

**Horry Georgetown Technical College**

**Annual Security Report**

**December 2020**

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# **POLICIES FOR PREPARING THE ANNUAL SECURITY REPORT**

## **Overview**

The Horry Georgetown Technical College Division of Student Affairs prepares the Annual Security Report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act and the Violence Against Women Act (VAWA). The full text of this report can be located online at [www.hgtc.edu/righttoknow](http://www.hgtc.edu/righttoknow). This report is prepared in cooperation with the local law enforcement agencies surrounding our campuses. Campus crime, arrest and referral statistics include those reported to Public Safety and local law enforcement agencies per Clery Act procedures. Each year, notification is distributed to all applicants, enrolled students, faculty, and staff providing the web address to access this report. Printed copies will be made available upon request from the Office of Student Affairs.

## **Introduction**

Horry Georgetown Technical College is committed to providing a safe and secure environment for all members of the college community. The Vice President for Finance and Administration shall be primarily responsible for accomplishment of this objective, but may work with other divisions within the college to ensure attainment of this goal. The College will employ a Public Safety Department to provide services or assistance, within guidelines established by the College and pursuant to state and federal regulations, to maintain a safe and secure environment for faculty, staff, students and the general community. The College will also establish programs, procedures, rules, regulations and guidelines designed to provide a safe and secure environment, and to otherwise ensure compliance with state, federal and other requirements.

## **Security and Access to Campus Facilities**

During business hours, the College will be open to students, employees, contractors, guests, and invitees. During non-business hours there is no access to College facilities, except as previously approved by contractual agreement or express College permission. CCU Public Safety Dispatch is available 24 hours at (843) 349-2177. The College has no residential facilities.

Emergencies may necessitate changes or alterations to any posted schedules. Local media outlets will be notified and other notification made pursuant to the guidelines of the *Safety and Emergency Response Manual*.

## **Law Enforcement and Jurisdiction – Authority to Arrest and Relationships**

HGTC is partnered through contractual agreement with Coastal Carolina University to provide Public Safety, including licensed law enforcement officers and security officers, across all three campuses. Police officers are sworn and certified officers with comprehensive arrest powers in the state of South Carolina. These officers have graduated from the South Carolina Criminal Justice Academy and are tasked with law enforcement activities including patrolling campus and monitoring activity, responding to calls for service and investigating criminal activity. Within their

jurisdiction, which includes all College-owned, leased or controlled property as well as the adjacent streets and sidewalks, Public Safety officers have the authority to enforce all applicable federal laws, state laws, county and city ordinances, and College regulations. These law enforcement powers are granted to the officers who are appointed by the Governor and commissioned by the South Carolina Law Enforcement Division (SLED) as state constables under Title 23, Chapter 1, Article 60, Code of Laws of South Carolina, 1976, as amended. Public Safety officers work closely with the Conway, Myrtle Beach and Georgetown police departments, the Horry County and Georgetown County Police Department, and the local contingent of the State Law Enforcement Division to handle any incidents that occur off campus. The Department of Public Safety and the College ensure that safety and security policies and procedures are uniformly executed and conveyed in a clear and consistent manner to the student body.

### **Crime Log**

A daily crime log for the most recent 60-day period is available for public inspection, upon request, during normal business hours by contacting Public Safety. The daily crime log includes the nature of the alleged crime, the date the incident was reported, the date and time the incident occurred, the general location of the incident, and the disposition of the complaint if known.

### **Monitoring and Reporting of Criminal Activity**

Public Safety maintains a cooperative relationship with all law enforcement agencies with jurisdiction for all areas adjacent to our campuses. Should Public Safety become aware of activity that may impact the College, the incident may be investigated and/or, when appropriate, the campus community notified. The College has no residential facilities or off-campus student organizations.

## REPORTING

### Accurate and Prompt Reporting

HGTC encourages anyone who is the victim of or witness to any crime to promptly report the incident to Public Safety.

Report crimes as follows:

#### *Conway Campus:*

	<u>Calling from on-campus</u>	<u>Calling from off-campus/cell</u>
HGTC Public Safety (PS)	Ext. 7806	Cell #1: (843) 251-6111 Cell #2 (843) 421-1760 Office: (843) 349-7806
When PS cannot be reached	Ext. 9-911	911

Also, individuals should know the locations of the Emergency Call Boxes and use them in the event of an emergency.

#### *Grand Strand Campus:*

	<u>Calling from on-campus</u>	<u>Calling from off-campus/cell</u>
HGTC Public Safety (PS)	Ext. 2115	Cell #1 (843) 251-9405 Cell #2 (843) 516-0147 Office: (843) 477-2115
When PS cannot be reached	Ext. 9-911	911

Also, individuals should know the locations of the Emergency Call Boxes and use them in the event of an emergency.

#### *Georgetown Campus:*

	<u>Calling from on-campus</u>	<u>Calling from off-campus/cell</u>
HGTC Public Safety (PS)	Ext. 1400	(843) 446-1869
When PS cannot be reached	Ext. 9-911	911

HGTC seeks to maintain confidentiality of student records and other records, when required. However, crime reports are considered public records under State law and are subject to release and Freedom of Information Act requests.

### Voluntary Confidential Reporting Procedures for Confidential Reporting

Victims and witnesses are able to report crimes on a voluntary, confidential basis through the Silent Witness program. This program is provided as part of the contractual agreement with Coastal Carolina University to provide Public Safety on the three campuses. Information about the Silent Witness program, including the telephone number and web address for making a report, is provided in New Student Orientation, is published in academic planners distributed to students by advisors and support services areas, and is posted on campus through printed flyers. In addition, counselors inform students of the Silent Witness program, as appropriate.

Silent Witness:

[https://www.coastal.edu/services/safety\\_and\\_security/publicsafety/policedivision/anonymoussupporting/](https://www.coastal.edu/services/safety_and_security/publicsafety/policedivision/anonymoussupporting/)

In the Division of Student Affairs, free and confidential professional counseling services are available. When and if a counselor deems it appropriate, they inform the individuals they are counseling that they can report crimes on a voluntary, confidential basis.

## TIMELY WARNINGS

### Policies for Timely Warnings

In the event that a situation arises, either on or off campus, that, in the judgment of the College President or the Emergency Management Team, constitutes an ongoing or continuing threat, a “timely warning” notification will be issued. The warning may be issued to students, faculty, and staff through the college e-mail system, text messaging, social media, and/or through the VoIP telephone system known as Campus Safety Alert.

Depending on the particular circumstances, a notice may be posted on the public website and/or the College intranet, WaveNet. A copy of the notice may also be posted in each building on the affected campus(es). Anyone with information warranting a timely warning should report the circumstances to:

#### *Conway Campus:*

	<u>Calling from on-campus</u>	<u>Calling from off-campus/cell</u>
HGTC Public Safety (PS)	Ext. 7806	Cell #1: (843) 251-6111 Cell #2 (843) 421-1760 Office: (843) 349-7806
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## EMERGENCY NOTIFICATION AND EVACUATION

### Policies for Emergency Notification and Evacuation

This procedure is to advise how Horry Georgetown Technical College confirms a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on HGTC property. It is provided to you to communicate the procedure for an emergency response and/or evacuation.

Should you become aware of an emergency or other dangerous situation, you should report it immediately as follows:

#### *Conway Campus:*

	<u>Calling from on-campus</u>	<u>Calling from off-campus/cell</u>
HGTC Public Safety (PS)	Ext. 7806	Cell #1: (843) 251-6111 Cell #2 (843) 421-1760 Office: (843) 349-7806
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Public Safety will respond to the scene and determine the kind, severity, and appropriate response to the situation. If an immediate threat to health or safety exists, Public Safety will respond accordingly and will initiate communication with the Emergency Management Team, which will communicate with the college community to provide information.

Here are those notification steps:

- Determine which community segment(s) will receive the notification
- Determine the content of the notification
- Initiate the notification

The Emergency Management Team, guided by the provisions of the *Safety and Emergency Response Manual* is responsible for initiating the emergency notification. The notification will be



instituted without delay but taking into account their professional judgment if the notification would compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The Emergency Management Team reports to the President, Dr. Marilyn Fore, through the Vice President of Finance and Administration, Harold Hawley. Other members of the Emergency Management Team include the Executive Vice President for Academic Affairs, Dr. Jennifer Wilbanks; the Vice President for Information Technology, John Dove; the Vice President for Workforce Development, Provost – Grand Strand and Georgetown campuses, Greg Mitchell; the Vice President for Human Resources, Jackie Snyder; the Vice President for Student Affairs, Dr. Melissa Batten; and the Public Relations Director, Nicole Hyman.

Each event will be evaluated to determine the notification method. They may include:

- Email
- Text Messaging
- Social Media
- Campus Safety Alert (VoIP phone system notification)
- Live Paging (VoIP phone system notification)

The College publishes its emergency response and evacuation procedures on its public website in the Safety and Emergency Response Manual at :

[https://www.hgtc.edu/documents/about/publicsafety/Emergency\\_Manual.pdf](https://www.hgtc.edu/documents/about/publicsafety/Emergency_Manual.pdf)

## **Evacuation Procedures**

During an emergency, an evacuation of campus buildings may be necessary. Horry Georgetown Technical College does not inform students in advance about the designated evacuation staging locations because they are dependent on multiple factors such as the time of day and nature of the threat or emergency. The Department of Public Safety and Fire Safety Officers at the scene will provide directions for community members. Horry Georgetown Technical College's fire alarm systems are governed by the State Fire Marshal. The activation of any fire alarm only notifies the fire department and does not notify HGTC Public Safety. HGTC Public safety can be contacted via phone or the "Campus Safety Alert" button to initiate their response and/or to solicit their help. The following are action steps when evacuation of campus buildings are necessary:

- All building evacuations will occur when an alarm sounds and/or upon notification by Public Safety or other appropriate officials.
- When the building evacuation (Fire) alarm is activated during an emergency, leave by the nearest "SAFE EXIT" or by the Building Evacuation Plan and alert others to do the same.
- Emergency (fire) exit routes are clearly marked in each building and classroom.
- Assist the disabled in exiting the building.
- Keep streets, fire lanes, hydrant areas, and walkways clear for emergency vehicles and personnel.
- Do NOT return to an evacuated building unless told to do so by authorized persons.

## **Emergency Drills, Testing, and Evacuation Procedures**

The College routinely tests emergency response systems throughout the year. Appropriate drills and exercises are scheduled and implemented annually, for assessment and evaluation of emergency plans and capabilities.

The Facilities Department, with support from Department of Public Safety and the Technology Solutions Division and/or involvement from third-party vendors, is responsible for testing the systems and for documenting each test.

## **GENERAL PREVENTION AND AWARENESS PROGRAMS**

### **Security Awareness Programs Crime Prevention Programs**

During orientation, and through special programs and events, students and employees are informed of services offered by Public Safety. Flyers are posted throughout campus providing safety tips and the Public Safety web site provides additional crime prevention suggestions. A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others. Information is also presented to students and employees through security alert posters, emergency response plans, training sessions and email notices.

The College offers an online training program, called S.A.F.E. related to Active Shooter situations. This program was developed in partnership with the Department of Public Safety and can be accessed online at [www.hgtc.edu/safe](http://www.hgtc.edu/safe). In addition, the program is embedded in New Student Orientation and embedded in all courses via the Learning Management System, Desire2Learn. Since the creation of this online training, the College sends a direct mail to all students notifying them of their training program each semester.

While the college makes considerable effort to ensure the safety and security of all students, employees and visitors, an individual should take precautions to protect himself/herself. In addition, Public Safety is available to speak to concerned students or other groups upon request. Safety information is also distributed via WaveNet announcements, email, and during all new student orientation sessions.

#### **Campus Safety Tips**

1. Walk with friends (especially at night). There's safety in numbers!
2. Don't carry large amounts of cash.
3. Don't leave your belongings (books, coat, purse) unattended.
4. Keep your car doors locked.
5. Have your keys in hand as you leave the building and check the back seat before getting into your car.
6. Park in well-lighted areas.
7. Lock valuables in your trunk. Valuable items in plain view in your car encourage theft and vandalism.
8. Be aware and concerned about the use and abuse of alcohol and other drugs. HGTC complies fully with the Drug Free Schools and Communities Act in specifically discouraging violations of alcohol and drug laws.
9. Always seek effective, nonviolent ways to resolve disagreements.

## **DRUG, ALCOHOL, AND SUBSTANCE ABUSE**

### **Drug, Alcohol, and Substance Abuse**

HGTC enforces a zero-tolerance practice concerning the possession, sale or use of illegal drugs and alcohol by any individual participating in on-campus student events and/or at off-campus College-sponsored student events illegal drugs and alcohol.

Policy 9.3.3, Alcohol and Drugs, affirms the College's commitment to enforce discipline for any student violation, and to cooperate fully with law enforcement in the detection, prevention and punishment of individuals who violate laws governing illegal drug and/or alcohol use.

The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by HGTC's Public Safety Department. Violators are subject to College disciplinary action and criminal prosecution.

The possession, sale and/or furnishing of alcohol is governed by state and local laws. It is unlawful to sell, furnish, or provide alcohol to anyone under 21 years of age. Only under certain circumstances is the consumption of alcohol permitted, as outlined in Policy 4.1.11, Alcohol Use by External Groups.

View more information about alcohol and drug effects and abuse prevention at [www.hgtc.edu/righttoknow](http://www.hgtc.edu/righttoknow).

### **Drug or Alcohol Abuse Education Programs**

The College complies with the Drug Free Schools and Communities Act. The College provides information and notification to students and employees as required by law.

The HGTC Office of Student Engagement provides educational programming pertaining to drug and alcohol use through guest speakers and lecture series, among other means. The College offers an employee assistance program for covered individuals affected by drug or alcohol abuse.

## **SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING: PREVENTION**

### **Sexual Assault, Domestic Violence, Dating Violence, and Stalking: Prevention**

#### *Primary Prevention Programs*

Each semester, the Office of Student Affairs sends a Title IX direct mail campaign to all enrolled students. This printed postcard contains information about non-discrimination and Title IX and directs the students to complete the College's online Title IX training course. In addition, the Office of Student Affairs also sends an email to all enrolled students about non-discrimination and Title IX and directs the students to complete the College's online Title IX training course. The online course contains the following elements: a statement that the College prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking, the definition of dating violence, domestic violence, sexual assault, stalking, and of consent in this jurisdiction; descriptions of safe and positive options for bystander intervention, and information on risk reduction.

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

#### *Ongoing Prevention and Awareness Programs*

The Division of Student Affairs provides education and information on issues of Sexual Assault, Dating Violence, and Stalking through printed and electronic materials and other programming throughout the academic year.

Information about non-discrimination and Title IX, including the names, titles, and office locations of the College's Title IX Coordinators, is included in every Instructional Packet for every course taught at the College.

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

#### *Definitions*

The College prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking as those terms are defined under the Clery Act. So that the College may address any such violation, the Student Code Procedures for Addressing Alleged Acts of Sexual Harassment under Title IX provides the following definitions. (South Carolina Technical College System 3-2-106.2)

- **Consent** is clear, knowing, and voluntary agreement. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity. Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity. Previous relationships or prior consent cannot imply consent to future sexual acts.
- **Sexual Assault** is defined as rape, fondling, incest, and statutory rape.

- *Rape* is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
  - *Fondling* is the touching of the private parts of another person for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because his/her temporary or permanent mental incapacity.
  - *Incest* is sexual intercourse between persons who are related to each other within degrees wherein marriage is prohibited by law (see S.C. Code Ann. § 16-15-20).
  - *Statutory rape* is sexual intercourse with a person who is under the statutory age of consent (see S.C. Code Ann. § 16-3-655)
- **Stalking** includes repeatedly following, harassing, threatening, or intimidating another by telephone, mail, electronic communication, social media, or any other action, device, or method that purposely or knowingly causes substantial emotional distress or reasonable fear of bodily injury or death to the targeted person or a member of their family.
  - **Domestic Violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
  - **Dating Violence** means 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; the type of relationship; and the frequency of interaction between the persons involved in the relationship.

#### *Safe and Positive Options for Bystander Intervention*

RAINN: [www.rainn.org/articles/your-role-preventing-sexual-assault](http://www.rainn.org/articles/your-role-preventing-sexual-assault)

Bystander Intervention describes a situation where someone who isn't directly involved steps in to change an outcome.

Refuse to be a bystander. Take action when you see risky behavior. If you witness someone trying to lead an intoxicated person into a private room, or if you see someone supplying another person with drinks or acting in a sexually aggressive manner, find help and intervene. Likewise, pay attention to your friends so that you can help them if they are being targeted or are in a vulnerable situation. If you feel threatened or too unsafe to intervene, then call 911.

#### *Information on Risk Reduction*

RAINN: [www.rainn.org/articles/staying-safe-campus](http://www.rainn.org/articles/staying-safe-campus)

Increasing Safety on Campus and at Home: These tips may reduce risk for many different types of crimes, including sexual violence.

- Know your resources. Who should you contact if you or a friend needs help? Where should you go? Locate resources such as the Public Safety Office and a local sexual assault service provider. Notice where emergency phones are located on campus, and program the Public Safety number into your cell phone for easy access.
- Stay alert. When you're moving around on campus or in the surrounding neighborhood, be aware of your surroundings. Consider inviting a friend to join you or asking campus security for an escort. If you're alone, only use headphones in one ear to stay aware of your surroundings.
- Be careful about posting your location. Many social media sites use geolocation to publicly share your location. Consider disabling this function and reviewing other social media settings.
- Make others earn your trust. A college environment can foster a false sense of security. They may feel like fast friends, but give people time to earn your trust before relying on them.
- Think about Plan B. Spend some time thinking about back-up plans for potentially sticky situations. If your phone dies, do you have a few numbers memorized to get help? Do you have emergency cash in case you can't use a credit card? Do you have the address to your apartment or house memorized? If you drive, is there a spare key hidden, gas in your car, and a set of jumper cables?
- Be secure. Lock your door and windows when you're asleep and when you leave your apartment or home. If people constantly prop open the main door to the apartment, tell security or a trusted authority figure.

### *College Procedures*

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.

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, a Title IX Coordinator and/or any trusted member of the College faculty or staff immediately. Any College employee who receives a report of an alleged act of violence of any kind involving students should immediately notify Public Safety and/or a Title IX Coordinator. The only HGTC employees exempt from mandatory reporting are licensed mental health professionals (only as part of their job description such as counseling services).

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: (i) the outcome of any institutional disciplinary proceeding that arises from an allegation of domestic violence, dating violence, sexual assault, or stalking; (ii) the institution's procedures for the accused and the victim to appeal the results of the institutional disciplinary proceeding; (iii) any change to the results that occurs prior to the time that such results become final, and (iv) when such results become final.



## **SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING: RESPONSE PROCEDURES TO FOLLOW**

### *Support for Sexual Assault and Relationship Violence Survivors*

The Division of Student Affairs provides free and confidential counseling services for students who have survived 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](http://www.victimtosurvivor.org) or by phone 24-hours-a-day at (843)448-7273 for Horry County and (843)545-5198 for Georgetown County.

What should you do if Sexual Assault, Domestic Violence, Dating Violence, or Stalking happens to you?

- Get to a safe place.
- Contact a trusted friend or family member for help and support.

A survivor can choose who to talk to and not talk to at any time.

The list below provides several options, but these are not required steps for a survivor.

- Call 911, Local Law Enforcement, or HGTC Public Safety
- Do not shower, bathe, douche or change your clothes if you have been assaulted or raped.
- Do not disturb anything at the scene of the assault or throw away any evidence.
- Go to a hospital for medical care. You can be given a physical exam and options for the prevention of pregnancy, STIs and HIV/AIDS.
- Medical professionals are required to notify the police whenever they treat a rape victim, but the decision to make a formal police report is still yours.
- If you decide not to go to the police immediately, write down all the details of the assault (who, what, when, where, why and how) and keep them in case you wish to report the assault later.
- If the incident occurred on campus or at a college sponsored event, report the incident to your Title IX Coordinator or a Responsible Employee.

Seek crisis intervention through resources such as these.

### **HGTC**

Confidential Counseling Services  
Director of Student Development: 843-349-5249

Public Safety  
Conway: 843-349-7806  
Cell 843-251-6111 or 843-516-0147

Grand Strand: 843-477-2115  
Cell 843-251-9405 or 843-516-0147

Georgetown: 843-520-1400  
Cell 843-466-1869

#### Local

Family Justice Center  
24-Hr. Hotline: 844-208-0161

Rape Crisis Center  
Horry County: 843-448-7273  
Georgetown County: 843-545-5198  
[www.victimtosurvivor.org](http://www.victimtosurvivor.org)

#### *Options for Survivors*

The survivor 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. The College will also provide community and/or on-campus resources for student financial aid, counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services. The College can also assist in obtaining “no-contact” orders, restraining orders, or similar lawful orders.

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 Public Safety or local law enforcement authorities.

#### *Confidentiality*

HGTC is committed to maintaining confidentiality in all investigations and record keeping to the extent that would not impair the ability of the institution to provide accommodations or protective measures. The College will protect the confidentiality of victims and other necessary parties by excluding personally identifying information in regards to reporting and disclosing incidents under the Clery Act.

## **SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING: DISCIPLINARY PROCEDURES**

The College follows the Student Code Procedures for Addressing Alleged Acts Sexual Harassment under Title IX for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking.

The following sections outline all aspects of the procedure including the authority for decision-making, how to file a complaint, the standard of evidence used, possible sanctions, protective measures, rights of the involved parties, and timelines for the overall process.

### **Student Code Procedures for Addressing Alleged Acts of Sexual Harassment Under Title IX**

#### **I. Procedural Overview**

Under Title IX of the Education Amendments of 1972 (20 U.S.C. 1681) and its implementing regulations (34 C.F.R. 106), sexual harassment is a form of prohibited sex discrimination. Title IX provides that, "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance." The South Carolina Technical College System is committed to fostering an environment that is free from unlawful discrimination on the basis of sex, including sexual harassment and sexual assault. Any questions regarding Title IX may be referred to the college's Title IX coordinator. Each college must prominently display the contact information required for the Title IX coordinator (name or title, telephone number, e-mail address, and office address) on its website, if any, and in each handbook, catalog, or publication that it makes available to persons entitled to a notification. In addition, colleges should include contact information for the U.S. Department of Education's Office of Civil Rights.

The Student Code for the South Carolina Technical College System (SBTCE Procedure 3-2-106.1) sets forth the rights and responsibilities of the individual student, identifies behaviors that are not consistent with the values of college communities, and describes the procedures that will be followed to adjudicate cases of alleged misconduct. The Student Code for Addressing Alleged Acts of Sexual Harassment (SBTCE Procedure 3-2-106.2) applies to behavior or complaints alleging acts of sexual harassment on college property, or in an education program or activity. This Code does not apply to persons outside of the United States. In order to proceed through the sexual harassment grievance process detailed herein, a formal complaint must be filed with or by a Title IX coordinator and meet the following elements:

- A. The alleged activity falls within the definition of sexual harassment as defined in Section II (CC.);
- B. The alleged activity occurred within a college's education program or activity; and
- C. The alleged activity occurred against a person physically located in the United States.

Complaints reported to the college's Title IX coordinator which do not meet the above

elements shall be adjudicated under the grievance process outlined in the Student Code for the South Carolina Technical College System (SBTCE Procedure 3-2-106.1). The Non-Discrimination, Anti-Harassment, and Sexual Misconduct procedure of the South Carolina Technical College System (SBTCE Procedure 8-5-101.1) shall apply in situations where complaints are made against employees of a college.

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment) to the Title IX Coordinator at any time, including non-business hours, via the phone number, e-mail address or office mailing address listed for the Title IX coordinator.

Irrespective of whether a report of sexual harassment is anonymous, a college with actual knowledge of sexual harassment or allegations of sexual harassment in the college's education program or activity against a person in the United States must respond promptly in a manner that is not deliberately indifferent, meaning not clearly unreasonable in light of the known circumstances.

In some cases, campus authorities may become aware of allegations of sexual harassment via local law enforcement. These allegations may also be addressed by this Procedure. The State Board for Technical and Comprehensive Education and its member colleges encourage the prompt reporting of sexual harassment to campus security and local law enforcement. The complainant may also file a criminal report regarding the alleged conduct. However, Title IX investigations are separate from criminal investigations. In some cases, colleges may need to temporarily delay the fact-finding portion of a Title IX investigation while law enforcement gathers evidence. Contact information for local law enforcement and campus security is available on the colleges' websites.

Retaliatory acts, which may include giving students failing grades, preventing students from participating in school activities, and threatening expulsion against any individual who exercises his or her rights under Title IX are considered to be discrimination and are unlawful. Colleges are prohibited from intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX.

## **II. Definitions**

When used in this document, unless the context requires other meaning,

- A. "Actual Knowledge" means notice of sexual harassment or allegations of sexual harassment to a college's Title IX coordinator or any official of the college who has authority to institute corrective measures on behalf of the college.
- B. An "Advisor" is someone who is present to help the complainant or respondent understand the proceedings and to conduct cross-examination on behalf of the party during a live hearing.
- C. An "Appeals Officer" is a person designated by a college to hear an appeal of a dismissal of a formal complaint or a decision-maker determination.

- D. An “Approved Method of Notification” means any communication from college personnel through a communication channel to which the student has consented or which confirms receipt of the communication by the student, such as a hand-delivered letter, restricted mail delivery services, or e-mail. A student who communicates with the college via e-mail or otherwise provides an e-mail address in connection with communications relating to a grievance thereby consents to the service of documents and all other correspondence associated with the grievance by e-mail, and the date and time of such e-mail(s) shall be deemed the date and time of service.
- E. “Chief Student Services Officer” means the Administrative Officer at the college who has overall management responsibility for student services, or his/her designee.
- F. “Close of Business” means the time that the administrative offices of the college close on that specific workday.
- G. “College” means any college in the South Carolina Technical College System.
- H. “Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- I. “Consent” is clear, knowing, and voluntary agreement. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity. Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity. Previous relationships or prior consent cannot imply consent to future sexual acts.
- J. “Dating Violence” means 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; the type of relationship; and the frequency of interaction between the persons involved in the relationship.
- K. A “Decision-Maker” is someone (who cannot be the same person as the Title IX coordinator or the investigator) who issues a written determination with findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, any disciplinary sanctions imposed on the respondent, and whether remedies will be provided to the complainant.
- L. “Domestic Violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

- M. "Education Program or Activity" includes locations, events, or circumstances over which the college exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the college.
- N. "Exculpatory Evidence" is evidence that creates a reasonable doubt that a respondent engaged in the conduct alleged in a complaint.
- O. "Fondling" is the touching of the private parts of another person for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because his/her temporary or permanent mental incapacity.
- P. "Formal Complaint" means a document filed by a complainant with the Title IX coordinator or signed by the Title IX coordinator alleging sexual harassment against a respondent and requesting that the college investigate the allegation of sexual harassment. A report of behavior to the Title IX coordinator or other college official does not constitute a formal complaint.
- Q. "Incest" is sexual intercourse between persons who are related to each other within degrees wherein marriage is prohibited by law (see S.C. Code Ann. § 16-15-20).
- R. "Inculpatory Evidence" is evidence indicating that a respondent engaged in the conduct alleged in the complaint.
- S. "Instructional Days" means any weekday (M-F) in which classes are in session.
- T. "Instructor" means any person employed by the college to conduct classes.
- U. An "Investigator" is someone who acts as a neutral party in the investigation and provides a detailed, unbiased report regarding the findings of the investigation.
- V. "Official with Authority" means an official of the college with authority to institute corrective measures. Officials with authority are those personnel designated by a college who would be considered to have actual knowledge upon receiving notice of alleged sexual harassment.
- W. "Preponderance of the Evidence" is the standard used to evaluate the evidence for purposes of making findings and drawing conclusions for an investigation or hearing conducted under this Procedure. The preponderance of evidence standard means it is more likely than not that the conduct complained of occurred.
- X. A "Report" is notice from a complainant of alleged sexual harassment, other than a formal complaint, made to the Title IX coordinator or an official with authority.
- Y. "Rape" is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- Z. "Respondent" means an individual who has been reported to be the perpetrator of

conduct that could constitute sexual harassment.

- AA. "Retaliation" is adverse action taken against an individual for engaging in protected activity. No college or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by 34 C.F.R. Part 106 (Title IX), or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.
- BB. "Sexual Assault" is defined as rape, fondling, incest, and statutory rape as defined herein.
- CC. "Sexual Harassment" means conduct on the basis of sex that satisfies one or more of the following: (1) An employee of the college conditioning the provision of an aid, benefit, or service of the college on an individual's participation in unwelcome sexual conduct (i.e. quid pro quo); (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the college's education program or activity; or (3) sexual assault, dating violence, domestic violence, or stalking as defined herein.
- DD. "Staff" means any person employed by the college for reasons other than conducting classes.
- EE. "Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for his or her safety or the safety of others; or (2) suffer substantial emotional distress. For the purposes of this definition: "Course of conduct" means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property; "reasonable person" means a person of ordinary prudence and action under the circumstances in which the course of conduct occurs; and "substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- FF. "Statutory rape" is sexual intercourse with a person who is under the statutory age of consent (see S.C. Code Ann. § 16-3-655)
- GG. "Student" means an individual currently enrolled in a program and/or registered for the current or upcoming academic term.
- HH. "Supportive Measures" are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent. Supportive Measures may include counseling,

extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

- II. A “Third-Party Reporter” is an individual who files a complaint on behalf of another individual alleging violation of this policy.
- JJ. A “Title IX Coordinator” is an employee designated by the college to coordinate its efforts to comply with and carry out its responsibilities under 34 C.F.R. Part 106 (Title IX), including any investigation of any complaint communicated to such college alleging its noncompliance with Title IX or alleging any actions which would be prohibited by Title IX.

### **III. Receipt of Reports and Formal Complaints**

#### **A. Reports**

A report of alleged sexual harassment to a Title IX coordinator or any official of the college who has authority constitutes actual knowledge. The college must maintain a list of college personnel who are considered officials with authority to institute corrective measures and may name additional responsible employees who must report sexual harassment to the Title IX coordinator. An official with authority who receives a report of alleged sexual harassment must promptly notify the Title IX coordinator of the report. A report is not considered to be a formal complaint but initiates the offering of supportive measures.

#### **B. Formal Complaints**

A Title IX coordinator may receive a formal complaint alleging sexual harassment by phone, mail, e-mail, or any other approved method of notification. Receipt of a formal complaint must be acknowledged in writing by the Title IX coordinator to the complainant within three (3) instructional days of submission of the complaint. Formal complaints may be initiated by a complainant or the Title IX coordinator. Upon determining a formal complaint meets the elements set forth in Section I of this Procedure, the college’s sexual harassment grievance process is initiated.

### **IV. Supportive Measures**

Upon receiving or being made aware of a report alleging sexual harassment, regardless of whether a formal complaint has been filed, the Title IX coordinator must provide supportive measures to both the complainant and the respondent. The Title IX coordinator is responsible for coordinating the effective implementation of supportive measures and must consider a complainant’s wishes with respect to measures provided. Measures provided shall be kept confidential unless disclosure is necessary to provide the measures, such as in the case of a no-contact order. Such measures should restore or preserve equal access to the education program or activity without unreasonably burdening the other party.

Interim suspension or expulsion of a respondent is not included in the list of supportive



measures. Emergency removal of a respondent from an educational program or activity is allowable only after conducting a safety and risk analysis and determining there is an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment that justifies removal. The respondent must be provided with notice of the removal and an opportunity to challenge the decision immediately following the removal. Such a challenge must be made to the Title IX coordinator in writing through an approved method of notification within two (2) instructional days of the removal and include a rationale for why the emergency removal should be rescinded. A respondent may not be subject to an emergency removal without full and appropriate consideration of applicable disability laws, such as Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, in order to preserve equal education access.

## **V. Sexual Harassment Grievance Process**

The sexual harassment grievance process must include reasonably prompt time frames determined by the college and written into policy for conclusion of the grievance process (from the filing of a formal complaint to the written determination by the decision-maker), informal resolutions, and appeals. The college's policy must also include an explanation and examples of time extensions beyond the published policy, and such extensions must be temporary and justified by good cause.

### **A. Dismissal of a Formal Complaint**

The college must dismiss formal complaints alleging sexual harassment if the conduct in the alleged complaint does not meet the definition of sexual harassment as contained herein; if the conduct did not occur in the college's education program or activity; or if the conduct did not occur against a person in the United States. However, the complaint may be investigated under the Student Code for the South Carolina Technical College System (SBTCE Procedure 3-2-106.1) if it violates a college's student code of conduct.

A college may dismiss a formal complaint under this Procedure if, at any time, a complainant notifies the Title IX coordinator that the he or she wishes to withdraw the complaint; if the respondent is no longer enrolled at the college; or if specific circumstances prevent the college from gathering evidence sufficient to reach a determination. If a formal complaint is dismissed, written notice containing reason(s) for the dismissal must be made by an approved method of notification and provided to both parties. Dismissal of a formal complaint can be appealed.

### **B. Notice of Allegations**

Upon receiving a formal complaint alleging sexual harassment, written notice of the allegation(s) ("Notice of Allegations") must be provided within seven (7) instructional days to both the complainant and the respondent. The written notice must be made by an approved method of notification and include:

1. The identities of the parties involved in the incident;
2. The conduct allegedly constituting sexual harassment;
3. The date and location of the alleged incident;
4. Notice of the college's sexual harassment grievance process, to include information regarding its informal resolution process, if available;

5. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made upon conclusion of the grievance process;
6. Notice as to whether the college's code of conduct prohibits knowingly making or submitting false information during the grievance process, and;
7. Notice that the parties may have an advisor of their choice.

Such notice of allegations must be provided at least three (3) instructional days prior to any initial interviews or meetings to allow the respondent sufficient time to respond to the allegations. Notice of additional allegations added after the initial notice must also be provided in writing through an approved method of notification.

#### C. Advisors

Both the complainant and respondent may have an advisor of their choosing to be present during meetings with college officials (such as the Title IX coordinator or investigator), interviews, and review of materials related to the complaint. Both the complainant and respondent must have an advisor present at the hearing whose sole purpose is to conduct cross-examination on behalf of the party. A party who does not bring an advisor of their choosing to the hearing shall be assigned an advisor by the college. In the event that neither a party nor their advisor appears at the hearing, the college must provide an advisor to appear on behalf of the non-appearing party. An assigned advisor may or may not be an employee of the college.

#### D. Investigation

##### 1. Investigative Process

Upon receipt of a formal complaint of allegations of sexual harassment, the college must initiate an investigation led by an impartial investigator whose purpose is to collect and summarize evidence. The person(s) investigating may not also serve as the Title IX coordinator or decision-maker. The college must ensure that the burden of proof and burden of gathering evidence sufficient to reach a determination lies on the college and not the parties involved. Parties must receive equal opportunity to present witnesses and evidence. Such evidence must be submitted to the investigator within ten (10) instructional days upon receipt of the Notice of Allegations. Written notice must be provided to a party when the party's participation in a meeting with the investigator is invited or expected. The notice must include the date, time, and location of the meeting; the expected participants; the meeting's purpose; and must allow up to three (3) instructional days, although this period may be shortened if mutually agreed upon by the parties. Investigators may record interviews with parties and witnesses. Such recordings may be included in the investigative report if relevant, either by transcription with irrelevant information redacted or by recording with irrelevant audio removed.

The investigative process should be completed within approximately thirty (30) to forty-five (45) instructional days from receipt of the formal complaint. Circumstances may warrant additional time to complete the investigative process.

## 2. Review of Evidence

Before an investigator issues a report, both parties must be allowed at least ten instructional days to (1) review evidence gathered during the investigation that is directly related to the allegations raised in the formal complaint and (2) submit a written response to the evidence. Investigators may but are not required to share such responses to the other party. Should the college discover additional evidence resulting from further investigation prompted by a party's initial response to evidence, the required time of ten (10) instructional days must again be provided for a party to review and respond to the evidence. Notification of any such additional evidence for review shall be made to the parties in writing by an approved method of notification. Upon conclusion of the investigation, the investigator shall generate a written report within seven (7) instructional days unless this time period is extended for an additional five (5) instructional days upon written notice to the parties with an explanation for the extension. Privileged information will not be provided, and treatment records of a party may only be provided to the other party with written consent.

## 3. Investigative Report

The investigator(s) must create a report that fairly summarizes all relevant inculpatory and exculpatory evidence and distribute the report to the parties and their advisors at least ten (10) instructional days prior to the scheduled hearing. The investigative report should include a description of procedural steps taken during the investigation and a summary of evidence. Only evidence relevant to the allegations of sexual harassment shall be included in the investigative report. Prior sexual history is not deemed relevant (1) unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or (2) if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Parties may provide written responses to the investigative report, which shall be provided to the decision-maker at least one instructional day in advance of the hearing.

## E. Hearings

A college's sexual harassment grievance process must provide for a live hearing with cross-examination of parties and witnesses. The parties may bring an advisor of their choice to conduct the cross-examination. Should a party not have an advisor, the college must provide an advisor at no cost. Parties must be notified of a scheduled hearing at least ten (10) instructional days prior to the hearing through an approved method of notification that shall include the date, time, and location of the hearing.

At the live hearing, advisors of the parties shall cross-examine parties and witnesses who have provided information relevant to the complaint or response thereto. The decision-maker does not have to allow witnesses who are solely

character witnesses. The decision-maker must allow the advisor for each party to ask the other party and any witnesses relevant questions and follow-up questions. Such cross-examination must be conducted directly, orally, and in real time by the party's advisor of choice and may occur with the parties in separate rooms using technology that enables participants to simultaneously see and hear the person answering questions. Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a question while under cross-examination or otherwise, the decision-maker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Should a party or witness refuse to participate in cross-examination, either in whole or by refusing to answer certain questions during cross-examination, no statements provided by the party or witness may be used in reaching a determination. Questions for cross-examination may be presented in advance to the decision-maker so that relevancy may be determined prior to the hearing. However, providing cross-examination questions in advance does not preclude the advisor(s) from asking additional questions not provided in advance to the decision-maker.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

At the request of either party, the college must provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker and parties to simultaneously see and hear the party or the witness answering questions. An audio or visual recording or a transcript of the hearing must be created and made available for review and inspection.

#### F. Determinations

Determinations must be made using the Preponderance of the Evidence standard. Determinations may be made at the conclusion of the live hearing or within three (3) instructional days of the live hearing's conclusion and shall be provided in writing by an approved method of notification simultaneously to both parties. A written determination shall include:

1. Identification of the allegation(s) of sexual harassment;
2. A description of the process of investigation, from receipt of the complaint through the determination, to include any notifications to the parties, interviews, site visits, methods used to gather evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of any of the college's policies to the facts
5. A statement of, and rationale for, the determination regarding each allegation, to include:
  - a. Disciplinary sanctions for the respondent
  - b. Remedies provided to the complainant to restore the complainant's equal access to the college's education program or activity; and
6. Information regarding the opportunity to appeal the determination.

A determination is considered final either on the date that the college provides the parties with the written determination or upon expiration of the option to file an appeal.

#### **G. Appeals**

Both parties must be afforded the opportunity to appeal dismissal of a formal complaint as well as a final determination on the following grounds:

1. A procedural irregularity affecting the outcome;
2. New evidence not available at the time of the determination that could affect the outcome; or
3. Conflict of interest or bias on the part of the Title IX coordinator, investigator(s), or decision-maker which affected the outcome.

If a party wishes to appeal, an appeal must be made within ten (10) instructional days of dismissal of a formal complaint or delivery of a written determination. If a party files an appeal, the other party must be notified by an approved method of notification. A party wishing to appeal must do so by submitting an appeal in writing to the Title IX coordinator, who will assign review of the appeal to an appeals officer within three (3) instructional days of receipt. The appeal must include a statement indicating why the appealing party disagrees with dismissal of the complaint or the determination, and specify on which ground(s) the appeal is being made. The college must ensure that the appeals officer is not the Title IX coordinator, investigator(s), or decision-maker who reached the original determination. A decision by an appeals officer must be rendered within three (3) instructional days of receipt by the appeals officer and provided in writing to both parties simultaneously through an approved method of notification. Should an extension be necessary, the appeals officer may provide the parties with written notice extending determination of the appeal for five (5) instructional days with an explanation for the extension. The results of an appeal and the rationale for the determination must be provided in writing simultaneously to both parties.

### **VI. Informal Resolution**

Upon receipt of a formal complaint, a college may choose to introduce the option of a voluntary informal resolution process. Informal resolution may include a range of conflict resolution strategies to include arbitration, mediation, or restorative justice. Informal resolution is a voluntary process that must be agreed upon in writing by both parties, and the documented agreement must notify the parties of their right to withdraw at any time from the informal resolution process. Colleges may not offer or facilitate an informal resolution process to resolve complaints of sexual harassment where the complainant is a student and the respondent is an employee. The informal resolution process may result in sanctions for a respondent.

Colleges may not, under any circumstance, require a party to waive the right to an investigation and adjudication of formal complaints under Title IX. Similarly, a college may not require the parties to participate in the informal resolution of a formal complaint or offer an informal resolution process unless a formal complaint is filed.

Informal resolution, which does not involve a full investigation and adjudication, may be

offered at any time prior to reaching a final determination as long as:

- A. Colleges do not require informal resolution participation as a condition of enrollment or continuing enrollment or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with this section; and
- B. The parties receive a written notice that includes the following:
  - 1. The allegations;
  - 2. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations;
  - 3. That at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint;
  - 4. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared; and
  - 5. Signature blocks for the parties' voluntary, written consent to the informal resolution process.

The complainant and respondent both have the right to terminate the informal resolution process at any time and proceed with the formal grievance process. Furthermore, the Title IX coordinator or designee may, where appropriate, terminate or decline to initiate informal resolution and proceed with formal resolution instead. In such cases, statements or disclosures made by the parties in the course of the informal resolution process may be considered in any subsequent formal proceedings.

## **VII. Sanctions**

Following an investigation of allegations presented before the decision-maker, the following sanctions may be imposed if the available information indicates that a violation has occurred:

- A. Reprimand -- A written warning documenting that the student violated a student conduct procedure and indicating that subsequent violations could result in more serious disciplinary sanctions.
- B. Special Conditions -- Completion of a variety of educational activities relating to the nature of the offense may be imposed. Examples include, but are not limited to, the following: a formal apology, an essay or paper on a designated topic, or participation in a special project or activity.
- C. Disciplinary Probation -- A written reprimand documenting that the student violated a student conduct procedure. Probation is for a specified period of time and it serves as a warning that subsequent violations could most likely result in more serious disciplinary sanctions.
- D. Loss of Privileges -- Suspension or termination of particular student privileges.
- E. Suspension from the college -- Separation from the college for a specified period

of time. Suspended students will not receive academic credit for the semester in which the suspension was imposed. During the suspension period, the student may not return to the campus unless prior permission by the Chief Student Services Officer, or designee, has been granted.

- F. Expulsion from the college -- Permanent separation from the college. An expelled student may not return to the campus unless prior permission by the Chief Student Services Officer, or designee, has been granted. An expelled student will not receive academic credit for the semester in which the expulsion was imposed.
- G. Additional Measures -- Minimizing contact between complainant and respondent. This may include but is not limited to: change in academic and extracurricular activities, living arrangements, transportation, dining, and college-related work assignments, as appropriate.
- H. Any combination of the above.

#### **VIII. Recordkeeping**

A college must maintain for seven (7) years from the initial report or formal complaint of sexual harassment, records of:

- A. Any sexual harassment investigation, including any final determination thereof, any required recording or transcript, any sanctions imposed on the respondent, and any remedies provided to the complainant.
- B. Any appeal and its result.
- C. Any informal resolution and its result.
- D. Records of any action, including any supportive measures, taken in response to an informal or formal complaint of sexual harassment.

The college must also maintain for a period of seven (7) years all materials used to train Title IX coordinators, investigators, decision-makers, and those who conduct the informal resolution process with regard to sexual harassment. This requirement applies only to complaints (informal or formal) received on or after August 14, 2020.

#### **IX. Confidentiality and Privacy**

The college must keep confidential the identity of complainants, respondents, third-party reporters and witnesses involved in the grievance process, except as may be permitted by FERPA, as required by law, or as necessary to carry out a Title IX proceeding. The college must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the college to provide the supportive measures. If a formal complaint is made to a Title IX coordinator, confidentiality of the complainant may not be maintained. However, both parties and their advisors may be required to sign non-disclosure or privacy notices requesting that information shared as part of the sexual harassment grievance process not be disclosed.

**X. Amnesty for Drug and Alcohol Possession and Consumption Violations**

Students are encouraged to report instances of sex-based discrimination, sexual harassment, or sexual assault. Therefore, students who report information about sex-based discrimination, sexual harassment, or sexual assault will not be disciplined by the college for any violation of the college's drug or alcohol possession or consumption policies in connection with making the report.



## **OTHER POLICY AREAS**

### **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/counties.php?state=SC>.

### **Disclosure of Results of Disciplinary Proceedings**

Upon request, the College will disclose the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of any crime of violence or a non-forcible sex offense to the alleged victim or next of kin if the victim is deceased.

# CONWAY CAMPUS

	<u>On Campus</u>			<u>Non – Campus</u>			<u>Public</u>		
	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>
Murder/Non-negligent manslaughter	0	0	0	-	-	-	0	0	0
Manslaughter by Negligence	0	0	0	-	-	-	0	0	0
Rape	0	0	0	-	-	-	0	0	0
Fondling	0	0	0	-	-	-	0	0	0
Incest	0	0	0	-	-	-	0	0	0
Statutory Rape	0	0	0	-	-	-	0	0	0
Domestic Violence	0	0	0	-	-	-	0	0	0
Dating Violence	0	0	0	-	-	-	0	0	0
Stalking	0	0	1	-	-	-	0	0	0
Robbery	0	0	0	-	-	-	0	0	0
Aggravated Assault	0	1	0	-	-	-	0	0	0
Burglary	0	1	0	-	-	-	0	0	0
Motor Vehicle Theft	0	0	1	-	-	-	0	0	0
Arson	0	0	0	-	-	-	0	0	0
Liquor Law Violations	0	0	0	-	-	-	0	0	0
Drug Abuse Violations	2	3	3	-	-	-	0	0	0
Weapons: Carrying, Possessing, Etc	0	0	0	-	-	-	0	0	0
Unfounded Crimes	0	0	0	-	-	-	0	0	0
Liquor Law Referral	0	0	0	-	-	-	0	0	0
Drug Abuse Referral	0	0	0	-	-	-	0	0	0
Weapons Referral	0	0	0	-	-	-	0	0	0

<u>HATE CRIME</u>	<u>On Campus</u>			<u>Non – Campus</u>			<u>Public</u>		
	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>
Murder/Non-negligent manslaughter	0	0	0	-	-	-	0	0	0
Negligent Manslaughter	0	0	0	-	-	-	0	0	0
Stalking	0	0	0	-	-	-	0	0	0
Robbery	0	0	0	-	-	-	0	0	0
Aggravated Assault	0	0	0	-	-	-	0	0	0
Burglary	0	0	0	-	-	-	0	0	0
Motor Vehicle Theft	0	0	0	-	-	-	0	0	0
Arson	0	0	0	-	-	-	0	0	0
Larceny-theft	0	0	0	-	-	-	0	0	0
Simple Assault	0	0	0	-	-	-	0	0	0
Intimidation	0	0	0	-	-	-	0	0	0
Destruction/Damage/Vandalism	0	0	0	-	-	-	0	0	0
Unfounded Crimes	0	0	0	-	-	-	0	0	0

# GRAND STRAND CAMPUS

	<u>On Campus</u>			<u>Non – Campus</u>			<u>Public</u>		
	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>
Murder/Non-negligent manslaughter	0	0	0	-	-	-	0	0	0
Manslaughter by negligence	0	0	0	-	-	-	0	0	0
Rape	0	0	0	-	-	-	0	0	0
Fondling	0	0	0	-	-	-	0	0	0
Incest	0	0	0	-	-	-	0	0	0
Statutory Rape	0	0	0	-	-	-	0	0	0
Domestic Violence	0	0	0	-	-	-	0	0	0
Dating Violence	0	0	0	-	-	-	0	0	0
Stalking	0	0	0	-	-	-	0	0	0
Robbery	0	0	0	-	-	-	0	0	0
Aggravated Assault	0	0	0	-	-	-	0	0	0
Burglary	0	0	1	-	-	-	0	0	0
Motor Vehicle Theft	0	0	0	-	-	-	0	0	0
Arson	0	0	0	-	-	-	0	0	0
Liquor Law Violations	0	0	0	-	-	-	0	0	0
Drug Abuse Violations	1	1	3	-	-	-	0	0	0
Weapons: Carrying, Possessing, Etc	0	0	0	-	-	-	0	0	0
Liquor Law Referral	0	0	0	-	-	-	0	0	0
Drug Abuse Referral	0	0	0	-	-	-	0	0	0
Weapons Referral	0	0	0	-	-	-	0	0	0
Unfounded Crimes	0	0	4	-	-	-	0	0	0

<u>HATE CRIME</u>	<u>On Campus</u>			<u>Non – Campus</u>			<u>Public</u>		
	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>
Murder/Non-negligent manslaughter	0	0	0	-	-	-	0	0	0
Negligent Manslaughter	0	0	0	-	-	-	0	0	0
Robbery	0	0	0	-	-	-	0	0	0
Aggravated Assault	0	0	0	-	-	-	0	0	0
Burglary	0	0	0	-	-	-	0	0	0
Motor Vehicle Theft	0	0	0	-	-	-	0	0	0
Arson	0	0	0	-	-	-	0	0	0
Larceny-theft	0	0	0	-	-	-	0	0	0
Simple Assault	0	0	0	-	-	-	0	0	0
Intimidation	0	0	0	-	-	-	0	0	0
Destruction/Damage/Vandalism	0	0	0	-	-	-	0	0	0
Unfounded Crimes	0	0	0	-	-	-	0	0	0

# **GEORGETOWN CAMPUS**

	<u>On Campus</u>			<u>Non – Campus</u>			<u>Public</u>		
	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>
Murder/Non-negligent manslaughter	0	0	0	-	-	-	0	0	0
Manslaughter by negligence	0	0	0	-	-	-	0	0	0
Rape	0	0	0	-	-	-	0	0	0
Fondling	0	0	0	-	-	-	0	0	0
Incest	0	0	0	-	-	-	0	0	0
Statutory Rape	0	0	0	-	-	-	0	0	0
Domestic Violence	0	0	0	-	-	-	0	0	0
Dating Violence	0	0	0	-	-	-	0	0	0
Stalking	0	0	0	-	-	-	0	0	0
Robbery	0	0	0	-	-	-	0	0	0
Aggravated Assault	0	0	0	-	-	-	0	0	0
Burglary	0	0	0	-	-	-	0	0	0
Motor Vehicle Theft	0	0	0	-	-	-	0	0	0
Arson	0	0	0	-	-	-	0	0	0
Liquor Law Violations	0	0	0	-	-	-	0	0	0
Drug Abuse Violations	0	1	0	-	-	-	0	0	0
Weapons: Carrying, Possessing, Etc	0	0	0	-	-	-	0	0	0
Liquor Law Referral	0	0	0	-	-	-	0	0	0
Drug Abuse Referral	0	0	0	-	-	-	0	0	0
Weapons Referral	0	0	1	-	-	-	0	0	0
Unfounded Crimes	0	0	1	-	-	-	0	0	0

<u>HATE CRIME</u>	<u>On Campus</u>			<u>Non – Campus</u>			<u>Public</u>		
	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>
Murder/Non-negligent manslaughter	0	0	0	-	-	-	0	0	0
Negligent Manslaughter	0	0	0	-	-	-	0	0	0
Robbery	0	0	0	-	-	-	0	0	0
Aggravated Assault	0	0	0	-	-	-	0	0	0
Burglary	0	0	0	-	-	-	0	0	0
Motor Vehicle Theft	0	0	0	-	-	-	0	0	0
Arson	0	0	0	-	-	-	0	0	0
Larceny-theft	0	0	0	-	-	-	0	0	0
Simple Assault	0	0	0	-	-	-	0	0	0
Intimidation	0	0	0	-	-	-	0	0	0
Destruction/Damage/Vandalism	0	0	0	-	-	-	0	0	0
Unfounded Crimes	0	0	0	-	-	-	0	0	0