CHAPTER 105

South Carolina Campus Sexual Assault Information Act

**SECTION 59-105-10. Short title.**

This act is known and may be cited as the "South Carolina Campus Sexual Assault Information Act".

HISTORY: 2002 Act No. 310, § 1.

**SECTION 59-105-20. Definitions.**

As used in this act:

(1) "Campus" means a building or property:

(a) owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes;

(b) owned or controlled by a student organization recognized by the institution including, but not limited to, fraternity, sorority, and cooperative houses;

(c) controlled by the institution but owned by a third party.

(2) "Campus sexual assault" means a sexual assault that occurs on campus.

(3) "Institution of higher learning" or " institution" means a public two-year or four-year college, community or junior college, technical school, or university located in this State, and also any private two-year or four-year college, community or junior college, technical school, or university located in this State which elects to be governed by this chapter.

(4) "Student" means an individual who is enrolled in an institution of higher learning on a full-time or part-time basis.

HISTORY: 2002 Act No. 310, § 1.

**SECTION 59-105-30. Purpose.**

The serious nature and consequences of sexual assault and the particular problems caused by sexual assault within a campus community prompt the General Assembly to encourage institutions of higher learning to develop, with input from students, faculty, and staff, a comprehensive sexual assault policy to address prevention and awareness of sexual assault and to establish procedures that address campus sexual assaults. The General Assembly further encourages institutions of higher learning to make all reasonable efforts to support a student who is the victim of a sexual assault in a full report of the sexual assault to appropriate law enforcement authorities, including institutional and local police, and to make all reasonable efforts to provide assistance to and to cooperate with the student as the report is investigated and resolved.

HISTORY: 2002 Act No. 310, § 1.

**SECTION 59-105-40. Campus sexual assault policy; development and implementation; contents; private right of action; distribution.**

(A) Not later than one hundred twenty days after the effective date of this act, each institution of higher learning must establish and implement a written campus sexual assault policy regarding at least:

(1) the institution's campus sexual assault programs, aimed at prevention and awareness of sexual assaults; and

(2) the procedures followed by the institution once a sexual assault occurs and is reported.

(B) The policy described in subsection (A) must address at least all the following areas:

(1) education programs to promote the prevention and awareness of sexual assault;

(2) possible sanctions following the final determination of an institutional disciplinary procedure regarding a sexual assault;

(3) procedures a student follows if a sexual assault occurs, including the persons to be contacted, the importance of preserving evidence of the criminal sexual assault, and the authorities to whom the alleged offense must be reported;

(4) procedures for institutional disciplinary action in cases of alleged sexual assault, including a clear statement that both the accuser and the accused:

(i) have the same opportunities to have support persons or legal counsel, if the institution's policy allows the presence of outside legal counsel, present during an institutional disciplinary proceeding; and

(ii) must be informed of the outcome of an institutional disciplinary proceeding brought alleging a sexual assault.

(5) notification to a student of the right to notify proper law enforcement authorities, including institutional and local police, and of the option to be assisted by representatives of the institution in notifying law enforcement authorities if the student chooses;

(6) notification of a student of existing medical, advocacy, counseling, mental health, and student services for victims of sexual assault, both on campus and in the community;

(7) notification of a student of options for, and available assistance in, changing academic and living situations after an alleged campus sexual assault, if requested by the victim and if the changes are reasonably available.

(C) This action does not expand or reduce a private right of action of a person to enforce the provisions of this act.

(D) Each institution of higher learning must distribute to students, faculty, and staff the written campus sexual assault policy required by this chapter by printing the policy in one or more of the institution's publications made widely available to students, such as the institution's catalog, student handbook, or staff handbook. Each institution of higher learning must include on admissions and employment applications a notification that a copy of the institution's campus sexual assault policy is available upon request. In addition, the institution's law enforcement personnel, security personnel, and counseling center must make the written policy available to a student who reports being a victim of a sexual assault involving another student or occurring on campus.

HISTORY: 2002 Act No. 310, § 1.

**SECTION 59-105-50. Information relating to procedures for institutional disciplinary proceedings to be made available.**

In addition to the publication required by Section 59-105-40, each institution of higher learning must make available to all students a description of the jurisdiction, procedures, and time deadlines of institutional disciplinary proceedings.

HISTORY: 2002 Act No. 310, § 1.

**SECTION 59-105-60. Model sexual assault policy.**

The Commission on Higher Education shall develop, print, and distribute a model sexual assault policy for institutions of higher learning, which complies with the requirements herein. The model policy shall be distributed to all institutions of higher learning in the State for their use as a reference in formulating their sexual assault policy.

HISTORY: 2002 Act No. 310, § 1.