimize rest and relaxation, counselors should try to spend their days off away from camp.
4. Counselors may attend camp meals on days off, but will be in proper camp uniform while in the Mess Hall.
5. Counselors should try to get sufficient rest during their days off.
6. If returning to the barracks late at night, please do so **QUIETLY**.
7. Counselors cannot change their days off. If a counselor has a problem with his/her day off, he/she will coordinate with the Head Section Counselor, the Senior Counselors and the Directors before the session begins.
COUNSELORS CANNOT REARRANGE SCHEDULES!
8. Counselors who sign up to tutor Academic Review are expected to meet this obligation, regardless of day off schedule.

DISCIPLINE:

1. Counselors are responsible for discipline within their section and at their activities. Counselors must handle discipline in a positive nature. Recurring problems or those of a significant nature will be channeled through the Head Section Counselor, to the Senior Counselors, and to the Directors, if necessary.
2. Discipline Reports are used to document a camper's negative behavior. Making use of these forms enables the staff and counselors to keep a record of problems we have had with a particular camper. Discipline reports must be filed in the barracks guardroom. You can find blank reports in various locations:
 - Activity Notebooks
 - Guardroom
 - Mess Hall Camp Office
 - Mess Hall Podium
 - Head Section Counselor Notebooks

★ **REMEMBER:** Use of "discipline report forms" helps let the camper know what they did wrong. Having the camper take "time out" to fill in the report is a good way to punish negative behavior. Campers with excessive reports will be sent to the senior counselor, and if the problems persist, the parents will be called.
3. Lead by example and be a positive influence! Be specific rather than general. Avoid group punishment. Be positive and encouraging, but never give the camper false hope (i.e. "you'll probably win the Mark Clark Award", "I bet you will be the First Honor Graduate", etc.).
4. Campers are not going through a fourth-class system. Push-ups, or any form of physical punishment, are prohibited when disciplining campers.
5. Campers are 10-15 years old. They are not adults! They are not cadets! Treat them with kindness and encouragement.
REMEMBER: Praise publicly / Praise privately

EQUIPMENT POLICY:

1. Activity heads will sign for the equipment for their activity from the Operations Officer. They should verify the amount and condition of equipment for which they sign. Counselors who are instructing an activity will also verify equipment accountability at the end of each period. Broken equipment should be brought to the attention of the camp Operations Officer and Logistics Officer.
2. Do not leave equipment at an activity site until the counselors instructing the next class arrive. If the next instructor does not arrive within a reasonable amount of time (after the next class starts), notify a staff member

CITADEL Box 295-0077
 (PHSW Tagged Doc's)

immediately. Equipment should be returned to the respective storage areas at the end of morning and afternoon activity sessions (11:20 a.m. and 3:20 p.m. M/W/F or 4:20 T/Th/S).

■ Deas Hall Storage Equipment (hallway by the Camp Office)

- Basketball
- Racquetball
- Swimming
- Volleyball
- Dodge Balls

■ Barracks Equipment Room (designated room- # TBA)

- Flag Football
- Soccer
- Softball
- Team Handball
- Tennis
- Referee equipment
- Coats for Intramurals

■ Air Rifle (locked closet in the Air Rifle Room)

- Air Rifle equipment
- Ping Pong equipment

3. Failure to properly account for equipment may mean that a counselor has
4. Any problems concerning equipment or Deas Hall personnel should be d

*Other about I.M.A.R.
② Aquarium?*

EVENING ACTIVITIES:

The camp offers the following evening activities for campers and counselors:

1. Field Games: 1st night of each session
2. Intramural Sports: between sections
3. Video/Movie Nights: All movies watched by campers must be G or PG
4. Dances: Saturday, and the final Friday of each session
5. Riverdogs Baseball Game

FINES:

1. All personnel hired by the Camp are expected to abide by the rules set forth in this Counselor Handbook and in the Code of Conduct agreement of which they have signed. As a reinforcement mechanism, counselors may be subject to monetary fines for minor infractions of the rules.

2. Fines may be routinely levied for: missing a morning meeting; being late or absent from scheduled activity; being late or absent from required duty; uniform or room condition infractions and equipment or property damage.

3. Counselors are expected to pay their fines on paydays.

4. The Director will collect the fines.

5. Fines collected will be returned to the camp, and may be used for the general good of the camp as determined by the Directors.

FORMATIONS:

1. Counselors must attend all formations (except on their days off). The first formation of the day is a meeting in the front saltpart at 7:00 a.m. (Head Section Counselors may authorize one counselor to miss this meeting in order to supervise section campers in the barracks. The HSC will report for that counselor during roll call.)

2. Counselors are expected to march with their section to all meals and retreat.

3. For the 1st activity period in the morning / afternoon, counselors assigned to teach an activity, will march the campers they are instructing to the appropriate location. If necessary, one counselor should be sent ahead to ensure equipment is ready. Counselors will march campers back to the barracks after the last morning / afternoon activity ends. Campers will not be allowed to march themselves back to the barracks.

CITADEL Box 295-0078
(PHSW Tagged Doc's)

4. Head Section Counselors must insure all campers and counselors are in formation and in proper camp uniform. Accountability relates directly to SAFETY; campers should be accounted for at all times!
5. Night duty counselors will march their campers to evening activities, and remain with them during the activity. (On movie nights, campers sit as a section with their counselors. Night duty counselors sit IN the auditorium, watching the movie with their section.) The night duty counselors will march their section back to the barracks after the activity.
6. Both campers and counselors should be prompt to formations. Early in the session, counselors need to be extra early for formations. Special attention may be required for campers as they adjust or there may be a specific problem camper who needs assistance.

FUN:

1. This is the second priority of camp! While campers, counselors, and staff members are not required to have fun, most at least make an attempt at it.
2. Safety should never be jeopardized in the interest of fun. After over forty years of existence, the camp program has proven that it can be an enjoyable experience. Do your part to ensure each camper has the opportunity for an enjoyable and FUN experience.
3. Competition should not be over-emphasized and EFFORT should be consistently recognized.

GIFTS FROM PARENTS OR CAMPERS:

1. Counselors and staff members should never accept money or goods from a camper (including his or her family or friends.)
2. If gifts are offered, the staff member or counselor should politely inform the giver of this camp policy and thank them for the thought.

GUARDROOM:

The barracks guardroom is an office of the camp. It must be maintained in an orderly manner. The guardroom and front salypart are not lounges. CCQs and CITs are responsible for cleanliness of these areas. The telephone in the guardroom is for official business only.

HARASSMENT:

1. Every camper deserves the opportunity to experience camp life free from any form of harassment. Each camper should be able to experience camp without being subject to physical, mental or sexual harassment, assault, slurs, degradation or pressure of any kind.
2. No counselor will subject a camper to harassment.
3. No counselor will strike, lay hands upon, threaten with violence, or offer to do bodily harm to a camper.
4. No counselor will allow tyrannical, abusive, shameful, insulting, or humiliating treatment to a camper.
5. Campers may be disciplined by:
 - a. reprimand (e.g., explain how the action will not be tolerated)
 - b. loss of privileges (e.g., starting Rec. Period fifteen minutes late)
 - c. additional duty (e.g., sweeping the section gallery or a portion of the quad).
6. If a counselor has tried remedies for a camper and does not see changes in behavior, the counselor should seek assistance from the Head Section Counselor, Senior Counselors, or Directors.
7. Campers should not be subject to harassment from other campers.
 - a. Older campers may try to control younger campers
 - b. Multi-year campers may try to control newer campers
 - c. Campers who are heavy or wear glasses may be subject to comments/slurs
 - d. Campers of one race may be subject to comments by those of another race
 - e. Campers of one sex may offend those of another
 - f. Campers may threaten other campers

GITADEL Box 295 - 0079
(PHSW Tagged Doc's)

8. Counselors must constantly monitor sections and activities to ensure no form of harassment takes place.
9. The definition of "Sexual Harassment" as defined in the Blue Book Regulations for the Corps of Cadets states: "Sexual harassment is unwanted sexual attention. It is frequently a display of power intended to demean, embarrass, intimidate or coerce a person. It includes but is not limited to unwanted requests or demands for sexual favors, propositions, questions about a person's sexual experiences, lewd comments, leering, sexual insults or innuendos and sexually explicit jokes. It also includes unwanted touching, fondling, patting, pinching or kissing, as well as blocking a person's way. Sexual graffiti and sexually explicit pictures (including those on computers), cartoons, or objects can also constitute sexual harassment. Although some forms of sexual harassment may be unintentional, words and behaviors such as those described above may be harassing when viewed or heard by others. Words which are demeaning to one gender are also forms of sexual harassment. Both men and women can be sexually harassed and it can also occur between members of the same sex."
10. All counselors must accept personal responsibility for the fair, equitable, proper, and effective treatment of every camper and every other counselor.

HOTEL SIERRA:

1. "Hotel Sierra" is a code phrase often used for "homesickness." Homesickness can happen to any camper, regardless of age, when separated from familiar surroundings.
2. On the first day of camp, especially while parents are leaving, campers tend to be very susceptible to homesickness. For some campers, this is their first time away from home. Counselors should be extra patient with these campers. Try not to single them out and attempt to get every camper fully engaged in the activities at hand. Most campers will successfully adapt to new surroundings with involvement, support, and positive reinforcement.
3. Parents may experience "child-sickness" when separated from campers. Counselors should discourage excessive contact with parents, which may contribute to the camper's homesickness. Let the Directors know if there is a situation where a parent is contributing to the ongoing homesickness of a camper.

INDIVIDUAL EXCELLENCE:

1. This is the fourth priority of the camp.
2. Campers, counselors, and staff are encouraged to do their best to "excel", but never at the expense of Safety, Fun, or Team Play. Keep in mind that effort, not perfection, should be recognized.

INFIRMARY:

1. Campers and counselors may use the campus Infirmary when required for medical assistance.
2. Sick call will be held each morning at the time of the first activity. Campers should go on "sick call" if they need medical assistance, or have been instructed to do so by the medical staff. Sick call will usually be broken into two portions: campers with sports injuries, who need to see the trainer; and those with sickness, infection, or medical problems, who need to see the doctor or nurse.
3. The nurse of the Infirmary administers medications to campers:
 - Routine medications are administered near meal times and at bedtime.
 - Campers who need medications will usually go to the Infirmary at a different time than those who need to see the doctor, nurse, or trainer.
4. The Infirmary is not a place for homesick campers. In the case of a severely homesick camper, please escort that camper to the Camp office in Deas Hall.
5. Counselors and staff must remember the staff of the Infirmary are trained professionals. Their considered opinion will be followed without comment or discussion.

JOB DESCRIPTIONS:

Job descriptions for Staff, Counselors, CCQs, and CITs are found at the beginning of this Handbook.

CITADEL Box 295 - 0080
(PHSW Tagged Doc's)

JUNIOR COUNSELORS and COUNSELORS-in-TRAINING:

1. Counselors in Training (CITs) are 16-year old employees whose primary role is to serve as operational assistants to the camp staff. CITs are hired for one session of camp, but may be asked to remain in camp and take a position as a Junior Counselor (depending on position availability and prior job performance).
2. Junior Counselors (JCs) are 16- and 17-year olds who have been assigned to a section of campers.
3. For safety and liability reasons, JCs and CITs have certain restrictions that may not apply to other counselors. Other counselors must be mindful of not putting a JC or a CIT in a position where these rules could be violated.
4. Even though there are differences in counselor positions, where campers are involved, JCs and CITs are the same as counselors. Counselors and staff should NEVER call attention to counselor-level distinctions to the campers.

JC & CIT CODE OF CONDUCT

Junior Counselors (JCs) and Counselors in Training (CITs) must always remember that they are role models and mentors to the hundreds of boys and girls that attend the Camp each year. JCs and CITs are no longer campers and are expected to continuously demonstrate maturity well beyond that expected from the oldest campers.

AUTOMOBILES: Automobiles will be permitted on campus when approved by parents/guardians. All vehicles must be registered with the campus Public Safety office, through the Camp's Director of Personnel and Administration. Possession and use of a vehicle on campus are privileges and are revocable. Travel during off duty hours must be within a 25 mile radius from The Citadel campus, unless specific exceptions are requested by parents and approved in advance by the Directors.

CURFEW: The nightly curfew for all JCs and CITs is 12:00 a.m. All JCs and CITs are required to be in the barracks by that time and will be required to sign in with the Staff Duty Officer.

WHILE ON CAMPUS, JCS AND CITs WILL COMPLY WITH THE FOLLOWING REGULATIONS:

- Use of tobacco, alcohol, and/or drugs, in any form, is prohibited.
- Camp personnel will not use profanity or make any obscene remarks or gestures.
- Camp personnel will never use force when disciplining a camper. Campers are not cadets; they are 10 to 15 year old campers!
- While on campus, there will be limited interaction between summer school students and camp personnel
 - Camp personnel will have no direct contact with Summer School students other than casual meeting encounters.
 - Summer School students and Camp personnel are not permitted to visit each others living areas/rooms, unless on official business and registered with the guard at the gate.
- Sexual activity, in any form, with any person is prohibited while on campus. "Sexual activity" includes kissing, handholding, lying together, groping, fondling and sexual intercourse.
- Male personnel and campers may NOT visit the girls' living areas at any time unless specifically authorized.
- Female personnel and campers may NOT visit the boys' living areas at any time unless specifically authorized.
- Counselors must read and abide by procedures set forth in the Counselor Handbook.

LANGUAGE:

1. Counselors and staff are expected to use proper language at all times. Campers are at an impressionable age and will often repeat what they hear from other campers and counselors.
2. Campers are also expected to use proper language. Counselors must monitor the language of the campers in their care and make corrections when indicated.
3. Cursing, cursing, profanity, vulgarity, insults, name-calling, derogatory, demeaning or threatening language will not be tolerated. Off-color and derogatory "jody calls" will not be tolerated. Counselors are expected to insure a proper tone in all counselor-camper, camper-counselor and camper-camper discourse. **IN SHORT, DO NOT USE IMPROPER LANGUAGE.**

LAUNDRY:

1. Laundry service is provided for campers and counselors by the campus Laundry. Laundry is picked up and delivered twice each week. The dates for pickup and delivery are posted in each camper's room and announced in the Mess Hall.

CHADEL-Box-295--0081
(PHSW Tagged Doc's)

2. Campers and counselors will count their laundry, complete the forms, and carry their laundry to the quadrangle for pick up. Counselors should supervise this process and ensure their campers have clean cloths and clean bedding. Bedding should be changed at least weekly (see the master schedule and remind your campers).
3. Counselors who so desire may make use of the vending washers and dryers on campus (the Laundromat is located between Deas Hall and LeTollier Hall.)
4. Every counselor is expected to have clean uniforms to wear during camp. "I didn't get my laundry done," is not an excuse for being in an improper or dirty uniform. Uniforms that are torn or permanently stained may be exchanged in the camp office.

MAIL CALL:

Individual sections do Mail Call. Each morning the Director of Personnel and Administration collects outgoing mail from the guardroom and delivers it to the campus Post Office. Incoming mail is then returned to the barracks, sorted by section and put in section boxes for counselors to distribute after lunch. Campers enjoy getting mail, so be sure to check the boxes and ensure all items are delivered to the camper to whom addressed.

MENTORING:

Counselors are the leadership of the camp. Act responsibly and maturely. Campers are aware of your actions and are easily influenced. Set a good example!

MESS HALL:

1. Counselors sit at the end of each table ("mess carvers") and are responsible for camper behavior, as well as their own. The Mess Hall is a place to eat (not to play games, throw food, etc.). Food should not be taken from the Mess Hall. Sections will be kept quiet during announcements and behavior monitored at all times.
2. Should a counselor have a problem with the food, mess hall employees, etc., he/she should report the situation to the camp Logistics Officer, to include any special food or dietary needs (e.g. pork substitutes for Jewish or Muslim campers.)
3. At breakfast, sections will rotate to the cereal tables. An announcement will be made at the beginning of each meal indicating what sections go first. Counselors need to pay attention to the rotation and control their campers.

MONEY:

1. Counselors will neither loan money to, nor borrow money from, campers at any time. Additionally, campers and counselors are prohibited from selling items at camp.
2. Remind your campers to keep their valuables secured and not give their lock combinations to their roommates.
3. Before campers arrive, check lock boxes in each room and make sure they can be secured. Report any problems to the Logistics Officer. Continue to monitor this situation during camp sessions.
4. Security of cash is especially important on Wednesdays when campers receive spending money. Caution your campers to take care of their money and keep it safe.
5. If a section is to hold a pizza party, counselors must be extremely careful regarding money collected from campers. Money collected will be documented on a section roster, and turned over to the Senior Counselor. At no time should a counselor appear to profit by collecting money for a section party. If proper documentation is not kept, the counselors of that particular section will be responsible for any refunds requested by campers.
6. On Wednesdays, campers are given \$10.00 in spending money. Head Section Counselors will see the Director of Personnel and Administration at the beginning of the lunch meal to receive the money and a roster for their section. HSCs will have each camper sign for their \$10.00, and return their roster and any extra cash to the Director of Personnel and Administration, before leaving the Mess Hall. Extra money and rosters will not be taken from the Mess Hall, without specific approval.

NIGHT DUTY:

1. Counselors are scheduled to work several night duty shifts during each camp session. Prior to the start of each session, section counselors will get together and make their section's night duty schedule. The schedule is then

CITADEL Box 295-0082
(PHSW Tagged Doc's).

submitted to the Senior Counselor for approval. Copies are then distributed to the Directors and staff for further accountability.

2. Once approved and published, night duty schedules will not be changed without written approval from the Senior Counselor or one of the Directors.
3. One of the two counselors scheduled for night duty will remain with the section, in the barracks, all night ("Overnight Section Duty"). The other counselor with night duty ("Evening Activity Duty") is off at 10:00 p.m. The schedule will indicate which counselor is required to be present for the overnight shift.
4. Counselors without night duty may leave campus after dinner.
5. Night duty counselors are responsible for:
 - a. Being present on the gallery until "Taps" is sound, or until campers settle down for the night. (Both night duty counselors must be present).
 - b. Maintaining order in their section (noise, chaos, etc.).
 - c. Insuring all campers take a shower before Taps.
 - d. Insuring all lights in camper rooms are turned off at Taps.
 - e. Providing an "All-In Report" to the on-duty CCQ (within fifteen minutes of Taps).
 - f. Keeping campers in their own rooms after Taps.
 - g. Insuring camper accountability (infirmary visits, etc.).
6. Each evening, a staff member is assigned duty as "Staff Duty Officer", to:
 - a. Insure all counselors assigned for night duty are present.
 - b. Monitor evening events.
 - c. Be present on campus during evening activities and in the barracks from after Taps until breakfast the next morning.
 - d. Receive the "All-In Reports" from the CCQ on duty.
 - e. Insure order is maintained in the barracks.
 - f. Insure the guard on duty plays "first call" for Reveille/breakfast at 0715.
 - g. Conduct accountability check of JC / CIT curfew.
7. Visibility is the first line of defense against section disorder. Counselors must remain on the galleries until Taps has sound and order among campers has been established.
8. Campers may not "switch" rooms (even if it is "just for the night"). Night duty counselors are responsible for enforcing this rule. Campers who do not observe this policy will lose privileges.
9. Campers will NEVER be allowed to sleep in a counselor's room. If a camper is experiencing difficulty, visit the camper in their room with their roommate present, or talk to them on the gallery or in a counselor room with another counselor present. NEVER allow a camper to sleep in a counselor's room and NEVER sleep in a camper's room.

PARTIES (PIZZA):

Counselors may have no more than 1 section party after Taps, per session. These parties are encouraged, but for maximum value should be tied to a positive event: i.e., when campers have performed particularly well during inspections, section grading, behavior, and/or intramural competition. Head Section Counselors must receive advance permission from the Senior Counselor, and give notice to the Staff Duty Officer. For accountability, money collected for these parties MUST be documented and signed by the camper on a Section Roster. Turn the completed money collection roster over to the Senior Counselor.

PERIOD OFF:

Each day, counselors will be assigned at least one 50-minute activity time slot as a period "off". Counselors enrolled in summer school will not be afforded this privilege, due to the time already taken out of the camp schedule for their classes.

PROMPTNESS:

1. Bugle calls apply to both campers and counselors. Counselors on duty are expected to be on time for all formations.

CITADEL Box 295-0083
(PHSW Tagged Doc's)

2. Counselors are expected to be at their assigned activity on time. Repeated instances of being late to formations and activities will result in monetary fines for counselors and, if necessary, termination of employment.
3. Counselors in summer school classes are especially susceptible to being late. Extra care must be taken to proceed quickly to assigned activities. Once at an activity site, counselors should not leave the activity site until another counselor has arrived.

QUAD CHAOS:

"Quad Chaos" is a term used for activities that occur on the barracks quadrangles during free time. Even when "no one is in charge" of camper activities, counselors must be aware of what is taking place. SAFETY must not be compromised for the sake of fun.

QUIET:

1. Order and discipline by Summer Camp personnel is important. The camp must be a good neighbor and be courteous of others at all times.
2. There are several campus facilities that deserve special attention, regarding noise:
 - a. Deas Hall - Many camp activities take place in Deas Hall. Summer School activities also take place here. Whenever campers are in hallways, they should remain orderly and quiet. Campers should only take the stairwells allocated for camper use (signs will be displayed.)
 - b. Mark Clark Hall - Mark Clark Hall is one of the most visited buildings on campus, and the Camp also uses it for many activities. Campers must maintain good order and discipline in this building. Counselors should regularly monitor bathrooms. When in Mark Clark Hall, campers should never be without counselor supervision. During Recreation Period, counselors will be assigned to monitor areas of concern.
 - c. Murray Infirmary - Campers visit the Infirmary to receive medications, for routine sick call and for emergency treatment. Only campers who stay in the Infirmary on orders of the medical staff due to injury or illness will be left without counselor supervision. Orderliness is important so that nurses and doctors can properly treat campers. Counselors will routinely be assigned to accompany campers to the Infirmary to assist in maintaining order and discipline. The Director of Safety & Education will monitor camper and counselor conduct in the infirmary on a daily basis.
3. Quiet and discipline in the barracks is extremely important.
 - a. The Summer Camp can be quite taxing on campers, as well as counselors. Quiet must be maintained to ensure everyone gets a good rest, at night and after lunch.
 - b. When Summer Camp shares barracks space with other activities, like the SC Police Corps, the need for general quiet becomes even more important.
 - c. Many counselors are taking summer school classes. Quiet is needed for study time.
4. It is a counselor's duty to control and maintain discipline of campers. Noise levels must be kept down when inside all buildings. Campers who fail to observe rules should be immediately corrected. The word "Quiet" will be used when requesting order within the section. "Shut-up" will not be used.

RAIN (See Black Flag):

1. When the Black Flag / Rainy Day (BF/RD) Schedule is to be implemented, as much advance notice as possible will be given to counselors. Counselors should be ready to move campers to their alternate activity quickly and safely.
2. Under the BF/RD Schedule, each outside activity has an alternate activity/site. Counselors with outside activity responsibilities should review their teaching schedule and become familiar with any reassignments.

RECREATION PERIOD:

Recreation period takes place on Mondays, Wednesday, and Fridays from 3:30 to 4:20. After the last Activity Period on these days, campers return to the barracks for a formation. After this formation, campers are free to leave the barracks. Permissible destinations include:

- Remain in the barracks
- Mark Clark Hall / Snack

CITADEL Box 295-0084
(PHSW Tagged Doc's)

- k Bar
- Parade Ground
- Deas Hall (only when escorted by a counselor)

Counselors will be assigned to various locations to supervise campers. Assignments will be posted in the guardroom before the session starts.

REGULATIONS:

Counselors will abide by regulations of The Citadel and are expected to conduct themselves accordingly: the college's Honor Code and Summer School Regulations apply. Collegeregulations give the Directors disciplinary authority over Summer Camp personnel.

RELATIONS (COUNSELOR/STAFF):

1. Camp counselors are responsible for the day-to-day supervision of campers and their activity instruction. Within each section, the Head Section Counselor is responsible for that section's other counselors.
2. Camp staff members are primarily responsible for planning and coordination, which allows counselors to operate effectively.
3. Counselors in Charge of Quarters (CCQs) are primarily responsible for the security of the camp's barracks.
4. Counselors-in-Training (CITs) have two responsibilities: security of the camp's barracks during daylight hours and performing various support and training activities, e.g., intramural referees, marking fields, supplying water to activity sites.
5. Counselors and staff must strive to work together in order for the camp to operate efficiently and professionally. Recognition that staff, counselors, CCQs and CITs have different responsibilities is important. Each person must perform his/her own duties. Any concerns or problems should be brought to the attention of the Senior Counselors or Directors without hesitation.
6. Counselors with problems or questions, no matter how small, should normally consult, first, their Head Section Counselor. The Senior Counselors are usually the next to be consulted, but any staff member, including the Directors, may be approached regarding questions or problems. Staff members must be ready to correct problems brought to their attention.
7. Counselors should not hesitate to direct parents to the Senior Counselors or Directors concerning any camper-related problems.
8. Counselors will not have "dating relationships" with other counselors while camp is in session. Such behavior is not conducive to smooth operation of the camp and may result in dismissal.

ROOMS:

1. Counselor and staff rooms will be kept neat and clean at all times. Staff members (including the Directors) will check rooms periodically. Failure to maintain rooms in proper order may result in fines.
2. Counselors are allowed to have televisions, VCRs, computers, stereos, and video games. Other appliances (i.e., refrigerators, microwaves, hotplates, etc.) are not acceptable.
3. If furniture in a counselor's room is moved, it must be returned to its normal arrangement before the end of camp. Furniture may not be arranged in such a manner to create a safety hazard.
4. The guardroom, front sallyport and staff rooms are not lounging areas for either campers or counselors. Help maintain these areas for official camp business.
5. A room designated as the "Counselor Lounge" will be set aside for use by camp personnel during off-duty time. Campers are not allowed in the Lounge. Failure to maintain the Lounge in an orderly manner and excessive noise may result in a person being banned from the Lounge or the closing of the Lounge altogether (See "Counselor Lounge".)
6. Campers should not enter another camper's room unless invited by the occupants. Campers are also not permitted to visit other rooms after Taps. **CAMPERS MUST SLEEP IN THEIR OWN ROOMS.** Staff and

CITADEL-Box 295--0085
(PHSW Tagged Doc's)

counselors on night duty will enforce this rule. Likewise, counselors should not visit camper's rooms after Taps, except in case of illness, injury, assisting a camper or while maintaining order.

7. No member of the opposite sex should enter any camper's room for any reason without prior approval of the Senior Counselors, or Directors. Should the need arise, staff or counselors will enter in pairs and never alone.
8. Staff and counselors should use discretion when visiting with campers in his/her room. Always leave the door open, and insist that another counselor or camper is present.

SAFETY:

1. THIS IS THE #1 CAMP PRIORITY!

2. In case of injury, the Senior Counselors, Directors, or the Staff Duty Officer will be immediately notified. Follow established safety procedures (located in activity notebooks and posted in barracks) to get aid for the injured individual, and then proceed to transport him/her to the infirmary. If an injury is sufficiently serious, contact a staff member for evacuation to the Medical University of South Carolina Emergency Room.
3. The counselors present when an accident occurs are responsible for promptly filling out of an Accident Report. If no counselor was present, the Head Section Counselor of the camper will complete the Accident Report. Accident forms should be turned in to the Safety and Education Officer within six hours of an accident.
4. Blank Accident Reports are in all activity notebooks, the guardroom, and the camp office.

SCUBA INSTRUCTION:

SCUBA TAKES PLACE FROM 4:30 TO 6:00, MONDAY - FRIDAY. Due to time constraints and the large amount of material to cover over the 3-week session, it is very important that SCUBA participants are prompt in getting to class. Two people will be assigned to assist with SCUBA and their primary functions include:

1. Ensuring all participants are in the sailport, with proper materials (swim suit, towel, book, fins, etc.) in hand, at 4:25 p.m.
2. Escorting campers to Deas Hall by 4:30 p.m.
3. Assisting SCUBA instructors with camper accountability and discipline during the class.
4. Escorting campers to the Mess Hall after the class, eating dinner with them, and escorting them back to the barracks.

For accountability purposes, Section Counselors need to know which of their campers are participating in SCUBA.

SPECIALIZED ACTIVITIES:

1. Counselors are assigned to work with a specialized activity. These assignments are based upon individual interests (as indicated on the employment application) and the needs of the camp. Assignments are announced during staff training.
2. Counselors will be at their specialized activity every day (except days off) and be on time.
3. Some counselors are assigned Hunter Safety & Trapsooting as their specialized activity. This activity takes place after lunch on WLI Field, behind the mess hall. Counselors assigned to this activity have a rest period during the regularly scheduled specialized activity period (4:30 - 5:30 p.m.), Monday through Saturday. The Director of Marksmanship is coordinator for this activity.
4. Specialized activities last an entire hour (4:30 - 5:30 p.m.), Monday through Saturday.
DO NOT LET CAMPERS LEAVE EARLY!
5. Counselors cannot cancel a specialized activity for a day; therefore, counselors involved with outdoor specialized activities should prepare for rainy days.
6. Counselors involved with each specialized activity will present a skit for the campers on the first Monday night of each session. After the skits, campers sign-up to participate in one of the activities offered.

CITADEL Box 295-0686
(PHSW Tagged Doc's).

TEAMPLAY:

1. This is the third priority of the camp.
2. Team Play encourages sportsmanship and group involvement by everyone in all activities. Activity instructors and coaches for intramurals must ensure each camper gets an opportunity to participate.
3. Unsportsman-like conduct will not be tolerated and violators will be asked to sit out of the activity. Activity instructors and coaches must take the lead in monitoring daily activities and intramural competition. Support for a section is to be encouraged, but good sportsmanship must always be practiced. Stop improper actions; council players; expect and demand good sportsmanship.
4. At the beginning of camp, counselors should remind campers of the "Best Section" competition. This award is based on the combined results of numerous competitions:
 - Room inspections results
 - Track Meet results
 - Field Day results
 - Marching competition results
 - Team cooperation
 - Team spirit
 - Counselor leadership
 - Overall behavior

TELEPHONES:

1. Telephones in the camp office and guardroom are for official business use only. Should the need arise, counselors may use the phones in the camp office to contact camper parents.
2. Head Section Counselors and staff members should plan to have telephones in their rooms. These phones will be an important resource for their communications. Campers should not be permitted to use these telephones unless the Directors give specific permission.
3. Other counselors are allowed to bring their own telephones for personal use, but this privilege may be revoked for cause (i.e., letting campers use counselor phones.)
4. Campers will have routine access to telephones in Mark Clark Hall to contact parents during Recreation Periods (Rec. Time), M-W-F 3:30 to 4:20. Counselors should be prepared to assist campers in placing collect or credit card calls, if required.
5. Campers should not use the pay phone located in the barracks.
6. A 24-hour cell phone will be provided to the camp. The Senior Counselors will have the phone during the day and at night the Staff Duty Officer will have the phone.

TOBACCO:

The use of tobacco (in any form) by campers, counselors, or staff members is prohibited at camp. Campers found with tobacco products will receive punishment. Counselors found with tobacco products will be dismissed.

VALUABLES:

1. Counselors and campers should secure any valuables in lock boxes. When campers are checking into camp, try to discourage them from keeping expensive, pilferable items. Encourage parents to take such items when they depart on Opening Day.
2. Before campers arrive, each session, counselors check the condition of the lock boxes in each room and assure they can be secured. During daily checks of camper rooms, and when talking to campers, be aware of any security problems. Report problems to the Director of Logistics and the Senior Counselors.
3. The camp attempts to provide a secure environment but it is not responsible for lost or stolen items.

CITADEL Box 205-0087
(PHSW Tagged Doc's)

VEHICLES:

1. Operators of any camp vehicle, including the golf cart, must have a valid drivers' license in their possession and obey all traffic regulations. Only individuals who participate in "Vehicle Safety Training", during staff training, may drive assigned vehicles.
2. Operators of the golf cart must exercise great care:
 - a. The cart is small and not seen as readily as other vehicles.
 - b. While highly maneuverable, the golf cart is considered a vehicle and is not allowed on sidewalks.
 - c. Passengers may not be carried in the back of the golf cart.

VISITORS:

1. Counselors and staff members should challenge anyone in the barracks who is not:
 - a. a camp employee
 - b. a member of the vending machine or janitorial service staffs
 - c. maintenance personnel
 - d. College official (President, Director of the Physical Plant, etc)
 - e. affiliated with the SC Police Corps
2. Summer school students are not allowed in the camp barracks without a counselor or staff escort.
3. Visitors wishing to see camp personnel will report to the guardroom. The CCQ/CIT on duty will page the counselor, who must come to the rally port and escort the visitor to his/her room. A barracks pass will be given to all visitors and must be outwardly displayed when visiting. No visitor of the opposite sex will be allowed into a counselor's room.
4. Guests of camp personnel may visit with their host/hostess in the Counselor Lounge provided they observe all rules pertaining to the lounge.
5. Visitors are not allowed in the Mess Hall without the prior approval of the Senior Counselors or Directors.

MOST IMPORTANTLY:

- USE GOOD JUDGMENT AT ALL TIMES
- BE A GOOD ROLE MODEL
- BE SAFE
- HAVE FUN

COLLEGE REGULATIONS

THE CITADEL

The Military College of South Carolina

(Revised 22 April 2006)



CITADEL-0001091

The Citadel COLLEGE REGULATIONS

SECTION I.

Organization and Administration

Statement of Vision, Core Values, and Mission.

These statements of Vision, Core Values, and Mission were approved by The Citadel Board of Visitors on 1 February 2003 and by the South Carolina Commission on Higher Education on 5 June 2003.

Statement of Vision. Achieving excellence in the education of principled leaders.

Core Values.

- (1) **Academics:** We produce graduates who have insight into the issues, ideas and values that are important to society and possess the skills necessary to deal with them successfully.
- (2) **Duty:** We emphasize the importance of individual accountability and the moral obligation of responsibility for the welfare of others.
- (3) **Honor:** We adhere to a code which teaches that uncompromising personal integrity is the primary guide in all situations.
- (4) **Morality:** We believe that an individual's character is of utmost importance and, therefore, we provide training which emphasizes ethical principles and core values.
- (5) **Discipline:** We operate a leadership laboratory which emphasizes a structured environment, acceptance of responsibility, self-confidence and service to others.
- (6) **Diversity:** We promote diversity in all segments of our campus community and in all aspects of college life.

Mission: The Citadel's mission is to educate and prepare graduates to become principled leaders in all walks of life by instilling the core values of The Citadel in a challenging intellectual environment.

The Citadel strives to produce graduates who have insight into issues, ideas, and values that are of importance to society. It is equally important that Citadel graduates are capable of both critical and creative thinking, have effective communication skills, can apply abstract concepts to concrete situations, and possess the methodological skills needed to gather and analyze information.

Throughout its history, The Citadel's primary purpose has been to educate undergraduates as members of the South Carolina Corps of Cadets and to prepare them for post-graduate positions of leadership through academic programs of recognized

16. Ignorance of Regulations. Ignorance of any order or regulation is not considered an excuse for neglect or misconduct.

17. Information about the College. The Vice President for Communications is the official source of information to the news media about the College, except for athletic matters which will be disseminated by the Director of Athletics or a designated representative.

18. Publications. Any authorized student publication, such as the yearbook, the college newspaper, and student academic literary journals, will be issued under the responsible supervision of a student editor and a designated faculty advisor. The Director of Cadet Activities retains final responsibility for these student publications related to cadet activities. The Provost/Designee of the Provost is responsible for student publications related to activities of non-cadet students. Other official publications prepared by the faculty or staff will be coordinated with the Vice President for Communications.

19. Non-Academic Graduation Requirements. Having incurred punishments which would extend beyond commencement, a cadet will not be permitted to graduate or participate in commencement exercises until such punishments have been served or disposed of to the satisfaction of the Commandant of Cadets.

20. Policy on Hallucinogenic, Narcotic, and Other Controlled Drugs and Substances; Drug Paraphernalia; and The Citadel Drug Testing Policy.

a. Prohibited Activity. The Citadel will not tolerate the possession, solicitation, distribution, sale, or use of hallucinogenic, narcotic or other controlled drugs or substances or of drug paraphernalia.

(1) The Citadel therefore prohibits all students at any time or place, whether on- or off-campus, from possessing or using any hallucinogenic, narcotic or other controlled drug or substance or any paraphernalia as defined in South Carolina Code Ann. Sec. 44-53-110, unless authorized by a legal prescription for such substance or otherwise specifically permitted by law. Any student knowingly and willfully possessing or using any such substance or item in violation of this policy will be expelled from the College. Any student possessing or using any such substance or item in violation of this policy, but for whom the possession or use is not knowing and willful, will be subject to expulsion from the College.

(2) The Citadel has a drug testing program which gives the College the right to randomly test members of the Corps of Cadets periodically for the presence of illegal drugs and other controlled substances. Agreeing to participate in this program is a condition of acceptance at The Citadel, and submitting to testing when required under this program is a condition for remaining as a student. (See required Consent Form at the end of this section.)

(3) The Citadel additionally prohibits any person - whether a student, visitor, employee, or other person - from bringing onto or possessing on The Citadel campus or other Citadel property any hallucinogenic, narcotic or other controlled drug or substance or any drug paraphernalia except as specifically permitted by law. The possession of any such substance or item by any person on Citadel property is contrary to and in violation of the permission of any person to be on Citadel property, and possession or control of any such substance or item on

1 STATE OF SOUTH CAROLINA THE COURT OF COMMON PLEAS
2 COUNTY OF CHARLESTON
3 - - - - - x
4 MOTHER DOE A, :
5 Plaintiff, :
6 vs. : CASE NO. 2011-CP-10-9200
7 THE CITADEL, :
8 Defendant. :
9 - - - - - :
10 JOHN DOE CAMPER, :
11 Plaintiff, :
12 v. : CASE NO. 2012-CP-10-1860
13 THE CITADEL, :
14 Defendant. :
15 - - - - - :
16 JOHN DOE 2, :
17 Plaintiff, :
18 vs. : CASE NO. 2012-CP-10-1858
19 THE CITADEL, :
20 Defendant. :
21 - - - - - x
22 DEPOSITION OF: ANN H. FRANKE (VOLUME 1)

Alderson Reporting Company
1-800-FOR-DEPO



Page 174	Page 176
1 abused any minor males, after being arrested by the 2 Mount Pleasant police in October of 2011, is 3 100 percent that he did not abuse any minor males. 4 A Had he committed suicide at that moment, 5 he would not have abused anyone else either. 6 Yes. I agree with you. 7 Q Because as you note in your report, the 8 only two sure ways that a pedophile isn't going to 9 sexually abuse a child is death and incarceration. 10 MR. BOWERS: I object to the form. 11 THE WITNESS: I believe I said -- 12 MR. HERNES: Correct. 13 THE WITNESS: -- institutionalization. 14 BY MR. HERNES: 15 Q Which is the same as incarceration -- 16 A There are -- 17 Q -- correct? 18 A -- other kinds of institutional 19 confinements, but they are of a piece, yes. 20 Q Two peas in a pod. Wouldn't you agree? 21 We are splitting hairs, aren't we? 22 A You ask a rhetorical question. I'll give	1 have mandatory reporting laws that address precisely 2 the distinction that you're making. 3 Those mandatory reporting laws disappear, 4 go out the window when the victim, at the age of 5 victimhood, is an adult. 6 Q Okay. So, college students can make up 7 their own mind. Children, who are sexually abused, 8 sexually molested, they should be reported -- it 9 should be reported on their behalf. 10 Would you agree with that? 11 A As state law so dictates, yes. 12 Q Or if you, as an institution, university 13 adopt your own policy where you make it mandatory on 14 yourself to report. 15 A If that policy is clear and it says, if 16 you see child abuse or neglect, you must report it, 17 then -- yes -- that can be an obligation the 18 institution takes on itself. 19 Q Okay. If you will, turn to tab four, 20 please. 21 A Okay. 22 Q Tab four is an article cited in your
Page 175	Page 177
1 you a rhetorical answer. 2 Q And it also notes in the last sentence of 3 that paragraph that we were reviewing that university 4 administrator's believe that policies allowing the 5 confidential or anonymous reporting encourage 6 reporting of child -- excuse me -- encourage 7 reporting of sexual assault, correct? 8 A The phrase reads "confidential and 9 anonymous reporting." So you put an "or" there 10 instead of an "and" And the sentence applies to 11 college students. 12 Yes. I agree with the sentiment 13 expressed in the sentence. 14 Q Isn't it more important to report 15 pedophiles -- those preying on the children of our 16 society -- to law enforcement? 17 A More important than what? 18 Q Than college students reporting their 19 sexual assault. 20 A I believe so. Children have less 21 capacity, themselves, to make a report and less 22 capacity to protect themselves. So, as a society, we	1 report, "Campus Sexual Assault: How America's 2 Institutions of Higher Education Respond," by Heather 3 Karjane -- K-A-R-J-A-N-E -- Bonnie S. Fisher, and 4 Francis T. Cullen. 5 Do you have that in front of you? 6 A I do. 7 Q Okay. And again, this is dealing with a 8 rape on college campuses and other forms of sexual 9 assault on college campuses. 10 A Yes. 11 Q It is not addressing child sexual abuse, 12 child molestation by pedophiles. 13 A Correct. 14 Q Okay. If you will, turn to page VI, the 15 first page under, "Executive Summary" 16 Do you have that? 17 A I will in one moment. 18 Yes. 19 Q Okay. About the center of the page -- 20 the paragraph in the center of the page, it notes the 21 Student Right-to-Know and Campus Security Act was 22 amended in 1992.

45 (Pages 174 to 177)

STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON) CASE NO. 2011-CP-10-9200
MOTHER DOE A,)
Plaintiff,)
vs.)
THE CITADEL,)
Defendant.)

STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON) CASE NO. 2012-CP-10-1860
JOHN DOE CAMPER,)
Plaintiff,)
vs.)
THE CITADEL,)
Defendant.)

STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON) CASE NO. 2012-CP-10-1858
JOHN DOE 2,)
Plaintiff,)
vs.)
THE CITADEL,)
Defendant.)

VOLUME I VIDEOTAPED
30(b)(6) DEPOSITION OF: MARK BRANDENBURG



1 Q. What were your goals for the
2 investigation?

3 A. To find out what had happened.

4 Q. Would you agree with me that preventing
5 harm to other young boys or victims was a goal of
6 the investigation?

7 A. Sure.

8 Q. Would you agree with me that by
9 undertaking the investigation, that The Citadel
10 was aiming to prevent harm to potential victims?

11 A. I assume so.

12 Q. In April of 2007, would you agree with
13 me that the names of sexual assault victims are
14 kept confidential by police agencies in South
15 Carolina?

16 A. I assume so. I'm not a police officer.
17 I don't -- I don't know what exactly their
18 policies are.

19 Q. Do you know what the law was in 2007,
20 whether they were required to keep the names of --

21 A. I don't.

22 Q. -- sexual assault victims --

23 A. I don't.

24 Q. -- confidential? Do you know what it is

25 now, the law?

1 the telephone directory and looked to see who is
2 in the Writing Center. I --

3 Q. But where did the Writing Center
4 information come from? Do you know?

5 A. I don't recall.

6 Q. You didn't know independently he was in
7 the Writing Center; you think you got that from
8 somebody else?

9 A. I believe so.

10 Q. And so you called over to the Writing
11 Center?

12 A. Apparently. I don't know.

13 Q. And he was there?

14 A. It looks like I reached him by his
15 mobile phone somehow. I don't know if he -- if he
16 was at the Writing Center when I called. I just
17 don't know. I don't recall.

18 Q. Do you recall calling the Writing Center
19 and asking for Skip ReVille?

20 A. I don't.

21 Q. Is it possible you did that?

22 A. It's possible.

23 Q. Okay. Do you have a phone record that
24 shows you reaching him by his cell phone or that
25 you called the Writing Center?

1 A. The only thing I have is what I think
2 you all have, and it's about three pages of notes
3 that have a name at the top, April 24th, and
4 telephone conference with Skip ReVille. Those are
5 -- that's all of the record that I have.

6 Q. And you've got a name (sic) for Jessica
7 Mixon, who is in the Writing Center, and then you
8 have Skip's cell phone number, right?

9 A. No. I have on -- I have -- the number
10 that I have for Jessica Mixon is a cell phone for
11 -- it looks like the Columbia area, and another
12 number which I don't know; it may be a local
13 telephone number here.

14 Q. Did Skip ReVille have a Citadel e-mail
15 address on April 23rd, 2007?

16 A. I believe he did. I -- based on
17 documents I've seen, you know, during discovery, I
18 think he did.

19 Q. Did you in any way contact him via
20 e-mail?

21 A. I don't believe I did. I don't know.
22 It does not appear I did, but maybe.

23 Q. Do you recall in 2008 Mr. ReVille
24 calling you?

25 A. No.

1 Q. Do you know whether the Margolis folks
2 talked to Skip ReVille?

3 A. I don't believe he's listed as one of
4 the people that they interviewed.

5 Q. Do you know whether they tried to?

6 A. I have no idea.

7 Q. It doesn't -- I mean, there's a section
8 that says people they wanted to talk to and
9 couldn't. I think one was your secretary or --

10 A. Was Ms. Shiel, yes.

11 Q. So it didn't say that they tried to talk
12 to him and he wouldn't talk, right?

13 A. It does not say that in the document,
14 right.

15 Q. Are your duties with regard to reporting
16 a child predator to the police any different if
17 the perpetrator is a Citadel employee or not a
18 Citadel employee?

19 A. No.

20 Q. It's not in your notes, so I want to ask
21 you, did ReVille, when you met with him on April
22 the 24th of 2007, did he at some point say that,
23 You know me, and you responded by saying, We
24 thought we knew Arpaio?

25 A. That sounds like something I would say.

THE CITADEL
The Military College of South Carolina
171 Moultrie Street
Charleston, SC 29404

MEMORANDUM
NUMBER 4

15 August 2005

THE CITADEL'S SEXUAL ASSAULT CRISIS INTERVENTION POLICY

1. INTRODUCTION:

The Citadel community strongly supports a policy that prohibits abuse of power by sexual assault. This unlawful act and the coercion, intimidation, and lack of respect it represents is the antithesis of The Citadel's mission, and this behavior will not be tolerated. THE CITADEL WILL PUNISH ANY INDIVIDUAL(S) WHO IS FOUND TO HAVE COMMITTED A SEXUAL ASSAULT. Furthermore, the College believes that preventive education is critical to both attempting to reduce the likelihood of sexual assault on campus and to supplementing the process of contemporary leadership development among cadets. Thus, The Citadel is committed to presenting a strong, ongoing sexual assault prevention program in an effort to educate all members of The Citadel Community. **THIS POLICY APPLIES TO ALL MEMBERS OF THE CITADEL COMMUNITY TO INCLUDE CGPS STUDENTS, FACULTY AND STAFF.**

2. DEFINITIONS:

- A. RAPE is defined as any sexual intercourse (i.e., anal, oral, or vaginal) however slight with any object without affirmative consent (see definition at 2c).
- B. SEXUAL ASSAULT includes rape and all other forms of unlawful sexual behavior and contact which is not mutually agreed upon (i.e., penetration with a foreign object including a finger; oral or anal sex; unwanted touching on skin or through clothing; or touching an intimate part of another person such as their genitals, buttocks, or breasts) without affirmative consent by all persons involved.
- C. AFFIRMATIVE CONSENT cannot be given in the following situations:
 - 1) the person is unable to give consent (because the person is a minor under the 18 years of age);
 - 2) the person is unable to give consent because of his/her temporary or permanent mental handicap or physical incapacity, such as a person who is under the influence of alcohol or drugs, who has "passed out" or "blacked out", and/or who is unconscious or semiconscious;
 - 3) the person expressed by words or any other behavior a lack of agreement to engage in sexual activity;



CITADEL 0002522

- 4) the person having formerly consented to sexual activity subsequently expresses by words or any other behavior a lack of agreement to continue engaging in sexual activity;
- 5) the person was induced to engage in sexual activity by the other person's
 - a. physical coercion, or
 - b. abuse of position of power, trust or authority; and/or use of artificial means (i.e., drugs such as Rohypnol);
- 6) and/or when the consent is expressed in words or conduct by a third party.

In summary, "No" means "No." The communication of "No" may be expressed verbally or non-verbally (i.e., physical resistance, body language, etc.). Rape and other forms of sexual assault are illegal, regardless of the relationship between the perpetrator and victim (i.e., acquaintance or date rape is as serious a crime as stranger rape).

3. GENERAL GUIDELINES OF THE SEXUAL ASSAULT CRISIS INTERVENTION POLICY:

- A. Upon enrollment and/or during orientation and annually thereafter, The Citadel will make available to each cadet, CGPS student, faculty, and employee the following:
 - 1) The Citadel's policies on cadet dating, cadet fraternization, sexual harassment, and sexual assault;
 - 2) information designed to reduce the risk of being sexually assaulted or committing sexual assault, (such information will also be displayed prominently on campus bulletin boards);
 - 3) guidelines which detail the range of formal and informal options for addressing a range of inappropriate behaviors including sexual assault; and
 - 4) data on the prevalence of these crimes, both at The Citadel and in the local area.
- B. The Citadel will make available educational programs to inform all students (both cadets and CGPS), staff, and faculty in the campus community about the nature of sexual assault and sexual harassment. These programs are detailed in the annual Plan of Instruction (POI) for the Corps of Cadets. Example programs are as follows:
 - 1) Guest speakers, seminars, discussion panels, and/or drama troupes may be utilized at various times in an attempt to maintain a preventive education program throughout the year;

CITADEL 0002523

- 2) Academic psycho-educational classes on drug and alcohol abuse may be presented, which may include the discussion of the close relationship of substance use and sexual assault for all cadets.
 - 3) Faculty, staff, and CGPS students may attend any of the above on a voluntary basis. Contact the Assistant Commandant of Cadets for Administration and Coeducation at 953-6707 for information on these programs.
- C. Given that date/acquaintance rape is a particular problem on most college and university campuses, The Citadel will provide training and distribute literature, which focuses on assisting individuals who have been sexually assaulted. This program includes:
- 1) written protocol describing exact procedures for handling sexual assault cases (this policy);
 - 2) written guidelines for seeking immediate medical and psychological treatment (this policy);
 - 3) brochures which detail information about sexual assault and the options for addressing sexual assault in both a formal and informal manner; and
 - 4) procedures for coordinating the activities of campus and local law enforcement agencies (this policy).
- D. The Citadel's policy encourages individuals who have been sexually assaulted to formally report the incident to a member of the college's administration or to a Citadel Public Safety official (Campus Police). You are encouraged to report to a police official in order that you may preserve physical evidence that is proof that you were raped. However, you do not have to file a formal police report if you wish not to press charges. If you only want assistance with getting counseling and medical treatment, you may report the incident to the Ombudsman, the Infirmary, The Assistant Commandant for Administration and Coeducation, The Sexual Assault Response Coordinator (SARC) or Assistant SARC, or the Special Assistant to The President, and request this assistance as outlined in paragraph E below. It is critical that you report the incident to someone so you can get help. We do strongly encourage you to report the perpetrator since this individual may have a pattern of behavior where he/she has assaulted other victims.
- E. The Citadel strongly encourages all cadets, CGPS students, faculty and staff who have experienced a sexual assault or sexual harassment or have knowledge of another person's sexual assault or harassment to report such knowledge to either the Campus Police, the Commandant of Cadets or his/her representative, one of the Deans, the Ombudsperson, the Counseling Center staff, a member of the campus clergy, Human Resources, or the EEO/AA/Diversity Director. The report will not include the name of the individual who has been sexually assaulted or sexually harassed without the individual's permission, except when there is a known or a perceived future threat of

CITADEL 0002524

imminent physical harm to the individual or others. This report may be done anonymously.

4. IMMEDIATE GUIDELINES IN THE EVENT YOU ARE SEXUALLY ASSAULTED (Refer to Annex A).

5. DO's AND DON'T's IN SUPPORTING A SEXUAL ASSAULT VICTIM (Refer to Annex B).

6. DUTIES AND RESPONSIBILITIES OF CAMPUS PERSONNEL:

- A. The persons and agencies suggested in Annex A, Paragraph 1, are recommended initial points of contact for individuals who have been sexually assaulted. It is important to remember, however, that anyone on campus has the potential to be the first contact with someone who has been sexually assaulted, and thus everyone must be familiar with certain information and requirements. First and foremost, it is important to respect the wishes of the individual who has been sexually assaulted, especially as to whether to file a formal complaint or criminal charges. The healing process begins with this individual's control of decision-making that may affect his/her life dramatically.
- B. Initial Contact. The Citadel community must be prepared to be the first contact in a sexual assault case. Handling a difficult situation is not easy. The guidelines at Annex B dealing with DO's and DON'T's, should be kept in mind. (NOTE: THIS LISTING OF DO's AND DON'T's IS AVAILABLE IN WALLET-CARD FORMAT AND IS RECOMMENDED TO BE CARRIED BY ALL MEMBERS OF THE CITADEL CAMPUS COMMUNITY.)
- C. The Sexual Assault Response Coordinator (SARC) for The Citadel is LTC Kathy Jones in the Admissions Office. Her telephone number is (843) 953-5975. She will be assisted in these responsibilities by Assistant Sexual Response Coordinators (ASARC). These individuals are as follows:
 - Assistant Commandant of Cadets for Administration and Coeducation, 953-6707
 - Major Robert Pickering, Director of Multi-Cultural Student Services, 953-5096
 - Ms. Mary Ellen Huddleston, Director of Intramural Programs, 953-7955
 - Ms. Kelly Simpson, Assist. Athletic Director/Senior Women's Administrator, 953-6604
 - Ms. Bridgette Beasley, Deputy Director, Human Resources, 953-6989
- D. Sexual Assault Prevention Committee. This committee will consist of the Special Assistant to the President (Chair), Title IX Coordinator, Sexual Assault Response Coordinators, Director of the Counseling Center, The Citadel Physician, Assistant Commandant of Cadets for Coeducation, Director of

CITADEL 0002525

Student Activities, Dean of CGPS, Director of Human Resources, Chaplain to the Corps of Cadets, and Director of Public Safety. Responsibilities are as follows:

- 1) conduct an annual review of this policy and recommend changes as required;
- 2) review contents of annual education program on sexual assault and recommend changes as required;
- 3) review annual statistics on sexual assault on campus and in local area to discuss trends and lessons learned; and
- 4) meet, as required, to discuss the latest educational material and issues related to sexual assault.

7. MYTHS AND REALITIES OF SEXUAL ASSAULT (Refer to Annex C).

8. FILING A SEXUAL ASSAULT COMPLAINT (Refer to Annex D).

9. FOLLOW-UP RESPONSIBILITIES IN THE AFTERMATH OF SEXUAL ASSAULT (Refer to Annex E)

10. FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA) AND THE CRIME AWARENESS AND CAMPUS SECURITY ACT OF 1990 (Refer to Annex F).

11. ADDITIONAL INFORMATION ON THE CITADEL'S SEXUAL HARASSMENT POLICY MAY BE FOUND IN MEMORANDUM 15, SEXUAL HARASSMENT, DATED 30 AUGUST 2002.

12. RECOMMENDED CHANGES OR QUESTIONS REGARDING THIS POLICY SHOULD BE REFERRED TO THE SPECIAL ASSISTANT TO THE PRESIDENT, 953-4834.

13. RECISSION:

Memorandum Number 9, dated 3 July 2002, is rescinded.

FOR THE PRESIDENT:

OFFICIAL

CHARLES B. REGER
Colonel, USAF, Retired
Executive Assistant to the President

Attachments:

Annex A, "Immediate Guidelines in the Event You are Sexually Assaulted"

Annex B, "DO's and DON'T's in Supporting a Sexual Assault Victim"

Annex C, "Myths and Realities of Sexual Assault"

CITADEL 0002526

Annex D, "Filing a Sexual Assault Complaint"

Annex E, "Follow-up Responsibilities in the Aftermath of Sexual Assault"

Appendix 1: "Protocol for Responding to Sexual Assault, Responsibilities of the
Initial Contact Person – All Cadets, Students, Staff and Faculty"

Appendix 2: "Protocol for Responding to Sexual Assault, Responsibilities of the
Sexual Assault Response Coordinator (SARC or Asst. SARC)"

Appendix 3: "Sexual Assault Incident Report Form"

Annex F, "FERPA and the Crime Awareness and Campus Security Act of 1990"

CITADEL 0002527

THE CITADEL
The Military College of South Carolina
171 Moultrie Street
Charleston, South Carolina 29409

MEMORANDUM
NUMBER 51*

30 June 2000

SEXUAL HARASSMENT

1. PURPOSE:

All employees and students are entitled to a positive learning and working environment free of any type of sexual harassment. The Citadel's administration has zero tolerance for any form of sexual harassment or sexual violence. In severe instances, cadets may be expelled or employees may have their employment terminated.

Sexual harassment between or among any members of The Citadel community is prohibited, including faculty-student and student-to-student harassment. Sexual harassment also violates federal and state laws.

The purpose of this memorandum is to define and prevent sexual harassment, to establish policies on sexual harassment, to establish procedures for reporting and investigating sexual harassment complaints by students, faculty or staff in a timely manner, and to describe sanctions.

Recommended changes to this memorandum should be submitted to the Title IX Coordinator, Office of the President, who is the proponent for this regulation.

2. REFERENCES:

A. Equal Employment Opportunity Commission (EEOC) Guidelines on Sexual Harassment in the Workplace (Title VII of the Civil Rights Act of 1964).

B. Office for Civil Rights, U.S. Department of Education; Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties (Title IX of the Educational Amendments of 1972), dated 13 March 1997.

C. South Carolina Human Affairs Law, S.C. Code Ann. 1-13 10 to-100 (1990).

3. BEHAVIORAL AND LEGAL DEFINITIONS:

A. Behavioral. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment under the following conditions:

- 1) Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment, or advancement, or other student opportunities.



Replaces Memorandum Number 20, SEXUAL HARASSMENT, dated 15 September 1997.

CITADEL 0001694

2) Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting an individual's employment, or advancement, academic standing, or other student standing, or other student opportunities.

3) Such conduct has the purpose or effect of unreasonably interfering with a person's work, professional or academic performance or creates an intimidating, hostile, or offensive work, learning, or social environment.

B. Legal. Sexual harassment is a form of sexual discrimination and is prohibited by the following:

(1) Title VII of the Civil Rights Act of 1964. Title VII covers all employers, including educational institutions, and prohibits discrimination on the basis of race, color, national origin, religion, and sex. Only employees (including student employees) are covered. Title VII is enforced by the Equal Employment Opportunity Commission (EEOC).

(2) Title IX of the Educational Amendments of 1972. Title IX prohibits sex discrimination in schools receiving any federal assistance, including financial aid. Discrimination, including sexual harassment, is prohibited in the entire school, not just the program receiving federal funds. Students and employees are covered. In February 1992, the U.S. Supreme Court unanimously ruled that complainants under Title IX may sue for damages. Title IX is enforced by the Office for Civil Rights in the Department of Education.

(3) Individuals may also be sued under the provisions of state law for criminal behavior which may include crimes of rape, sexual assault, or sexual abuse.

C. Offending Behaviors. Sexual harassment is unwanted sexual attention. It is usually repeated behavior but it could be one serious incident. It is frequently a display of formal or informal power intended to demean, embarrass, intimidate or coerce a person. It includes, but is not limited to, unwanted requests or demands for sexual favors, propositions, questions about a person's sexual practices, lewd comments, leering, sexual insults or innuendoes, and sexually explicit jokes. It also includes unwanted touching, fondling, patting, pinching or kissing, as well as blocking a person's way. Sexual graffiti and sexually explicit pictures, cartoons or objects can also constitute sexual harassment. Although some forms of sexual harassment may be unintentional, words and behaviors such as those described above may be harassing when viewed or heard by others. Words which are demeaning to one gender, such as calling men and women derogatory names or by names for body parts are forms of sexual harassment. Both men and women can be sexually harassed although women are most often the targets of sexual harassment. Sexual harassment can also occur between members of the same sex.

Additional examples of sexual harassment are given in the following list but sexual harassment is not limited to these examples:

1) Quid Pro Quo. One form of sexual harassment is direct or indirect pressure for sexual

activity with implicit or explicit threats or bribes such as a harasser asking a subordinate, co-worker, or peer to engage in sexual activity in order to receive improved work, learning, or social conditions (e.g., better grades, promotions, evaluations, etc.).

a) This form of harassment usually occurs when people use the power they have over others. Usually, the harasser asks a subordinate or co-worker to have sex in order to receive improved work conditions (e.g., better benefits, conditions, promotions, or performance ratings).

b) A school employee explicitly or implicitly ties a student's participation in an educational program or activity or bases an educational decision on the student's submission to unwelcome sexual advances, requests for sexual favors, or verbal, nonverbal, or physical contact of a sexual nature.

c) Quid pro quo harassment is also unlawful when the student or employee resists and suffers the threatened harm or submits in order to avoid the threatened harm.

d) Quid pro quo cases are usually the most flagrant and clear-cut (although not the most frequent) kind of sexual harassment. Typically the person involved is a supervisor, faculty member, or someone with formal power who can provide or withhold a benefit, service or evaluation, and thus has the power to harm the person involved.

e) The major elements of quid pro quo harassment are as follows:

- the sexual advances or demands are unwanted, and submission is explicitly or implicitly a term or condition of employment or school status or is used as the basis for decisions about the individual's employment or school status.

2) Hostile Environment Sexual Harassment:

a) Sexually harassing conduct (which can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature by an employee, by another student (peer), or by a third party) is behavior which is sufficiently severe, persistent, or pervasive to create a hostile or abusive educational or work environment that limits a person's ability to work or participate in or benefit from an educational program or activity.

b) Harassment occurs when one or more people create an uncomfortable, intimidating, and demeaning atmosphere for others either in the work place or educational setting by engaging in unwelcome activities such as sexual remarks, gestures, sexist pictures or pornography.

c) The harasser who creates a hostile environment does not have to be a person with formal power. In fact, most peer-to-peer harassment is of a hostile environment type.

d) The behavior does not have to be sexual in nature; it could be simply demeaning

or intimidating; it could be general comments about the inferiority of females or males; or it could be physical threats or verbal abuse.

3) Examples of sexual harassment include, but are not limited to, the following:

- a) Engaging in sexual comments, sexual innuendoes, degrading language, profanity, or vulgar comments.
- b) Asking or commenting about a person's sexuality or spreading rumors about a person's sexual activities.
- c) Engaging in humor or jokes about sex or about women or men in general.
- d) Making sexually suggestive sounds or gestures, including winking, throwing kisses, making cat calls, licking lips, whistling, etc.
- e) Pestering a person for dates.
- f) Ogling, leering, or looking a person up and down (elevator eyes).
- g) Unnecessary touching, fondling, patting, or pinching, or deliberate brushing against a person.
- h) Shouting obscenities at a person.
- i) Publicly discussing a man or woman's sexual attributes.
- j) Mooning.
- k) Pulling down one's own shorts or pants or those of another.
- l) Creating a sexually demeaning atmosphere, such as displaying posters or pictures that are sexist or otherwise demeaning to women or men, or having social events that focus on sexuality.
- m) Showing petty hostility to a particular sex by making sexual remarks.
- n) Engaging in sexual banter or jokes.
- o) Leaving obscene messages on campus computers.
- p) Promising rewards or benefits to someone for cooperating with sexual advances.
- q) Displaying sexual graffiti and sexually explicit pictures, cartoons, or objects.
- r) Sexually touching or rubbing oneself in a suggestive way when around another person.
- s) Intentionally cornering or blocking another's passage or other "in your face" type of behavior.

- t) Offering repeated, unwelcome sexual attention.
- u) Making demands, threats and bribes -- implied or direct -- for sexual activity.
- v) Committing sexual assault.

4. CONFIDENTIALITY:

The confidentiality of the reporting party as well as those affected by the harassment (third party) will be observed to the greatest extent possible, with only those with a need to know being informed, provided it does not interfere with The Citadel's ability to investigate or take corrective actions.

5. INTENT:

The fact that someone did not intend sexual harassment of an individual is no defense to a complaint of sexual harassment. Regardless of intent, it is the effect and characteristics of the behavior that determine whether the behavior constitutes sexual harassment.

6. PROHIBITION AGAINST RETALIATION OR REPRISALS AGAINST ANYONE REPORTING SEXUAL HARASSMENT BEHAVIORS:

A. Retaliation against anyone reporting or thought to have reported sexual harassment behaviors or against anyone who is a witness or is otherwise involved in a sexual harassment complaint or proceeding is prohibited. Such retaliation shall be considered a serious violation of the policy and shall be independent of whether a charge or informal complaint is substantiated. Encouraging others to retaliate also violates this policy.

B. Examples of retaliation are as follows:

- 1) Threats or bribes.
- 2) Unfair grading.
- 3) Unfair evaluations.
- 4) Unfair assignments.
- 5) Withholding information or making it difficult to obtain in a timely manner.
- 6) Failure to inform the person about important events such as meetings or changes in policies.
- 7) Ridicule (public or private).
- 8) Oral or written threats or bribes.

9) Refusal to meet with a person even though that person has a right to a meeting.

10) Name calling.

11) Further harassment or intimidation of any nature.

7. SCOPE:

A. This policy covers all persons – including administrators, faculty, staff, cadets, students of the College of Graduate and Professional Studies and other employees of The Citadel. The harassment of students by faculty or staff as well as by other students (peer harassment) is also covered, as is the harassment of faculty, staff, or other employees by students. Prospective and former cadets or students as well as visitors to The Citadel campus are also covered.

B. The harassment of cadets, students, and employees by vendors, including contractors, is prohibited.

C. Males as well as females are covered by this policy, and may also be victims of same-sex harassment.

8. OTHER FORMS OF HARASSMENT:

Discrimination and harassment based on race, color, religion, or national origin is strictly prohibited.

9. OFF-CAMPUS VIOLATIONS:

The Citadel will treat in the same manner as on campus violations any off-campus violations of this policy by any cadet, student, or member of the faculty or staff in those cases involving Citadel off-campus athletic events, internships, or any Citadel-sponsored event or program. The Citadel will also not tolerate the harassment of its cadets, nor other students, nor members of the faculty or staff by non-Citadel personnel in programs sponsored or supported by The Citadel.

10. IMPACT OF SEXUAL HARASSMENT:

Sexual harassment is demeaning and degrading. It affects an individual's self-esteem and can have a negative impact on performance at work or in class. It can make an individual feel angry, powerless, and fearful, as well as cause physical reactions such as tension/stress.

11. FALSE CHARGES:

Any one who knowingly makes false charges of sexual harassment will be subject to discipline. Such charges will be considered a serious offense. However, a complaint that cannot be substantiated simply because of a lack of evidence shall not be considered a false complaint. The decision on whether or not false charges were submitted will be made at the Vice President level after a careful review of the available facts.

12. CONSENSUAL RELATIONSHIPS:

The Citadel strictly prohibits amorous relationships between a cadet and any individual with professional responsibility for that student – e.g., faculty, staff, or a member of the cadet's chain of command. The fact that a relationship may have been consensual at one time shall not be a defense to a subsequent charge of sexual harassment.

13. COMPLAINT PROCEDURES:

A. Options for Handling Complaints

- 1) The individual informally takes steps which may stop the behavior. (See Annex A.)
- 2) The Citadel initiates actions informally. (See Annex A.)
- 3) Formal charges under The Citadel's Sexual Harassment Procedures can be Filed against the offender by either the individual complaining or by The Citadel. (See Annex B.)
- 4) The person may file formal charges under federal and/or state laws.
- 5) The individual may seek advice or assistance from the Ombudsperson (See paragraph 21.)

B. Informal Complaints (See Annex A.)

- 1) Studies show that more than 90 percent of individuals who experience sexual harassment do not want to file formal charges.
- 2) Consequently, most complaints are handled informally, including those handled by the Ombudsperson.
- 3) Informal procedures are optional, and individuals can choose to bypass them, discontinue them, or initiate a formal complaint while using them.
- 4) The purpose of dealing with a complaint informally is to stop the offending behavior and to resolve the matter as expeditiously as possible.
- 5) Disciplinary action requires a formal charge and by the rules of due process requires a formal hearing. The Citadel cannot take disciplinary action using informal procedures.
- 6) Informal procedures are aimed at stopping the behavior rather than determining culpability.
- 7) Informal procedures are voluntary on the part of the victim, with no requirement that individuals use informal procedures before filing a formal charge.

8) There is no requirement that informal complaints be put into writing.

9) In cases of severe harassment, The Citadel may bypass informal resolution by filing its own formal charges against offenders.

10) In some cases, the identity of the complainant can be kept confidential and not be revealed to the alleged harasser without the person's permission.

C. Formal Complaint Procedures. (See Annex B.)

1) Formal complaint resolution procedures include conducting a thorough investigation that results in a formal written report of the investigator's findings of fact, conclusions of law, and recommended actions to resolve the complaint.

2) The parties to the complaint are interviewed as are witnesses and third parties.

3) Formal complaint procedures may be pursued by either the person complaining or by The Citadel.

4) A third party, who is not the direct victim of harassment but who feels that the sexual conduct of another in the educational or work environment has the purpose or effect of substantially interfering with the third party's welfare, academic, or work performance, may file a formal complaint.

5) A person who believes that he or she is a victim of sexual harassment should file the complaint within 180 days of the incident.

6) The formal complaint procedure should be completed within 30 days of the date of filing and within 60 days of the date of filing when the individual submits an appeal.

7) Formal complaints should be filed with The Citadel's Affirmative Action Officer who also serves as The Citadel's Title IX Coordinator. The Affirmative Action Officer is responsible for ensuring that the policy is followed, that time frames are observed, and that questions from all parties are answered.

8) Investigations of allegations involving a member of the faculty or staff will be conducted in a confidential manner by an Affirmative Action/Equal Employment Opportunity Advisory Committee, which is a three-person investigative committee appointed by the President or the Vice President who directed the investigation. The investigation will include questioning of the individual(s) accused of wrongdoing to afford them the opportunity to respond to the allegations of the complaint as well as any witnesses. The Advisory Committee will collect, record, and safeguard all information and/or evidence relative to the incident and report findings through the Vice President to the President for final disposition. If the recommendation is to terminate a faculty member for cause, the process will follow paragraph 4c of Section II of College Regulations and paragraphs 4c and 4d of General Order (GO) 14, dated 7 June 2000, Policies and Procedures On Probationary Reappointment, Academic Tenure, Academic

Promotion, and Termination of Tenured Faculty. Proceedings involving (non-faculty) staff members will follow procedures outlined in The Citadel's Human Resources Policies and Procedures.

9) Investigations of allegations involving a cadet will be conducted through the use of a Commandant's Board or Hearing. The procedures outlined in the Blue Book will be followed for due process procedures. The results of the hearing or board will be forwarded to the Commandant of Cadets. Recommendations for suspension, dismissal, or expulsion will be forwarded to the President for final action.

10) A copy of all completed formal investigations of charges of sexual harassment will be forwarded to The Citadel's Affirmative Action Officer/Title IX Coordinator for filing.

11) All rights and procedures for appeals will be in accordance with paragraph 6 of College Regulations for cadets, paragraph 4c of Section II of the College Regulations and GO 14 for faculty members, and the State-approved, "The Citadel Employee Grievances Policy" for (non-faculty) staff members.

12) Hearings and boards will be either open or closed based on the desires of both the victim and the accused. Both must agree if the hearing is to be open based on their individual desires for confidentiality. If either party objects to the hearing being open, it will be closed.

13) The hearings or boards are administrative in nature; therefore, there is no right to legal representation. Appeal procedures are as stated in College Regulations.

14) The standard for findings of guilt or innocence is that of "a preponderance of evidence"- that is, there is sufficient evidence which is greater in weight or more convincing than the evidence, which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. The Hearing Officer or Board will perceive the evidence of one side as outweighing the other based on which side has the most persuasive or impressive evidence. The strength or "weight" of evidence is not decided by the sheer number of witnesses but rather by the witnesses opportunity for knowledge, information possessed, and the manner of testifying.

14. SANCTIONS:

The following list of sanctions may be used when a person is found guilty of harassing behavior. The purpose of the sanctions will be reasonably calculated to end the sexual harassment, punish the harasser, and prevent recurrence of incidents. Although advice and counseling may be appropriate occasionally, they are not applied in lieu of sanctions. If alcohol were involved, attendance may be required at a program on alcohol abuse prevention. The sanctions listed below can be applied to cadets, faculty, students or staff. Those sanctions that specifically apply to a selected group are so designated, i.e., faculty/staff, cadets/students, cadets.

A. Applies to cadets, other students, faculty, or staff.

- 1) Written warning letter of reprimand.
- 2) Mandatory attendance at a sexual harassment training or counseling program. (This is not likely to be imposed as a single sanction.)
- 3) Change of job or class assignment (removes the person from being in a position to retaliate or further affect the victim).
- 4) A mandatory apology to the victim(s).
- 5) When ever there is an incident of sexual assault or sexual abuse, the incident will be reported to the police. Reporting an incident to the police will not affect any disciplinary proceeding conducted by The Citadel.
- 6) Required community service, such as preparing posters or disseminating information about harassment and/or sexual assault.

B. Applies only to faculty/staff.

Probation, suspension, dismissal or termination.

C. Applies only to cadets.

- 1) Prohibition from holding rank or participating in specific student activities, including sports, for a specified time period.
- 2) Transfer of the cadet or student to another academic class or company assignment.
- 3) Tours or confinements.
- 4) Suspension, dismissal, or expulsion.

15. PERSONS TO CONTACT IF AN INDIVIDUAL IS EXPERIENCING SEXUAL HARASSMENT:

A. There are several places to whom a person experiencing sexual harassment or one who is concerned about it can go for help. The person can choose the person with whom he or she feels most comfortable. The information will be kept confidential to the greatest extent possible. The persons listed in the following paragraphs can explain the policy and discuss options for handling the situation.

B. For faculty or staff members who feel that they have been sexually harassed or who are concerned about it, the following steps should be taken:

- 1) Discuss the matter with an immediate supervisor, an appropriate person

upward in the chain of command and/or the Affirmative Action Officer, the Director of Human Resources or the Ombudsperson (see paragraph 21). Assistance is also available through the Chaplain or the Counseling Center's counselors who may suggest options and help the person decide what steps need to be taken next. The President's Hotline 953-OUCH is also available to report problems. This line is available via voice mail 24 hours a day. (See TABS A and B for how complaints are handled both informally and formally.)

- 2) To ensure confidentiality, the faculty or staff members should not discuss the complaint with persons other than the persons receiving the complaint.
- 3) Detailed procedures for informal complaints are located at Annex A.
- 4) Detailed procedures for formal complaints are located at Annex B.

C. Individuals who have knowledge of sexual harassment or who feel they have been sexually harassed should discuss the behavior with any of the people listed below.

- 1) Discuss the matter with an immediate supervisor in the chain of command, an appropriate person upward in the chain of command, and/or a tactical officer, an Assistant Commandant, or the Commandant of Cadets. A cadet may also discuss the matter with the Ombudsperson (see paragraph 21), the Title IX Coordinator, a cadet Human Affairs Officer or a cadet Religious Officer, the Chaplain or any campus minister, a counselor in the Counseling Center, a member of The Citadel Faculty or Staff, or a Public Safety Officer. The important point is to report the alleged harassment to someone in authority.
- 2) It is the responsibility of the person receiving the complaint from a cadet to pass the information quickly (within 24 hours) to the officer listed below who will determine if an immediate investigation is required to determine the facts and circumstances surrounding the incident.

If the person accused is:

- A cadet
- CGPS or Summer School student
- A member of the Faculty
- A member of The Citadel Staff

The complaint should be filed with:

The Assistant Commandant of Cadets
The Dean of Graduate and Professional Studies (CGPS)
The Dean of Undergraduate Studies
The Affirmative Action Officer

3) The victim should complete the appropriate harassment complaint form (formal complaints only, see Appendix 2 to Annex B of this Memorandum).

4) The accused will be informed of the charges and be given the opportunity to refute the charges (formal complaints only).

5) The complainant will receive a timely written response to the allegation or be informed of the results face to face from the person listed in paragraph 15c(2) or the person who conducted the investigation. The notice will inform the complainant that the allegation was either substantiated or not and to whom it was sent for action (formal complaints only).

6) Sexual harassment complaints against a member of The Citadel Faculty or Staff will be promptly investigated by The Citadel Affirmative Action/Equal Opportunity Advisory Committee (formal complaints only).

7) If the complaint, based on the investigation, is deemed valid, then it will be sent to the appropriate Vice President for review and appropriate action:

If the accused is:

Review and action authority is:

A cadet

The Commandant of Cadets

CGPS or Summer School Student

Dean of Graduate and Professional Studies (CGPS)

Faculty

VP for Academic Affairs

Staff

VP for Finance and Business Affairs

8) Throughout the process of investigation on harassment complaints, strict confidentiality will be maintained by all involved.

9) Final disposition on the matter will be taken by the President. The appropriate disciplinary action will be taken based on the facts, on a case-by-case basis.

10) Proven allegations of harassment may be considered as the commission of an act unbecoming a cadet which would tend to bring discredit to the institution or to the uniform.

16. RETALIATION:

Under no circumstances will retaliation, such as making threats or continued harassment, be tolerated when a person has reported an alleged sexual harassment violation.

17. REPORTING REQUIREMENTS:

A. The Citadel requires that all cadets, students, faculty, and administrators who have knowledge of sexual harassment to report it confidentially to the officials noted in paragraph 15 of this memorandum as soon as possible. The report will not include the name of the victim without the victim's permission unless there is a known or perceived threat of physical harm.

B. Such reporting enables Citadel administrators to identify problem areas that can, in some instances, be eliminated by initiating educational efforts for a particular unit without identifying the information that makes the educational efforts necessary. Such reporting also helps in identifying persons who may have a history of harassment, which requires stronger means of intervention.

C. At a minimum, the information should be reported to either the Affirmative Action Officer, who is The Citadel's Title VII and Title IX Coordinator, or one of the assistant coordinators listed in paragraph 18 of this memorandum.

18. TITLE VII AND IX COORDINATORS:

A. The Citadel's Title VII and Title IX Coordinator is Ms. Roberta Tracy. Her office phone number is 953-5252. Her office is located in Bond Hall.

B. The Assistant Title VII and Title IX Coordinators are: (1) The Assistant Commandant of Cadets for Coeducation and Administration -- office phone number is 953-6707; office located in Jenkins Hall; (2) The Multicultural Officer -- office phone number is 953-5096; office is located in the Counseling Center; (3) The Special Assistant to the VPAA for Cadet Matters -- office phone number is 953-4834; office is located in the Executive Wing of Bond Hall; and (4) the Dean of Undergraduate Studies -- office phone number is 953-5016; office is located in the Executive Wing of Bond Hall.

19. MAINTAINING RECORDS:

A. All complaints of sexual harassment will be recorded once they are reported to The Citadel. The records will remain confidential and will be kept in a secured, locked file.

B. Records will be maintained whether the complaint was made formally or informally. Records will be maintained on informal complaints only if reported to the Title IX Officer. For example, the Ombudsperson will not file reports because all the information that he/she has is confidential.

C. The records will be maintained in the following locations:

1) Records on faculty or staff will be maintained by the Director of Affirmative Action, Equal Opportunity and Diversity.

2) Records on cadets will be maintained by the Assistant Commandant of Cadets for Coeducation and Administration.

D. The information may be used in subsequent complaints against the same person to assess whether a pattern of harassment exists.

E. Before the complaint is filed, the custodian will ensure that the complaint is properly completed and that a determination was properly made as to whether the complaint was substantiated or not substantiated and that it is marked properly.

F. Records will be maintained for the time period required by institutional policy for the type of person identified (cadet, faculty or staff).

20. TRAINING REQUIREMENTS:

A. The Commandant of Cadets will publish an annual training program concerning sexual harassment no later than the start of each academic year that outlines training requirements for all classes within the Corps of Cadets. This training is mandatory for all cadets. Make-up classes are required for any cadet who misses the regularly scheduled training.

B. New faculty and staff will attend mandatory initial training on Title VII and Title IX during their new employee or faculty orientation session. Mandatory sustainment training will be held annually according to requirements set forth by the Director of Human Resources for members of the staff and by the VPAA for the faculty.

C. READMITTED cadets will be required to attend Sexual Harassment Training at the very start of the semester that they return to The Citadel.

21. THE OMBUDSPERSON:

A. The President of The Citadel will appoint an Ombudsperson at the beginning of each academic year.

B. All communications with the Ombudsperson shall be considered confidential. The Ombudsperson will not reveal any name(s) of people without their express permission in writing unless there is a perceived threat of imminent physical harm or of other illegal activity.

C. The Ombudsperson will have direct access to the President of The Citadel and to all vice presidents and directors.

D. All interactions with the Ombudsperson shall be voluntary.

E. The general duties and responsibilities of the Ombudsperson are as follows:

1) Act as a source of information and assistance to all students, faculty, and staff with regard to alleged inequities. (No individual shall be retaliated against for using the services of an Ombudsperson.)

2) Bring the complaint to the attention of the appropriate Citadel official.

3) Seek to resolve the difficulty between the individual and The Citadel.

4) Make recommendations to the President and appropriate authorities when necessary on policies, procedures actions. .

5) Address matters using existing policies and procedures in an informal

manner. If the individual desires to use formal procedures, the Ombudsperson will direct the individual to the appropriate office or person.

6) Keep no case records on behalf of the organization. If notes are necessary to manage the work, the Ombudsperson will follow a consistent and standard practice for the destruction of any written notes as soon as possible.

7) Remain neutral and strive for objectivity and impartiality.

F. The Ombudsperson is LTC John Carter, Health and Physical Education Department. Office phone is 953-7453. Home phone is 577-6830.

22. MANDATORY POSTING REQUIREMENTS FOR THIS MEMORANDUM:

A. This regulation will be maintained in its entirety and permanently posted in the White Book binder located in each cadet's room. The presence of the booklet is an inspection item during Saturday Morning Inspections.

B. New faculty and staff will receive a copy of this memorandum during New Employee or Faculty Orientation.

C. A copy of this memorandum will be posted in the permanent section of every cadet company's bulletin board.

D. A copy of this memorandum will be located in every department's policy file in its administrative office.

E. Copies of this memorandum will be required reading for all staff and faculty on an annual basis. A roster indicating that the memorandum was read by all will be maintained in the department's administrative office.

23. Recession:

FOR THE PRESIDENT

OFFICIAL:

Charles B. Reger
CHARLES B. REGER
COL, USAF, RET
Executive Assistant to The President

Attachments:

Annex A: Informal Complaint Procedures
Annex B: Formal Complaint Procedures

Distribution:

1 each cadet
1 each staff member
1 each faculty member

Memo # _____ Dated, _____ is rescinded.

APPENDIX 1 TO ANNEX B:

General Procedures for Conducting
Formal Investigations of
Sexual Harassment Complaints

1. Respect the rights of all parties.
2. Provide the alleged harasser timely and adequate notice of the allegations and give the alleged harasser an opportunity to respond in person or in writing before a neutral person or panel.
3. Select an Investigator who:
 - A. Has knowledge and training in issues dealing with sexual harassment.
 - B. Is thoroughly familiar with The Citadel's Sexual Harassment Policy.
 - C. Has credibility with The Citadel community.
 - D. Is neutral to all parties and represent The Citadel in a fair manner.
 - E. Is fair and not reach a conclusion until the investigation is completed.
 - F. Is able to maintain confidentiality of information.
4. In selecting the panel or board members to hear the case use the following criteria:
 - A. Select members who have no conflict of interest preventing them from acting fairly toward either the alleged harasser or victim.
 - B. Select panel or board members who have received training instructions or adequate material on sexual harassment so that they are knowledgeable of what sexual harassment is and what The Citadel's policies are.
 - C. Procedures should be timely and follow the guidelines stated within this memorandum.
5. Confidentiality should be honored by all participants in the process to the greatest extent possible, keeping in mind that neither the complainant nor the alleged harasser is bound by confidentiality although both can be asked to observe it.
6. Plan the strategy for the Investigation.
 - A. Create a timeline (include when interviews will be taken, report prepared, and decision reached).
 - B. Identify specific issues or allegations to be addressed.
 - C. Identify witnesses to be interviewed.
 - D. Identify/obtain documents.



E. Prepare a list of general questions for each interview.

7. Inform the alleged harasser to avoid any unnecessary contact with the complainant and of the prohibitions of retaliation.
8. Inform the complainant about retaliation, provide examples, and request that any attempts at retaliation be reported immediately.
9. Arrange to tape record all interviews and appearances before a board or panel. If either party objects to recording the interview, make a written record of the fact and resort to taking written notes.
10. Reach a conclusion. There are four possible outcomes to the board or hearing process:
 - A. the harassment occurred; or
 - B. the harassment did not occur; or
 - C. the allegation was unsubstantiated but with probable cause; or
 - D. there was insufficient information to make a determination.
11. Write the report and provide it to the person (Vice President/President) who will make the decision.

IN THE EVENT OF EMPLOYEE MISCONDUCT...

As an employee, if you are accused of sexual misconduct, the following consequences may occur as a result of your actions:

- The allegation, the outcome of the investigation, and any disciplinary action stemming from the incident will go in your permanent employee file.
- The Citadel will not expunge molestation findings from your record.
- The Citadel will not terminate an investigation of sexual misconduct in exchange for resignation.
- The Citadel will report necessary information about the incident to state licensing entities and other clearinghouses.
- The Citadel will not provide you with positive referrals before concluding an investigation.
- The Citadel will refuse to negotiate gag order clauses in employee termination agreements.
- The Citadel will provide factual and candid responses to inquiries by other potential employees about your behavior.
- The Citadel will fully cooperate with law enforcement agencies that are conducting investigations.

Citadel 2821

CITADEL Box 443-B - 00351
(PHSW Tagged Docs)



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

CHARLESTON DIVISION

John Doe 2,	)	C/A No.: 2:12-cv-00794-RMG
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
President John W. Rosa, individually,	)	
	)	
Defendant.	)	

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

CHARLESTON DIVISION

MOTHER DOE, on behalf of John Doe 3,	)	C/A No.: 2:12-cv-00795-RMG
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
President John W. Rosa, individually,	)	
	)	
Defendant.	)	

*I, Louis Neal "Skip" ReVelle, am
providing this affidavit on Tuesday
May 21 2013 at Perry Correctional
Institution. I am making this statement
on my own volition.*



1. In April of 2007, I was on The Citadel campus and received a message at the writing center to meet with Mark Brandenburg in Bond Hall. At this time, I was working as a learning strategy consultant for the Writing Center.
 2. I was under the impression that this meeting would concern a project that LTC Weart and I were working on. This project was a leadership initiative within the Values and Respects Program, and I had talked over the project's scope with Col. Trez in his office earlier that year (incidentally, in that meeting, Col. Trez recommended I read a book, Small Unit Leadership, by Malone or a similar name).
 3. At Bond Hall, Mr Brandenburg met me and walked me to a conference room on the first floor of Bond Hall, which was only a few doors down from the President's office. It was at this time - outside the door
-

1 of 3

3 (cont.) of the conference room - when I saw in Mr. Brandenburg's hand a Citadel Summer Camp Bulletin.

4. Once inside the conference room, I took a seat on the left-hand side of the table and Mr. Brandenburg went to get Col. Trez.

5. Within a few minutes, both Mr. Brandenburg and Col. Trez returned - Brandenburg sat across from me and Col. Trez sat to my left. Mark began by telling me that there had been allegations ~~that~~^{from} from a camper that I had acted inappropriately with that camper. Although I denied any allegations, I had in fact sexually abused this camper.

6. During the course of the conversation, Col. Trez made it known to me that from the Citadel's standpoint their main concern was to protect the institution.

7. At the conclusion of the meeting, I asked what I needed to do, and their reply was that, while they

2 of 3

(cont.) conduct their own investigation, I should lay low and stay off campus.

8. In the Fall (late) or winter of the following year, I was invited by LTC Weart to speak on campus to the Honor Committee. I called Mr. Brandenburg's office in order to notify him and, more importantly, to gain an idea of ~~my~~^{or} the development of their investigation. I spoke to Ms. Jennifer Shiel and left my name and number. I never received a reply from Mr. Brandenburg.

9. Over the course of the next few years, I returned to the campus to speak with incoming freshmen as well as an invited visit, again by LTC Weart, in 2010 at the unveiling of the remodelled Honor Court.

Joe ReVill 5/21/2013

Sworn before me this
21st day of May, 2013

Brodeur
Notary Public for SC
My Commission Expires
10/10/13

JCS 102AV
588
08121
Local Office No 180
Issue 14

SOUTH CAROLINA EMPLOYMENT SECURITY COMMISSION
UNEMPLOYMENT INSURANCE DIVISION
AVAILABILITY
FACT FINDING

Effective Date of Issue 05-28-07	
Type of Claim	
New ☐	Add ☐
Trans ☒	Rein ☐
Cont ☐	
BYE 05-27-08	

CLAIMANT'S NAME Louis Reville

SOCIAL SECURITY NUMBER 0699

Occupation Tutor/Teacher

Customary hours from 7 00am to 3 30pm or which shift 1st

1 During week(s) 06/02/07 were you physically and mentally able to work in your customary occupation? Yes ☐ No ☐ NA ☒ If "No," answer questions "4" and explain in "Claimant's Statement"

2 During the week(s) ending 06/02/07 did you restrict your ability because of lack of transportation, child care, family illness, vacation, Social Security benefits, incarceration, military reserve duty, jury duty, out of the area (personal), school, union restrictions, wage demands, hour demands, etc? Yes ☐ No ☐ NA ☒ If "No," answer questions "4" and explain in "Claimant's Statement"

3 During week(s) ending 06/02/07 did you seek work as directed by the local office? Yes ☐ No ☐ NA ☒ If "No," answer questions "4" and explain in "Claimant's Statement"

4 HAVE YOU NOW RESOLVED THE CONDITIONS WHICH MADE YOU UNAVAILABLE FOR EMPLOYMENT? Yes ☐ No ☐ NA ☒ IF "YES," ON WHAT DATE DID YOU BECOME AVAILABLE FOR WORK?
EXPLAIN IN "CLAIMANT'S STATEMENT"

5 Are you qualified to perform the work which you are seeking (include license, tools, permits, etc as required for this occupation)? Yes ☐ No ☐ NA ☒ If "No," explain in "Claimant's Statement"

6 Have you failed to keep a scheduled appointment with the local office or have you received a notice stating that you did not report to Job Service every six weeks as directed? Yes ☐ No ☐ NA ☒ If "Yes," explain in "Claimant's Statement"

7 Other between academic terms Explain in "Claimant's Statement"

8 Claimant's Statement (Include beginning and ending dates of availability, if known, and any facts from others including a physician's statement if needed as proof that the claimant is or is not available for employment)

9 Claim is being filed during a school break. I am still employed by The Citadel. I was employed as a part time employee. The school does want me to return after the holiday/vacation. The school break is from 4/30/07 to 08/17/07. My last day worked for the school was 04/30/07. I do plan to return to the school unless I find a fulltime position. The school is aware that I am looking for fulltime position.

10 CLAIMANT'S CERTIFICATION I certify that the information above is true. I understand that the Law prescribes penalties for false statements for the purpose of obtaining benefits to which I am not entitled.

11 CLAIMANT'S SIGNATURE By Phone DATE 06/07/07

12 INTERVIEWER'S STATEMENT Spoke to Chris (803) 953-5305 (Dept Head) employer states claimant out of temp assignment. JB is not being held for him

13 INTERVIEWER'S SIGNATURE [Signature] DATE OF REPORT 06/07/07

14 If claimant wishes to come back he would have to reapply

S.C. Employment Security Council

JUN 08 2007

SC Dept of Employment - recorder sub 19



**EMPLOYMENT APPLICATION**

Date:

Position Applied For:

Velocity Sports Performance is an Equal Opportunity Employer. Programs, services and employment are available to everyone. Please inform the Human Resources Department if you require reasonable accommodation to the application or interview.

Supplemental DataHow were you referred to us: personalFull Name: Louis Neal RevilleAddress: 2011 Hwy 17 N, Apt 1800D, Mount Pleasant, SC 29466

Phone:

Mobile/Beeper/Other Phone:

E-Mail Address: rvachskip@mac.comDate Available to Start: immediately

Social Security #:

Salary Requirement:

OTHERIf you are under 18 and we require a work permit, can you furnish one? ☐ Yes ☒ No

If no, please explain.

Have you ever worked or applied for this company? ☐ Yes ☒ No If yes, when?Are you a citizen of the United States? ☒ Yes ☐ No If not, do you have work papers? ☐ Yes ☐ NoType of employment desired: ☐ Full-time ☒ Part-time ☐ Temporary ☐ SeasonHave you ever pled "guilty" to or been convicted of a crime in the last 10 years? ☐ Yes ☒ No

If yes, give dates and details

Answering yes to these questions does not constitute an automatic rejection to employment. Date of the offense, an honest explanation of the violation, rehabilitation and position applied for will be considered.

Driver's license number if applicable to position: 10006441532 State: SCHigh School: Mountain Brook High Address: 3150 BETHANE DRIVE, MTN. BROOK, AL 35223# of Years Completed: 4 Did you graduate? ☒ Yes ☐ No Degree: ADVANCEDMajor: - GPA: 3.0 Class Rank: -College/University: THE CITADEL Address: 171 MOUTRIE STREET, CHARLESTON, SC 29409# of Years Completed: 4 Did you graduate? ☒ Yes ☐ No Degree: B.A. ENGLISHMajor: ENGLISH GPA: 3.1 Class Rank: -Other: GONZAGA Address: Online# of Years Completed: 2 Did you graduate? ☐ Yes ☒ No Degree: M.A.Major: Organizational Leadership GPA: 3.6 Class Rank: -

Please furnish the names, addresses, and telephone numbers of two people whom you are not related and by whom you have not been employed:

1) Name: Jay BuddinPhone: 843 991 3125Address: N. Chas.City: N. Chas State: SCZip: 294202) Name: Tom MaynorPhone: 324 4870Address: Mt. PleasantCity: Mt. P State: SCZip: 29464

04/24/08

Velocity Sports-43



Summary of Previous Employment and Qualifications

multi-sport background
possessing NASE + CSCS certification

Previous Employment

Dates of employment: From *6/07* To: *present* Position(s) held: *Teaching Pro*
 Business: *Town of Mt. Pleasant* Address: *889 Whipple Road 39464*
 Phone: *843 856 2162* Manager: Title: *Asst. Teaching Pro*
 Responsibilities/Duties: *instructor, planning*
 Starting Salary: *\$16 per hour* Ending Salary: *\$21 per hour*
 Reason for Leaving: *-* May we contact this employer for reference? *yes*

Dates of employment: From: To: Position(s) held:
 Business: *The Citadel* Address:
 Phone: *843 953 5305* Manager: Title:
 Responsibilities/Duties: *presenter/facilitator*
 Starting Salary: *\$15 per hour* Ending Salary: *\$15 per hour*
 Reason for Leaving: *only contracted 1 year* May we contact this employer for reference? *yes*

Dates of employment: From: *5/06* To: *5/07* Position(s) held:
 Business: *V-Enterprises* Address: *1731 N. Main Street Suite B, Summerville*
 Phone: *843 873 5574* Manager: Title: *owner*
 Responsibilities/Duties: *operations, owner, instructor*
 Starting Salary: Ending Salary:
 Reason for Leaving: *Sold* May we contact this employer for reference? *yes*

I certify that my answers are true and complete to the best of my knowledge. I authorize you to make such investigations and inquiries of my personal, employment, educational, financial, or medical history and other related matters as may be necessary for an employment decision. I hereby release employers, schools or persons from all liability in responding to inquiries in connection with my application. In this event, I understand that false or misleading information given in my application or interview(s) may result in a discharge.

Signature of applicant: *Louie Reville* Date: *4.28.08*

Nothing in this application or in any other written statements of Velocity Sports Performance's general policies and procedures shall be construed or interpreted to constitute an employment contract with any prospective employee. Velocity Sports Performance in its sole discretion reserves the unconditional right to terminate any person's employment at any time for any reason. Velocity Sports Performance also reserves the unconditional right to modify, delete, or make any exception to any of its policies and procedures with or without notice at any time and for any reason. Oral statements, representations, or promises contrary to the foregoing, including promises of employment for any specified period of time, and are not binding unless confirmed in writing by the President of Velocity Sports Performance. My signature below certifies that I have read the foregoing.

Signature of applicant: *Louie Reville* Date: *4.24.08*

04/24/08

Velocity Sports-44

STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON) CASE NO. 2011-CP-10-9200
MOTHER DOE A,)
Plaintiff,)
vs.)
THE CITADEL,)
Defendant.)

STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON) CASE NO. 2012-CP-10-1860
JOHN DOE CAMPER,)
Plaintiff,)
vs.)
THE CITADEL,)
Defendant.)

STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON) CASE NO. 2012-CP-10-1858
JOHN DOE 2,)
Plaintiff,)
vs.)
THE CITADEL,)
Defendant.)

VOLUME I VIDEOTAPED
30(b) (6) DEPOSITION OF: COLONEL JOSEPH W. TREZ



CAROLINA REPORTING

843.832.0801 * www.carolina-reporting.com

Electronically signed by Eva Wilbanks (101-177-349-6970)

1e8eea4b-4c9d-45bc-ba00-61e71ed44bc0

Page 2	Page 4
1 STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS	1 INDEX
2)	2 TESTIMONY OF COLONEL JOSEPH W. TREZ 7
3 COUNTY OF CHARLESTON) CASE NO. 2012-CP-10-1859	3 EXAMINATION BY ARL SLOAN 97
4)	4 EXAMINATION BY MRL HERNIS
5 MOTHER DOE 2, ON BEHALF)	5 REPORTER'S CERTIFICATE 229
6 OF JOHN DOE 3,)	6 ERRATA SHEET 330
7 Plaintiff,)	7
8)	8 INDEX OF EXHIBITS
9)	9
10 VOLUME I VIDEOTAPED	10 Number Description Page
11 30(b)(6) DEPOSITION OF COLONEL JOSEPH W. TREZ	11 Deposition Exhibit No. 13 Citadel Box 81
12 DATE TAKEN: Monday, June 10, 2013	12 443-B-00351
13 TIME: 10:15 a.m.	13 Deposition Exhibit No. 14 Citadel Box 110
14 PLACE: Prince Henry Sloan & Wilson	14 443-B-00352 Bata
15 321 East Bay Street	15 Deposition Exhibit No. 15 Citadel Box 142
16 Charleston, South Carolina	16 443-B-00491
17 REPORTED BY: EVE WILBANKS	17 Deposition Exhibit No. 16 Citadel Box 143
18 Registered Professional	18 443-B-00509
19 Reporter, Certified LiveNote	19 Deposition Exhibit No. 17 Citadel Box 145
20 Reporter and Notary Public	20 293-00329 to 00104
21	21 Deposition Exhibit No. 18 Citadel Box 157
22	22 293-00330
23	23 Deposition Exhibit No. 19 Citadel Box 159
24	24 293-00331 to 00339
25	25 Deposition Exhibit No. 20 Citadel Box 161
	26 293-00340 to 00444
	27 Deposition Exhibit No. 21 Citadel Box 167
	28 293-00345 to 00588
	29 Deposition Exhibit No. 22 Citadel Box 168
	30 293-00346 to 00104
	31 Deposition Exhibit No. 23 Citadel Box 169
	32 293-00347 to 00111
	33 Deposition Exhibit No. 24 Citadel Box 170
	34 293-00348 to 00178
	35 Deposition Exhibit No. 25 Citadel Box 171
	36 277-00024 to 00127
	37 Deposition Exhibit No. 26 Citadel Box 172
	38 277-00028 to 00067
	39
	40
	41
	42
	43
	44
	45
	46
	47
	48
	49
	50
	51
	52
	53
	54
	55
	56
	57
	58
	59
	60
	61
	62
	63
	64
	65
	66
	67
	68
	69
	70
	71
	72
	73
	74
	75
	76
	77
	78
	79
	80
	81
	82
	83
	84
	85
	86
	87
	88
	89
	90
	91
	92
	93
	94
	95
	96
	97
	98
	99
	100
	101
	102
	103
	104
	105
	106
	107
	108
	109
	110
	111
	112
	113
	114
	115
	116
	117
	118
	119
	120
	121
	122
	123
	124
	125
	126
	127
	128
	129
	130
	131
	132
	133
	134
	135
	136
	137
	138
	139
	140
	141
	142
	143
	144
	145
	146
	147
	148
	149
	150
	151
	152
	153
	154
	155
	156
	157
	158
	159
	160
	161
	162
	163
	164
	165
	166
	167
	168
	169
	170
	171
	172
	173
	174
	175
	176
	177
	178
	179
	180
	181
	182
	183
	184
	185
	186
	187
	188
	189
	190
	191
	192
	193
	194
	195
	196
	197
	198
	199
	200
	201
	202
	203
	204
	205
	206
	207
	208
	209
	210
	211
	212
	213
	214
	215
	216
	217
	218
	219
	220
	221
	222
	223
	224
	225
	226
	227
	228
	229
	230
	231
	232
	233
	234
	235
	236
	237
	238
	239
	240
	241
	242
	243
	244
	245
	246
	247
	248
	249
	250
	251
	252
	253
	254
	255
	256
	257
	258
	259
	260
	261
	262
	263
	264
	265
	266
	267
	268
	269
	270
	271
	272
	273
	274
	275
	276
	277
	278
	279
	280
	281
	282
	283
	284
	285
	286
	287
	288
	289
	290
	291
	292
	293
	294
	295
	296
	297
	298
	299
	300
	301
	302
	303
	304
	305
	306
	307
	308
	309
	310
	311
	312
	313
	314
	315
	316
	317
	318
	319
	320
	321
	322
	323
	324
	325
	326
	327
	328
	329
	330
	331
	332
	333
	334
	335
	336
	337
	338
	339
	340
	341
	342
	343
	344
	345
	346
	347
	348
	349
	350
	351
	352
	353
	354
	355
	356
	357
	358
	359
	360
	361
	362
	363
	364
	365
	366
	367
	368
	369
	370
	371
	372
	373
	374
	375
	376
	377
	378
	379
	380
	381
	382
	383
	384
	385
	386
	387
	388
	389
	390
	391
	392
	393
	394
	395
	396
	397
	398
	399
	400
	401
	402
	403
	404
	405
	406
	407
	408
	409
	410
	411
	412
	413
	414
	415
	416
	417
	418
	419
	420
	421
	422
	423
	424
	425
	426
	427
	428
	429
	430
	431
	432
	433
	434
	435
	436
	437
	438
	439
	440
	441
	442
	443
	444
	445
	446
	447
	448
	449
	450
	451
	452
	453
	454
	455
	456
	457
	458
	459
	460
	461
	462
	463
	464
	465
	466
	467
	468
	469
	470
	471
	472
	473
	474
	475
	476
	477
	478
	479
	480
	481
	482
	483
	484
	485
	486
	487
	488
	489
	490
	491
	492
	493
	494
	495
	496
	497
	498
	499
	500
	501
	502
	503
	504
	505
	506
	507
	508
	509
	510
	511
	512
	513
	514
	515
	516
	517
	518
	519
	520
	521
	522
	523
	524
	525
	526
	527
	528
	529
	530
	531
	532
	533
	534
	535
	536
	537
	538
	539
	540
	541
	542
	543
	544
	545
	546
	547
	548
	549
	550
	551
	552
	553
	554
	555
	556

Page 54	Page 56
1 (The deposition went off the record.) 2 THE VIDEOGRAPHER: This is tape No. 2 in 3 the deposition of Colonel Joseph Trez. We're 4 on the record at 11:38. 5 BY MR. SLOAN: 6 Q. All right. There was a question that 7 you were going to answer by looking at some stuff. 8 What is your answer? 9 A. Yes. I've reviewed two policies, one 10 the Sexual Harassment Policy memorandum No. 51, 11 dated 30 June 2000. It starts with Bates number 12 1694. I'm going specifically to page 1717 on 13 formal procedures Annex B, Formal Procedures Are 14 Used, and it gets to C and it says, "Criminal laws 15 are involved, such as sexual assault or sexual 16 abuse (in some instances, the victim may not want 17 to prefer charges, leaving the college with the 18 option of handling the situation informally or 19 filing its own charges)." 20 Now I'm going to go to the Sexual 21 Assault Crisis Intervention Policy, 3 July 2002, 22 starting with Bates stamp 1743. I'm on page 1746. 23 Paragraph D says, "The Citadel's policy encourages 24 individuals who have been sexually assaulted to 25 formally report the incident to a member of the	1 decide" -- this is advice to a victim -- "decide 2 whether or not you wish to notify the police." 3 "The Citadel strongly encourages 4 individuals to formally report crimes. Keep in 5 mind that reporting the crime does not require the 6 filing of criminal charges." 7 On the top of page 1751, "Even if you do 8 not file criminal charges, information provided to 9 the police may help protect others. Remember, 10 many perpetrators of sexual assault" may commit 11 this crime repeatedly. 12 I'm now on Do's and Don'ts in Supporting 13 a Sexual Assault Victim, Annex B, Bates stamp 14 1752. "Do review with the victim the options, 15 then respect the choices regarding the options the 16 victim wishes to implement." 17 And that's one of my points that we -- 18 as we wrote the policies, it's to honor the wishes 19 of the alleged victim. 20 I'm on Annex D, page 1754. "If the 21 alleged victim requests, describe the process of 22 seeking formal and informal action and the process 23 of filing criminal charges." 24 On 1759, paragraph 4-C, Nothing in this 25 policy will prevent the student (sic), staff or
Page 55	Page 57
1 college administration or to a Citadel Public 2 Safety official." 3 The Citadel strongly encourages all 4 cadets, students, faculty and staff who have 5 knowledge of a sexual assault or have knowledge of 6 another person's sexual assault to report to 7 either the campus safety, the Commandant, the 8 counseling center, a member of the campus clergy 9 and so forth. The report will not include the 10 name of the individual who has been assaulted or 11 sexually harassed. This report may be done 12 anonymously. 13 Down to Duties of Campus Personnel, 14 paragraph 6-A, "First and foremost, it is 15 important to respect the wishes of the individual 16 who has been sexually assaulted, especially as to 17 whether to file a formal complaint or criminal 18 charges." And that is a key point, and I can go 19 back and explain that as the policy writer. 20 Q. Okay. 21 A. I'm not -- 22 Q. Go ahead. 23 A. I'm still going. I'm now on Annex A, 24 page 2 to that policy that's Bates stamped 1750. 25 "With the assistance of a qualified professional,	1 students from exercising their legal rights. 2 The Protocol for Responding to Sexual 3 Assault, Bates stamp 1760, "Encourage the 4 individual to go to The Citadel Public Safety to 5 file a report and offer to accompany the 6 individual or encourage the individual to contact" 7 their police -- "the local police to file a 8 report." 9 And then finally, on Responsibilities of 10 the Sexual Assault Response Coordinator, who is 11 not involved in here, in this matter, 1761 12 encourages the individual to contact local police 13 to report. 14 So within our policies, both sexual 15 harassment and sexual assault, it was written to 16 give the victim or the alleged victim the decision 17 of whether or not to report it to the police. We 18 found, talking with all of our consultants, as we 19 put the policies together, that we had to give 20 that power to the alleged victim, and that we 21 could not usurp that power and have a policy that 22 didn't have a chilling effect. 23 Q. On 1761 you were just talking about, 24 Responding to Sexual Assault -- 25 A. 1761?

15 (Pages 54 to 57)

CAROLINA REPORTING

843.832.0801 * www.carolina-reporting.com

Electronically signed by Eve Wilbanks (101-177-348-6970)

1a9eea4b-4c9d-45bc-ba00-61e71ed44bc0

1 those are the ones that I'm aware of.

2 Q. Okay. Were you ever -- were you aware
3 that after Skip ReVille graduated, that he would
4 come back and talk to the Honor Council?

5 A. I did not have any interaction with him.

6 Q. You never heard him speak on campus?

7 A. I don't remember. I don't remember him
8 as a graduate doing it.

9 Q. Does that happen from time to time,
10 where a former -- where graduates are asked to
11 come back and speak to different --

12 A. Yes.

13 Q. -- associations?

14 A. Yes.

15 Q. When a graduate is asked to do that on a
16 repetitive basis, would you consider that that
17 graduate has a special relationship with The
18 Citadel?

19 A. I would consider that, yes.

20 Q. Different than a normal ordinance --

21 A. Sure.

22 Q. Same --

23 A. I mean, the person would have been
24 called back for an area of expertise. So dealing

25 with ReVille, if he came back to speak to honor

1 classes or to the Honor Committee, that would be
2 normal. We do that frequently.

3 Q. But that's a different relationship than
4 just if somebody graduated from The Citadel and
5 hasn't been back on the campus in 30 years?

6 A. Certainly.

7 (Deposition Exhibit No. 13, Citadel Box
8 443-B-00351, was marked for identification.)

9 Q. I'm handing you what is marked Exhibit
10 13. And this is a document that The Citadel
11 provided to us in the Arpaio boxes. Have you ever
12 seen this document before?

13 A. I don't remember it.

14 Q. It says, As an employee, if you're
15 accused of sexual misconduct, the following
16 consequences may occur as a result of your
17 actions. So you haven't seen this before?

18 A. I don't recall it.

19 Q. Do you recognize it as a policy of The
20 Citadel?

21 A. It certainly says The Citadel, but I
22 don't know what it's -- you know, what it's part
23 of. It's not part of the sexual harassment policy
24 or any policies that I'm familiar with.

25 Q. Let me ask you this, if you're accused

Page 154	Page 156
1 Q. -- the counselors that are going to be 2 running The Citadel Summer Camp in 2003? 3 A. Correct. And the camp stuff. 4 Q. And the camp staff. And item B 5 indicates that, "It is highly likely that you know 6 an abuser," and she lists three points there. 7 Would you take a look at them and tell me if you 8 agree with those three points? 9 A. I agree with those points. 10 Q. And the same for item C, "The greatest 11 risk to children doesn't come from strangers but 12 from trusted adult friends." Item 3, "A pedophile 13 typically creates opportunities for contact with 14 children." Look at the others and tell me -- and 15 there are three more on the other page -- if you 16 agree with those points? 17 A. I've been through Darkness to Light 18 training. I agree with all these points. 19 Q. And did The Citadel Summer Camp create 20 the opportunity for Michael Arpaio to pursue his 21 pedophile activities? 22 A. That's what the lawsuit was all about. 23 Q. And did The Citadel Summer Camp provide 24 Skip ReVille contact with children that enabled 25 him to pursue his pedophile activities?	1 A. That's what it says. 2 Q. And when that parent called in 2007 and 3 said that his son reported to him that he had been 4 abused in 2002, you don't consider that was a 5 reasonable suspicion of child abuse? 6 A. It certainly was, based on what we know 7 today. And the point that Brandenburg was making 8 to the board, that I remember, was that, but The 9 Citadel was not a mandatory reporter. So as I've 10 gone through the training on child abuse, taught 11 by the South Carolina School of Law Children's Law 12 Center, what we've just read here applies to 13 categories of people to include, and then its 14 listed, and we're not one of those reporters. 15 Q. But you made your counselors, the people 16 that were going to run your camp, you made them 17 have the absolute duty to report abuse, correct? 18 A. Well, I don't know if that's true. I 19 believe -- 20 Q. It says it right there, under step 5, 21 page 00103, "You have a duty to report the abuse," 22 correct? 23 A. That's what it says. 24 Q. And that's what was required of your 25 counselors?
Page 155	Page 157
1 A. We know that today. 2 Q. Okay. And let's turn to page 00103, and 3 under step 5 it says, item A, Don't overreact 4 (sic) and offer support. This is when a camper 5 comes forward. And if you would read those items 6 and tell me if you agree or disagree with them. 7 A. I agree. 8 Q. Let's look at the last one on page 9 00103. Is it Mrs. Hewett? 10 A. Dr. Hewett. 11 Q. Dr. Hewett was telling the counselors of 12 the 2003 Citadel Summer Camp that, quote, You have 13 a duty to report the abuse, closed quote. Did I 14 read that correctly? 15 A. You did, sir. 16 Q. So it was a requirement for each 17 counselor to report abuse if they were so informed 18 by a camper or somebody else that the abuse was 19 taking place? 20 A. Yes. 21 Q. And it goes on to state, "All 50 states 22 require that professionals who work with children 23 report reasonable suspicions of child abuse." Not 24 that child abuse took place; just reasonable 25 suspicions? Did I read that correctly?	1 A. That's what it says. 2 Q. And then on page 00104, it's in all 3 caps, "Remember, sexual abuse is a crime." Do you 4 agree with that? 5 A. I agree. 6 Q. And if the counselor did not want to 7 report it to somebody in the camp, wow, she 8 provides several means for the abuse to be 9 reported. She can go to Public Safety at The 10 Citadel and report it? 11 A. Correct. 12 Q. Or there are one, two, three -- four 13 toll-free numbers that the counselor could call to 14 report the abuse? 15 A. Correct. 16 Q. Okay. 17 MR. HERNES: If we can have this marked 18 as next Exhibit 18, please. 19 (Deposition Exhibit No. 18, Citadel 20 Citadel Box 295-0023, was marked for 21 identification.) 22 BY MR. HERNES: 23 Q. Okay. The next document is Exhibit 18 24 to the deposition. It is identified Citadel 25 Citadel Box 295-0023, a one-page document. At the

40 (Pages 154 to 157)

1 STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
) NINTH JUDICIAL CIRCUIT
 2 COUNTY OF CHARLESTON) CASE NO. 12-CP-10-1859

3
 4 Mother Doe 2, on behalf of John)
 Doe 3,)
 5 Plaintiff,)
 6 vs.)
 7 The Citadel,)
 8 Defendant.)

9

10

11

12

* * * * *

13

14 VIDEOTAPED
 DEPOSITION OF: GENERAL JOHN W. ROSA - VOL. I

15 DATE TAKEN: Monday, July 29, 2013

16 TIME: 10:00 a.m.

17 PLACE: 321 East Bay Street
 Charleston, SC

18
 19 REPORTED BY: TERI L. SAMPSON, RPR,
 Notary Public and Certified
 Live Note Reporter

20

* * * * *

21

22

23

24



25 POST OFFICE BOX 21784
 CHARLESTON, SOUTH CAROLINA 29413-1784

1 A That was my assessment.

2 Q All right. Did you do a review of all
3 Citadel policies when you arrived at The Citadel?

4 A Not -- not all, I wouldn't say 100 percent,
5 but we reviewed several of them, several of what --
6 what is considered key policies. I can't -- I can't
7 sit here and name them.

8 Q Uh-huh, (affirmative).

9 A But that first year was a year of trying to
10 understand the institution, how the institution was
11 run, but a state institution is considerably different
12 than a federal institution.

13 Q Okay. When you arrived at The Citadel, did
14 you review the serious incidents policy?

15 A No.

16 Q Four lines down says, "We brought in Janet
17 Shealy, sexual violence prevention coordinator." It's
18 really sexual assault response coordinator --

19 A Right.

20 Q -- SARC, isn't that -- is that correct?

21 A She was initially called the SARC and now her
22 acronym is CARE.

23 Q And what does CARE stand for?

24 A Citadel advocate response -- I don't know the
25 acronym.

1 Q All right. So were you ever told by Mark
2 Brandenburg what -- what Doe wanted as opposed to Doe's
3 father?

4 A No, not that I recall, because his -- I think
5 he did speak with the -- with the young man --

6 Q Uh-huh (affirmative).

7 A -- but most of his conversations related to
8 me that he had -- was with the father.

9 Q Okay. Well, it seems to me from reading your
10 Margolis interview that you put quite a bit of weight
11 on the fact that Doe was an adult as opposed to a minor
12 at the time he made the report, right?

13 A Yes.

14 Q All right. So I take it with regard to
15 whether or not the -- The Citadel should report this to
16 law enforcement, you would defer to Doe, the adult
17 victim, as opposed to Doe's father?

18 A Correct.

19 Q Okay. And so -- and Mark Brandenburg should
20 have as well?

21 A Right. But --

22 Q All right.

23 A -- I think they were both together when Mark
24 spoke to them. I'm not sure of that.

25 Q Uh-huh (affirmative). Have you spoken to

1 agree with me that Mark Brandenburg knew or should have
2 known that he was dealing with a pedophile at that
3 time?

4 A I'm not sure what he knew. I can't speak for
5 Mark, but if he knew all of that information, clearly
6 it appears that he should have.

7 Q Okay. And when this -- you would agree with
8 me that when that -- when those allegations come in to
9 Mark Brandenburg and he knows all of that, isn't there
10 a current -- and -- and -- and Skip ReVille is on
11 campus, the next day when he tries to find ReVille,
12 he's on The Citadel campus, wouldn't you agree that if
13 that person who has been accused of being a pedophile
14 is on The Citadel campus, that that's a current threat
15 to not only The Citadel, but the public at large?

16 A Possibly, but I don't think that's the way
17 they looked at -- that's not the way that it was
18 interpreted. It was looked at as a five-year-old
19 incident.

20 Q Uh-huh (affirmative).

21 A Whether that's right or wrong, I believe
22 that's the way it was looked at.

23 Q And I understand you're saying that's the way
24 it's interpreted. But the -- I mean, the fact of the
25 matter is when the allegation came in, it was a current

1 threat of a child sexual predator?

2 MR. COOKE: Objection to the --

3 BY MR. SLOAN:

4 Q Right?

5 MR. COOKE: -- form of the question.

6 BY MR. SLOAN:

7 Q He wasn't -- he wasn't locked up like he is
8 now, a guy who repeatedly was inappropriate sexually
9 with children and he's on the campus, that's a current
10 threat, isn't it?

11 MR. COOKE: Objection to the form.

12 A (Continuing) If we knew all of that, it
13 would be a current threat.

14 Q Just like if there was a -- if there was a
15 fire at The Citadel and it was close to a neighborhood,
16 you -- you wouldn't just keep the fire to yourself and
17 try to put it out yourself, you'd warn your neighboring
18 community, wouldn't you?

19 A Sure.

20 Q All right. And why isn't a child sexual
21 predator the same?

22 A It should --

23 Q If you have a child sexual predator on
24 campus, you ought to warn people about it, it's a
25 current threat, not only to The Citadel, but the

1 STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS,
 2 \ COUNTY OF CHARLESTON) NINTH JUDICIAL CIRCUIT
) CASE NO. 12-CP-10-1859

3
 4 Mother Doe 2, on behalf of John)
 Doe 3,)
 5 Plaintiff,)
 6 vs.)
 7 The Citadel,)
 8 Defendant.)

9

10

11

12

* * * * *

13

VIDEOTAPED

14 DEPOSITION OF:

GENERAL JOHN W. ROSA - VOL. II

15 DATE TAKEN:

Tuesday, July 30, 2013

16 TIME:

10:00 a.m.

17 PLACE:

321 East Bay Street
 Charleston, SC

18

REPORTED BY:

TERI L. SAMPSON, RPR,
 Notary Public and Certified
 Live Note Reporter

19

20

* * * * *

21

22

23

24

POST OFFICE BOX 21784

25

CHARLESTON, SOUTH CAROLINA 29413-1784

1 A I'm somewhat familiar with it.

2 Q Uh-huh (affirmative). Are you aware that
3 Mr. ReVille was asked to come and speak to Citadel
4 freshmen as a guest speaker at the 101 course between
5 2007 and 2011?

6 A No, I was not.

7 Q If you had known that, would you have allowed
8 it?

9 A I don't know that.

10 Q I think we established this yesterday, but
11 you would agree with me that Mr. ReVille, who, after
12 graduating The Citadel, actually worked at The Citadel
13 and came back to induct other cadets into the honor
14 committee and came back to teach freshmen as a guest
15 speaker at the 101 Citadel course between 2007 and
16 2011, would you agree with me that that is a Citadel
17 graduate who has a special relationship with The
18 Citadel?

19 A First of all, I didn't know that. I didn't
20 know that he was invited --

21 Q Okay.

22 A -- to both of those venues. And by -- in
23 this community just by being an alumnus --

24 Q Uh-huh (affirmative).

25 A -- you have a relationship. We're not a big

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

JOHN DOE 2,
Plaintiff,

vs.

PRESIDENT JOHN W. ROSA,
INDIVIDUALLY,

Defendant.

CIVIL ACTION NO:
2:12-cv-00794-RMG

MOTHER DOE,
Plaintiff,

vs.

PRESIDENT JOHN W. ROSA,
INDIVIDUALLY,

Defendant.

CIVIL ACTION NO:
2:12-cv-00795-RMG

* * * * *

DEPOSITION OF: JENNIFER SHIEL
DATE TAKEN: Tuesday, January 21, 2014
TIME: 12:06 p.m.
PLACE: McLeod Law Group, LLC
3 Morris Street
Charleston, South Carolina
REPORTED BY: EVE WILBANKS
Registered Professional
Reporter, Certified LiveNote
Reporter and Notary Public

* * * * *

POST OFFICE BOX 21784
CHARLESTON, SOUTH CAROLINA 29413-1784



CAROLINA REPORTING

843.832.0801 * www.carolina-reporting.com

(177-349-6970)

27016763-0a83-4a48-84f6-56ca50233bee

1 Q. -- do you understand that?

2 A. Yes.

3 Q. So from the beginning, was it clear to
4 you that President Rosa did not want this report
5 of sexual abuse to be leaked or to get out of the
6 President's office?

7 MR. KOVACH: Objection.

8 A. Yes.

9 Q. And during the time period from when the
10 report was made until the time that you left The
11 Citadel, having lived through it, do you believe
12 there was a conscious effort to cover up or
13 conceal this report of sexual abuse?

14 MR. KOVACH: Objection.

15 A. Yes.

16 Q. And was President Rosa in charge
17 ultimately of making sure that this report was
18 concealed and covered up?

19 MR. KOVACH: Objection.

20 A. In my opinion, yes.

21 Q. Let me ask you this, when the report
22 came in, the school had a Title IX coordinator,
23 right?

24 A. Yes.

25 Q. The report could have gone to the Title

CAROLINA REPORTING

843.832.0801 * www.carolina-reporting.com

1 civil matter against The Citadel, did The Citadel
2 just stop doing the disciplinary investigation
3 that they'd typically do?

4 MR. KOVACH: Objection.

5 A. No.

6 Q. So based upon your personal knowledge, a
7 civil matter generally did not have any impact on
8 The Citadel instituting or following its own
9 policies and procedures?

10 A. No.

11 MR. KOVACH: Object.

12 Q. Having worked in the President's office
13 during this time period, was there ever any doubt
14 in your mind that President Rosa wanted this
15 report of sexual abuse to be kept under wraps?

16 MR. KOVACH: Objection.

17 A. No. It was very clear that -- the term
18 that was used about it was "close hold." I mean,
19 only people that needed to know about it were
20 supposed to know about it. That was it.

21 Q. Had you heard that phrase "close hold"
22 used prior to this report of sexual abuse?

23 A. In reference to other matters, yes.

24 Q. Right. And, like, what other matters do
25 you remember "close hold" being the orders from

CAROLINA REPORTING

843.832.0801 * www.carolina-reporting.com

Electronically signed by Eve Wilbanks (101-177-349-6970)

27016763-0a83-4a43-84f6-66ca50233bo

Jennifer Shiel - January 21, 2014

8 Q. And I recognize that you learned a lot
9 about -- you learned additional information about
10 what happened with regard to ReVille sometime
11 after you left The Citadel. But my question is,
12 as far as the priorities during this time period
13 when President Rosa's office responded to the
14 report of sexual abuse, was it ever made known to
15 you that one of the priorities was making sure
16 ReVille didn't abuse anybody else?

17 MR. KOVACH: Objection.

18 Q. Did that even make the priority list?

19 A. No. I never heard that discussed.

20 Q. Looking back on the period of time when
21 you were working within the President's office,
22 helping respond in an administrative role to the
23 report of sexual abuse, do you believe that
24 President Rosa was indifferent towards concerns
25 that he should have been worried about; for

Page 50

1 example, other victims who may be abused?

2 MR. KOVACH: Objection.

3 A. Yeah. I do think he was indifferent to
4 it.

5 Q. Do you believe -- not do you believe.
6 Was his indifference the result of his desire to
7 protect The Citadel?

8 MR. KOVACH: Objection.

9 A. I don't know if it was that, or I don't
10 know if it was -- it may have been that they
11 weren't -- they didn't take this -- this report of
12 sexual abuse seriously.

13 Q. And that was -- that was going to be my
14 next question. The report came in on April 23rd,
15 2007, and Mr. Brandenburg went to interview the
16 family on July 1st, 2007. Forget about -- well,
17 if Mr. Brandenburg and President Rosa, based upon
18 your knowledge of having worked with them, if they
19 thought the school was at imminent risk of a
20 problem, would they have waited approximately four
21 months to go interview the family?

22 MR. KOVACH: Objection.

23 A. In my mind, I mean, no. And that's one
24 of the -- one of the reasons why I didn't get --
25 you know -- I just didn't get the feeling through

CAROLINA REPORTING

843.832.0801 * www.carolina-reporting.com

Electronically signed by Eve Wilbanks (101-177-349-6970)

27016763-0a83-4a49-84f8-56ca50233ba

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON

COPY

MOTHER DOE A,

Plaintiff,

-versus-

THE CITADEL,

Defendant.

JOHN DOE CAMPER,

Plaintiff,

-versus-

THE CITADEL,

Defendant.

JOHN DOE 2,

Plaintiff,

-versus-

THE CITADEL,

Defendant.

MOTHER DOE 2, on behalf of
JOHN DOE 3,

Plaintiff,

-versus-

THE CITADEL,

Defendant.

Case 11-CP-10-9200

Scanned Exhibits
on Attached CD

Case 11-CP-10-1860

Case 11-CP-10-1858

Case 12-CP-10-1859

THE DEPOSITION OF LT. COL. CHRISTINE FUDGE
was taken as a witness on behalf of the Plaintiffs,

Janice Ohlendorf Darby, RPR
(843) 814-7666 jodarby@comcast.net



Page 17	Page 19
1 suicide? 2 A Yes. 3 Q That's one of the hazards of the victims 4 who are sexually molested and abused? 5 A Yes. 6 Q If you look down, second-to-the-last line 7 discussing sexual predators, 20 to 25 percent have 8 10 to 40 victims. Is that your understanding? 9 A Yes, it is. 10 Q So child sexual predators, specifically 11 pedophiles, aren't just one and done. 12 A No. 13 Q They go after several? 14 A Yes. 15 Q Now, pedophilia, child sexual predators, 16 is that just something that recently came up, or has 17 it been around for a long, long time? 18 MR. STONEY: Objection. 19 A I've been in education since 1972, and it 20 has been around for a long, long time. 21 BY MR. HERNS: 22 Q Even back in 1957 when Mark Clark started 23 The Citadel summer camp? 24 A Yes. 25 MR. HERNS: If we could have this	1 Q So one of his duties is to prevent The 2 Citadel from getting sued? 3 MR. STONEY: Objection. 4 A I guess that could be inferred, yes. 5 BY MR. HERNS: 6 Q And if it does get sued, to minimize the 7 liability, the risk to The Citadel? 8 MR. STONEY: Objection. 9 A It can be interpreted that way, yes. 10 BY MR. HERNS: 11 Q Well, how else could it be interpreted? 12 A I always interpret that office to 13 minimize the risk to the people at The Citadel. 14 Q How about the people outside The Citadel? 15 A And the people outside The Citadel. 16 Q Because The Citadel is a state 17 institution. Correct? 18 A Yes. 19 Q And its reach goes beyond the gray walls 20 of The Citadel? 21 A Yes, it does. 22 Q To the people in Mt. Pleasant? 23 A Yes. 24 Q To the people in Columbia. Everywhere in 25 the state of South Carolina. Correct?
Page 18	Page 20
1 marked as the next exhibit, please. This will be 2 Fudge 112. 3 (Exhibit No. 112 marked for 4 identification.) 5 BY MR. HERNS: 6 Q I printed this off of The Citadel 7 website, and it is setting forth information 8 concerning The Citadel's Office of the General 9 Counsel. If you look down to about the bottom of 10 the first paragraph, and I'll read it, "The role of 11 the Office of the General Counsel is to prevent or 12 minimize legal risk in the performance of the daily 13 business of the college." Did I read that 14 correctly? 15 A Yes. 16 Q What's that telling you? 17 A That the general counsel -- exactly what 18 it says. It's trying to prevent or minimize risk. 19 Q Doesn't want The Citadel to get sued? 20 MR. STONEY: Objection. 21 A I don't interpret it that way. 22 BY MR. HERNS: 23 Q Well, prevent legal risk. Getting sued 24 is a legal risk, isn't it? 25 A Yes, it is.	1 A Right. 2 Q The duty, honor, loyalty of The Citadel 3 doesn't stop at the gate? 4 A No. 5 Q Spreads far outside? 6 A Yes. 7 Q So his role is to protect the college by 8 preventing or minimizing legal risk? 9 A That's what it says. 10 Q Now I'm going to read from your April 9, 11 2013 transcript that was taken in the John Doe 2 12 versus President John Rosa case by the McLeod Law 13 Group, and specifically halfway down page 73 14 starting at line 16. 15 "QUESTION: Would you agree with me that 16 it should have been obvious to any official at The 17 Citadel that if ReVille went undetected he would 18 have abused more boys?" 19 Mr. Stoney objects at line 19. And your 20 answer at line 20 is, "No." 21 Do you still hold to that answer that 22 the -- Well, let me try this. Do you still agree 23 with that? 24 A Can I see that? 25 Q Sure. Right there (indicating). Starts

5 (Pages 17 to 20)

Janice Ohlendorf Darby, RPR
(843) 814-7666 jodarby@comcast.net

**REVISED SEXUAL HARASSMENT GUIDANCE:
HARASSMENT OF STUDENTS
BY SCHOOL EMPLOYEES, OTHER STUDENTS,
OR THIRD PARTIES**

TITLE IX



January 2001

U.S. Department of Education
Office for Civil Rights



PREAMBLE

Summary

The Assistant Secretary for Civil Rights, U.S. Department of Education (Department), issues a new document (revised guidance) that replaces the 1997 document entitled "Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties," issued by the Office for Civil Rights (OCR) on March 13, 1997 (1997 guidance). We revised the guidance in limited respects in light of subsequent Supreme Court cases relating to sexual harassment in schools.

The revised guidance reaffirms the compliance standards that OCR applies in investigations and administrative enforcement of Title IX of the Education Amendments of 1972 (Title IX) regarding sexual harassment. The revised guidance re-grounds these standards in the Title IX regulations, distinguishing them from the standards applicable to private litigation for money damages and clarifying their regulatory basis as distinct from Title VII of the Civil Rights Act of 1964 (Title VII) agency law. In most other respects the revised guidance is identical to the 1997 guidance. Thus, we intend the revised guidance to serve the same purpose as the 1997 guidance. It continues to provide the principles that a school¹ should use to recognize and effectively respond to sexual harassment of students in its program as a condition of receiving Federal financial assistance.

Purpose and Scope of the Revised Guidance

In March 1997, we published in the Federal Register "Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties." 62 FR 12034. We issued the guidance pursuant to our authority under Title IX, and our Title IX implementing regulations, to eliminate discrimination based on sex in education programs and activities receiving Federal financial assistance. It was grounded in longstanding legal authority establishing that sexual harassment of students can be a form of sex discrimination covered by Title IX. The guidance was the product of extensive consultation with interested parties, including students, teachers, school administrators, and researchers. We also made the document available for public comment.

Since the issuance of the 1997 guidance, the Supreme Court (Court) has issued several important decisions in sexual harassment cases, including two decisions specifically addressing sexual harassment of students under Title IX: Gebser v. Lago Vista Independent School District (Gebser), 524 U.S. 274 (1998), and Davis v. Monroe County Board of Education (Davis), 526 U.S. 629 (1999). The Court held in Gebser that a school can be liable for monetary damages if a teacher sexually harasses a student, an

¹ As in the 1997 guidance, the revised guidance uses the term "school" to refer to all schools, colleges, universities, and other educational institutions that receive Federal funds from the Department.

official who has authority to address the harassment has actual knowledge of the harassment, and that official is deliberately indifferent in responding to the harassment. In Davis, the Court announced that a school also may be liable for monetary damages if one student sexually harasses another student in the school's program and the conditions of Gebser are met.

The Court was explicit in Gebser and Davis that the liability standards established in those cases are limited to private actions for monetary damages. See, e.g., Gebser, 524 U.S. 283, and Davis, 526 U.S. at 639. The Court acknowledged, by contrast, the power of Federal agencies, such as the Department, to "promulgate and enforce requirements that effectuate [Title IX's] nondiscrimination mandate," even in circumstances that would not give rise to a claim for money damages. See, Gebser, 524 U.S. at 292.

In an August 1998 letter to school superintendents and a January 1999 letter to college and university presidents, the Secretary of Education informed school officials that the Gebser decision did not change a school's obligations to take reasonable steps under Title IX and the regulations to prevent and eliminate sexual harassment as a condition of its receipt of Federal funding. The Department also determined that, although in most important respects the substance of the 1997 guidance was reaffirmed in Gebser and Davis, certain areas of the 1997 guidance could be strengthened by further clarification and explanation of the Title IX regulatory basis for the guidance.

On November 2, 2000, we published in the Federal Register a notice requesting comments on the proposed revised guidance (62 FR 66092). A detailed explanation of the Gebser and Davis decisions, and an explanation of the proposed changes in the guidance, can be found in the preamble to the proposed revised guidance. In those decisions and a third opinion, Oncale v. Sundowner Offshore Services, Inc. (Oncale), 523 U.S. 75 (1998) (a sexual harassment case decided under Title VII), the Supreme Court confirmed several fundamental principles we articulated in the 1997 guidance. In these areas, no changes in the guidance were necessary. A notice regarding the availability of this final document appeared in the Federal Register on January 19, 2001.

Enduring Principles from the 1997 Guidance

It continues to be the case that a significant number of students, both male and female, have experienced sexual harassment, which can interfere with a student's academic performance and emotional and physical well-being. Preventing and remedying sexual harassment in schools is essential to ensuring a safe environment in which students can learn. As with the 1997 guidance, the revised guidance applies to students at every level of education. School personnel who understand their obligations under Title IX, e.g., understand that sexual harassment can be sex discrimination in violation of Title IX, are in the best position to prevent harassment and to lessen the harm to students if, despite their best efforts, harassment occurs.

One of the fundamental aims of both the 1997 guidance and the revised guidance has been to emphasize that, in addressing allegations of sexual harassment, the good judgment and common sense of teachers and school administrators are important elements of a response that meets the requirements of Title IX.

A critical issue under Title IX is whether the school recognized that sexual harassment has occurred and took prompt and effective action calculated to end the harassment, prevent its recurrence, and, as appropriate, remedy its effects. If harassment has occurred, doing nothing is always the wrong response. However, depending on the circumstances, there may be more than one right way to respond. The important thing is for school employees or officials to pay attention to the school environment and not to hesitate to respond to sexual harassment in the same reasonable, commonsense manner as they would to other types of serious misconduct.

It is also important that schools not overreact to behavior that does not rise to the level of sexual harassment. As the Department stated in the 1997 guidance, a kiss on the cheek by a first grader does not constitute sexual harassment. School personnel should consider the age and maturity of students in responding to allegations of sexual harassment.

Finally, we reiterate the importance of having well-publicized and effective grievance procedures in place to handle complaints of sex discrimination, including sexual harassment complaints. Nondiscrimination policies and procedures are required by the Title IX regulations. In fact, the Supreme Court in Gebser specifically affirmed the Department's authority to enforce this requirement administratively in order to carry out Title IX's nondiscrimination mandate. 524 U.S. at 292. Strong policies and effective grievance procedures are essential to let students and employees know that sexual harassment will not be tolerated and to ensure that they know how to report it.

Analysis of Comments Received Concerning the Proposed Revised Guidance and the Resulting Changes

In response to the Assistant Secretary's invitation to comment, OCR received approximately 11 comments representing approximately 15 organizations and individuals. Commenters provided specific suggestions regarding how the revised guidance could be clarified. Many of these suggested changes have been incorporated. Significant and recurring issues are grouped by subject and discussed in the following sections:

Distinction Between Administrative Enforcement and Private Litigation for Monetary Damages

In Gebser and Davis, the Supreme Court addressed for the first time the appropriate standards for determining when a school district is liable under Title IX for money damages in a private lawsuit brought by or on behalf of a student who has been sexually harassed. As explained in the preamble to the proposed revised guidance, the Court was explicit in Gebser and Davis that the liability standards established in these cases are limited to private actions for monetary damages. See, e.g., Gebser, 524 U.S. at 283, and Davis, 526 U.S. at 639. The Gebser Court recognized and contrasted lawsuits for money damages with the incremental nature of administrative enforcement of Title IX. In Gebser, the Court was concerned with the possibility of a money damages award against a school for harassment about which it had not known. In contrast, the process of administrative enforcement requires enforcement agencies such as OCR to make schools

aware of potential Title IX violations and to seek voluntary corrective action before pursuing fund termination or other enforcement mechanisms.

Commenters uniformly agreed with OCR that the Court limited the liability standards established in Gebser and Davis to private actions for monetary damages. See, e.g., Gebser, 524 U.S. 283, and Davis, 526 U.S. at 639. Commenters also agreed that the administrative enforcement standards reflected in the 1997 guidance remain valid in OCR enforcement actions.² Finally, commenters agreed that the proposed revisions provided important clarification to schools regarding the standards that OCR will use and that schools should use to determine compliance with Title IX as a condition of the receipt of Federal financial assistance in light of Gebser and Davis.

Harassment by Teachers and Other School Personnel

Most commenters agreed with OCR's interpretation of its regulations regarding a school's responsibility for harassment of students by teachers and other school employees. These commenters agreed that Title IX's prohibitions against discrimination are not limited to official policies and practices governing school programs and activities. A school also engages in sex-based discrimination if its employees, in the context of carrying out their day-to-day job responsibilities for providing aid, benefits, or services to students (such as teaching, counseling, supervising, and advising students) deny or limit a student's ability to participate in or benefit from the school's program on the basis of sex. Under the Title IX regulations, the school is responsible for discrimination in these cases, whether or not it knew or should have known about it, because the discrimination occurred as part of the school's undertaking to provide nondiscriminatory aid, benefits, and services to students. The revised guidance distinguishes these cases from employee harassment that, although taking place in a school's program, occurs outside of the context of the employee's provision of aid, benefits, and services to students. In these latter cases, the school's responsibilities are not triggered until the school knew or should have known about the harassment.

One commenter expressed concern that it was inappropriate ever to find a school out of compliance for harassment about which it knew nothing. We reiterate that, although a school may in some cases be responsible for harassment caused by an employee that occurred before other responsible employees of the school knew or should have known about it, OCR always provides the school with actual notice and the opportunity to take appropriate corrective action before issuing a finding of violation. This is consistent with the Court's underlying concern in Gebser and Davis.

Most commenters acknowledged that OCR has provided useful factors to determine whether harassing conduct took place "in the context of providing aid, benefits, or services." However, some commenters stated that additional clarity and examples regarding the issue were needed. Commenters also suggested clarifying

² It is the position of the United States that the standards set out in OCR's guidance for finding a violation and seeking voluntary corrective action also would apply to private actions for injunctive and other equitable relief. See brief of the United States as Amicus Curiae in Davis v. Monroe County.

references to quid pro quo and hostile environment harassment as these two concepts, though useful, do not determine the issue of whether the school itself is considered responsible for the harassment. We agree with these concerns and have made significant revisions to the sections "Harassment that Denies or Limits a Student's Ability to Participate in or Benefit from the Education Program" and "Harassment by Teachers and Other Employees" to clarify the guidance in these respects.

Gender-based Harassment, Including Harassment Predicated on Sex-stereotyping

Several commenters requested that we expand the discussion and include examples of gender-based harassment predicated on sex stereotyping. Some commenters also argued that gender-based harassment should be considered sexual harassment, and that we have "artificially" restricted the guidance only to harassment in the form of conduct of a sexual nature, thus, implying that gender-based harassment is of less concern and should be evaluated differently.

We have not further expanded this section because, while we are also concerned with the important issue of gender-based harassment, we believe that harassment of a sexual nature raises unique and sufficiently important issues that distinguish it from other types of gender-based harassment and warrants its own guidance.

Nevertheless, we have clarified this section of the guidance in several ways. The guidance clarifies that gender-based harassment, including that predicated on sex-stereotyping, is covered by Title IX if it is sufficiently serious to deny or limit a student's ability to participate in or benefit from the program. Thus, it can be discrimination on the basis of sex to harass a student on the basis of the victim's failure to conform to stereotyped notions of masculinity and femininity. Although this type of harassment is not covered by the guidance, if it is sufficiently serious, gender-based harassment is a school's responsibility, and the same standards generally will apply. We have also added an endnote regarding Supreme Court precedent for the proposition that sex stereotyping can constitute sex discrimination.

Several commenters also suggested that we state that sexual and non-sexual (but gender-based) harassment should not be evaluated separately in determining whether a hostile environment exists. We note that both the proposed revised guidance and the final revised guidance indicate in several places that incidents of sexual harassment and non-sexual, gender-based harassment can be combined to determine whether a hostile environment has been created. We also note that sufficiently serious harassment of a sexual nature remains covered by Title IX, as explained in the guidance, even though the hostile environment may also include taunts based on sexual orientation.

Definition of Harassment

One commenter urged OCR to provide distinct definitions of sexual harassment to be used in administrative enforcement as distinguished from criteria used to maintain private actions for monetary damages. We disagree. First, as discussed in the preamble to the proposed revised guidance, the definition of hostile environment sexual harassment used by the Court in Davis is consistent with the definition found in the proposed guidance. Although the terms used by the Court in Davis are in some ways different from

the words used to define hostile environment harassment in the 1997 guidance (see, e.g., 62 FR 12041, "conduct of a sexual nature is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from the education program, or to create a hostile or abusive educational environment"), the definitions are consistent. Both the Court's and the Department's definitions are contextual descriptions intended to capture the same concept -- that under Title IX, the conduct must be sufficiently serious that it adversely affects a student's ability to participate in or benefit from the school's program. In determining whether harassment is actionable, both Davis and the Department tell schools to look at the "constellation of surrounding circumstances, expectations, and relationships" (526 U.S. at 651 (citing Oncale)), and the Davis Court cited approvingly to the underlying core factors described in the 1997 guidance for evaluating the context of the harassment. Second, schools benefit from consistency and simplicity in understanding what is sexual harassment for which the school must take responsive action. A multiplicity of definitions would not serve this purpose.

Several commenters suggested that we develop a unique Title IX definition of harassment that does not rely on Title VII and that takes into account the special relationship of schools to students. Other commenters, by contrast, commended OCR for recognizing that Gebser and Davis did not alter the definition of hostile environment sexual harassment found in OCR's 1997 guidance, which derives from Title VII caselaw, and asked us to strengthen the point. While Gebser and Davis made clear that Title VII agency principles do not apply in determining liability for money damages under Title IX, the Davis Court also indicated, through its specific references to Title VII caselaw, that Title VII remains relevant in determining what constitutes hostile environment sexual harassment under Title IX. We also believe that the factors described in both the 1997 guidance and the revised guidance to determine whether sexual harassment has occurred provide the necessary flexibility for taking into consideration the age and maturity of the students involved and the nature of the school environment.

Effective Response

One commenter suggested that the change in the guidance from "appropriate response" to "effective response" implies a change in OCR policy that requires omniscience of schools. We disagree. Effectiveness has always been the measure of an adequate response under Title IX. This does not mean a school must overreact out of fear of being judged inadequate. Effectiveness is measured based on a reasonableness standard. Schools do not have to know beforehand that their response will be effective. However, if their initial steps are ineffective in stopping the harassment, reasonableness may require a series of escalating steps.

The Relationship Between FERPA and Title IX

In the development of both the 1997 guidance and the current revisions to the guidance, commenters raised concerns about the interrelation of the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g, and Title IX. The concerns relate to two issues: (1) the harassed student's right to information about the outcome of a sexual harassment complaint against another student, including information about sanctions imposed on a student found guilty of harassment; and (2) the due process rights of

individuals, including teachers, accused of sexual harassment by a student, to obtain information about the identity of the complainant and the nature of the allegations.

FERPA generally forbids disclosure of information from a student's "education record" without the consent of the student (or the student's parent). Thus, FERPA may be relevant when the person found to have engaged in harassment is another student, because written information about the complaint, investigation, and outcome is part of the harassing student's education record. Title IX is also relevant because it is an important part of taking effective responsive action for the school to inform the harassed student of the results of its investigation and whether it counseled, disciplined, or otherwise sanctioned the harasser. This information can assure the harassed student that the school has taken the student's complaint seriously and has taken steps to eliminate the hostile environment and prevent the harassment from recurring.

The Department currently interprets FERPA as not conflicting with the Title IX requirement that the school notify the harassed student of the outcome of its investigation, i.e., whether or not harassment was found to have occurred, because this information directly relates to the victim. It has been the Department's position that there is a potential conflict between FERPA and Title IX regarding disclosure of sanctions, and that FERPA generally prevents a school from disclosing to a student who complained of harassment information about the sanction or discipline imposed upon a student who was found to have engaged in that harassment.³

There is, however, an additional statutory provision that may apply to this situation. In 1994, as part of the Improving America's Schools Act, Congress amended the General Education Provisions Act (GEPA) — of which FERPA is a part — to state that nothing in GEPA "shall be construed to affect the applicability of ... title IX of the Education Amendments of 1972...."⁴ The Department interprets this provision to mean that FERPA continues to apply in the context of Title IX enforcement, but if there is a direct conflict between requirements of FERPA and requirements of Title IX, such that enforcement of FERPA would interfere with the primary purpose of Title IX to eliminate sex-based discrimination in schools, the requirements of Title IX override any conflicting FERPA provisions. The Department is in the process of developing a consistent approach and specific factors for implementing this provision. OCR and the Department's Family Policy Compliance Office (FPCO) intend to issue joint guidance, discussing specific areas of potential conflict between FERPA and Title IX.

³ Exceptions include the case of a sanction that directly relates to the person who was harassed (e.g., an order that the harasser stay away from the harassed student), or sanctions related to offenses for which there is a statutory exception, such as crimes of violence or certain sex offenses in postsecondary institutions.

⁴ 20 U.S.C. 1221(d). A similar amendment was originally passed in 1974 but applied only to Title VI of the Civil Rights Act of 1964 (prohibiting race discrimination by recipients). The 1994 amendments also extended 20 U.S.C. 1221(d) to Section 504 of the Rehabilitation Act of 1973 (prohibiting disability-based discrimination by recipients) and to the Age Discrimination Act.

FERPA is also relevant when a student accuses a teacher or other employee of sexual harassment, because written information about the allegations is contained in the student's education record. The potential conflict arises because, while FERPA protects the privacy of the student accuser, the accused individual may need the name of the accuser and information regarding the nature of the allegations in order to defend against the charges. The 1997 guidance made clear that neither FERPA nor Title IX override any federally protected due process rights of a school employee accused of sexual harassment.

Several commenters urged the Department to expand and strengthen this discussion. They argue that in many instances a school's failure to provide information about the name of the student accuser and the nature of the allegations seriously undermines the fairness of the investigative and adjudicative process. They also urge the Department to include a discussion of the need for confidentiality as to the identity of the individual accused of harassment because of the significant harm that can be caused by false accusations. We have made several changes to the guidance, including an additional discussion regarding the confidentiality of a person accused of harassment and a new heading entitled "Due Process Rights of the Accused," to address these concerns.

**REVISED SEXUAL HARASSMENT GUIDANCE:
HARASSMENT OF STUDENTS¹
BY SCHOOL EMPLOYEES, OTHER STUDENTS, OR THIRD PARTIES**

Outline of Contents

- I. Introduction
- II. Sexual Harassment
- III. Applicability of Title IX
- IV. Title IX Regulatory Compliance Responsibilities
- V. Determining a School's Responsibilities
 - A. Harassment that Denies or Limits a Student's Ability to Participate in or Benefit from the Education Program
 - 1. Factors Used to Evaluate Hostile Environment Sexual Harassment
 - 2. Welcomeness
 - B. Nature of a School's Responsibility to Address Sexual Harassment
 - 1. Harassment by Teachers and Other Employees
 - 2. Harassment by Other Students or Third Parties
 - C. Notice of Employee, Peer, or Third Party Harassment
 - D. The Role of Grievance Procedures
- VI. OCR Case Resolution
- VII. Recipient's Response
 - A. Response to Student or Parent Reports of Harassment; Response to Direct Observation of Harassment by a Responsible Employee
 - B. Confidentiality
 - C. Response to Other Types of Notice
- VIII. Prevention
- IX. Prompt and Equitable Grievance Procedures
- X. Due Process Rights of the Accused
- XI. First Amendment

I. Introduction

Title IX of the Education Amendments of 1972 (Title IX) and the Department of Education's (Department) implementing regulations prohibit discrimination on the basis of sex in federally assisted education programs and activities.² The Supreme Court, Congress, and Federal executive departments and agencies, including the Department, have recognized that sexual harassment of students can constitute discrimination prohibited by Title IX.³ This guidance focuses on a school's⁴ fundamental compliance responsibilities under Title IX and the Title IX regulations to address sexual harassment of students as a condition of continued receipt of Federal funding. It describes the regulatory basis for a school's compliance responsibilities under Title IX, outlines the circumstances under which sexual harassment may constitute discrimination prohibited by the statute and regulations, and provides information about actions that schools should take to prevent sexual harassment or to address it effectively if it does occur.⁵

II. Sexual Harassment

Sexual harassment is unwelcome conduct of a sexual nature. Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature.⁶ Sexual harassment of a student can deny or limit, on the basis of sex, the student's ability to participate in or to receive benefits, services, or opportunities in the school's program. Sexual harassment of students is, therefore, a form of sex discrimination prohibited by Title IX under the circumstances described in this guidance.

It is important to recognize that Title IX's prohibition against sexual harassment does not extend to legitimate nonsexual touching or other nonsexual conduct. For example, a high school athletic coach hugging a student who made a goal or a kindergarten teacher's consoling hug for a child with a skinned knee will not be considered sexual harassment.⁷ Similarly, one student's demonstration of a sports maneuver or technique requiring contact with another student will not be considered sexual harassment. However, in some circumstances, nonsexual conduct may take on sexual connotations and rise to the level of sexual harassment. For example, a teacher's repeatedly hugging and putting his or her arms around students under inappropriate circumstances could create a hostile environment.

III. Applicability of Title IX

Title IX applies to all public and private educational institutions that receive Federal funds, i.e., recipients, including, but not limited to, elementary and secondary schools, school districts, proprietary schools, colleges, and universities. The guidance uses the terms "recipients" and "schools" interchangeably to refer to all of those institutions. The "education program or activity" of a school includes all of the school's operations.⁸ This means that Title IX protects students in connection with all of the academic, educational, extra-curricular, athletic, and other programs of the school,

whether they take place in the facilities of the school, on a school bus, at a class or training program sponsored by the school at another location, or elsewhere.

A student may be sexually harassed by a school employee,⁹ another student, or a non-employee third party (e.g., a visiting speaker or visiting athletes). Title IX protects any "person" from sex discrimination. Accordingly, both male and female students are protected from sexual harassment¹⁰ engaged in by a school's employees, other students, or third parties. Moreover, Title IX prohibits sexual harassment regardless of the sex of the harasser, i.e., even if the harasser and the person being harassed are members of the same sex.¹¹ An example would be a campaign of sexually explicit graffiti directed at a particular girl by other girls.¹²

Although Title IX does not prohibit discrimination on the basis of sexual orientation,¹³ sexual harassment directed at gay or lesbian students that is sufficiently serious to limit or deny a student's ability to participate in or benefit from the school's program constitutes sexual harassment prohibited by Title IX under the circumstances described in this guidance.¹⁴ For example, if a male student or a group of male students target a gay student for physical sexual advances, serious enough to deny or limit the victim's ability to participate in or benefit from the school's program, the school would need to respond promptly and effectively, as described in this guidance, just as it would if the victim were heterosexual. On the other hand, if students heckle another student with comments based on the student's sexual orientation (e.g., "gay students are not welcome at this table in the cafeteria"), but their actions do not involve conduct of a sexual nature, their actions would not be sexual harassment covered by Title IX.¹⁵

Though beyond the scope of this guidance, gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping,¹⁶ but not involving conduct of a sexual nature, is also a form of sex discrimination to which a school must respond, if it rises to a level that denies or limits a student's ability to participate in or benefit from the educational program.¹⁷ For example, the repeated sabotaging of female graduate students' laboratory experiments by male students in the class could be the basis of a violation of Title IX. A school must respond to such harassment in accordance with the standards and procedures described in this guidance.¹⁸ In assessing all related circumstances to determine whether a hostile environment exists, incidents of gender-based harassment combined with incidents of sexual harassment could create a hostile environment, even if neither the gender-based harassment alone nor the sexual harassment alone would be sufficient to do so.¹⁹

IV. Title IX Regulatory Compliance Responsibilities

As a condition of receiving funds from the Department, a school is required to comply with Title IX and the Department's Title IX regulations, which spell out prohibitions against sex discrimination. The law is clear that sexual harassment may constitute sex discrimination under Title IX.²⁰

Recipients specifically agree, as a condition for receiving Federal financial assistance from the Department, to comply with Title IX and the Department's Title IX regulations. The regulatory provision requiring this agreement, known as an assurance of