

NUMBER: STAF 1.08
SECTION: Division of Student Affairs and Academic Support
SUBJECT: Prior Sexual Assault Policy (In effect before November 16, 2018)
DATE: July 1, 1993
REVISED: October 6, 2014
Columbia Campus
Policy for: Columbia Campus
Procedure for:
Authorized by: Dennis A. Pruitt
Issued by: Student Health Services

I. Policy

The University of South Carolina as an institution recognizes that sexual assault and acts of interpersonal violence (including harassment and stalking) are serious issues and as an institution we are committed to providing advocacy, intervention, and prevention education to our campus community. The university will not tolerate acts of sexual assault and interpersonal violence. All reported instances will be investigated and appropriate disciplinary, criminal, and/or legal action will be taken. Appropriate support services will be made available to students, faculty, and staff. This policy applies to all members of the University community regardless of sexual orientation or gender identity.

As members of the University community, all individuals are expected to comply with and abide by the University policies and guidelines, Title IX, in addition to federal, state, and local laws whether off campus or on-campus. The use of alcohol and other drugs in conjunction with an incident of sexual assault and/or acts of violence does not mitigate accountability for the commission of these acts or diminish the seriousness of the offense. The Student Right-to-Know and Campus Security Act (the Clery Act) of 1990 mandates the annual disclosure of statistics of sexual assaults and violent acts known to have occurred within the university's jurisdiction. The survivor's identity is not disclosed, in any such statistical reporting.

Any act that constitutes a sexual assault or interpersonal violence of another person will not be tolerated and is a violation of the university's Code of Student Conduct, and may result in sanctions ranging from probation to expulsion. Disciplinary action on the part of the university does not preclude the possibility of criminal charges against the individual. For additional information reference University policies STAF 1.09 Relationship Violence and Stalking Policy and STAF 6.24 Student Non-Discrimination and Non-Harassment Policy. For additional resources and information visit <http://www.housing.sc.edu/osc/title9/>.

A. Rationale

Acts of sexual assault and interpersonal violence interfere with the educational mission by:

1. Endangering the physical and emotional safety of community members
2. Damaging trust in the community
3. Offending the dignity and violating the autonomy of community members
4. Disrupting the academic progress of victims or survivors during the abusive relationship and during any subsequent attempt at recovery.

The University strongly encourages all members of the campus community to provide a written or verbal report to the university police regarding any incident of sexual assault or violence. Whether legal or disciplinary action is desired, an anonymous report may be filed at any time with Student Health Services Sexual Assault and Violence Intervention and Prevention (SAVIP). This report provides University staff with information about the crime that may be valuable in their efforts to prevent future crimes and educate others.

B. University Definitions

For the purposes of this policy and related procedures, the term sexual assault is defined as one or more of the following:

1. **Offensive Touching Sexual Assault** - The touching of an unwilling or non-consensual person's intimate parts (such as genitalia, groin, breast, buttocks, mouth, and/or clothing covering them); touching an unwilling person with one's own intimate parts; or forcing an unwilling person to touch another's intimate parts.
2. **Non-consensual Sexual Assault** - Unwilling or non-consensual penetration of any bodily opening with any objects or body part. This includes, but is not limited to penetration of a bodily opening without consent through the use of coercion.
3. **Forced Sexual Assault** - Unwilling or non-consensual penetration of any bodily opening with any object or body part that is committed either by force, threat, intimidation, or through exploitation of another's mental or physical condition of which the assailant was aware or should have been aware.
4. **Consent** -To permit, approve or agree to comply or act. Consent must have the following elements:
 - a. Both individuals are physically free and capable to act.

- b. Someone who is incapacitated cannot consent. Incapacity can result from any situation or condition that prevents a person from having the capacity to give consent, including but not limited to the following: the use of drugs or alcohol, when a person is asleep or unconscious, or because of an intellectual or other disability).
 - c. Both individuals are fully conscious.
 - d. Consent can be withdrawn at any time.
 - e. Both are clear about their intent to engage in sexual activities and their desire to do so is willing.
 - f. Silence or an absence of resistance does not in and of itself constitute consent.
 - g. Coercion, force or threat of either cancels consent.
 - h. Past consent of sexual activities does not imply ongoing future consent.
- 5. Consent to engage in sexual activity with one person does not give consent to engage in sexual activity with someone else.
 - 6. Confidential Resources - Confidential reporting resources are not required to report the survivor's identity when reporting the incident to campus and/or local authorities.

C. Victim's Bill of Rights

These rights include, but are not limited to, the following:

- 1. All students have the right to an environment free from physical assault, emotional abuse, sexual intimidation, or any behaviors that interfere with students attaining their educational goals.
- 2. In keeping with spirit of the State of South Carolina's Act 141: Victim and Witness Services, victims of relationship violence who report their experience to University officials can anticipate that University personnel will treat all incidents of relationship violence seriously.
- 3. Victims will be treated with dignity and respect.
- 4. Victims will be treated in a non-judgmental manner.
- 5. Campus organizations and services that can assist victims will be identified.

6. When a crime is reported to University officials, those officials will offer assistance in notifying proper authorities.
7. In a student judicial hearing, the University brings allegations against the accused, and the victim assumes the role of a witness to the allegations.
8. When a victim reports an incident of relationship violence and action is pursued against the alleged assailant, the incident will be investigated and adjudicated by appropriate criminal and/or University authorities.
9. Victims have the choice to have an advocate accompany them through University disciplinary proceedings.
10. A victim will be notified of the progress of the case, including initial contact with the alleged assailant and outcomes related to University discipline proceedings. Concerning these outcomes, the victim and charged student must respect the privacy rights of all involved.
11. University personnel will cooperate in obtaining, securing and maintaining evidence (including a medical examination), necessary in legal proceedings.
12. Victims will be informed of counseling services available.
13. Victims can request immediate on-campus housing relocation, transfer of classes, or other steps to prevent unnecessary or unwanted contact or proximity to an alleged assailant. When reasonably possible, requests will be accommodated.

II. Procedure

A. Services

1. Sexual Assault and Violence Intervention & Prevention (SAVIP) Department:
 - a. SAVIP assists members of the University community with support, crisis intervention, accompaniment for medical procedures and judicial processes, educational and prevention programs and identifying additional resources for victims/survivors.
 - b. This department may also assist in coordinating other services listed throughout this policy and eliminate the need for victims to make multiple phone calls.
 - c. The Sexual Assault and Violence Intervention and Prevention (SAVIP) department may be utilized by all members of the University community.

It is located on the lower level of the Thomson Student Health Center. The department is open Monday through Friday from 8:00am to 5:00pm and may be contacted by calling 803-777-8248. The department also provides 24/7 emergency hours. To reach an advocate after normal hours please call the University's Department of Law Enforcement and Safety dispatchers at 803-777-4215. Inform the dispatcher that you want to speak with the on-call SAVIP advocate and leave at least your first name and phone number so that the SAVIP advocate can return your call ASAP. SAVIP advocates are available to provide services and accompany you to the hospital and provide services regardless of whether or not the individual wishes to file charges.

2. Other services/resources available include but are not limited to:
 - a. Temporary Housing is available to assist a victim with housing needs, such as relocation. Contact SAVIP at 803-777-8248 or housing at 803-530-9477.
 - b. Professional counseling from the Counseling and Human Development Center (on-campus), 803-777-5223. Sexual assault is a traumatic experience and counseling can help the victim resolve feelings about the experience and more quickly become a survivor.
 - c. South Carolina Law Enforcement information can also be obtained from the USC Victim Coordinator, 803-777-8400. The Victim Coordinator can assist the victim in understanding criminal and civil procedures as well as the USC Student Discipline system.
 - d. The Office of Student Conduct handles the investigation and resolution of discipline complaints. The Office of Student Conduct can assist a victim with filing a "no contact order". The phone number is 803-777-4333. Campus judicial procedures and Title IX procedures provide for the needs of victims or survivors and protect the rights of alleged assailants.
 - e. Office of Equal Opportunity Programs ensures that students of USC are protected against discrimination on the basis of race, color, sex, age, religion, national origin, disability, sexual orientation, or veteran status. This office can be contacted at 803-777-3854. Title IX of the Education Amendments of 1972 is a federal civil rights law that prohibits discrimination on the basis of sex in federally funded education programs and activities. USC is an institution that must comply with Title IX. Acts of sexual violence constitute forms of sex discrimination prohibited by Title IX. This office can assist the victim with filing a Title IX compliant and investigating the allegations.

- f. South Carolina Bar Association, Lawyer Referral Service, can assist victims in finding an attorney to represent them in civil and criminal proceedings. The phone number is 1-800-868-2284.
- g. Additional Sexual Assault and Violence Intervention & Prevention follow-up assistance. Follow-up assistance includes but is not limited to academic assistance, assistance with obtaining no contact orders, restraining orders, law enforcement referrals and accompaniment, court accompaniment, application for state assistance, and medical referrals. Advocates can help survivors understand options and can help with appropriate referrals at any time. They can also be contacted by faculty/staff/students with questions about this policy, referrals, or other specific information/concerns. Contact 803-777-8248.

B. What to do if you or someone you know has been sexually assaulted:

1. Go to a safe location.
2. Contact Campus Police 803-777-9111 or call the local police department immediately at 911.
3. Contact Student Health Services SAVIP department at 803-777-8248 during business hours or 803-777-9111 after hours for advocacy services and assistance. This service is provided 24/7.
4. Seek medical care immediately at Palmetto Richland Emergency Room or the nearest emergency room. The Thomson Student Health Center (SHS) 803-777-3175 located behind the Russell House can also provide medical care, including emergency contraception, and testing for sexually transmitted infections. However, SHS does NOT perform forensic exams for possible judicial proceedings. All forensic exams must be performed at a local emergency room. SAVIP advocates will accompany the survivor to the emergency room if requested.
5. Talk to a counselor for emotional support and advocacy. You can speak with a counselor on campus confidentially at the Counseling and Human Development Center at 803-777-5223. If you prefer to seek confidential counseling off-campus, call Sexual Trauma Services of the Midlands, 3700 Forest Dr. Suite 350, 803-771-7273, <http://www.stsm.org/>
6. If the alleged assailant is a USC student, you can file a formal report with the Office of Student Conduct at 803-777-4333. OSC can help a survivor file a complaint (different from a police report) against an alleged assailant; conduct an investigation; and arrange protective measures including no-contact orders, residence hall changes and class schedule changes. This can be done in addition to

filing a report with Campus Police and/or local law enforcement (City of Columbia Police or Richland County Police).

7. Contact the University's Victim Coordinator/Advocate through Law Enforcement at 803-777-8400 who can provide on-going assistance in pursuing criminal prosecution and financial services.
8. Contact the University's Office of Equal Opportunity Programs (EOP) at 803-777-3854. This office can assist the victim in filing a Title IX compliant and investigating the allegations.
9. Preserve all physical evidence of the assault, even if you (or someone you know) are unsure whether to report the crime. Do not shower, bathe, douche, eat, drink, wash your hands or brush your teeth until after you have had a medical examination. Save all the clothing that was worn during the time of the assault and bring them and any other potential evidence to the emergency room (medical exam). Place each item of clothing in a separate paper bag (do not use plastic bags). Do not clean or disturb the area where the assault occurred.
10. Call a trusted friend, family member or someone else who can provide support.
11. If you think you may have been given a rape drug, request that the hospital or clinic take a urine and blood sample. These samples need to be collected quickly as these drugs leave the system quickly.

c. Reporting of Sexual Assaults

All victims and individuals having knowledge of a sexual assault/battery are encouraged to report the incident to law enforcement agencies, Equal Opportunity Program (EOP) and/or Sexual Assault and Violence Intervention and Prevention (SAVIP) immediately. If someone tells you he or she has been sexually assaulted, it is your responsibility to inform the survivor that *you cannot guarantee his/her anonymity or confidentiality but you will do your best to honor any such request*. If the survivor wants a guarantee of confidentiality he/she must seek one of the **confidential** resources listed below. **Confidential reporting resources are not required to report the survivor's identity.**

If a victim chooses not to report the incident to law enforcement, EOP or SAVIP they have an anonymous reporting option <http://www.sa.sc.edu/shs/savip/report/> . This option will allow the victim to have evidence collected and stored for a period of up to one year or until the time he/she initiates a police report and investigation. Sexual Assault and Violence Intervention & Prevention (SAVIP) department can assist students in this process. If someone you know has been sexually assaulted, the same reporting options are available for faculty, staff and/or administrators. The appropriate form to report these whether the victim decides to report to law enforcement is located at <http://www.sa.sc.edu/shs/savip/report/> .

1. Contact Campus Police 803-777-9111. You may ask to speak with their Victim Coordinator/Advocate or call the local police department immediately at 911.
2. Contact SAVIP at 803-777-8248 during business hours or 803-777-9111 after hours for advocacy assistance. This service is provided 24/7. A victim can seek emotional support from USC's SAVIP advocates and they are available 24/7. SAVIP is a **confidential source**.
 - a. Whether legal or disciplinary action is desired, an anonymous report may be filed by anyone, with SAVIP or on line at <http://www.sa.sc.edu/shs/savip/asarf/>.
 - b. This report provides information about the crime that may be valuable in their efforts to prevent future crimes and educate other students about high-risk areas.
3. Seek Medical Attention, Palmetto Health Richland Emergency Room. Forensic Nurse Examiner (FNE) can perform a rape protocol exam to collect evidence for possible judicial proceedings. Evidence collection must be performed within the first 72 hours after the assault in order to gain appropriate evidence for possible judicial proceedings. Physical evidence can be obtained up to 72 hours after the assault, recognizing that as time passes, the quality of the evidence diminishes. Hospitals are a **confidential source**.
 - a. If a victim chooses not to go to a hospital, the victim is strongly urged to seek appropriate medical attention. The Thomson Student Health Center (**confidential source**) provides quality, confidential medical services, or a victim may choose to visit another physician. Male survivors are provided care in the campus General Medical Center 803-777-3175 and female survivors receive services in Women's Care 803-777-8920.
 - b. If the survivor/victim decides to go to the hospital, transportation may be provided by the police with jurisdiction, the USC first responders, or by a friend or family member. A SAVIP advocate can assist in facilitating transportation and will accompany the survivor to the hospital, but cannot transport the survivor. Some survivors of sexual assault do not come forward until days, weeks, months, or even years after the assault, however all of the same procedures apply except the necessity to go to the hospital for evidence collection. The victim is still encouraged to report the assault to the police and receive medical attention to rule out physical injury, STDs or pregnancy, and to seek counseling at one of the resources listed earlier. The same reporting procedure should be followed.
4. Contact the Counseling and Human Development Center at 803-777-5223 or Psychiatric Services at 803-777-1833 to receive confidential counseling or advice. The Counseling Center and Psychiatric Services are **confidential sources**.

5. University officials should contact the Office of Equal Opportunity Programs to file a report or complete the form located at <http://www.sa.sc.edu/shs/savip/asarf/>. This office ensures that students are protected against discrimination on the basis of race, color, sex, age, religion, national origin, disability, sexual orientation, or veteran status. Contact information 803-777-3854. This office can assist in filing a Title IX complaint and investigating the allegations. Title IX of the Education Amendments of 1972 is a federal civil rights law that prohibits discrimination on the basis of sex in federally funded education programs and activities. USC is an institution that must comply with Title IX. Acts of sexual violence constitute forms of sex discrimination prohibited by Title IX. The Office of Equal Opportunity Programs can assist the victim with filing a Title IX compliant and investigating the allegations.
6. Victim/survivor may also choose to file a report to the University's Office of Student Conduct or to the University's Office of Equal Opportunity Programs. An explanation of this procedure can be obtained by calling (803)777-4333 or (803) 777-3854. The student conduct and Office of Equal Opportunity policies and procedures are also described in University policies [STAF 6.24](#), Student Non-Discrimination and Non-Harassment Policy, and [STAF 6.26](#) Student Code of Conduct.

University conduct proceedings and University Office of Equal Opportunity Programs procedures will provide a prompt, fair, and impartial investigation and resolution, and will be conducted by officials who receive annual training on issues related to domestic violence, dating violence, sexual assault and stalking, and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. During the pendency of the investigation, the Office of Student Conduct and Office of Equal Opportunity Programs will take appropriate interim measures to protect the complainant as necessary. These interim measures may include options to avoid contact with the alleged perpetrator as well as options to allow the complainant to change academic and extracurricular activities or his or her living, transportation, dining, and working situation as appropriate. Additionally, the complainant will be provided information about his or her Title IX rights and any available resources such as victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, legal assistance, and the right to report a crime to campus or local law enforcement.

D. Sanctions

1. University students or employees who are determined to have violated applicable University policies regarding sexual assault, domestic and dating violence, or stalking may be subjected to sanctions ranging from a written warning or reprimand, to suspension, expulsion, or termination, depending on the facts and circumstances of the particular case and legal prosecution. Possible sanctions for University students may include the following:

- a. Issuance of a no contact order
 - b. Campus restrictions
 - c. Conduct probation
 - d. Assessment with a counseling agency
 - e. Removal from University Housing
 - f. Suspension
 - g. Expulsion
2. Protection: No officer, employee or agent of the University shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision of this policy. Any such conduct will be disciplined, which may include termination or expulsion.

E. Educational Resources

1. The offices listed below within the University of South Carolina and the Columbia community provide a variety of educational offerings designed to promote the awareness of rape, acquaintance, rape, domestic violence, dating violence, sexual assault and stalking. The University will provide educational offerings and programs that include primary prevention and awareness programs for all incoming students and new employees, as well as ongoing prevention and awareness campaigns for students, faculty and staff. Additionally, these University educational offerings and programs will include information contained in applicable University policies and procedures regarding domestic violence, dating violence, sexual assault, and stalking as well as information regarding the following:
 - a. Safe and positive options for bystander intervention;
 - b. Risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks;
 - c. Possible University sanctions or protective measures that may be imposed following a final determination of a University disciplinary procedure against a student, employee, or other individual over whom the University has disciplinary jurisdiction;
 - d. Procedures victims should follow if a sex offense, domestic violence, dating violence, sexual assault, or stalking has occurred;

- e. Procedures for institutional disciplinary action in cases of alleged domestic violence, dating violence, sexual assault or stalking;
- f. Procedures for protecting the confidentiality of victims to the extent permissible by law;
- g. Written notification of students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims both on-campus and in the community; and
- h. Written notification of victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if so requested by the victim and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

2. List of Educational Resources:

- a. University Police Department (USCPD), 1501 Senate Street, 803-777-4215 for Dispatch, or emergencies at 803-777-9111
- b. Sexual Assault and Violence Intervention & Prevention (SAVIP), First Floor, Student Health Center, 803-777-8248
- c. Counseling and Human Development Center (CHDC), Byrnes Building, 7th Floor, 803-777-5223. Psychiatric Services, Thomson Health Center 3rd Floor 803-777-1833
- d. Sexual Trauma Services of the Midlands (STSM), 3700 Forest Drive, Suite 350, 803-777-RAPE.
- e. Sistercare, Inc. (Women's Domestic Abuse Center) 803-765-9428, Domestic Abuse Center (Male & Female Abuser Program), 1300 Pickens Street, 803-256-0468
- f. Changing Carolina Peers, Student Health Center, 803-777-8248.
- g. Office of Student Conduct (OSC), Byrnes Building, 2nd Floor, 803-777-4333
- h. Office of Alcohol and Drug Programs, Lower Level, Russell House, 803-777-7716
- i. Office of Fraternity and Sorority Life, Lower Level, Russell House, 803-777-3506

F. Confidentiality

1. The University encourages victims of sexual violence to talk to somebody about what happened – so victims can get the support they need, and so the University can respond appropriately. Different University employees have different abilities to maintain a victim’s confidentiality.
2. Certain University employees may talk to a victim in confidence, and generally only report to the University that an incident occurred without revealing any personally identifying information about the victim. Disclosure to these employees will not trigger a University investigation into the incident against the victim’s wishes. While maintaining a victim’s confidentiality, these employees or their office should report the nature, date, time, and general location of the incident to the University’s Title IX coordinator in the Office of Equal Opportunity Programs. An anonymous report may also be filed at <http://www.sa.sc.edu/shs/savip/asarf/>. This limited report – which includes no information that would directly or indirectly identify the victim – helps keep the Title IX coordinator informed of the general extent and nature of sexual violence on and off campus so the coordinator can track patterns, evaluate the scope of the problem and formulate appropriate campus-wide responses. A victim can seek assistance and support from employees working in the following locations without triggering a University investigation that could reveal the victim’s identity:
 - a. **Confidential Source:** Thomson Student Health Center, 1409 Devine Street, 803-777-3175
 - b. **Confidential Source:** Psychiatric Services and Counseling & Human Development Center, Byrnes Building, 7th floor, 901 Sumter Street, 803-777-5223
 - c. **Confidential Source:** Sexual Assault and Violence Intervention & Prevention (SAVIP), First Floor, Student Health Center, 803-777-8248
3. Other University employees are required to report all the details of an incident (including the identities of both the victim and alleged perpetrator) to the University’s Title IX coordinator, who is the head of the University’s Office of Equal Opportunity Programs. A report to these employees (called “responsible employees”) constitutes a report to the University – and generally obligates the University to investigate the incident and take appropriate steps to address the situation. A responsible employee must report to the Title IX coordinator all relevant details about the alleged sexual violence shared by the victim and that the University will need to determine what happened – including the names of the victim and alleged perpetrator(s), and witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident. To the

extent possible, information reported to a responsible employee will be shared only with University personnel responsible for handling the University's response to the report. The following employees on the Columbia campus are the University's responsible employees for Title IX purposes:

President
Executive Vice President for Academic Affairs and Provost
Vice President for Student Affairs
Athletics Director
Deans
Department Chairs
Director of University Housing
Director of Student Conduct
Director of Equal Opportunity Programs
Director of Law Enforcement & Safety

4. If the victim wants to tell the responsible employee what happened but also maintain confidentiality, the employee should tell the victim that the University will consider the request, but cannot guarantee that the University will be able to honor it. The employee should also inform the victim that honoring the request may limit the University's ability to fully respond to the incident, including pursuing disciplinary action against the alleged perpetrator. The employee should inform the victim that federal law protects the victim against retaliation and that the University will take steps to prevent retaliation. If the victim still wants confidentiality, the employee must immediately submit the request to the University's Title IX coordinator. The University has designated its Title IX coordinator to evaluate requests for confidentiality made to any responsible employee. The Title IX coordinator will consider the applicable range of factors in evaluating the request.

III. Related Policies

This policy is subject to change to comply with changes in relevant laws and University operating procedures.

University Policy STAF 1.09 Relationship Violence and Stalking
<http://www.sc.edu/policies/ppm/staf109.pdf>

University Policy STAF 6.26 Student Code of Conduct
<http://www.sc.edu/policies/ppm/staf626.pdf>

University Policy STAF 6.24 Student Non-Discrimination and Non-Harassment
<http://www.sc.edu/policies/ppm/staf624.pdf>

South Carolina Code of Laws

<http://www.sc.gov/pages/external.aspx?http://www.scstatehouse.gov/code/statmast.php>

IV. Reason for Revision

Significant changes to the wording and structure of the policy to reflect a clearer understanding of the policy. A more comprehensive description of the hearing options for alleged students was also addressed, including information regarding University Policy STAF 6.24 and role of EOP and Title IX updates.