

**Williamsburg Technical College  
PROCEDURE**

**SECTION D – EDUCATIONAL AFFAIRS**

Title <b>STUDENT CODE PROCEDURES FOR ADDRESSING ALLEGED ACTS OF SEXUAL VIOLENCE AND SEXUAL HARASSMENT</b>	Number <b>D-22.2</b>
Division of Responsibility <b>Student Affairs</b>	Approval Date Page <b>1/21/2021 1 of 10</b>
Approval Vice President  _____  President  _____	Supersedes Procedure No. <b>N/A</b> Date <b>8/25/14</b>

**PURSUANT TO SECTION 41-1-110 OF THE CODE OF LAWS OF SC, AS AMENDED, THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.**

**Purpose:** To outline Williamsburg Technical College’s compliance with the South Carolina Campus Sexual Assault Information Act.

Williamsburg Technical College prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking.

Sexual assault is strictly prohibited by the College. The College’s sexual assault policy (D-22, Student Code and Grievance Procedure) complies with S.C. Code Ann. § 59-105-10 et seq. (Supp. 2002), commonly known as the “South Carolina Campus Sexual Assault Information 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 of force, 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 assault policy.

The term "unable to consent" means:

1. unable to understand the circumstances and implications of the sexual advances;
2. unable to make a reasoned decision concerning the sexual advances; or

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3. unable to communicate that decision in an unambiguous manner. Such a situation can result from illness, the influence of alcohol or some other substance, physical or psychological disabilities, unconsciousness or some other cause.

The College will impose sanctions on individuals who commit sexual assault. In cases involving a student, an interim (immediate) suspension may be imposed, which means the accused cannot attend classes or be on campus until an administrative hearing is held. In other cases, the accused may be permitted to attend classes pending a final decision from the Associate Vice President (AVP) for Student Affairs. If that recommendation is suspension or expulsion from the College, a hearing will also be held. Among the other disciplinary sanctions that may be imposed are the following: reprimand, restitution, special conditions, disciplinary probation, and loss of privileges.

“Harassment” is a pattern of intentional, substantial and unreasonable intrusion into the private life of a targeted person that causes the person (and would cause a reasonable person) to suffer mental distress. Stalking is a pattern of words or conduct that is intended to and that does cause a targeted person (and would cause a reasonable person) to fear death, assault, criminal sexual contact, kidnapping (either the targeted person or a member of his/her family), or damage to his/her property or a family member's property. Williamsburg Technical College Student Affairs and Campus Security take all complaints of harassment and stalking seriously and actively assist students, faculty, and staff in dealing with matters of this type through civil and criminal means. The College’s policies and procedures related to sexual harassment can be located in the Student Planner, WTC Catalog, and WTC Policies and Procedures located at [www.wiltech.edu](http://www.wiltech.edu).

“Dating abuse or dating violence” is defined as the perpetration or threat of an act of violence by at least one member of an unmarried couple on the other member within the context of dating or courtship. It is also when one partner tries to maintain power and control over the other through abuse/violence. This abuse/violence can take a number of forms: sexual assault, sexual harassment, threats, physical violence, verbal, mental, or emotional abuse, social sabotage, and stalking. It can include psychological abuse, emotional blackmail, sexual abuse, physical abuse and psychological manipulation.

“Domestic violence,” also known as domestic abuse, spousal abuse, battering, family violence, dating abuse, and intimate partner violence (IPV), is a pattern of behavior which involves the abuse by one person against another in an intimate relationship such as marriage, cohabitation, dating, or within the family. It can be experienced by persons in heterosexual or same-sex

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relationships. Forms of domestic violence include physical, emotional, verbal, economic and sexual abuse, which can range from subtle, coercive forms of abuse to violent physical abuse that result in disfigurement or death. The World Health Organization (WHO) reports that, globally, 38% of murders against women are committed by an intimate partner.

**Sexual Assault Prevention**

- Avoid being in classrooms or office buildings alone at night. If you must be there, let campus security know where you are and how long you will be there. Stay near a telephone.
- Report any suspicious person or activity to Campus Security during normal College operational hours.
- Know who is at your door before opening it.
- Vary your routine. Do not walk the same route night after night.
- When walking at night, be alert. Listen for footsteps and voices to be sure no one is following you.
- Avoid unlit areas. Whenever possible, walk and park in well-lit public areas.
- Always lock the doors in your car, room, apartment, or house. Keep the car doors locked even when you are driving.
- Never pick up hitchhikers.  
When driving, always make sure you have enough gas to reach your destination.
- When walking to your car at night, have your car keys in your hand before leaving the building.
- When walking from your car to your residence, have your door key in hand before you leave your car. If you are being dropped off, ask the driver of the car to wait until you are safely in your residence.
- Take advantage of the rape awareness and rape defense training offered by the College and community groups.
- If you drink alcoholic beverages, drink responsibly.

**Student Affairs Programs**

Student Affairs offers numerous educational and personal safety programs for students, faculty, and staff. These programs are offered regularly. Notices are posted on the website and various College bulletin boards.

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**Crime Prevention**

The College actively promotes campus security by providing services to prevent criminal activities, enhance personal safety, and protect property.

**Escort Service**

Campus Security officers are available to escort faculty, staff, students, and visitors to their vehicles and as otherwise requested. To request an escort, contact Campus Security at 843-356-2710.

**Reporting a Crime**

All members of the College community share the responsibility of preventing crime. Everyone should report all crimes and suspicious activities, whether you are a victim or a witness. Report crimes and other emergencies on campus to Campus Security or Student Affairs immediately. The emergency number is 843-356-2710. To physically report, come to Campus Security, room 233, or Student Affairs, Room 141 during posted office hours.

**What Happens When a Crime Is Reported to Campus Security?**

When you notify Williamsburg Technical College Campus Security officers of a sex offense, domestic violence, dating violence, sexual assault, or stalking, or obtaining a protection order, the following will occur:

- Campus Security will respond to your location on campus, ensure that you are safe and provide you with emergency medical assistance.
- Campus Security will ask you questions about the assault (location and time of the assault, a description of the accused, etc.). If you request to speak to a male or female officer, Campus Security will make every reasonable effort to accommodate your request, to include contacting another law enforcement agency having concurrent jurisdiction. Local law enforcement may become involved depending on the circumstances surrounding the incident. A family member, friend, or counselor may be with you during the interview.
- Campus Security will protect the crime scene, contact local law enforcement as may become necessary, and assist in the collection and preservation of evidence.
- Campus Security will make contact with and escort you to an appropriate medical facility.

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- Campus Security will contact other assistance agencies, etc., on your behalf. The Victims/Witness Coordinator from the Solicitor’s Office will help you file any documents related to the S.C. Victim’s Compensation Fund.
- Campus Security will treat you and your case with sensitivity, understanding, and professionalism regardless of your gender or the gender of the accused. Campus Security officers will not prejudice you or blame you for what occurred.
- Campus Security will NOT release your name to the public or the press.
- Campus Security will continue to be available to you, answer your questions, and explain the system and processes involved (solicitor, courts, etc.).
- Campus Security will professionally investigate your case, which may lead to the arrest and prosecution of the accused. You will be kept up-to-date on the progress of the investigation and/or prosecution.

**What Happens When a Crime Is Reported to the Associate Vice President for Student Affairs?**

- Upon learning of a rape, the AVP for Student Affairs (or designee) will contact you to offer the services of several Student Affairs departments. Any information you provide will be kept in the strictest of confidence to the extent permissible by law.
- In the event you want the College to pursue disciplinary action, you will be asked to provide a written report of the incident. That information will be forwarded to the AVP for Student Affairs, who will start College disciplinary processes. You will be invited, but not required, to meet with the AVP for Student Affairs in order to discuss the College’s disciplinary procedures further. Please remember that information regarding student discipline is maintained as a confidential record.
- When available information has been reviewed by the AVP for Student Affairs, sanctions may be imposed. If the AVP for Student Affairs recommends a temporary suspension, suspension, or expulsion from the College, an administrative hearing may be scheduled.
- You will have the option to attend the administrative hearing and provide testimony regarding the attack. The AVP for Student Affairs will attempt to make special accommodations for testifying if you are not able to face the accused. You will be listened to and treated with respect. You may have a friend, counselor, or support person present during the hearing. All hearings are closed to the public and are confidential.

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There are three components to Active Bystander Intervention. We refer to them as the **ABCs**.\*

- **Assess for Safety.** Ensure that all parties are safe, and assess whether the situation requires calling authorities. When deciding to intervene, your personal safety should be the #1 priority. When in doubt, call for help.
- **Be with Others.** If safe to intervene, you're likely to have a greater influence on the parties involved when you work together with someone or several people. Your safety is increased when you stay with a group of friends who you know well.
- **Care for the Victim.** Ask if the victim of the unwanted sexual advance, attention, or behavior is okay. Does he or she need medical care? Does he or she want to talk to a Sexual Assault Response Coordinator (SARC) to see about reporting the matter? Ask if someone he or she trusts can help him or her get safely home.

\* Adapted from University of New Hampshire's "Bringing in the Bystander." More information is available from <http://www.unh.edu/preventioninnovations>.

Active Bystander Intervention takes a number of forms:

- Talking to a friend to ensure he or she is doing okay
- Making up an excuse to help the friend get away from someone
- Calling the police
- Recommending to a bartender or party host that someone has had too much to drink
- Pointing out someone's disrespectful behavior in a safe and respectful manner that tends to de-escalate the situation
- Removing a friend from a risky situation quickly

### **S.C. Sex Offenders Registry**

Information on all registered adult sex offenders (age 17 and older) is available from the S.C. [Sex Offenders Registry Website](#). Information is also available on registered sex offenders (ages 12-16) who have committed the following offenses: criminal sexual conduct in the first degree; criminal sexual conduct in the second degree; criminal sexual conduct with minors, first degree; criminal sexual conduct with minors, second degree; engaging a child for sexual performance; producing, directing or promoting sexual performance by a child; or kidnapping.

An evaluation must be made on any other requests for information on registered offenders under age 17 who are victims of or witnesses to an offense at public or private schools, child day care centers, family day care centers, or businesses and organizations that primarily serve

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children, women or vulnerable adults. Evaluations are also required on information requests for offenders who are age 11 or younger who may have a prior conviction or adjudication of delinquency. Those who request the information must complete and submit a written request form at SLED or at a sheriff's office. A copy of the request form is available online, and it may be mailed or faxed to Sex Offenders Registry, SLED, P.O. Box 21398, Columbia, SC 29221. The fax number is 803-896-7022.

**If you are sexually assaulted:**

- Memorize as much detail as possible about the attacker.
- On campus call the College's Campus Security at 843-356-2710 immediately. Off campus call local emergency medical service immediately by dialing "911" or their local number. This does not obligate you to file charges or testify in court.
- If you prefer not to call the police, but you want to make it known that a rape occurred, you may contact the AVP for Student Affairs or any member of the Counseling and Career Development Department.
- Do not bathe, shower, douche, or urinate.
- Do not change clothes if it can be avoided. If changing clothes is necessary, secure your changed clothes inside a paper bag, not plastic.
- Do not eat, drink, smoke, rinse your mouth, or brush your teeth. These actions may destroy evidence.
- Do not disturb the crime scene(s).
- You may call and request medical transportation without divulging that you have been raped. Even if you choose not to become involved with the police, you should seek medical assistance.
- You are strongly encouraged to go through the rape protocol exam for medical attention and for the purpose of preserving important physical evidence of the assault. The rape protocol exam should be done as soon as possible. Physical evidence can be obtained up to 72 hours after the assault. However, as time passes, the quality of the evidence diminishes.
- Contact a friend or family member to be with you.

**What Happens When a Rape Is Reported to Campus Security?**

When you notify Williamsburg Technical College Campus Security officers of a rape, the following will occur:

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- Campus Security will respond to your location on campus, ensure that you are safe, and provide you with emergency medical assistance.
- Campus Security will ask you questions about the assault (location and time of the assault, a description of the accused, etc.). If you request to speak to a male or female officer, Campus Security will make every reasonable effort to accommodate your request, to include contacting another law enforcement agency having concurrent jurisdiction. Local law enforcement may become involved depending on the circumstances surrounding the incident. A family member, friend, or counselor may be with you during the interview.
- Campus Security will protect the crime scene, contact local law enforcement as may become necessary, and assist in the collection and preservation of evidence.
- Campus Security will make contact with and escort you to an appropriate medical facility.
- Campus Security will contact other assistance agencies, etc., on your behalf. The Victims/Witness Coordinator from the Solicitor’s Office will help you file any documents related to the S.C. Victim’s Compensation Fund.
- Campus Security will treat you and your case with sensitivity, understanding, and professionalism regardless of your gender or the gender of the accused. Campus Security officers will not prejudice you or blame you for what occurred.
- Campus Security will NOT release your name to the public or the press.
- Campus Security will continue to be available to you, answer your questions, and explain the system and processes involved (solicitor, courts, etc.).
- Campus Security will professionally investigate your case, which may lead to the arrest and prosecution of the accused. You will be kept up to date on the progress of the investigation and/or prosecution.

**What Happens When a Rape Is Reported to the Vice President for Student Affairs?**

- Upon learning of a rape, the AVP for Student Affairs (or designee) will contact you to offer the services of several Student Affairs departments. Any information you provide will be kept in the strictest of confidence to the extent permissible by law.
- In the event you want the College to pursue disciplinary action, you will be asked to provide a written report of the incident. That information will be forwarded to the AVP for Student Affairs, who will start College disciplinary processes. You will be invited, but not required, to meet with the AVP for Student Affairs in order to discuss the College’s disciplinary procedures further. Please remember that information regarding student discipline is maintained as a confidential record.



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- When available information has been reviewed by the AVP for Student Affairs, sanctions may be imposed. If the AVP for Student Affairs recommends a temporary suspension, suspension, or expulsion from the College, an administrative hearing may be scheduled.
- You will have the option to attend the administrative hearing and provide testimony regarding the attack. The AVP for Student Affairs will attempt to make special accommodations for testifying if you are not able to face the accused. You will be listened to and treated with respect. You may have a friend, counselor, or support person present during the hearing. All hearings are closed to the public and are confidential.
- When you report a rape to the AVP for Student Affairs, he/she is required by law to inform law enforcement. However, reporting this crime to law enforcement in no way obligates you to press charges or testify in court. Even if you do not want to press charges, we strongly encourage you to contact the police for immediate help. You may discontinue the involvement of AVP for Student Affairs and any other police or legal services at any point.

**Victim's Rights**

- The alleged victim has the right to be informed of the process prior to any disciplinary action involving the incident and has the option of discontinuing the process if he or she is the only witness.
- The alleged victim has the right to attend the hearing that involves the accused student. The alleged victim has the option of providing testimony regarding the incident. The AVP for Student Affairs will attempt to make special accommodations for testifying if you are not able to face the accused.
- The alleged victim is entitled to bring an adviser, friend, counselor, or parent during testimony at the hearing. All hearings are closed to the public and are confidential. The alleged victim shall be informed of the outcome of the disciplinary hearing. In the event the accused student appeals the decision, the AVP for Student Affairs will keep the victim informed of the status of those appeals.
- The alleged victim may request changes in his/her academic situation. The College will accommodate such changes if reasonably possible.

**Rights of the Referred Student**

The College's "Rules for Student Disciplinary Procedure and Sanctions" can be found in the "Student Code and Academic Issues" section of the WTC Catalog/Student Handbook or on the

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College’s website at “[Disciplinary Process.](#)” Proceedings relative to disciplinary action shall be prompt, fair, and impartial. Investigations and resolution shall be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that promotes the safety of victims and promotes accountability. The accused and accuser 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. The accuser and accused will be notified in writing in a timely manner throughout the process. Accuser and accused should refer to the aforementioned Student Code for the appeals process.

**How the College Can Help**

- The College’s Counseling Office will offer emotional support and refer you to community resources for victims of sexual assault.
- The College will also change your academic situation if changes are requested and reasonably available.