

Subject: Sexual Assault Policy  
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Any student who experiences a sexual offense from anyone associated with the University Community should follow the procedures as outlined in the Student code of Conduct and the Policy for non-academic grievances found in the Student Handbook. This contains possible sanctions that can be taken following an on-campus disciplinary procedure.

In the case of rape or sexual offense at any of our campus locations, a student should first contact the Rape Crisis Center of the Lowcountry at 1-2800-637-RAPE, then the Vice chancellor for Student Development or the Director of the Hilton Head Campus. Military security should be notified on the military bases. In the case of a sex offense, one should preserve as much of the evidence as possible to prove there was a sexual assault.

Also, students should be aware that they can notify the proper law enforcement authorities and that the campus authorities are willing to assist the student in going to the proper authority. They can assist in making a referral to the appropriate agency. The address for the Low Country Rape Crisis Center is PO Box 1919, Beaufort, SC 29901-1919; the telephone number is 1-800-637-RAPE.

It is appropriate for university officials to notify students of options for, and available assistance in, changing academic situations after an alleged sexual assault if requested by the victim and if these changes are reasonably available. Every possible arrangement will be made to ensure the safety and functional capacity of the victim in such situations. While an investigation is being conducted, the University will assist the victim in avoiding the alleged assailant(s) by changing class and campus work schedules when possible.

The South Carolina State code of Laws (C Code Ann. Sec. 16-3-656) defines criminal sexual conduct, including rape, with the respective penalties as follows:

Sec. 16-3-541. Definitions used in sections 16-3-651 to 16-3-659.1

For the purposes of sections 16-3-651 to 16-3-659.1:

- a) "Actor" means a person accused of criminal sexual conduct.
- b) "Aggravated coercion" means that the actor threatens the use of force or violence of a high and aggravated nature to overcome the victim or another person, if the victim reasonably believes that the actor has the present ability to carry out the threat, or threatens to retaliate in the future by the infliction of physical harm, kidnapping or extortion, under circumstances of aggravation, against the victim or any other person.

- c) “ Aggravated force” means that the actor uses physical force or physical violence of a high and aggravated nature to overcome the victim or includes the threat of the use of a deadly weapon.
- d) “Intimate parts” includes the primary genital area, anus, groin, inner thighs, or buttocks of a male or female human being and the breasts of a female human being.
- e) “Mentally defective” means that the person suffers from a mental disease or defect which renders the person temporarily or permanently incapable of appraising the nature of his or her conduct.
- f) “ Mentally incapacitated” means that a person is rendered temporarily incapable of appraising or controlling his or her conduct whether this condition is produced by illness, defect, the influence of a substance or from some other cause.
- g) “Physically helpless” means that a person is unconscious, asleep, or for any other reason physically unable to communicate unwillingness to an act.
- h) “Sexual battery” means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any intrusion, however slight, of any part of a person’s body or of any object into the genital or anal openings of another person’s body, except when such an intrusion is accomplished for medically recognized treatment or diagnostic procedure.
- i) “Victim” means the person alleging to have been subjected to criminal sexual conduct.

Sec. 16-3-652. Criminal sexual conduct in the first degree.

- 1 A person is guilty of criminal sexual conduct in the first degree if the actor engages in sexual battery with the victim and if any one or more of the following circumstances are proven:
  - a. The actor uses aggravated force to accomplish sexual battery.
  - b. The victim submits to sexual battery by the actor under circumstances where the victim is also the victim of forcible confinement, kidnapping, robbery, extortion, burglary, housebreaking, or any other similar offense or act.
- 2 Criminal sexual conduct in the first degree is a felony punishable by imprisonment for not longer than thirty years, according to the discretion of the court.

Sec. 16-3-653. Criminal sexual conduct in the second degree.

- 1 A person is guilty of criminal sexual conduct in the second degree if the actor engages in sexual battery with the victim and if any one or more of the following circumstances are proven:
  - a. The actor uses aggravated force to accomplish sexual battery.
- 2 Criminal sexual conduct in the second degree is a felony punishable by imprisonment for not more than twenty years according to the discretion of the court.

Sec. 16-3-654. Criminal sexual conduct in the third degree.

- 1 A person is guilty of criminal sexual conduct in the third degree if the actor engages in sexual battery with the victim and if any one or more of the following circumstances are proven:
  - a. The actor uses force or coercion to accomplish the sexual battery in the

absence of aggravating circumstances.

b. the actor knows or has reason to know that the victim is mentally defective, mentally incapacitated, or physically helpless and aggravated force or aggravated coercion was not used to accomplish sexual battery.

2 Criminal sexual conduct in the third degree is a felony punishable by imprisonment for not more than ten years, according to the discretion of the court.

Sec. 16-3-656. Assault with intent to commit criminal sexual conduct.

1 Assault with intent to commit criminal sexual conduct described in the above sections shall be punishable as if the criminal sexual conduct was committed.(NOTE: one charged with Criminal Sexual Conduct may not be considered for pretrial intervention. SC Code section 17-22-SO).

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If an assault occurs on Campus:

Contact USCB Public Safety at 843-208-4911; or the Rape Crisis Center at 1-800-637-RAPE. The sooner a sexual assault is reported, the easier it is to collect valuable evidence. To facilitate evidence collection, the victim:

Should not bathe or douche

Should not urinate

Should not drink any liquids

If oral contact has occurred, the victim should not smoke, eat or brush teeth.

If clothes are changed, soiled clothes should be placed in a paper bag (plastic destroys crucial evidence).

USCB Public Safety may transport the victim to Beaufort Regional Medical Center for medical attention and a rape protocol exam. If the victim does not want to contact the police, a friend or relative may transport the student to the hospital. When the victim arrives at the emergency room, the hospital may call the Rape Crisis Center to arrange for a victim advocate to accompany the victim throughout the exam and any law enforcement procedures. The hospital staff may also contact USCB Public Safety and/or the police where the incident occurred.

The Vice chancellor for Student Development can assist a victim with filing a discipline complaint, notifying instructors of absences or other needs, and/or helping a student withdraw.