

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.)

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

3
4 Section 2. [*Legislative Findings.*] The serious nature and consequences of sexual assault
5 and the particular problems caused by sexual assault within a campus community prompt the
6 [General Assembly] to encourage institutions of higher learning to develop, with input from
7 students, faculty, and staff, a comprehensive sexual assault policy to address prevention and
8 awareness of sexual assault and to establish procedures that address campus sexual assaults. The
9 [General Assembly] further encourages institutions of higher learning to make all reasonable
10 efforts to support a student who is the victim of a sexual assault in a full report of the sexual
11 assault to appropriate law enforcement authorities, including institutional and local police, and
12 to make all reasonable efforts to provide assistance to and to cooperate with the student as the
13 report is investigated and resolved.

14
15 Section 3. [*Definitions.*] As used in Sections 4 through 7 of this Act:

16 (1) “Campus” means a building or property:

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

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

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

23 (2) “Campus sexual assault” means a sexual assault that occurs on campus.

24 (3) “Institution of higher learning” or “institution” means a public two-year or four-year
25 college, community or junior college, technical school, or university located in this State, and

26 also any private two-year or four-year college, community or junior college, technical school, or
27 university located in this State that elects to be governed by Sections 1 through 7 of this Act.

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

30
31 Section 4. [*Written Campus Sexual Assault Policy.*]

32 (1) Not later than [one hundred twenty days] after the effective date of this Act, each
33 institution of higher learning must establish and implement a written campus sexual assault
34 policy regarding at least:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

73

74 Section 5. [*Description of the Jurisdiction, Procedures, and Time Deadlines of*
75 *Institutional Disciplinary Proceedings.*] In addition to the publication required by Section 4 of
76 this Act, each institution of higher learning must make available to all students a description of
77 the jurisdiction, procedures, and time deadlines of institutional disciplinary proceedings.

78
79 Section 6. [*Model Sexual Assault Policy for Institutions of Higher Learning.*] The [insert
80 agency] shall develop, print, and distribute a model sexual assault policy for institutions of
81 higher learning, which complies with the requirements herein. The model policy shall be
82 distributed to all institutions of higher learning in the state for their use as a reference in
83 formulating their sexual assault policy.

84
85 Section 7. [*Campus Sex Crimes Prevention.*] Each institution of higher education must
86 include a statement in their annual security report which advises the campus community where
87 law enforcement information concerning registered sex offenders may be obtained, such as the
88 law enforcement office of the institution, a local law enforcement agency with jurisdiction for
89 the campus, or a computer network address. For purposes of this Act, the annual security report
90 means the report published pursuant to Section 485 of the Higher Education Act of 1965 as
91 amended (20 U.S.C. Section 1092(f)). This information must be included in reports beginning in
92 [2003].

93
94 Section 8. [*Notice of Change in Status.*]

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

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

108
109 Section 9. [*Severability.*] [Insert severability clause.]

110
111 Section 10. [*Repealer.*] [Insert repealer clause.]

112
113 Section 11. [*Effective Date.*] [Insert effective date.]