

with all other College policies dealing with a similar subject matter; and the demonstration that the College's sexual misconduct programs are, foremost, aimed at prevention and also at enhancing the awareness of resources for and awareness of sexual misconduct.

1.2 Policy Statement

It is the Policy of the College of Charleston to respect the rights and the dignity of the individual. Sexual Misconduct, including sexual violence, violates this principle and will not be tolerated. It is a violation of this Policy to discriminate against, harass or abuse any student or applicant for admission to the College based on gender, sexual orientation, gender identity or expression. The College is committed to taking immediate, equitable and effective steps to respond to Sexual Misconduct, to prevent its recurrence, and to address its effects. The Decisional Authority is required to consider suspending or expelling any Student found culpable for Sexual Misconduct.

This policy applies to conduct violations that fall outside the scope of Title IX. However, as the Title IX Coordinator and staff in the Office of Equal Opportunity Programs have specialized training and experience in investigating allegations of sexual and interpersonal violence, they are the office designated to receive reports of sexual misconduct and respond to those reports. They are also tasked with investigating formal complaints of violations of this policy.

1.3. Application

This Policy applies to all enrolled Students of the College of Charleston and to applicants who have received an offer of admission to the College. We encourage members of the campus community who experience any form of sexual misconduct, as defined in section 3.0 below, to seek help and to report the misconduct. On- and off-campus resources are outlined in sections 3.2 and 3.3 below.

Students are encouraged to report sexual misconduct whether the sexual misconduct occurs on- or off-campus. Resources, including supportive measures, are available for students no matter where the misconduct occurs. The College of Charleston will take appropriate steps to respond to complaints of sexual misconduct. If alleged misconduct occurs off-campus, the College will take the necessary steps to address any continuing effects of off-campus sexual harassment in the educational setting.

1.4 Effect on other Policies

This Policy is intended to and shall be read in a manner that is consistent with the College Policy entitled: **PROHIBITION OF DISCRIMINATION AND HARASSMENT, INCLUDING SEXUAL HARASSMENT AND ABUSE.** In the cases of alleged misconduct that would violate this policy as well as the Interim Title IX Sexual Harassment Policy and Grievance Procedure, that latter policy will be applied to resolve the alleged misconduct.

2. DEFINITIONS

The definitions contained in this Policy will be interpreted and applied by the College in a manner that is consistent with applicable law, professional usage, and conventional understanding within the community. In the event of any alleged conflict in meaning, statutory and legal interpretations shall prevail and be deemed controlling.

2.1 "SEXUAL MISCONDUCT" – shall mean sexual violence and all forms of sexual discrimination, harassment and abuse, as defined in Section 5.0 of the College's Policy on the *Prohibition of Discrimination and Harassment, Including Sexual Harassment and Abuse*:

Sexual/gender harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when

(1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's access to an educational benefit or of an individual's employment at the College;

(2) submission to or rejection of such conduct by an individual is used as the basis for academic decisions or decisions concerning educational benefits or employment decisions affecting such individual; or

(3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or other educational benefit or creating an intimidating, hostile, or offensive working, learning or living environment. Additionally, sexual harassment also includes conduct (as described in this paragraph) that is directed at an employee or Student because of his or her sexual orientation or gender identity or expression.

A single incident of sexual assault may be sufficiently severe or pervasive to interfere unreasonably with one's educational environment and therefore create a hostile environment.

Sexually-related conduct creates a hostile environment if it is sufficiently severe and pervasive to interfere unreasonably with academic, other educational, or employment performance or participation in a College activity or living environment.

Sexual/gender harassment includes in-person acts and/or behavior via computer, telephone or other electronic medium, including text messages, emails, social media and other forms of electronic communication.

For scenarios of sexual misconduct, please see Appendix 1.

Sexual misconduct can take various forms. They include, but are not limited to the following items:

A. Verbal.

Unwelcome sexual advances or requests for sexual favors based upon gender, sexual orientation, gender identity or gender expression; Verbal harassment, such as sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions or threats; epithets; slurs; negative stereotyping (including "jokes"); Repeated, unwelcome requests for social engagements; Questions or comments about sexual behavior or preference. This can include written communications sent via computers, cell phones, social media, etc.

B. Non-verbal.

Display or sexually suggestive objects or pictures, leering, whistling, obscene gestures; graphic material (including communications via computers, cell phones, etc.) that defames or shows hostility or aversion toward an individual or group because of gender, sexual orientation, gender identity, or gender expression.

C. Acts of sexually-based intimidation.

To place another person in reasonable fear of bodily harm and/or emotional distress through the use of threatening words, repeated and/or severe aggressive behavior or other conduct or both, but without displaying a weapon or subjecting the person to physical attack.