

Director of the Office of Equal Opportunity Programs and Title IX Coordinator, and the Office of Equal Opportunity Programs is responsible for the administration of this Policy.

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## Policy

### 2.0 APPLICABILITY

This policy and prohibition of Title IX sexual harassment shall apply to all members of the College community, including current and prospective students (meaning those who are registered or enrolled for credit- or non-credit-bearing coursework at the time of the alleged policy violation), faculty, staff, applicants for employment or admission; members of the Board of Trustees; and all others who demonstrate that they were attempting to participate in the College's education program or activity at the time of the alleged policy violation. The prohibition of Title IX sexual harassment shall also apply to contractors, vendors, visitors, guests or other third parties. This policy pertains to prohibited conduct committed by or against students, employees, and third parties<sup>1</sup> when the College has actual knowledge of Title IX sexual harassment that occurred:

- 2.1 In an **education program or activity** of the College; and
- 2.2 Against a person **in the United States**.

**"Education program or activity"** includes locations, events, or circumstances over which *the College exercises substantial control over both the respondent and the context in which the sexual harassment occurs*. Education program or activity includes any building owned or controlled by a student organization that is officially recognized by the College as well as College owned or controlled property.

Where a formal complaint includes allegations of Title IX sexual harassment and other alleged violations of College policy, this grievance procedure may be used to resolve all alleged policy violations. Alleged sexual misconduct that does not meet the Title IX sexual harassment standard shall be processed in accordance with the Policy on the Prohibition of Discrimination and Harassment, Including Sexual Harassment and Abuse and Student Sexual Misconduct Policy, as applicable.

### 3.0 EFFECTIVE DATE

This policy is effective August 14, 2020 and applies to alleged Title IX sexual harassment arising on or after this date.

### 4.0 TITLE IX SEXUAL HARASSMENT PROHIBITED

**Title IX sexual harassment is conduct based on sex that satisfies one or more of the following:**

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<sup>1</sup> The formal and informal grievance procedures do not apply to incidents involving respondents who are third parties. Reported third party misconduct will be handled expediently on a case-by-case basis and may include immediate removal of the third party from the campus or program or activity of the College.

- 4.1 **Quid Pro Quo**: 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; or
- 4.2 **Hostile Environment**: 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
- 4.3 **Sexual Assault**: Any sexual act directed against another person without consent of the victim, including instances where the victim is incapable of giving consent. These acts include:
- **Rape**: The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. There is carnal knowledge if there is the slightest penetration of the sexual organ of the female (vagina) by the sexual organ of the male (penis).
  - **Sodomy**: Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
  - **Sexual Assault with an Object**: Use of an object or instrument to penetrate, however slight, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. Object or instrument shall mean anything used by the offender other than the offender's genitalia.
  - **Fondling**: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the alleged victim, including instances where the alleged victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
  - **Statutory Rape**: Non-forcible sexual intercourse with a person who is under the statutory age of consent in South Carolina.
  - **Incest**: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law in South Carolina.
- 4.4 **Dating Violence**: Violence committed by a person:
- Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
  - Where the existence of such a relationship shall be determined based on a consideration of the following factors (length of the relationship, type of the relationship, and frequency of interaction between the persons involved in the relationship).
- 4.5 **Domestic Violence**: 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 South Carolina, or by any other person against an adult or youth victim who is protected from that person's acts under the