

HORRY-GEORGETOWN TECHNICAL COLLEGE

PROCEDURE

Number: 9.8.1.2
Related Policy: 9.8.1
Title: HGTC Students: Sexual Assault and Relationship Violence
Responsibility: Vice President of Finance and Administration and
Vice President for Student Affairs

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President

I. Overview

Horry-Georgetown Technical College (HGTC) is committed to providing an institutional environment where all people may pursue their studies, careers, duties, and activities in an atmosphere free of threat of unwelcomed and unwanted sexual actions. It strongly condemns all sexual offenses and will not tolerate sexual offenses occurring on campus or off-campus. The College complies with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act and the Violence Against Women Act (VAWA).

II. Definitions of Sexual Assault and Relationship Violence

A. In South Carolina:

Consent may be defined as an affirmative agreement to engage in mutually acceptable sexual activity. Consent is given by clear words or actions and may not be inferred from silence, passivity, or lack of active resistance alone. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. A current or previous dating or sexual relationship is not sufficient to constitute consent. Conduct will be considered “without consent” if there is no clear consent, verbal or non-verbal. In some situations, an individual’s consent to sexual activity may be invalidated because of circumstances or the behavior of another. Examples of such situations include, but are not limited to, incompetence, impairment from alcohol and/or drugs, fear, unconsciousness, intimidation, coercion, confinement, isolation, age, and mental or physical impairment.

B. As defined by the Higher Education Act:

Sexual assault is defined as rape, or any actual or attempted nonconsensual or forcible sexual touching, including fondling, kissing, groping, attempted intercourse (whether oral, anal or vaginal), penetration or attempted penetration with a digit or any other object.

Nonconsensual sexual assault includes those situations in which the victim is unable to consent.

Rape is defined as vaginal, anal, or oral intercourse without consent, whether the victim is overcome by force, fear, intimidation resulting from threat or force, or by drugs administered without consent, or when the victim is otherwise unable to consent. Consent requires speech or conduct indicating a freely given agreement to have intercourse or participate in sexual activities. Previous sexual relationships, current relationships with the perpetrator or the use of alcohol and/or drugs may not be taken as an indication of consent. Use of alcohol and/or drugs by the perpetrator is not an excuse for violation of the sexual policy.

Domestic violence includes violent misdemeanor or felony offenses committed by the victim's current or former spouse or intimate partner, a person with whom the victim shares a child in common, a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, a person similarly situated to a spouse of the victim under domestic or family violence law of the jurisdiction receiving grant monies [under VAWA], or any other person against an adult or youth victim who is protected from that person's acts under domestic or family violence law of the jurisdiction.

Dating violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; type of relationship; and frequency of interaction between the persons involved in the relationship.

Stalking is defined as a course of conduct directed at a specific person that is unwelcome and that would cause a reasonable person to fear for her/his or other's safety, or to suffer substantial emotional distress.

III. Support for Sexual Assault and Relationship Violence Victims

The Division of Student Affairs provides free and confidential counseling services for students who have been victims of sexual assault or relationship violence (occurring on or off-campus). Licensed counselors and/or social workers provide both crisis intervention and referrals to community resources. In addition, the division maintains a partner relationship with numerous informational and referral organizations, including the Rape Crisis Center of Horry and Georgetown Counties, accessible online at www.victimtosurvivor.org or by phone 24-hours-a-day at (843) 448-7273.

Details concerning College support services for victims of sexual assault relationship violence, recommended courses of action for victims and bystanders, and community resources can be found at www.hgtc.edu/titleix and in the College Catalog and Student Handbook.

IV. College Educational Programs to Prevent Sexual Assault and Relationship Violence

The Division of Student Affairs also provides education and information on issues of Sexual Assault and Relationship Violence through pamphlets, lecture series and other programming.

The Office of Human Resources provides training to new and current employees on how to respond to student complaints regarding sexual harassment, sexual assault and/or relationship violence.

V. College's Procedure for Responding to Reports of Sexual Assault or Relationship Violence

While activities covered by the South Carolina Code of Laws and those covered by HGTC's Student Code of Conduct may overlap the criminal code and College rules operate independently and do not substitute for each other. The College may pursue enforcement of its own rules whether or not legal proceedings are underway. However, HGTC may use information from law enforcement agencies and the court to determine if College rules have been violated and to implement appropriate corrective and/or disciplinary actions.

Full details of the disciplinary process are outlined in the Student Code of Conduct for the South Carolina Technical College System. (3-2-106.1)

The College will respond promptly to any report of sexual assault or relationship violence. This would include domestic violence, dating violence, sexual assault, or stalking that occurs on any HGTC Campus or at any HGTC-sponsored event involving students.

Any student who has been subjected to any form of violence, including domestic violence, dating violence, sexual assault, or stalking, on campus or at a College-sponsored event should report the incident to the Department of Public Safety or any trusted member of the College faculty or staff immediately. Any College employee who receives a report of alleged violence of any kind should immediately notify Public Safety.

College disciplinary procedures for allegations of student sexual assault and relationship violence occurring on any HGTC Campus or at any HGTC-sponsored event involving students are initiated through the Vice President for Student Affairs. The accuser and the accused are entitled to the same opportunities to have others present during an institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice. Both the accuser and the accused shall simultaneously be informed, in writing, of the following:

- A. the outcome of any institutional disciplinary proceeding that arises from an allegation of domestic violence, dating violence, sexual assault, or stalking;

- B. the institution's procedures for the accused and the victim to appeal the results of the institutional disciplinary proceeding;
- C. any change to the results that occurs prior to the time that such results become final, and
- D. when such results become final.

Standard of Evidence/Burden of Proof: Domestic Violence, Dating Violence, Sexual Assault, or Stalking occurring on any HGTC Campus or at any HGTC-sponsored event involving students

In any proceeding arising from a report based on domestic violence, dating violence, sexual assault, or stalking occurring on any HGTC Campus or at any HGTC-sponsored event involving students, the standard of evidence known as the "preponderance of the evidence" will be utilized by a tribunal authorized to consider allegations brought under the Violence Against Woman Act, and as outlined in the Student Code of Conduct for the South Carolina Technical College System. Under such standard, action must be taken where the evidence indicates one of the above-referenced incidents has more likely than not to have occurred.

The victim may request options for, and available assistance in, changing academic, living, transportation, and working situation, and if such accommodations are reasonably available, the college will comply with the request, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

Further, any allegation of sexual assault or relationship violence occurring on any HGTC Campus or at any HGTC-sponsored event involving students may require a report to Public Safety and/or local law enforcement for criminal investigation. College disciplinary sanctions for sexual assault may range up to and include suspension or expulsion. Criminal prosecution for sexual assault, domestic violence, dating violence, and harassment or stalking is initiated by contacting DPS Public Safety or local law enforcement authorities.

VI. Registered Sex Offenders

The federal Campus Sex Crimes Prevention Act of 2000, enacted on October 28, 2000 and effective on October 28, 2002 requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a state concerning registered sex offenders may be obtained. The South Carolina State Law Enforcement Division provides a searchable database of registered sex offenders in the State at this site: http://www.communitynotification.com/cap_main.php?office=54575.