

ADMINISTRATIVE DIVISION EOP Office of Equal Opportunity Programs		POLICY NUMBER EOP 1.02
POLICY TITLE Sexual Harassment		
SCOPE OF POLICY USC System		DATE OF REVISION September 20, 2019
RESPONSIBLE OFFICER Director of the Office of Equal Opportunity Programs		ADMINISTRATIVE OFFICE Equal Opportunity Programs

Purpose

The University of South Carolina prohibits sexual harassment and does not condone or tolerate sexual harassment among all members of the university community. Sexual misconduct described in policy [EOP 1.06 Sexual Harassment, Sexual Misconduct and Interpersonal Violence \(Interim\)](#) is encompassed in the definition of sexual harassment set forth below.

On the Columbia campus, to the extent the provisions of this policy are inconsistent with the provisions of policy [EOP 1.06 Sexual Harassment, Sexual Misconduct and Interpersonal Violence \(Interim\)](#), the applicable provisions of that policies shall control in cases which the complainant and the respondent are students.

Definitions

Academic benefits: actions including but not limited to, grades, scholarships and other honors, class enrollment and research opportunities, job recommendations, and letters of recommendation for further studies or employment.

Employment benefits: actions including but not limited to, the position in which an individual is employed, the duties of the position, compensation, and privileges and opportunities associated with the position.

Sexual harassment: forms of sex or gender discrimination, which is a violation of federal and state law and University of South Carolina policy. Sexual harassment is unwelcome conduct of a sexual nature, sufficiently severe or pervasive that it adversely affects a person’s or group’s ability to participate in or benefit from academic or employment, programs, services or activities of the university. Sexual harassment may arise between employment supervisors and subordinates, between instructors and students, between peers, or between any of the foregoing persons and individuals conducting business with the university. Examples of conduct that may constitute sexual harassment include, but are not limited to, the following types of unwelcome behavior:

- **Physical Conduct**
 1. Offensive Touching:

- a. Touching an unwilling or non-consensual person's intimate parts (such as genitalia, groin, breast, buttocks, mouth, and/or clothing covering them);
 - b. Touching an unwilling or non-consensual person with one's own intimate parts; or forcing an unwilling or non-consensual person to touch another's intimate parts.
2. Sexual Assault: Any form of sexual contact that occurs without consent and/or through the use of force, threat of force, intimidation, incapacitation or coercion.

- **Non-Verbal Conduct**

1. Suggestive or insulting gestures or sounds;
2. Displaying or presenting images of a sexual nature.

- **Verbal Conduct**

1. Explicit or implicit propositions of a sexual nature;
2. Sexual innuendos and other sexually suggestive behavior;
3. Repeated, unwanted requests for dates;
4. Repeated inappropriate personal comments of a sexual nature;
5. Unwelcome and inappropriate letters, telephone calls, electronic mail;
6. or other repeated, unwanted communication or gifts;

- **Additional types of sexual harassment include:**

1. Threats to make an adverse employment or academic decision based upon a refusal to engage in sexual activities.
2. Indecent exposure.
3. Invasion of sexual privacy.
4. Sexual Exploitation: An act or acts committed through non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose. The act or acts of sexual exploitation are prohibited even though the behavior does not constitute one of the other sexual misconduct offenses. Examples of sexual exploitation include:
 - a. observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;

- b. non-consensual streaming of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved;
 - c. prostituting another individual;
 - d. exposing one's genitals in non-consensual circumstances;
 - e. knowingly exposing another individual to a sexually transmitted disease or virus without that individual's knowledge and consent; and
 - f. inducing incapacitation for the purpose of making another person vulnerable to nonconsensual sexual activity
5. Conduct, even if not directed at the complainant, which is sufficiently pervasive, severe, or persistent to alter the conditions of the complainant's employment or status as a student, or to create a hostile working or learning environment, when viewed objectively.

Policy Statement

A. Prohibited Conduct

1. Members of the university community shall not engage in sexual harassment of other members of the university community.
2. Romantic or intimate relationships between employees in positions of authority or influence and persons over whom they exercise authority or influence are particularly vulnerable to allegations of sexual harassment. If one party to a relationship is placed in a position of academic or employment supervisory, advisory, evaluative, or other authority or influence over the other party, the relationship shall be immediately disclosed by the party with authority or influence to their immediate supervisor and as required by Board of Trustees policy, [BTRU 1.18 Conflicts of Interest and Commitment](#). The party with authority or influence shall comply with all directives to eliminate any actual or potential conflicts of interest and to prevent or mitigate adverse effects on the other party to the relationship. To minimize this risk, members of the university community are discouraged from entering into romantic or intimate relationships in which one party to the relationship has, or potentially will have, academic or employment supervisory, advisory, evaluative, or other authority or influence over the other party.
3. Members of the university community shall not encourage, condone, or fail to take reasonable steps within their power to stop sexual harassment of other members of the university community, regardless of whether the harassment is by another member of the university community or by persons doing business with the university.
4. Members of the university community shall not retaliate, threaten to retaliate, or attempt to cause retaliation against any person (a) who reasonably protests sexual harassment

practices within the university community; (b) who becomes involved in any capacity in the procedures established in this Sexual Harassment Policy, or (c) who reports activity or behavior which the person reasonably believes constitutes sexual harassment.

5. Members of the university community shall not refuse to cooperate in the investigation of sexual harassment complaints but may assert any privileges provided by law.
6. Members of the university community shall not make claims of sexual harassment, knowing them to be false or in reckless disregard of their truth or falsity.
7. Members of the University community who violate the Sexual Harassment Policy are subject to appropriate discipline by the university.
8. This policy is not intended to limit or infringe the academic freedom of members of the academic community. Scholarly, educational, or artistic expression in written, oral, graphic, or any other form, which is permitted by law shall not be limited by this policy.

B. Prevention Programming and Education

1. Faculty/Staff Training

Faculty and staff receive training on a regular basis, which include an overview of issues related to sexual assault, and sexual harassment and their duty to report such conduct.

2. The following programs and activities are available on the Columbia Campus:
 - a. Stand Up Carolina, the University of South Carolina's bystander accountability initiative, aims to foster a system-wide cultural shift through education, empowerment and advocacy. Stand Up Carolina encourages the entire Carolina community to be active bystanders who step in and speak up.
 - b. Interpersonal Violence (IPV) prevention & education programs are conducted by professional staff of Sexual Assault and Violence Intervention and Prevention (SAVIP) throughout the year.
 - c. AlcoholEdu and Sexual Assault Prevention is an online tool that includes an alcohol education module and a sexual assault prevention education module that presents realistic and interactive skill-building scenarios. New undergraduate students (freshmen, transfer or change-of-campus student) at the Columbia campus are required to complete the AlcoholEdu and Sexual Assault Prevention module. "Sexual Assault Prevention for Graduate Students" is required of graduate and professional students.
 - d. Awareness Month Activities are hosted several times a year, featuring interpersonal violence education/prevention events for students, faculty and staff.

- e. SAVIP provides presentations to University 101 classes, and, upon requests, to other students, faculty and staff.

C. Sexual Harassment Advice and Assistance within the University Community

1. Advice and assistance about the procedures of the Sexual Harassment Policy may be obtained by any member of the university community by contacting the Office of Equal Opportunity Programs, 1600 Hampton Street, Suite 805, Columbia, South Carolina 29208; 803-777-3854; Fax 803-777-2296; email at eop@mailbox.sc.edu; online at www.sc.edu/eop
2. On the Columbia Campus, students may also obtain information by contacting the Office of the Dean of Students. Additionally, students and employees may obtain information from the Sexual Assault and Violence Intervention and Prevention (SAVIP) office.
3. On the campuses of other University of South Carolina system institutions, students may obtain information by contacting the department of student affairs. Also, students and employees may obtain information by contacting their designated Title IX coordinator or by contacting the human resources office for their campus.”

Procedures

- A. To initiate a sexual harassment complaint, a written statement may be submitted in person to the Office of Equal Opportunity Programs, 1600 Hampton Street, Suite 805, Columbia, South Carolina 29208; online at www.sc.edu/eop, or at the Stop Sexual Assault homepage: https://www.sc.edu/about/initiatives/safety/stop_sexual_assault/index.php. Complaints may also be filed with the designated Title IX coordinator, or other designated office for incidents which occur on campuses of other USC system institutions.
- B. [EOP Policy 1.01 Equal Opportunity Complaint Processing Procedures](#) sets forth the procedures for investigating complaints of unlawful discrimination and harassment, which include complaints of sexual harassment and sexual assaults.

RELATED UNIVERSITY, STATE AND FEDERAL POLICIES

[Title VII of the Civil Rights Act of 1964](#)

[Title IX of the Education Amendments of 1972](#)

[South Carolina Human Affairs Law](#)

[EOP Policy 1.01 Equal Opportunity Complaint Processing Procedures](#)

[EOP Policy 1.03 Prohibition of Unlawful Discrimination and Harassment](#)

[EOP 1.05 Sexual Misconduct, Intimate Partner Violence and Stalking](#)

[STAF Policy 6.24 Student Non-Discrimination & Non-Harassment Policy](#)

DATE OF REVISION	REASON FOR REVISION
September 20, 2019	This policy has been revised to comply with federal mandates, and to remove the procedures for investigating sexual harassment complaints, which are encompassed in EOP Policy 1.01 Equal Opportunity Complaint Processing Procedures.