

# COLUMBIA COLLEGE SEXUAL MISCONDUCT POLICY

## I. INTRODUCTION

Columbia College is a learning environment fostering common standards of conduct and a commitment to its institutional mission. Sexual Misconduct, including Sexual and Gender-Based Harassment, Sexual Assault, Relationship Violence, and Sexual Exploitation is prohibited by Title IX. In addition to being a violation of federal and state law, Sexual Misconduct interferes with the mission of Columbia College by endangering the physical, mental, and emotional safety of community members, disrupting the academic progress of survivors as they recover, and flagrantly violating the community of trust. The Board of Trustees, faculty, staff, and students who comprise the Columbia College community will not tolerate Sexual Misconduct. Columbia College prohibits all forms of Sexual Misconduct, including but not limited to Sexual and Gender-Based Harassment, Sexual Assault, Stalking and Relationship Violence, whether perpetrated by a stranger or acquaintance, whether occurring on or off campus, and whether directed against a member of the Columbia College community or someone outside the Columbia College community (“Prohibited Conduct”).

College students are especially vulnerable to Sexual Misconduct. Unfortunately, acts of Sexual Misconduct are vastly underreported. Sexual Misconduct can occur in any relationship regardless of gender. Survivors can suffer profound and long-lasting changes in their lives that affect them socially, academically, and developmentally, including post-traumatic stress disorder, abuse of alcohol and drugs, and contemplated suicide.<sup>1</sup> Quick access to services can reduce the long-term impact of sexual trauma. If you are a survivor of Sexual Misconduct, no matter when the Sexual Misconduct occurred, please reach out to the resources provided at Columbia College or the additional resources noted in this policy so you can get the support you deserve.

All members of the Columbia College community play a role in building a safe and just educational environment by:

- Modeling healthy and respectful behavior in personal and professional relationships;
- Increasing personal awareness of what constitutes Sexual Misconduct;
- Speaking out against behavior that encourages Sexual Misconduct or discourages reporting;
- Developing the necessary skills to be an effective and supportive ally to survivors of Sexual Misconduct;
- Intervening in situations that can lead to Sexual Misconduct and related misbehavior; and
- Interrupting an incident of Sexual Misconduct if it is safe to do so.

If you or someone you know has experienced Sexual Misconduct, you are not alone. Anyone can be a victim of Sexual Misconduct.

- 24 people per minute are victims of rape, physical violence, or stalking by an intimate partner in the U.S. (12 million women and men in one year).<sup>2</sup>
- 1 in 4 women and 1 in 7 men have experienced severe physical violence by an intimate partner.<sup>2</sup>
- 3 in 10 women and more than 1 in 4 men in the U.S. have experienced rape, physical violence, and/or stalking by an intimate partner at some point in their lifetime.<sup>2</sup>
- In 78% of assaults, the perpetrator is someone that the victim knows (relative, partner, or acquaintance/friend).<sup>3</sup>
- 80% of female rape victims are under the age of 25.<sup>3</sup>

## **II. WHAT TO DO**

### **A. If you have been assaulted:**

- i.** Exit the situation and seek safety. If needed, call the police to assist by dialing the Columbia College Police Department (CCPD) at 803-786-3333 or dialing 911.
- ii.** Seek prompt medical attention, preferably at Palmetto Richland Hospital or the closest hospital to you if you are outside of the Columbia area. It is essential that survivors of sexual assault receive medical treatment and support as soon as possible. The sooner a sexual assault is reported, the easier it is to collect valuable evidence, regardless of desire to use the evidence to pursue any type of legal or judicial action. There will be no charge for the evidence collection process. The survivor will be met by a confidential advocate.
- iii.** Evidence collection is most effective within 72 hours. To facilitate evidence collection, the survivor:
  - 1.** Should not bathe or douche;
  - 2.** Should not urinate;
  - 3.** Should not drink any liquids;
  - 4.** If oral contact has occurred, the victim should not smoke, eat or brush teeth, and;
  - 5.** The survivor should not change clothes. If clothes have been changed, soiled clothes should be placed in a paper bag (plastic destroys crucial evidence), separating items to prevent contamination.

### **B. If you have been harassed:**

- i. Exit the situation and seek safety. If needed, call the police to assist by dialing the Columbia College Police Department (CCPD) at 803-786-3333 or by dialing 911.
- ii. If you are able, clearly explain to the person causing the harassment that you are uncomfortable with his or her behavior and request that the conduct cease immediately.

### **III. TO WHOM THIS POLICY APPLIES**

This policy applies to students who are registered or enrolled for credit – or non-credit – bearing coursework (“Students”); Columbia College employees, consisting of full-time and part-time faculty, and College staff (“Employees”); the Board of Trustees; and contractors, vendors, visitors, guests or other third parties within Columbia College’s control (“Third Parties”). This policy pertains to acts of Prohibited Conduct committed by or against Students, Employees; the Board of Trustees and Third Parties.

### **IV. APPLICABLE PROCEDURES UNDER THIS POLICY**

The procedures referenced below provide for prompt and equitable response to reports of Prohibited Conduct. The procedures designate specific timeframes for major stages of the process and provide for thorough and impartial investigations that afford all parties notice and an opportunity to present witnesses and evidence and to view the information that will be used in determining whether a policy violation has occurred. Columbia College applies the Preponderance of the Evidence standard when determining whether this policy has been violated. “Preponderance of the Evidence” means that it is more likely than not that a policy violation occurred. Complainant means the individual who is reporting they were a victim of Prohibited Conduct. Respondent means the individual who allegedly committed the Prohibited Conduct.

A Student or Employee determined by Columbia College to have committed an act of Prohibited Conduct is subject to disciplinary action, up to and including separation from the College. Trustees determined to have committed an act of Prohibited Conduct are subject to removal from the Board of Trustees. Third Parties who commit Prohibited Conduct may have their relationship with the College terminated and/or their privilege of being on College premises withdrawn.

#### **A. WHERE THE RESPONDENT IS A STUDENT, EMPLOYEE OR TRUSTEE**

The Procedures for reports of Prohibited Conduct committed by Students, Employees or Trustees follow this document in both the Student and Employee Handbooks.

## **B. PROCEDURES FOR REPORTS OF PROHIBITED CONDUCT COMMITTED BY THIRD PARTIES**

Columbia College's ability to take appropriate corrective action against a Third Party will be determined by the nature of the relationship of the Third Party to the College. The Title IX Coordinator will determine the appropriate manner of resolution consistent with the College's commitment to a prompt and equitable process consistent with federal law, federal guidance, and this policy.

## **V. PREVENTION EDUCATION, TRAINING, AND NOTIFICATION**

The core of Columbia College's response to Sexual Misconduct is through proactive education and training, with emphasis on prevention. Our response is designed to collect and disseminate information about Sexual Misconduct, promote open discussion, encourage reporting, and provide information and training about prevention to faculty, staff, and students. The College will:

1. Provide prevention programs on topics related to Sexual Misconduct;
2. Provide information to all students regarding our Sexual Misconduct Policy and reporting requirements twice a year;
3. Train all College employees on Sexual Misconduct and reporting;
4. Train student staff, such as resident assistants, orientation leaders, and student success leaders on their role as responsible employees of the College regarding Sexual Misconduct;
5. Discuss the topic of Sexual Misconduct and the College's expectations for an environment free of Sexual Misconduct during first year fall orientation; and
6. Distribute Sexual Misconduct awareness materials and flyers with information about where to go for help in several high-traffic areas twice a semester.

## **V. PROHIBITED CONDUCT**

Columbia College prohibits all forms of Sexual Misconduct, including but not limited to, Sexual and Gender-Based Harassment, Sexual Assault, Stalking and Relationship Violence, whether perpetrated by a stranger or acquaintance, whether occurring on or off campus, and whether directed against a member of the Columbia College community or someone outside the Columbia College community. Such conduct by a Columbia College Student, Employee, Trustee or Third

Party is a violation of Columbia College policy, and in certain cases, may also be a criminal violation.

Columbia College does not limit its ability to respond to inappropriate sexual conduct and forms of Sexual Misconduct that may not be specifically described in this policy or that does not constitute criminal conduct. None of the definitions below may be read to inhibit Columbia College's ability to address any incident or conduct that it reasonably deems to constitute Sexual Misconduct or that creates a discriminatory environment.

## A. DEFINITIONS

1. **SEXUAL MISCONDUCT** is a broad term that encompasses a range of behaviors including all forms of sexual harassment, including sexual assault, as well as other forms of misconduct or violence of a sexual nature, including, without limitation, relationship violence, stalking, and sexual exploitation. Sexual Misconduct can occur between individuals who know each other, have an established relationship, have previously engaged in consensual sexual activity, or between individuals who do not know each other. Sexual Misconduct can be committed by persons of any gender identity, and it can occur between people of the same or different sex.
2. **SEXUAL AND GENDER-BASED HARASSMENT** is unwanted or offensive sexual behavior that has the purpose or effect of creating a hostile or stressful living, learning, or working environment, or whenever toleration of such conduct or rejection of it is the basis for a personnel or academic decision affecting an individual. Examples of behavior that may constitute sexual harassment include, but are not limited to, sexual advances, any form of retaliation or threat of retaliation against an individual who rejects such advances, sexual epithets, jokes or comments, comments or inquiries about an individual's body or sexual experiences, unwelcome leering, whistling, brushing against the body, sexual gestures, or displaying sexually suggestive images.

Sexual harassment includes any conduct or incident that is sufficiently serious that it is likely to limit or deny a student's ability to participate in or benefit from Columbia College's educational programs, which may include a single incident of sexual assault or other serious Sexual Misconduct.

3. **SEXUAL ASSAULT** is any sexual penetration or sexual contact with another individual without consent.
4. **CONSENT** is defined as words or actions that clearly indicate voluntary agreement to engage in sexual activity. Consent is always freely informed and actively given. Silence or lack of resistance does not imply consent. Consent must be ongoing, and

it may be withdrawn at any time. Consent for one sexual act does not imply consent for any subsequent sexual activity. Consent may never be obtained through use of coercion, intimidation, force, or threats.

Consent cannot be obtained from an individual who is incapable of giving consent because the person:

1. Has a mental, intellectual, or physical disability; or
2. Is under the legal age to give consent (In South Carolina the legal age of statutory consent is 16. However, individuals as young as 14 years old are able to consent to have sex with a partner who is 18 years old or younger.);  
or
3. Is asleep, “blacked out,” unconscious, or physically helpless; or
4. Is incapacitated, including through the consumption of alcohol or drugs.

**5. INCAPACITATION** is the inability to make informed, rational judgments and decisions. If alcohol or drugs are involved, incapacitation may be measured by evaluating how the substance affects a person’s decision-making capacity, awareness, and ability to make informed judgments. The impact of alcohol and drugs varies from person to person; however, warning signs of possible incapacitation include slurred speech, unsteady gait, impaired coordination, inability to perform personal tasks such as undressing, inability to maintain eye contact, vomiting, and emotional volatility.

**6. COERCION** is to force a person to act based on fear of harm to self or others. Means of coercion may include, but are not limited to, pressure, threats, emotional intimidation, or the use of physical force.

**7. SEXUAL CONTACT** includes intentional contact with the intimate parts of another person, causing another person to touch one’s intimate parts, or disrobing or exposure of another person without permission. Intimate parts may include the breasts, genitals, buttocks, groin, mouth, or any other part of the body that is touched in a sexual manner. Sexual contact also includes attempted sexual intercourse.

**8. SEXUAL PENETRATION** includes vaginal or anal penetration, however slight, with a body part (e.g., penis, tongue, finger, hand, etc.) or object, or oral penetration involving mouth to genital contact.

**9. SEXUAL EXPLOITATION** means taking sexual advantage of another person and includes, without limitation: indecent exposure; causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over him or her; causing the prostitution of another person; recording, photographing, or transmitting

images of private sexual activity and/or the intimate parts of another person without consent; observing or allowing third parties to observe private sexual acts or otherwise violating a person's sexual privacy without consent; and knowingly or recklessly exposing another person to a significant risk of sexually transmitted infection.

**10. RELATIONSHIP VIOLENCE** (also known as *Dating Violence* or *Domestic Violence*) is a pattern of abusive behavior that is used by an intimate partner to gain or maintain power and control over the other partner. Relationship violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. Relationship violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, where the existence of such a relationship is determined based on the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

**11. STALKING** is engaging in a course of behavior directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress. Generally, stalking involves a course of conduct which is defined as two or more acts including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Examples include but are not limited to: following a person; appearing at a person's home, class or work; making frequent phone calls, emails, text messages, etc.; continuing to contact a person after receiving requests not to; leaving written messages, objects or unwanted gifts; vandalizing a person's property; and threatening, intimidating or intrusive behavior.

## **B. RETALIATION**

It is a violation of this policy to engage in any form of retaliation or intimidation in connection with complaints of sexual harassment, misconduct, or assault. Any Student, Employee, Trustee or Third Party engaging in any such retaliation or intimidation may be found responsible for a conduct violation. Any such acts of retaliation or intimidation should be promptly reported to the Title IX Coordinator. This policy and related processes may also apply to any allegation that a Student, Employee, Trustee or Third Party has attempted to prevent an individual from reporting Prohibited Conduct or has engaged in any acts of intimidation or reprisal with respect to any reported Prohibited Conduct.

## VI. CONFIDENTIAL RESOURCES & FOLLOW-UP AND RECOVERY SERVICES FOR SURVIVORS

Follow-up support and counseling is of significant benefit to a survivor of Sexual Misconduct. The counseling may begin at any time after an incident, from hours to years. On campus and off campus counseling and other services are available to a survivor, whether or not the crime is reported or prosecuted.

### Confidential On-Campus Resources

If you would like to talk with someone at the College confidentially about an assault or harassment, please see our Director of Counseling Services. **Information shared to other College employees outside of that individual has to be reported to the College's Title IX Coordinator.**

Mimi Meriwether, Director of Counseling Services: 803-786-3603

### Off-Campus Resources

Police: 911

Palmetto Health Richland Hospital Emergency Room: 803-434-7000  
*A Sexual Assault Nurse Examiner (SANE) is available at this location.*

Sexual Trauma Services of the Midlands: 803-771-7273 (24 hour hotline)  
*Free and confidential off-campus counseling*

## VII. AMNESTY CONSIDERATION

If a survivor of a crime is suspected of having used alcohol and/or drugs, amnesty will be extended to the survivor and any person(s) seeking assistance on behalf of the survivor. Amnesty means a person will be exempt from sanctioning through the Student Conduct process regarding the College's alcohol and drug policies. Prosecution of individuals under federal, state, or local laws would be at the discretion of appropriate officials of the applicable jurisdiction.



## VIII. CRIMINAL PROCEEDINGS

If the incident occurred on campus and you wish to pursue criminal charges, please contact the **Columbia College Police Department (CCPD) at 803-786-3333**. If the incident occurred off-campus, CCPD can assist you with contacting the proper authorities.

Because Prohibited Conduct may constitute both a violation of College policy and criminal activity, the College encourages students to report alleged Sexual Misconduct promptly to local law enforcement agencies. Criminal investigations may be useful in gathering relevant evidence, particularly forensic evidence. For purposes of this policy, criminal investigations or reports are not determinative of whether Sexual Misconduct has occurred. In other words, conduct may constitute Sexual Misconduct under this policy even if law enforcement agencies lack sufficient evidence of a crime and therefore decline to prosecute.

The filing of a complaint of Prohibited Conduct under this policy is independent of any criminal investigation or proceeding, and (except that the College's investigation may be delayed temporarily while the criminal investigators are gathering evidence) the College will not wait for the conclusion of any criminal investigation or proceedings to commence its own investigation and take interim measures to protect the Complainant and the College community, if necessary.

Disclosure of Sexual Misconduct by or about a Complainant who is under the age of 18 must be reported to the Richland County Department of Social Services at (803) 714-7300.

## IX. OBLIGATION TO PROVIDE TRUTHFUL INFORMATION

All Columbia College community members are expected to provide truthful information in any report or proceeding under this policy. Submitting or providing false or misleading information in bad faith or with a view to personal gain or intentional harm to another in connection with an incident of Prohibited Conduct is prohibited and subject to disciplinary sanctions under the Columbia College Honor Code, the disciplinary action under the applicable Employee disciplinary policy, or the Board of Trustees bylaws. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are not later substantiated.