

## 2.18 Sexual Assault

**Last Revised:** October 2022

**Policy:** Piedmont Community College is committed to providing an academic environment free of sexual assault, as required by Title IX of the Education Amendments of 1972, 20 U.S.C. Section 1681 et seq ([Title IX](#)) and its implementing regulations, [34 C.F.R. Part 106](#); and the [1992 Higher Education Amendment to the 1990 Crime Awareness and Campus Security Act](#).

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### **Purpose/Definitions:**

#### **Purpose**

Sexual assault includes both forcible and non-forcible sex offenses and covers a range of coercive behaviors from unwanted sexual touching to intercourse. The College has adopted programs and procedures to promote awareness of sexual assault issues, and to provide support and assistance to complainants and respondents during all phases of the Title IX complaint process.

#### **Definitions**

**Complainant**—an individual who is alleged to be the victim of misconduct.

#### **Forcible sex offenses**

- Forcible rape—the carnal knowledge of a person, forcibly or against the person’s will, where the victim is incapable of giving consent because of his or her temporary or permanent mental or physical incapacity (or because of his or her youth).
- Forcible sodomy—oral or anal sexual intercourse with another person, forcibly and/or against the person’s will, where the victim is incapable of giving consent because of his or her youth or because of his or her temporary or permanent mental or physical incapacity.
- Sexual assault with an object—the use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will, where the victim is incapable of giving consent because of his or her youth or because of his or her temporary or permanent mental or physical incapacity.

- Forcible fondling—the touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person’s will; or not forcibly or against the person’s will, where the victim is incapable of giving consent because of his or her youth or because of his or her temporary or permanent mental or physical incapacity.

### **Non-forcible sex offenses**

- Incest—non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory rape—non-forcible sexual intercourse with a person who is under the statutory age of consent.

**Respondent**—an individual who has been reported to be the perpetrator of conduct that could constitute sexual assault.

**Supportive measures**—individualized, non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent. These measures are designed to preserve the complainant’s access to education or employment without unreasonably burdening the respondent.

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**Approval Authority/Monitoring Authority:** Piedmont Community College’s Board of Trustees has approval authority for this policy. The Vice President, Administrative Services/CFO has monitoring authority for this policy.

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### **Procedure:**

#### Section 1: Educational Programs

- 1.1. In order to promote awareness of the possibility of sexual offenses and responses to such, the College disseminates annually the Annual Security and Fire Safety Report, found on the [College’s website](#).
- 1.2. The College has in place Policy 2.6 Title IX Complaint Process, Policy 2.17 Unlawful Harassment and this Sexual Assault policy.
  - 1.2.1. These policies are available in the [General Catalog and Student Handbook](#) and the [PCC Policy Manual](#) located on the PCC College website.

- 1.2.2. During orientation, students are advised to avoid the potential for security problems and how to report such problems.

## Section 2: Reporting an Assault

- 2.1. Students, employees or third parties who have experienced a sexual assault on property owned, leased, or controlled by the College, or involving a college employee or educational program, should immediately contact the College's [Title IX Coordinator](#).
  - 2.1.1. Should the complainant not be comfortable in contacting this individual, the incident may be reported initially to a college safety official, the student's advisor, or any employee of the College for transmission to the Title IX Coordinator.
- 2.2. Processing of such reports should always be handled by the College's Title IX Coordinator.
- 2.3. The complainant also has the additional option of notifying appropriate local law enforcement, and the College will assist the student in notifying these authorities if requested.
  - 2.3.1. In the event that a criminal complaint proceeds simultaneously with a college sexual assault complaint, it is possible that the former may impact the time and manner in which the latter can be processed.
- 2.4. Where applicable, it is important that all available physical evidence of the offense be preserved, including clothing and bodily fluids.
- 2.5. The College may also assist the student in obtaining appropriate medical care if necessary.

## Section 3: College Disciplinary Action

- 3.1. Allegations of sexual assault will be referred to the proper investigating division.
  - 3.1.1. In any such proceeding, sanctions, up to and including suspension or expulsion from enrollment or termination of employment, may be imposed following a final determination in the College disciplinary proceeding.
  - 3.1.2. An allegation of sexual assault that qualifies as a Title IX issue will be processed under PCC Policy 2.6 Title IX Complaint Process.

Section 4: Supportive Measures

- 4.1. The College will provide referral to complainants and respondents to area mental health and other counseling services and/or offer other supportive measures as listed in PCC Policy 2.6 Title IX Complaint Process.

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**Legal Citation:** [N.C.G.S. 115D-21.1](#)

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**History:** Effective October 2001, Revised January 2011, November 2020—cross-references PCC Policy 2.6 Title IX Complaint Process and Policy 2.17 Unlawful Harassment, May 2022—updated definitions, October 2022