

COKER COLLEGE

STUDENT SEXUAL MISCONDUCT POLICY AND PROCEDURES

If you or someone you know may have been a victim of sexual assault or any other type of Sexual Misconduct prohibited under this Policy, you are strongly encouraged to seek immediate assistance.

**ASSISTANCE CAN BE OBTAINED 24 HOURS A DAY, 7 DAYS A WEEK, FROM
THE OFFICE OF CAMPUS SAFETY(843-383-8140)**

During business hours (8:30 a.m. - 5:00 p.m., Monday through Friday), you are also strongly encouraged to contact Brianna Douglas, Coker College Title IX Coordinator (843) 383-8333 or bbuncedouglas@coker.edu.

For additional information about seeking medical assistance and emotional support, as well as important contact information, including local law enforcement agencies and Carolina Pines Regional Medical Center; see Exhibit A attached to this Policy.

INTRODUCTION

(a) Notice of Nondiscrimination.

As a recipient of Federal Funds, Coker College is required to comply with Title IX of the Higher Education Amendments of 1972, 20 U.S.C. §1681 et seq. ("Title IX"), which prohibits discrimination on the basis of sex in educational programs or activities, admission and employment. Under certain circumstances, sexual misconduct (as defined below) constitutes sexual discrimination prohibited by Title IX. Inquiries concerning the application of Title IX may be referred to Coker College's Title IX Coordinator or to the U.S. Department of Education's Office for Civil Rights. Coker College's Title IX Coordinator is Brianna Douglas. The following is Brianna Douglas' contact information:

Brianna Douglas, Title IX Coordinator
1st Floor Administration Building
300 East College Ave.
Hartsville, South Carolina 29550
843-383-8333
bbuncedouglas@coker.edu

(b) Overview of the Policy.

Coker College (the “College”) is committed to maintaining and strengthening an environment founded on civility and respect. Sexual Misconduct, as defined by this Student Sexual Misconduct Policy and Procedures (this “Policy”), is antithetical to the values and standards of the College community, is incompatible with the safe, healthy environment that the College community expects and deserves, and will not be tolerated. The College is committed to providing programs, activities and an educational environment free from sex discrimination. The College is committed to fostering a community that promotes prompt reporting of all types of sexual misconduct and timely and fair resolution of sexual misconduct complaints, and in furtherance of that commitment, this Policy sets forth available resources (Exhibit A), describes prohibited conduct, and establishes procedures for responding to complaints of sexual misconduct.

The College will make this Policy and information about recognizing and preventing Sexual Misconduct readily available to all students and other members of the College community.

(c) Applicability of this Policy.

This Policy applies to any allegation of sexual misconduct made by or against a student of the College, regardless of where the alleged sexual misconduct occurred.¹

Although there is no geographical limitation to invoking this Policy, Sexual Misconduct that is alleged to have occurred at a significant distance from the College and/or outside of college property may be more difficult for the College to investigate.

Furthermore, students may file complaints under this Policy against individuals who are neither students nor employees of the College if the conduct giving rise to the complaint is related to the College’s academic, educational, athletic or extracurricular programs or activities. The College’s disciplinary authority, however, may not extend to such third parties.

(d) Period of Limitations.

A complaint of sexual misconduct may be filed at any time that the Complainant or the Respondent is enrolled as a student, or current employee of the College, regardless of the length of time between the alleged sexual misconduct and the decision to file the Complaint. However, the College strongly encourages individuals to file Complaints promptly in order to preserve evidence for a potential legal or disciplinary proceeding. A delay in filing a Complaint may compromise the subsequent investigation, and evidence may be diminished.

¹ Details regarding the College’s policy governing sexual misconduct regarding employees may be found in the College’s Faculty & Staff Sexual Misconduct Policy and Procedures (available from the Office of Human Resources 843-383-8333)

STATEMENTS OF POLICY

(a) Prohibition on Sexual Misconduct.

Any act of sexual misconduct constitutes a violation of College policy and is prohibited. The College is committed to fostering a community that promotes prompt reporting of all types of sexual misconduct and timely and fair resolution of sexual misconduct cases. Creating a safe environment is the responsibility of all members of the College community. This policy is designed to protect the rights, needs, and privacy of alleged victims, Complainants (if not the alleged victim), and Respondents. In addition to violating College policy, sexual misconduct might also constitute criminal activity. Individuals are strongly encouraged to inform law enforcement authorities about instances of sexual misconduct.

Information on filing a complaint with local law enforcement authorities or the College is set forth in Article III, below.

(b) Prohibition on Retaliation.

Retaliation against any person for filing, supporting or providing information in connection with a Complaint of sexual misconduct is strictly prohibited. Violations of this prohibition will be addressed through this Policy and/or other College disciplinary procedures, as deemed appropriate in the College's discretion. Any person who feels that he or she has been subjected to retaliation should make a report to the Title IX Coordinator assigned to his or her case.

(c) Confidentiality.

The College will make every feasible effort to preserve the confidentiality of and prevent the disclosure of the identities of the parties involved in a sexual misconduct matter. However, information regarding alleged sexual misconduct must be handled in accordance with applicable state and federal privacy laws, and individuals should understand that under conditions of imminent harm to the community, the College may be required by federal law to inform the community of the occurrence of the incident(s) of sexual misconduct for the protection of all members of the community. In addition, information regarding alleged sexual misconduct will be shared among College administrators as appropriate and necessary. The College cannot control confidentiality violations by third parties.

Complainants, alleged victims (if not the Complainant) and Respondents may request that the College treat information regarding alleged Sexual Misconduct as confidential. The College takes such requests seriously; however, such requests may limit the College's ability to investigate and take reasonable action in response to a Complaint. In such cases, the College will evaluate the request(s) that a complaint remain confidential in the context of the College's commitment to provide a reasonable safe and non-discriminatory environment.

In order to make such an evaluation, the Title IX Coordinator may conduct a preliminary investigation into the alleged sexual misconduct and may weigh the request(s) against the following factors:

- I. the seriousness of the alleged sexual misconduct;
- II. whether there have been other complaints of sexual misconduct against the Respondent;
- III. the Respondent's right to receive information about the allegations if the information is maintained by the College as an "education record" under FERPA; and
- IV. the applicability of any laws mandating disclosure.

The Title IX Coordinator will inform the person requesting confidentiality if the College cannot ensure confidentiality.

Even if the College cannot take disciplinary action against the Respondent because of the Complainant's and/or, if applicable, the alleged victim's request for confidentiality, to the extent possible and necessary, the College will nevertheless take prompt and effective action to limit the effects of the alleged sexual misconduct and to prevent its recurrence. For instance, the College may issue a "no-contact" order or take other appropriate interim measures to ensure an individual's safety even in the absence of a formal proceeding.

(d) Related Misconduct and Limited Immunity.

The Disciplinary Board is empowered to hear allegations of, and to impose sanctions for, sexual misconduct and any other violations of the rules and regulations found in this Policy.

The College considers the reporting and adjudication of sexual misconduct cases on campus to be of paramount importance. The College does not condone underage drinking; however, the College may extend limited immunity from punitive sanctioning in the case of illegal alcohol use to victims, witnesses and those reporting incidents and/or assisting the victims of sexual misconduct, provided that they are acting in good faith in such capacity.

HOW AND WHERE TO FILE A COMPLAINT

Because sexual misconduct may constitute both a violation of College policy and criminal activity, and because the College grievance process is not a substitute for instituting legal actions, **the College encourages individuals to report alleged sexual misconduct promptly to campus officials and to law enforcement authorities.** Individuals may, however, choose to decline to report alleged sexual misconduct to such campus officials and/or law enforcement authorities. The College respects and supports the individual's decision with respect to reporting; nevertheless, the College may notify appropriate law enforcement authorities if required or warranted by the nature of the allegations at issue.

(a) Filing a Complaint with Local Law Enforcement.

Individuals are strongly encouraged to inform law enforcement authorities about instances of sexual misconduct. Individuals may, however, choose to decline to report alleged sexual misconduct to law enforcement authorities. The College respects and supports the individual's decision with respect to reporting; however, the College may nonetheless notify appropriate law enforcement authorities if required or warranted by the nature of the allegations at issue.

Individuals may file a complaint directly with local law enforcement agencies by dialing 911. Individuals may contact the Office of Campus Safety, 24 hours a day, seven days a week (available by phone at 843-383-8140) and located at 311 East. Carolina Ave.

Individuals may inform law enforcement authorities about sexual misconduct and discuss the matter with a law enforcement officer without making a formal criminal complaint (or a College Complaint). Individuals who make a formal criminal complaint may also choose to pursue a College complaint simultaneously. A criminal investigation into the matter does not preclude the College from conducting its own investigation (nor is a criminal investigation determinative of whether sexual misconduct, for purposes of this Policy, has occurred). However, the College's investigation may be delayed temporarily while the criminal investigators are gathering evidence. In the event of such a delay, the College may take interim measures when necessary to protect the alleged victim and the College community.

(b) Filing a Complaint with College Administration.

Any Student or employee of the College may file a Complaint against other students, staff, or faculty. Students may also file complaints against third parties who are not enrolled at or employed by the College if the conduct giving rise to the Complaint is related to the College's academic, educational, or extracurricular programs or activities. The College may not have jurisdiction to discipline third parties, but it can provide a complainant with support services and, if appropriate, it will conduct an investigation of the incident to ensure that it does not represent a pattern of Sexual Misconduct occurring at the College or involving its students or employees.

Individuals may choose to decline to report alleged sexual misconduct to campus officials. The College respects and supports the individual's decision with respect to reporting; however, if information about sexual misconduct comes to the attention of the College, the College may (1) start an investigation even in the absence of a filed Complaint and/or (2) notify appropriate law enforcement authorities if required or warranted by the nature of the information of which it becomes aware.

Anyone wishing to make a Complaint under this Policy should contact one of the following individuals or offices.

1. the College's Office of Campus Safety, 24 hours a day, seven days a week (available by phone at 843-383-8140) and located at 311 East. Carolina Ave.
2. the College's Title IX Coordinator, Brianna Douglas, from 8:30 a.m. to 5:00 p.m., Monday through Friday (available by at bbouncedouglas@coker.edu) and located on the 1st Floor Administration Building located at 300 East College Ave. Hartsville, South Carolina 29550.
3. the Dean of Students from 8:30 a.m. to 5:00 p.m. Monday through Friday (available by email at wwatts@coker.edu) and located on the 2nd floor of the Student Center located at 300 East College Ave. Hartsville, South Carolina 29550.

If an employee of the Office of Campus Safety, or the Office of the Dean of Students, receives a report of alleged sexual misconduct, that employee must notify the College Title IX Coordinator.

An individual may report alleged sexual misconduct to a college employee other than those referenced above. No member of the College community may discourage an individual from reporting alleged incidents of sexual misconduct. An employee with knowledge about a known or suspected incident of sexual misconduct (other than health-care professionals and other individuals who are statutorily barred from reporting) must report the incident to the College's Title IX Coordinator. No employee is authorized to investigate or resolve complaints without the involvement of the College's Title IX Coordinator.

PROCEDURE APPLICABLE TO ALL COMPLAINTS

The Title IX Coordinator will be responsible for overseeing the prompt, fair and impartial investigation and resolution of complaints filed with the College. The College will proceed with an investigation and resolution of a complaint even if a complaint has been filed with law enforcement as well. If the College's investigation is delayed temporarily while law enforcement is conducting its own investigation and gathering evidence, the College may take interim measures, up to and including discipline, when necessary to protect the alleged victim and the College community. The College may also start an investigation even in the absence of a filed complaint if information about sexual misconduct comes to the attention of the college. In addition, the College may notify appropriate law enforcement authorities if required or warranted by the nature of the allegations in the complaint.

The College will make every reasonable effort to ensure that the investigation and resolution of a complaint occurs in as timely and efficient a manner as possible. The College's investigation and resolution of a complaint (not including an appeal, if applicable) will generally be completed within 60 calendar days of the receipt of the complaint, absent extenuating circumstances. If a college judicial hearing is necessary, the hearing will take place at the conclusion of the investigation within a reasonable timeframe. If a college judicial hearing has taken place, both the Complainant and the Respondent will receive a Final Outcome Letter within ten calendar days of the conclusion of the hearing. The Title IX Coordinator may modify any deadlines contained in this Policy as necessary and for good cause.

A Complainant may determine after filing a complaint that he or she does not wish to pursue resolution of the complaint through the College. The College takes such requests seriously. However, Complainants are advised that such requests may limit the College's ability to take action in response to a Complaint. Title IX requires the College to evaluate the request(s) that a Complaint not be adjudicated in the context of the College's commitment to provide a reasonably safe and non-discriminatory environment. In order to make such an evaluation, the Title IX Coordinator may conduct a preliminary investigation into the alleged Sexual Misconduct and may weigh the Complainant's request(s) against the following factors:

1. the seriousness of the alleged Sexual Misconduct;
2. whether there have been other Complaints of sexual misconduct against the Respondent;
3. the Respondent's right to receive information about the allegations if the information is
4. maintained by the College as an "education record" under FERPA, and the applicability of any laws mandating disclosure.

Even if the College cannot take disciplinary action against the Respondent because of the request to not pursue an investigation, Title IX requires the College to investigate and take reasonable action in response to the information known to it; thus, the College may take such measures and impose such discipline as are deemed necessary by the Dean of Students

following an investigation. The Complainant's complaint may also be used as an anonymous report for data collection purposes under the Clery Act.

If at any point during the complaint, investigative or disciplinary processes, the Title IX Coordinator reasonably believes that a Respondent who is a member of the College community poses a substantial threat of harm to other members of the campus community; threatens or endangers College property; or disrupts the stability and continuance of normal College operations and functions, such person may be subject to disciplinary actions that could include summary suspension or administrative withdrawal for students or an employment leave of absence for an employee.

The following information outlines the process:

1. Complaint is received by the Title IX Coordinator.
2. All parties meet with the Title IX Coordinator separately to review the Title IX policy, available resources offered on and off campus to victims and non-victims, and possible interim accommodations that can be provided until a resolution is made.
3. The Title IX Coordinator arranges for an investigation to take place unless it is clear on its face that no reasonable grounds exist for believing that the conduct at issue (1) constitutes sexual misconduct or (2) denies or limits the Complainant's (or the victim's, if he or she is not the Complainant) ability to participate in or receive the benefits of the College's programs or activities based on sex.
4. Upon the conclusion of an investigation, an investigative report that includes, among other things, summaries of all interviews conducted, photographs and descriptions of relevant evidence, summaries of relevant electronic records, and a detailed written analysis of the events in question (the "Investigative Report") will be sent to the Title IX Coordinator who will distribute it, concurrently, to the Complainant, the alleged victim (if not the Complainant) and the Respondent. All parties to whom the Investigative Report is distributed pursuant to this Policy must maintain it in confidence; the Investigative Report may only be disclosed as is contemplated by this Policy.
5. The Title IX Coordinator determines whether reasonable grounds exist to believe that the conduct at issue (1) constitutes sexual misconduct and (2) denies or limits the Complainant's (or the victim's, if he or she is not the Complainant) ability to participate in or receive the benefits of the College's programs or activities based on sex.
6. If the Title IX Coordinator finds no reasonable grounds to believe that no Title IX violation has occurred, the Title IX Coordinator will promptly notify the parties of such a determination.

If the Title IX Coordinator finds reasonable grounds to believe that a violation has occurred, the Title IX Coordinator will specify which allegations and, if applicable, which other, related alleged misconduct, will go forward for resolution under this Policy and notify both parties in writing. The matter will be moved through the college judicial process as outlined in the Student Handbook.

7. The Complainant, the alleged victim (if not the Complainant), and/or the Respondent may appeal the Title IX Coordinator's decision in writing to the Executive Vice President of the College (providing a copy of the appeal to the Title IX Coordinator) within ten days of receipt of the determination. The Title IX Coordinator will promptly inform the other parties of the appeal. Within ten days of the receipt of the Complainant's appeal, the Executive Vice President will make a determination as to whether the Complaint should proceed to hearing or the case should be closed and whether any additional or different remedial action is necessary. The Executive Vice President will notify the Complainant, the alleged victim (if not the Complainant), and the Respondent concurrently of his or her decision.

Violation of this policy may result in disciplinary action up to and including dismissal from Coker College as a student and/or employee.

EXHIBIT A

STUDENT SEXUAL MISCONDUCT POLICY AND PROCEDURES

Suggested Actions for Victims of Sexual Assault

If you are the victim of a Sexual Assault, the College's first priority is to help you take steps to address your safety; medical needs and emotional well-being. You are encouraged to take the following actions regardless of whether you have made a decision about whether to pursue criminal or College disciplinary charges.

(1) Ensure Your Physical Safety.

You may seek help from **local law enforcement agencies**, or by contacting the **Coker College's Office of Campus Safety**. The Coker College Office of Campus Safety can assist you with contacting local law enforcement and can help you obtain transportation to the local law enforcement office. Security personnel are on duty 24 hours a day, seven days a week.

You may also apply at the Darlington County Courthouse (1 Public Square, Darlington, S.C. 29540) for an **Injunction for Protection** (a protective order), Monday through Friday, 8:30 a.m. until 5:00 p.m. You may apply for emergency protection after hours with the Darlington County Sheriff's Department. Information on obtaining an Injunction for Protection is available at <http://www.darcosc.com>. Injunctions for Protection are enforced by the court system.

(2) Seek Medical Assistance and Treatment.

Local options for medical care include **Coker College Health Services and Carolina Pines Regional Medical Center**. It is crucial that you obtain medical attention as soon as possible after a sexual assault to determine the possibilities of physical injury, to prevent or treat sexually transmitted diseases (such as HIV), and to prevent pregnancy. Medical facilities can also screen for the presence of sedative drugs such as Rohypnol or GHB (date-rape drugs).

If you choose to have an evidence collection kit (or "rape kit") completed, it is important to do so within 72 hours. Even if you have not decided to file charges, it is advisable to have the evidence collection kit completed so that you can preserve the options of obtaining an Injunction for Protection and filing charges at a later date. Carolina Pines Regional Hospital administers evidence collection kits. Individuals may go directly to Carolina Pines Hospital or may be referred to the hospital by Coker College Health Services.

In order to best preserve evidence for an evidence collection kit, you should avoid showering, bathing, going to the bathroom or brushing your teeth before the kit is completed. You should

also wear (or take with you in a paper–not plastic–bag) to the hospital the same clothing that you were wearing during the assault. An evidence collection kit can still be completed even if you have showered or bathed.

You may be accompanied to the hospital by a friend or other support person. At the hospital, a physician will briefly screen you, and a forensic nurse trained in evidence collection procedures will conduct the examination, collecting hair, fluid and tissue samples. When obtaining an evidence collection kit, you have the option of filing an official police report immediately or have a “Jane Doe kit” collected, which allows the evidence to remain anonymous until you choose to make an official police report.

(3) Obtain Emotional Support

The Coker College Counseling Center can help victims sort through their feelings and begin the recovery process. The professionals at the Counseling Center are trained to provide crisis intervention on short-term and emergency issues. The Counseling Center can also provide referral services for outside providers and law enforcement. Counseling is free of charge to all Students of the College. In some instances, the law may require the disclosure of information shared by the students with counselors. However, absent a legal mandate to the contrary, counseling services are strictly confidential, are not part of students’ College records, and will not be reported to other College personnel. The Counseling Center can also put victims in touch with a Victim Advocate. In addition to providing support to victims, Victim Advocates can also accompany victims to their initial meetings with the Case Manager and can be present during the investigation process.

(4) Obtain Information

You are encouraged to report incidents of Sexual Misconduct to the College’s Title IX Coordinator (even if you have filed a report directly with law enforcement). Further information about how to report Sexual Misconduct is provided in the body of the Policy. College personnel can help you access resources and can provide you with support and information, including information on the College’s procedures for investigating and addressing instances of Sexual Misconduct.

EXHIBIT B

STUDENT SEXUAL MISCONDUCT POLICY AND PROCEDURES

Definitions

(iv) Clery Act. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the “Clery Act”) is a federal statute codified at 20 U.S.C. § 1092(f), with implementing regulations in the U.S. Code of Federal Regulations at 34 C.F.R. 668.46. The Clery Act requires all colleges and universities that participate in federal financial aid programs to keep and disclose information about crime on and near their respective campuses.

(v) Complainant. A “Complainant” is an individual who reports or files a Complaint. A Complainant may be someone other than the person who may have been subjected to the Sexual Misconduct.

(vi) Complaint. A “Complaint” is an allegation of Sexual Misconduct asserted against another party and reported to or filed with the College.

(vii) Consent. “Consent” is informed, freely and actively given and mutually understandable words or actions that indicate a willingness to participate in mutually agreed-upon sexual activity. Consent is mutually understandable when a reasonable person would consider the words or actions of the parties to have manifested a mutually understandable agreement between them to engage in certain conduct with each other. Consent cannot be gained by ignoring or acting in spite of the objections of another.

Consent cannot be inferred from:

1. Silence, passivity, acceptance, or lack of resistance alone;
2. A current or previous dating or sexual relationship (or the existence of such a relationship with anyone else);
3. Attire;
4. The buying of dinner or the spending of money on a date; or
5. Consent previously given (i.e., consenting to one sexual act does not imply consent to another sexual act).

Consent is not effective if it is obtained through the use of physical force, violence, duress, intimidation, coercion or the threat, expressed or implied, of bodily injury. Whether a party used intimidation or coercion to obtain consent will be determined by reference to the perception of a reasonable person found in the same or similar circumstances.

Consent may never be given by:

- A. Minors, even if the other participant did not know the minor’s age.

- B. Mentally disabled persons, if their disability was reasonably knowable to a sexual partner who is not mentally disabled.
- C. Persons who are incapacitated (whether as a result of drugs, alcohol or otherwise), unconscious, asleep or otherwise physically helpless or mentally or physically unable to make informed, rational judgments. The use of alcohol or drugs does not diminish one's responsibility to obtain Consent and does not excuse conduct that constitutes Sexual Misconduct under this Policy.

If at any time during a sexual act any confusion or ambiguity is or should reasonably be apparent on the issue of consent, it is incumbent upon each individual involved in the activity to stop and clarify the other's willingness to continue and capacity to consent. Neither party should make assumptions about the other's willingness to continue.

(viii) Dating Violence. "Dating Violence" means violence committed by a person

- 1. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- 2. where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - a) the length of the relationship,
 - b) the type of relationship, and
 - c) the frequency of interaction between the persons involved in the relationship.

(ix) Day. A "day" is a business day, unless otherwise specified.

(x) Domestic Violence. "Domestic Violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited 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 the State of SC]**, or by any other person against an adult or youth victim who is protected from that person's acts under the **[domestic or family violence laws of the State of SC]**.

(xi) FERPA. The Family Educational Rights and Privacy Act ("FERPA") is a federal statute codified at 20 U.S.C. § 1232g, with implementing regulations at 34 CFR Part 99. FERPA protects the privacy of student education records. FERPA grants to parents or eligible students the right to access, inspect, and review education records, the right to challenge the content of education records, and the right to consent to the disclosure of education records.

(xv) Investigator. The “Investigator” is a neutral fact-finder who is designated by the Title IX Coordinator to investigate a Complaint. Typically, the Investigator will be a College security officer or a member of College administration, in either case trained annually on (1) reasonable and appropriate investigative techniques, (2) issues related to Dating Violence, Domestic Violence, Sexual Assault, and Stalking, and (3) how to conduct an investigation that protects the safety of victims and promotes accountability.

(xvi) Respondent. A “Respondent” is an individual who has been accused of committing Sexual Misconduct by the report or filing of a formal or informal Complaint.

(xvii) Retaliation. “Retaliation” means any adverse action threatened or taken against a person because he or she has filed, supported, or provided information in connection with a Complaint of Sexual Misconduct, including but not limited to intimidation, threats, and harassment.

(xviii) Sexual Assault. “Sexual Assault” means any actual, attempted or threatened sexual act with another person without that person’s Consent. Sexual Assault includes but is not limited to:

1. Sexual Battery and attempted Sexual Battery;
2. Intentional and unwelcome sexual touching (including disrobing or exposure), however slight, with any body part or any object, by man or a woman upon a man or a woman, without effective Consent, of a person’s breasts, buttocks, groin, or genitals (or clothing covering such areas), or coercing, forcing, or attempting to coerce or force another to touch you, themselves, or a third party with any of these body parts or areas when such touching would be reasonably and objectively offensive;
3. Any sexual act in which there is force, violence, or use of duress or deception upon the victim;
4. Any sexual act perpetrated when the victim is unable to give Consent; and
5. Sexual intimidation, which includes but is not limited to:
 - A. Threatening, expressly or implied, to commit a sexual act upon another person without his or her Consent..
 - B. Stalking or cyberstalking, and
 - C. Engaging in indecent exposure.

(xix) Sexual Battery. “Sexual Battery” means oral, anal, or vaginal penetration by or union with, the sexual organ of another by the anal or vaginal penetration of another by any other object.

(xx) Sexual Exploitation. “Sexual Exploitation” means any act of taking non-Consensual, unjust or abusive sexual advantage of another person for one’s own advantage or benefit or to benefit or advantage anyone other than the person being exploited. Sexual Exploitation includes, but is not limited to:

1. Causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over such person;
2. Prostituting another person (i.e. personally gaining money, privilege or power from the sexual activities of another);
3. Non-Consensual videotaping, photographing, or audiotaping of sexual activity and/or distribution of these materials via media such as, but not limited to, the Internet;
4. Exceeding the boundaries of Consent (e.g., allowing another person to observe Consensual sex without the knowledge of or Consent from all participants);
5. Voyeurism; and
6. Knowingly or recklessly transmitting a sexually transmitted disease (including HIV) to another individual.

(xxi) Sexual Harassment. “Sexual Harassment” is any unwelcome verbal, non verbal, written, electronic or physical conduct of a sexual nature. Examples of Sexual Harassment include instances in which:

1) Submission or consent to the behavior is reasonably believed to carry consequences for the individual’s education, employment, on-campus living environment, or participation in a College activity. Examples of this type of sexual harassment include:

- a) pressuring an individual to engage in sexual behavior for some educational or employment benefit, or
- b) making a real or perceived threat that rejecting sexual behavior will carry a negative educational or employment consequence for the individual.

2) The behavior is so severe or pervasive that it has the effect of substantially interfering with the individual’s work or educational performance by creating an intimidating, hostile, or demeaning environment for employment, education, on-campus living, or participation in a College activity. Examples of this type of sexual harassment include:

- a) one or more instances of Sexual Assault;
- b) persistent unwelcome efforts to develop a romantic or sexual relationship;
- c) unwelcome sexual advances or requests for sexual favors;
- d) unwelcome commentary about an individual’s body or sexual activities;
- e) repeated and unwelcome sexually-oriented teasing, joking, or flirting; and
- f) verbal abuse of a sexual nature.

Sexual harassment also includes acts of intimidation, bullying, aggression or hostility based on gender or gender-stereotyping, even if the acts do not involve conduct of a sexual nature.

(xxii) Sexual Misconduct. “Sexual Misconduct” means any conduct or act of a sexual nature perpetrated against an individual without Consent. Sexual Misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual Misconduct can be committed by men or by women, and it can occur between people of the same or different sex. The College encourages reporting of all Sexual Misconduct. Sexual Misconduct includes but is not limited to:

- 1) Dating Violence;
- 2) Domestic Violence;
- 3) Non-forcible sex acts, which are unlawful sexual acts where Consent is not relevant, such as sexual contact with an individual under the statutory age of Consent, as defined by State law, or between persons who are related to each other within degrees wherein marriage is prohibited by law;
- 4) Sexual Assault;
- 5) Sexual Exploitation;
- 6) Sexual Harassment; and
- 7) Stalking.

(xxiv) Stalking. “Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- 1) fear for his or her safety or the safety of others; or
- 2) suffer substantial emotional distress.

(xxv) Student of the College. A “Student of the College” is any student who:

1. is registered at the College or enrolled at the College (a) at the time of the alleged Sexual Misconduct and (b) at the time a Complaint is filed; and
2. is either:
 - a) registered to be enrolled or is currently enrolled at the College on a full-time basis, or
 - b) registered to be enrolled or is currently enrolled at the College on less than a full-time

basis and is not an employee of the College. Solely for purposes of this definition, the term “employee of the College” does not include those individuals who are employed by the College through a work-study or similar program.

(xxvi) Title IX Coordinator. The College’s “Title IX Coordinator” is Brianna Douglas. The Title IX Coordinator has ultimate oversight responsibility for handling Title IX-related complaints and for identifying and addressing any patterns or systemic problems involving Sexual Misconduct. The Title IX Coordinator is available to meet with individuals who are involved with or concerned about issues or College processes, incidents, patterns or problems related to Sexual Misconduct on campus or in College programs. All allegations involving Sexual Misconduct should be directed to the Title IX Coordinator.