

## SEXUAL MISCONDUCT

SC State is an educational community committed to common standards of integrity and respect for all of its members. Sexual misconduct will not be tolerated in the SC State community. Sexual misconduct can occur in many relationships and may involve sexual assault, sexual harassment, relationship violence, and stalking. This behavior interferes with the educational mission by:

- Endangering the physical and emotional safety of community members;
- Damaging trust in the community;
- Offending the dignity and violating the autonomy of community members; and
- Disrupting the academic progress of victims or survivors during their recovery.

Sexual assault refers to any unwanted sexual acts that involve threats, physical force, intimidation or deception. Sexual assault can be defined as one or more of the following: A. Offensive Touching-The touching of an unwilling person's intimate parts; touching an unwilling person with one's own intimate parts; causing an unwilling person to touch another's intimate parts.

B. Non-Consensual Sexual Assault-Unwilling or non-consensual penetration of any bodily opening with any objects or body part. Non-Consent is defined as any intrusive sexual activity that is not consciously assented to by a targeted individual. In particular, this includes sexually intrusive acts in which a targeted individual is in any way intoxicated (that is, under the influence of drugs and/or alcohol) or mentally or physically incapacitated.

C. Forced Sexual Assault- Requires the use of physical force and/or penetration. Coercion, the threat of immediate physical harm, the restriction of movement, and/or the administration of a drug, intoxicant or a physical substance that impairs the faculties of a person would all constitute forced sexual assault.

Guide for a student who has been sexually assaulted.

If a student is sexually assaulted, it is important that the victim go to a safe place and call the police (911 or 536-7188 for Campus Police). Making a report to the police does not require a victim to press charges, but she/he is encouraged to seek medical attention.

## SEXUAL ASSAULT PROTOCOL

### **General Information**

This protocol defines and coordinates the efforts of various campus departments in order to provide a caring and effective response to members of the SC State community who have been victimized.

### **What is sexual assault?**

~~Sexual assault is any form of sexual penetration, oral, anal, or vaginal, where the victim does not or is unable to give knowing consent. Consent is willingly agreeing to specific sexual behavior through words, actions, and gestures. Communication of consent can be both verbal and nonverbal (tone of voice, facial expression, body language, etc). Nonverbal communication can contradict verbal communication; therefore the initiator of sexual behavior bears full responsibility to clarify any confusion about consent. Being under the influence of alcohol or drugs negates consent. Submission and silence are not consent. It is important to remember that sexual assault need not include penile-vaginal penetration. Victims of sexual assault do not need

to be unclothed during the assault. Over-the-clothes contact with a victim's breast, vagina, or anus may also constitute sexual assault.

~Sexual assault is also called rape. Acquaintance rape is sexual assault perpetrated by someone the victim knows. Date rape is a sexual assault that occurs while on a date.

~Sexual assault often includes stalking. Stalking is a common behavior in abusive relationships and is often the strategy of sexual offenders. Stalking which is a crime, is legally defined as a pattern of willful, repeated following or lying in wait with the intent to make the victim fear for her/his safety.

South Carolina Law §16-3-1700(B) interprets "stalking": someone else's words or actions which make you fear death, assault, injury, criminal sexual conduct, kidnapping, and property damage.

### **What should you do if a sexual assault happens to you?**

~Get to a safe place.

~Relax-this is often the opposite of how you are feeling when you're under pressure, but in order for your voice to remain calm and for your brain to -think, you have to be as relaxed as possible.

~Notify campus police (803-536-7188) or contact the local law enforcement office (911). The police will be able to assist you in getting medical attention or emotional support, in the collection of evidence, or in apprehending the perpetrator.

~Do not bathe, douche, use the toilet, or change clothing.

~Go to the local hospital (The Regional Medical Center- TRMC) emergency room right away. You will be provided a private room at the hospital. The SC State Police Department Investigator and Victim Advocate, members of the Sexual Assault Response Team, will accompany you to or meet you at the hospital.

### **Specific Procedures:**

~The local hospital (TRMC) will contact the SC State Police Department at 803-536-7188 and CASA at the 24-hour crisis hotline number (803-534-2448 or 800-298-7228). CASA is the established agency to contact for assaults in Orangeburg, Calhoun, and Bamberg Counties.

~The hospital will ensure the correct law enforcement office has been contacted depending on the jurisdiction. If the assault happens on SC State Campus and/or its properties then Campus Police will be the lead agency on the case with the assistance of CASA and in some cases SLED (State Law Enforcement Division).

~SC State Dispatcher will immediately send an Investigator and the Victim's Advocate to meet with the victim at the hospital.

~Registered nurses are trained to interview victims along with law enforcement.

~The forensic evidence collection (rape kit) is authorized by the lead agency. The SC State Police Department Investigator and/or the Victim Advocate have the authority to authorize the rape kit. A rape kit should be done as soon as possible, but no later than 72 hours after the sexual assault has occurred. Evidence collection is time sensitive and will be taken to SLED for analysis by SC State Police Department.

~CASA offers support services by linking the victim to available resources, including housing and counseling services. CASA does not provide transportation services.

~SC State Police Department Investigator or Victim Advocate will make the appropriate referrals to:

- Brooks Health Center will provide medical services as deemed necessary.
- The Counseling and Self-Development Center will assist the victim in working through feelings that may surface well after the event, such as fear, sense of violation, relationship difficulties, and/or other issues. A person may experience flashbacks of the incident. The Counseling Center can provide information on and off campus resources.
- Residential Life and Housing will change the victim's housing assignment following an incident of sexual assault, based upon the request and to the extent it is possible at the time.
- Judicial Affairs will be contacted if disciplinary action is necessary. The campus disciplinary system has a variety of sanctions available for violations. A member is trained to assist parties in this process and explain the University's judicial procedures.

### **Confidentiality**

All members of the SC State Sexual Assault Response Team are bound to protect the confidentiality of an assault victim. Their primary role is to ensure the victim is protected and that a thorough investigation is completed.

All efforts must be made to show respect for the victims' need for safety and control as their trust in others may be severely damaged. Those individuals providing services must be clear about the boundaries of confidentiality in their communications. Any communication with a person viewed as an outsider by the victim can be experienced as a violation of trust. All information concerning an assault will be kept confidential and will only be shared with necessary parties.

### **Reporting Issues**

Delayed reporting of sexual assault crimes is common and should never be used as a barrier to investigation or criminal prosecution. It is common for victims to report sexual assaults only after they have arrived at a safe location and/or after they have received the support of friends, family or others.

### **Education**

Education and outreach can raise campus awareness and increase reporting of sexual assaults. The Counseling and Self-Development Center conducts outreach activities on a regular basis to educate the campus community on issues related to interpersonal violence.

### **How to Help**

Talk, listen, respect, and be emotionally available to the person.  
Let the person talk about the incident, but don't force a discussion.  
Understand that it is not the person's fault.

### **SC State Sexual Assault Response Team**

Jacqueline Blackwell- SC State Police Investigator

Geniffer Bookhardt- Director of Judicial Affairs

Pinkey Carter- Director of Brooks Health Center

Jennifer Townsend- Residence Life and Housing

Aisha Hitson- Residence Life and Housing

Tyosha Hutchinson-Student Life and Leadership

Patricia Middleton- Counseling and Self-Development Center

Elouise Muhammad,-SC State Police Victim Advocate

Cherilyn Y. Taylor- Director of the Counseling and Self-Development Center

### **SUICIDE PROTOCOL**

1. SC State constituent or contact identifies a student who has posed a threat of harm/danger to self/others. First responder contacts University Police - (803) 536-7188 or (803) 516-4111.
2. University Police responder assesses situation and (if necessary) consults with Vice President of Student Affairs/Residence Life & Housing Director to determine whether to:
  - a) transport student to ER
  - b) contact EMS for assessment/transport, or
  - c) contact on-call Counseling and Self-Development Center clinician for follow-up care and/or immediate intervention
3. On-duty individual (e.g., RE/AC/AT) goes to hospital, notifies Counseling & Self-Development Center Emergency Services Coordinator if call has not already been made by University Police; Individual (RE/AC/AT) and Counseling & Self-Development Center Emergency Services Coordinator meet at the hospital.
4. Individual (RE/AC/AT) and Counseling & Self-Development Center Emergency Services Coordinator check in and exchange information about situation and student and contact the Brooks Health Center to determine whether there is any previous history of illness or any recent change in health status. Contacting RE/AC/AT and/or Counseling & Self-Development Center Emergency Services Coordinator collects and relays to relevant parties any information from RE, RA, friends, acquaintances, coaches or any significant person regarding previous health history or recent life changes, academic, athletic and/or personal.
5. Counseling & Self-Development Center Emergency Services Coordinator makes presence and relevant information known to hospital as key contact for SC State regarding student mental health crisis.
6. Counseling & Self-Development Center Emergency Services Coordinator will check in with student if possible and assess student situation.