

# YORK TECHNICAL COLLEGE

## Sexual Assault Prevention & Response Procedures

York Technical College is committed to maintaining a safe campus community and, therefore, strictly prohibits sexual misconduct. The College's Sexual Assault Procedures comply with Federal Law 34 CFR 668.46 (9b) (11) and section 59-105-10 of the S.C. Campus Sexual Assault Information Act.

### Definition of Sexual Assault

Sexual assault is defined as any physical contact of a sexual nature which occurs against a person's will and/or without a person's consent.

### Sexual Assault Prevention Measures

York Technical College is concerned with the safety of students and employees. To keep the campus and off-campus centers safe, being aware of the surroundings is important, especially at night. Below are some important and easy to follow measures that everyone can practice.

- Contact the Public Safety Office (803-327-8013) to request an escort if you sense any danger. It is advisable to have this number programmed into your cell phone for quick access.
- If you do not have a cell phone, be aware of telephone locations in case of an emergency.
- Avoid being in classrooms or office buildings alone. If you must be there, notify a Public Safety Officer of where you are and how long you will be there. Stay near a telephone, if possible.
- Report any suspicious person or activity to a Public Safety Officer, whatever the time, day, or night.
- Vary your routine. Do not walk the same route day-after-day.
- When walking, be alert. Listen for footsteps and voices to be sure no one is following you.
- Avoid unlit areas. Whenever possible, walk and park in well-lit public areas.
- Always lock the doors in your car, room, apartment, or house. Keep the car doors locked even when you are driving.
- When walking to your car, have your car keys in your hand before leaving the building.

## Reporting a Sexual Assault

If a student is sexually assaulted at York Technical College (including off-campus centers or college-sponsored events), he/she should:

- If on campus, call York Technical College's Public Safety Office immediately at 803-327-8013 to report the incident.
- If off campus, call the local emergency medical service immediately by dialing "911." (This does not obligate you to file charges or to testify in court.)
- If you prefer not to call the police, but you want to report the sexual assault to the College, you should contact the Dean for Students at 803-327-8047, the Associate Vice President for Academic & Student Affairs at 803-327-8016, or a Student Development Counselor in the Counseling & Support Services Department of Student Services at 803-981-7051. These individuals will assist you in notifying the above authorities upon request.

## Public Safety Office Procedures

When a student notifies the York Technical College Public Safety Office of a sexual assault, the following will occur:

- Public Safety will respond to the location on campus, ensure that the student is safe, and provide the student with emergency medical assistance.
- Public Safety will protect the crime scene, contact the local law enforcement agency, if necessary, and assist in the preservation of evidence.
- If the student requests to speak to a male or female officer, the law enforcement agency will make every reasonable effort to accommodate the request.
- A Student Services representative may report to the scene to assist as needed. A friend or family member will be called upon request.
- Public Safety will make arrangements for appropriate transportation to a medical facility, if desired.
- Public Safety or a Student Services representative will contact other assistance agencies on the student's behalf, upon request, such as the Victim/Witness Assistance Program, 1675-1B York Highway, York, SC, 29745; Phone (803) 628-3023.
- The case will be treated with sensitivity, understanding, and professionalism regardless of gender or the gender of the accused, and names will not be released to the public or the press.

## Dean for Students Office Procedures

When a student notifies the Dean for Students Office of a sexual assault, the following will occur:

- Upon learning of a sexual assault, the Dean for Students will contact the alleged victim and the accused student. Any information provided will be kept confidential and only shared on a need-to-know basis with appropriate college personnel.

- The alleged victim will be asked to provide a written statement of the incident so that the Dean for Students may conduct a preliminary investigation.
- The Dean for Students will investigate all allegations involving students for appropriate disciplinary follow-up. Please remember that information regarding student discipline is maintained as a confidential record.
- The Human Resources Director will investigate all allegations involving college employees.
- If the accused assailant is not a student or an employee, the local law enforcement agency will pursue the investigation. The Dean for Students (or designee) will assist the alleged victim in securing the appropriate services for the situation, upon request.

When a student reports a sexual assault to the Dean for Students, the Dean is required by law to inform the York Technical College Public Safety Office for statistical reporting purposes. However, reporting this crime to the Public Safety Office in no way obligates the student to press charges or testify in court. Even if the student does not want to press charges, the College strongly encourages the student to contact the local law enforcement agency for immediate help.

## Preservation of the Evidence

It is very important to preserve evidence for the proof of a criminal offense. Following the guidelines below will assist in ensuring that the evidence is preserved.

- Call “911” and request medical transportation.
- Memorize as much detail as possible about the assailant.
- Preserve the evidence by not bathing, changing clothes, eating, or drinking.
- Do not disturb the crime scene(s).
- If a student is sexually assaulted, he or she is strongly encouraged to go through the rape protocol exam for medical attention and for the purpose of preserving important physical evidence of the assault. The rape protocol exam should be done as soon as possible. Physical evidence can be obtained up to 72 hours after the assault. However, as time passes, the quality of the evidence diminishes.

## Disciplinary Procedures

Detailed rules for disciplinary procedures, timelines, and sanctions are published in the College’s *Student Code and Grievance Procedure* which can be found at [www.yorktech.edu/Student\\_Life.php](http://www.yorktech.edu/Student_Life.php). An abbreviated version of these procedures is below:

1. A charge involving an alleged sexual assault by a student must be filed in writing at the Dean for Students Office within five (5) working days after the alleged infraction or after such infraction becomes known to an administrative officer of the college.
2. Within five (5) working days after the charge is filed, the Dean for Students will meet with

the accused student and conduct a preliminary investigation of the charge. After completing the investigation, the Dean for Students may:

- a) Drop the charges.
  - b) Impose a sanction of
    - (a) A written reprimand
    - (b) An obligation to make restitution or reimbursement
    - (c) A suspension or termination of particular student privileges
    - (d) Disciplinary probation
    - (e) Suspension from the college
    - (f) Expulsion from the college
    - (g) Any combination of the above
  - c) Refer the accused student to a college office or community agency for services.
3. The decision of the Dean for Students (approved by the Academic & Student Affairs Administration) will be presented to the accused student in writing within five (5) working days following the meeting with the student.
  4. If the accused student disagrees with the decision, he or she may request a hearing before an Appeals Committee. This request must be submitted within two (2) working days after receipt of the decision unless a request is made and approved for an extension of time.

### The Appeal Committee

York Technical College will form an ad hoc Appeal Committee to consider the case of an accused student who declines to accept the findings of the Dean for Students. The hearing will be held within 15 working days after the accused student has officially appealed the decision.

1. Membership of the Committee is composed of the following:
  - a) Three faculty members appointed by the Chief Instructional Officer and approved by the President
  - b) Three student members appointed by the President based on recommendations from the academic division Associate Vice Presidents. (Student membership on the Appeal Committee may be waived by the President due to case sensitivity.)
  - c) At least one member of the Student Services staff appointed by the Chief Student Services Officer and approved by the President
  - d) Dean for Students as an ex officio nonvoting member
  - e) Chair appointed by the President and must exclude ex officio members
2. Functions of the Committee are described as follows:

- a) To hear an appeal from the accused student charged with an infraction that may result in disciplinary action
- b) To hand down a decision based on evidence introduced at the hearing
- c) To provide the accused student with a statement of the Committee's decision including findings of fact and, if applicable, to impose one or more sanctions

## Rights of the Accused and the Accuser

- The accuser and the accused have the right to be informed of the disciplinary procedures which will be followed in addressing a report of sexual assault.
- The accuser and the accused have the right to attend and testify at a hearing, if scheduled, and are entitled to have others present during a disciplinary proceeding, as well as have an advisor or legal counsel present during the hearing proceedings.
- The Dean for Students will make special accommodations for the accuser to testify if he or she does not want to face the accused.
- All hearings are closed to the public and are confidential.
- The accuser and the accused will be informed of the institution's final determination with respect to the alleged sex offense and any sanction that is imposed against the accused.
- In the event the accused student appeals the decision, the Dean for Students will notify the alleged victim of the status of the appeal.
- The accuser may request changes in his/her academic schedule by making a request to the Dean for Students. The College will accommodate such changes if reasonably possible.

## Educational Programs and Services

The College actively promotes campus safety by providing educational programs to promote the prevention and awareness of rape, acquaintance rape, and other forcible and nonforcible sex offenses and other safety-related issues for college students. Events are usually scheduled in conjunction with the annual Health Fair, and periodic workshops are advertised in the *Student News* and on Tech-TV.

## Counseling and Support Services

The College provides counseling services in the Counseling & Support Services Department in the Student Services building. Counselors also make referrals to appropriate community agencies when necessary. Individuals may obtain direct services related to sexual assault and domestic violence by contacting:

Safe Passage (York & Union County)

P.O. Box 11458

Rock Hill, SC 29731

24-Hour Crisis Hotline – (803) 327-7558

Toll-Free 1-800-659-0977

Palmetto Citizens Against Sexual Assault (Chester & Lancaster Counties)

Chester: 177 Columbia St.  
Chester, SC 29706  
(803)581-8313

Lancaster: 106 N. York St.  
Lancaster, SC 29720-2063  
(803)286-5232 Hotline: 1-888-790-8532

### Sex Offenders Registry

The Campus Crimes Prevention Act (Public Law 106-386) requires tracking of convicted sex offenders enrolled at or employed by institutions of higher education. The Sex Offender Registry is available to the public at <http://www.sled.state.sc.us>

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