

Compliance with the Clergy Act

The “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act,” commonly referred to as the “Clery Act,” requires institutions of higher education receiving federal financial aid to report specified crime statistics on college campuses and areas within the same reasonably contiguous geographic area of college campuses, and to provide other safety and crime information to members of the campus community. SCC’s Procedure 2.06.02 establishes the parameters for compliance with the “Clery Act” which is part of the Higher Education Act of 1965). ([Policy 2.06](#), [Procedure 2.06.01](#), [Procedure 2.06.02](#))

SCC creates and publishes an Annual Security Report (ASR) to the Department of Education disclosing statistics of Clery Act crimes reported over the past three years, as well as college policies and procedures addressing campus security and safety. SCC makes available to the campus community and the public the annual report which provides:

- crime data (by type);
- security policies and procedures in place to protect the community; and
- information on the handling of threats, emergencies, and dangerous situations.

Clery Act crimes, including arrests and disciplinary referrals for liquor law violations, drug law violations, and carrying and possessing illegal weapons are required to be reported annually to the campus community. The annual report is available on the college website at [Campus Safety and Security Statistics Report](#).

The following definitions apply:

Illegal discrimination must be severe, pervasive (persistent) and objectively offensive and shall be defined as: (1) the failure or refusal to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual’s race, color, religion, sex, gender, disability, age, national origin, or political affiliation; (2) the limiting, desegregating, or classification of any employee in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual’s race, color, religion, sex, gender, disability, age, national origin, or political affiliation; (3) the denial, deprivation, limitation, or any other discrimination against an individual to any educational service or program of the college when the denial, deprivation, limitation, or other discrimination is because of such individual’s race, color, religion, sex, gender, disability, age, national origin, or political affiliation; and (4) any other action of the college, its personnel, working in their official employment capacity, which is based on an individual’s race, color, religion, sex, gender, disability, age, national origin, or political affiliation.

Hostile Environment shall be defined as unwelcome conduct which is severe or pervasive enough to create a work or educational environment that a reasonable person would consider intimidating, hostile, or abusive when such unwelcomed conduct is the result of illegal discrimination. Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets, name-calling, physical assaults, threats, intimidation, ridicule, mockery, insults, offensive objects or pictures, and interference with work or education. Petty slights, annoyances, isolated instances, or environments created by something other than illegal discrimination shall not rise to the level of a hostile environment.

Preponderance of the Evidence shall be defined as a finding that a claim or allegation is more likely than not to be true. This term does not refer to the quantity of evidence, but rather to the quality of the evidence. It means that the factfinder must be persuaded, considering all the evidence, that the necessary facts to establish the allegation are more likely than not to exist.

Retaliation means any adverse action threatened or taken against a person because he or she has filed, supported, or provided information in connection with a Complaint of Sexual Misconduct, including, but not limited to direct and indirect intimidation, threats, and harassment. Retaliation against any person participating in good faith in connection with a complaint of sexual misconduct is strictly prohibited.

Sex/Gender Discrimination shall be defined as illegal discrimination and includes the exclusion of a person from participation in or the denial of a person from the benefits of any SCC employment, education program, or SCC activity based upon their sex or gender. Without limiting the definition of Sex/Gender Discrimination, the following are defined as acts of Sex/Gender Discrimination:

- **Sexual Harassment** is unwelcome, gender-based verbal or physical conduct that is, sufficiently severe, persistent, or pervasive that it unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the college's educational program and/or activities, and is based on power differentials (*quid pro quo*), the creation of a hostile environment, or retaliation. The following are types of conduct that may constitute sexual harassment:
 - inappropriate touching, patting, or pinching
 - physical assault or coerced sexual activity
 - demands or subtle pressure for sexual favors
 - unwanted phone calls, texts, email, or gestures
 - condition a benefit by submitting to sexual advances
- **Sexual Violence** refers to a type of sex/gender discrimination involving physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the person from having the capacity to give consent). Sexual violence can be carried out by school employees, other students, or third parties. All such acts of sexual violence are forms of sex/gender discrimination prohibited by Title IX, the Board of Trustees, and college Administration. Sexual violence may include any of the following acts:
 - **Dating Violence** is defined as violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such a relationship will be gauged by its length, type, and frequency of interaction.
 - **Domestic Violence** is defined as asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former co-inhabitant, persons similarly situated under a domestic or family violence law, or anyone else protected under domestic or family law.
 - **Rape** is defined as penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
 - **Sexual Assault** is defined as any involuntary sexual act in which a person is threatened, coerced, or forced to engage against their will, or any sexual touching of a person who has not consented. This includes rape (such as forced vaginal, anal, oral penetration), groping, forced kissing, child sexual abuse, or the torture of a victim in a sexual manner.
 - **Sexual Battery** shall be defined as an unwanted form of contact with an intimate part of the body that is made for purposes of sexual arousal, sexual gratification, or sexual abuse. Sexual battery may occur whether the victim is clothed or not.
 - **Sexual Coercion** shall be defined as any act of persuading or coercing a person into engaging in an unwanted sexual activity through physical force, the threat of physical force, or emotional manipulation. It may also include substance coercion. Coercive situations may occur along a continuum and may not be obvious, even to the coerced individual.
 - **Stalking** is defined as a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or to suffer substantial emotional distress. See section [14-277.3A](#) of the General Statutes for North Carolina's definition of stalking.

Consent shall be defined as affirmative action through clear words or actions that create the mutually understandable permission of all parties to willingly engage in sexual activity and the conditions of such activity. Consent must be received prior to engaging in sexual activity, can only be given by one who has the mental and physical capacity to make such a decision, and it must be clear, knowing, and voluntary. Consent to engage in one form of sexual activity cannot automatically imply to consent to engage in any other form of sexual activity. Previous relationships or prior consent cannot imply consent to future sex acts. Consent can be withdrawn at any time. Consent may not be granted by a person known to be, or by one who should be known to be, mentally or physically incapacitated. It should be recognized that the lack of protest or resistance is not, in and of itself, consent, and persons who are asleep, unconscious, or unable to communicate due to a mental or physical condition are not capable of granting consent.

Clery Act Crimes shall be defined as criminal homicide (murder and negligent/non-negligent manslaughter), sex offenses (forcible and non-forcible), robbery, aggravated assault, burglary, motor vehicle theft, arson, hate crimes (larceny-theft; simple assault; intimidation; or destruction, damage or vandalism of property that are motivated by bias), dating violence, domestic violence, stalking, arrests, and disciplinary referrals for liquor law violations, drug law violations, and carrying and possessing illegal weapons.

College Property shall be defined as (1) campus grounds, buildings, and structures. Any building or property owned or controlled by the College within the same reasonably contiguous geographic area and used by the College in direct support or, or in a manner related to the College's educational purposes; and any building or property that is within or reasonably contiguous to such buildings or property that is owned by the College but controlled by another person and is frequently used by students and supports College purposes; (2) off-campus and affiliated property. Any building or property owned or controlled by a student organization that is officially recognized by the College; or any building or property owned or controlled by the College that is used in direct support or, in relation to, the College's educational purposes, is frequently used by students and is not within the same reasonably contiguous geographic area of the College; and (3) public property. All thoroughfares, streets, sidewalks, and parking facilities that are within the campus, or immediately adjacent to and accessible from the campus.