Campus Sexual Assault Information

This Act:
• Requires institutions of higher learning to develop, publish, and implement policies and practices to promote prevention, awareness, and remedies for campus sexual assault;
• Provides that each institution of higher education must include a statement in their annual security report which advises where law enforcement information may be obtained concerning registered sex offenders, and
• Requires offenders who are enrolled at, employed by, or carrying on a vocation at an institution of higher education to provide notice of a change in status to a law enforcement agency.

Submitted as:
South Carolina
Act 310, 2002
Status: Enacted into law in 2002.

Suggested State Legislation

(Title, enacting clause, etc.)

Section 1. [Short Title.] This Act may be cited as “The Campus Sexual Assault Information Act.”

Section 2. [Legislative Findings.] 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.

Section 3. [Definitions.] As used in Sections 4 through 7 of 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
Section 4. [Written Campus Sexual Assault Policy.]

(1) 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:

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

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

(2) The policy described in subsection (1) must address at least all the following areas:

(a) Education programs to promote the prevention and awareness of sexual assault;

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

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

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

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

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

(e) 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;

(f) 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;

(g) 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.

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

(4) Each institution of higher learning must distribute to students, faculty, and staff the written campus sexual assault policy required by this Act 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.
Section 5. [Description of the Jurisdiction, Procedures, and Time Deadlines of Institutional Disciplinary Proceedings.] In addition to the publication required by Section 4 of this Act, each institution of higher learning must make available to all students a description of the jurisdiction, procedures, and time deadlines of institutional disciplinary proceedings.

Section 6. [Model Sexual Assault Policy for Institutions of Higher Learning.] The [insert agency] 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.

Section 7. [Campus Sex Crimes Prevention.] Each institution of higher education must include a statement in their annual security report which advises the campus community where law enforcement information concerning registered sex offenders may be obtained, such as the law enforcement office of the institution, a local law enforcement agency with jurisdiction for the campus, or a computer network address. For purposes of this Act, the annual security report means the report published pursuant to Section 485 of the Higher Education Act of 1965 as amended (20 U.S.C. Section 1092(f)). This information must be included in reports beginning in [2003].

Section 8. [Notice of Change in Status.] (A) For purposes of this section: “employed and carries on a vocation” means employment that is full-time or part-time for a period of time exceeding [fourteen days] or for an aggregate period of time exceeding [thirty days] during any calendar year, whether financially compensated, volunteered, or for the purpose of government or educational benefit; and “student” means a person who is enrolled on a full-time or part-time basis, in any public or private educational institution, including any secondary school, trade, professional institution, or institution of higher education. “Institution of higher education” means any two-year or four-year college, community or junior college, technical school, or university located in this State.

(B) Any person required to register under [insert citation] and who is employed by, enrolled at, or carries on a vocation at an institution of higher education must provide written notice to the [sheriff’s department in the county in which they reside] within [ten days] of each change in enrollment, employment, or vocation status at an institution of higher education in this state.

Section 9. [Severability.] [Insert severability clause.]

Section 10. [Repealer.] [Insert repealer clause.]

Section 11. [Effective Date.] [Insert effective date.]