

Virginia State University
Policies Manual

Title: Discrimination, Harassment, Sexual Misconduct, and Retaliation Policy Policy: 1101

Policy Statement

Virginia State University (“VSU” or “University”) is a community of trust, collegiality and mutual respect whose existence depends on strict adherence to standards of conduct set by its members. The University is committed to maintaining an environment that is safe and free from harassment, sexual assault, stalking, dating and domestic violence, and discrimination based on race, sex, color, national origin, religion, age, veteran status, sexual orientation, gender identity, pregnancy, genetic information, against otherwise qualified persons with disabilities, or based on any other status protected by law. In pursuit of this goal, any question of impermissible discrimination on these bases will be addressed with efficiency and energy and in accordance with this policy and the Discrimination Grievance Procedures. The Discrimination, Harassment, Sexual Misconduct, and Retaliation Policy and the Discrimination Grievance Procedures also address complaints or reports of retaliation against those who have opposed practices prohibited by this policy, those who have filed complaints or reports under this policy, and those who have testified or otherwise participated in enforcement of this policy. The University will not tolerate acts of sexual misconduct against its students, faculty, staff, approved volunteers or visitors. In an ongoing effort to prevent and appropriately respond to sexual assaults, stalking, and relationship violence, the University does the following:

1. Investigates complaints of harassment, sexual assault, stalking, and relationship violence;
2. Dispenses corrective or disciplinary action where appropriate;
3. Provides information on obtaining appropriate counseling and medical care;
4. Provides victims with information on pursuing criminal or other legal action; and
5. Provides and describe in the annual security report, ongoing awareness education and prevention programs for students and employees.
6. Take steps to prevent recurrence of any sexual violence and to remedy its discriminatory effects on the complainant and others (including interim measures to protect students, if appropriate).

In further pursuit of VSU’s goal, any question of impermissible discrimination on these bases will be addressed with efficiency and energy and in accordance with this policy and VSU’s Discrimination Grievance Procedures. Questions regarding discrimination prohibited by Title IX of the Education Amendments of 1972, or other federal law, may be referred to the VSU Title IX Coordinator,

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or to the U.S. Department of Education’s Office for Civil Rights.

Additional guidance can be found on VSUs’ website at <http://www.vsu.edu/counseling/sexual-assault/index.php>.

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Purpose

The purpose of this policy is to establish clearly and unequivocally that Virginia State University prohibits discrimination, sexual assault, harassment, dating violence, domestic violence, stalking and retaliation as well as any other sexual misconduct by individuals subject to its control or supervision. Additionally, this policy will outline the procedures for reporting any such incidents, filing a complaint, and establishing appropriate disciplinary sanctions and corrective actions against those found in violation of the University's Discrimination, Harassment, Sexual Misconduct, and Retaliation Policy. Lastly, this policy and the Discrimination Grievance Procedures also address complaints or reports of retaliation against those who have opposed practices prohibited by this policy, those who have filed complaints or reports under this policy, and those who have testified or otherwise participated in enforcement of this policy.

Authority, Responsibility, and Duties

This policy governs the conduct of all university employees (faculty, administrators, and staff) students and visitors (including, but not limited to, students participating in camp programs, non-degree seeking students, exchange students, when on the campus of Virginia State University, on university property, or in facilities, owned, or controlled by Virginia State University, or being utilized for university-related events.

Any exceptions in the application or enforcement of these policies must be approved by the President of Virginia State University or his/her designee. This policy also is applicable to any conduct that occurs off campus that has continuing effects that create a hostile environment on campus. Allegations of on-campus or off-campus violations of this policy should be reported to the Title IX Coordinator in accordance with the guidance below and the Discrimination Grievance Procedures. This policy replaces Policy #1101 Prohibition of Workplace Harassment.

Prohibited Acts

A. The following acts are prohibited and therefore are policy violations:

1. Engaging in sexual assault, harassment, stalking, or relationship violence or any other act of sexual misconduct;
2. Retaliating in any manner against an individual who reports sexual assault, harassment, stalking, or relationship violence or any other act of sexual misconduct;
3. Interfering with procedures to investigate or redress a complaint of sexual assault, harassment, stalking, or relationship violence or any other act of sexual misconduct; and

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4. Making an intentionally false accusation of sexual assault, harassment, stalking, or relationship violence or any other act of sexual misconduct through the University's procedures.
- B. Any member of the University community who engages in one of these prohibited acts against any other member of the University community may be subject to corrective action, up to and including dismissal or termination from employment.

Definitions

A. Discrimination is inequitable and unlawful treatment based on an individual's protected characteristics or statuses -- race, sex, color, national origin, religion, age, veteran status, sexual orientation, gender identity, pregnancy, genetic information, disability, or any other status protected by law -- that excludes an individual from participation in, denies the individual the benefits of, treats the individual differently or otherwise adversely affects a term or condition of an individual's employment, education, living environment or participation in an educational program or activity. This includes failing to provide reasonable accommodation, consistent with state and federal law, to persons with disabilities.

B. Harassment is a form of discrimination in which unwelcome verbal, written, or physical conduct is directed toward an individual on the basis of his or her protected characteristics or statuses, by any member of the campus community. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Harassment violates this policy when it creates a hostile environment, as defined below.

C. Sexual harassment is a form of discrimination based on sex. It is defined as unwelcome sexual advances, requests for sexual favors, or other conduct of a sexual nature including: verbal (e.g., specific demands for sexual favors, sexual innuendoes, sexually suggestive comments, jokes of a sexual nature, sexual propositions, or sexual threats); non-verbal (e.g., sexually suggestive emails, other writings, articles or documents, objects or pictures, graphic commentaries, suggestive or insulting sounds or gestures, leering, whistling, or obscene gestures); or physical (e.g., touching, pinching, brushing the body, any unwelcome or coerced sexual activity, including sexual assault). Sexual harassment, including sexual assault, can involve persons of the same or different sexes. Sexual harassment may also include sex-based harassment directed toward stereotypical notions of what is female/feminine v. male/masculine or a failure to conform to those gender stereotypes.

This policy prohibits the following types of sexual harassment:

- a. Term or condition of employment or education. This type of sexual harassment (often referred to as "quid pro quo" harassment) occurs when the terms or conditions of employment, educational benefits, academic grades or opportunities, living environment or participation in a University activity are conditioned upon, either explicitly or implicitly, submission to or rejection of unwelcome sexual advances or requests for sexual favors, or such submission or

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rejection is a factor in decisions affecting that individual's employment, education, living environment, or participation in a University program or activity.

b. Hostile environment. Acts that create a hostile environment, as defined below.

D. Hostile environment may be created by oral, written, graphic or physical conduct that is sufficiently severe, persistent or pervasive and objectively offensive that it interferes with, limits or denies the ability of an individual to participate in or benefit from educational programs, services, opportunities, or activities or the individual's employment access, benefits or opportunities. Mere subjective offensiveness is not enough to create a hostile environment. In determining whether conduct is severe, persistent or pervasive, and thus creates a hostile environment, the following factors will be considered: (a) the degree to which the conduct affected one or more individuals' education or employment; (b) the nature, scope, frequency, duration, and location of the incident(s); (c) the identity, number, and relationships of persons involved; (d) the perspective of a "reasonable person" in the same situation as the person subjected to the conduct, and (e) the nature of higher education.

E. Sexual Misconduct includes sexual assault, sexual exploitation, dating violence, domestic violence and stalking.

F. Sexual Assault is non-consensual contact of a sexual nature. It includes any sexual contact when the victim does not or is unable to consent through the use of force, fear, intimidation, physical helplessness, ruse, impairment or incapacity (including impairment or incapacitation as a result of the use of drugs or alcohol, knowingly or unknowingly) when the victim does not give or is unable to give consent; intentional and non-consensual touching of, or coercing, forcing, or attempting to coerce or force another to touch, a person's genital area, groin, inner thigh, buttock or breast; and non-consensual sexual intercourse, defined as anal, oral, or vaginal penetration with any object. Some types of sexual acts which fall under the category of sexual assault include the following: rape, attempted rape and fondling.

Rape is defined as the 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.

Fondling is defined as the unwanted touching of the private parts of another person or forcing an unwilling person to touch another person's intimate parts (e.g. genitalia, groin, breast or buttock, or clothing covering them) for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

G. Consent is knowing, voluntary and clear permission by word or action, to engage in mutually agreed upon sexual activity. Silence does not necessarily constitute consent. Past consent to sexual activities, or a current or previous dating relationship, does not imply ongoing or future consent. Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). The existence of consent

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is based on the totality of the circumstances, including the context in which the alleged incident occurred. Consent can be withdrawn at any time.

Consent cannot be granted by an individual who:

1. is incapacitated by any drug or intoxicant;
2. has been purposely compelled by force or threat of force;
3. is unaware that the act is being committed;
4. is impaired because of a mental or physical condition;
5. is coerced by supervisory or disciplinary authority; or
6. is less than the statutory age of consent.

H. Coercion is unreasonable pressure for sexual activity. Coercion cannot be used to obtain consent. Coercion includes the use of physical force, threats, and intimidating behavior to get another party to engage in sexual activity. When someone makes it clear that he or she does not want to be a part of such sexual activity, wants to stop, or does not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

I. Incapacitation occurs when an individual is unable to give consent because she or he is mentally and/or physically helpless, unconscious, or unaware, due to drug or alcohol consumption (voluntarily or involuntarily) or for some other reason. Engaging in sexual activity with someone a person knows to be – or should know to be – mentally or physically incapacitated is non-consensual and a violation of this policy. Mental or physical incapacitation can be a result of alcohol or other drug use, unconsciousness, blackout, sleep, involuntary physical restraint, or consuming so-called “date-rape” drugs, Rohypnol, Ketamine, Gamma Hydroxybutyrate(GHB), Burundanga, etc.

J. Sexual Exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for anyone’s advantage or benefit other than the person being exploited, and that behavior does not meet the definition of sexual assault. Sexual exploitation includes prostituting another person; non-consensual visual or audio recording of sexual activity; non-consensual distribution of photos, or postings (such as audio, video, images, or transcriptions) of an individual’s sexual activity or intimate body parts with an intent to embarrass such individual, non-consensual voyeurism and observation of people engaging in intimate behaviors, performing normal bodily functions, or displaying various states of undress without the person’s consent; knowingly transmitting a sexually transmitted infection (STI); or exposing one’s genitals to another in a non-consensual circumstances, or inducing incapacitation with the intent to engage in sexual misconduct.

J. Stalking is a course of conduct directed at a specific person that would cause a reasonable person to: (i) fear for her, his or others’ safety, or (ii) suffer substantial emotional distress, meaning significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. A “course of conduct” means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third

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parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.

A "reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim. "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Examples include, but are not limited to:

1. Following a person;
2. Appearing uninvited and unwanted at their home, place of business, or classroom;
3. Making harassing phone calls;
4. Mailing written messages, or sending electronic messages, including but not limited to e-mail, voice-mail, text messaging, and use of GPS and social networking sites;
5. Leaving messages or objects at a person's home, place of business, vehicle, or classroom;
6. Stealing personal property and identity information;
7. Vandalizing personal property; and,
8. Posting information or spreading rumors about the victim on the internet, in a public place, or by word of mouth.

K. Dating Violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. A social relationship of a romantic or intimate nature means a relationship which is characterized by the expectation of affection or sexual involvement between the parties. The existence of such a relationship shall be determined based on the reporting party statements and with a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence can be a single event or a pattern of behavior that includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

L. Domestic Violence is a pattern of behavior, including acts or threatened acts, that includes asserted violent misdemeanor and felony offenses committed by (i) by a current or former spouse or intimate partner of the victim; (ii) by a person with whom the victim shares a child in common; (iii) by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; (iv) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the Commonwealth of Virginia; or (v) by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

M. Relationship Violence is a term used to reference conduct associated with dating or domestic violence.

N. Responsible employee is any employee who has the authority to take action to redress sexual violence, who has been given the duty to report to appropriate school officials about incidents of

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sexual violence or any other misconduct by students, or who a student could reasonably believe has this authority or responsibility. A responsible employee must report to the Title IX Coordinator all relevant information received about an incident of conduct that potentially is in violation of this policy as soon as practicable after addressing any immediate needs of the victim of such conduct.

Retaliation Prohibited

Any form of retaliation, including intimidation, threats, harassment, and other adverse action taken or threatened against any complainant or person reporting or filing a complaint alleging discrimination, sexual harassment, or sexual misconduct or any person cooperating in the investigation of allegations of discrimination, sexual harassment, or sexual misconduct to include testifying, assisting or participating in any manner in an investigation pursuant to this policy and the Discrimination Grievance Procedures is strictly prohibited by this policy. Action is generally deemed adverse if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this policy. Retaliation may result in disciplinary or other action independent of the sanctions or interim measures imposed in response to the underlying allegations of discrimination, sexual harassment or sexual misconduct. Retaliation prohibited by this policy includes any discrimination, intimidation, threat, or coercion against the Title IX Coordinator or an Assistant Title IX Coordinator for the purpose of interfering with his or her job responsibilities.

Reporting and Filing Complaints

Conduct in violation of this policy shall be reported promptly by all students, employees, visitors, or contractors. Complaints and reports of discrimination, retaliation, sexual misconduct, and sexual harassment should be made to the Title IX Coordinator. VSU's Title IX Coordinator is responsible for overseeing the investigation of all reports of alleged discrimination, sexual harassment, or sexual misconduct in accordance with the Discrimination Grievance Procedures and to oversee and address any problems that arise during any complaint. Employees receiving such reports or complaints should immediately notify the Title IX Coordinator and should not undertake any independent efforts to determine whether or not the report or complaint has merit before reporting it to the Title IX Coordinator. All members of the Title IX Team will have adequate training on how to respond appropriately to conduct alleged to be in violation of the Discrimination, Harassment, Sexual Misconduct and Retaliation Policy.

The University's Title IX Coordinator is **Julia Walker, EEO/Compliance Manager.**

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All employees, other than the confidential employees detailed in the Confidential and Anonymous Reporting Section of this policy, who receive information regarding a complaint or report of discrimination, sexual harassment, sexual misconduct, or retaliation must report any relevant information about the alleged incident to the Title IX Coordinator as soon as practicable after addressing the needs of the victim. No VSU employee shall undertake any independent efforts to determine whether or not the report or complaint has merit or can be substantiated before reporting it to the Title IX Coordinator.

Reports made by students: VSU students should report violations of this policy to the Title IX Coordinator. If the Title IX Coordinator is not available, then students should report violations to anyone listed in this policy or any supervising staff or faculty member at VSU. Other than reports made to confidential employees in accordance with the Confidential and Anonymous Reporting Section of this policy, reports must be forwarded to the Title IX Coordinator. The victim- otherwise called the complainant- and the accused - otherwise called the respondent - should ask about confidentiality before reporting to other offices because other offices are limited in their ability to maintain confidentiality.

Office of Student Affairs (OSA) Responsibility: Any member of the Office of Student Affairs receiving a report of alleged discrimination, sexual harassment, or sexual misconduct shall immediately notify the Vice President of Student Affairs or his or her designee. The Vice President of Student Affairs or anyone acting as his or her designee shall notify the Title IX Coordinator without delay. Neither the OSA nor the Vice President of Student Affairs (or his or her designee) shall undertake any independent efforts to determine whether or not the report or complaint has merit or can be substantiated before reporting it to the Title IX Coordinator.

Reports made by visitors or contractors: Visitors, including visiting students, and employees of contractors working on campus should report violations of this policy to the Title IX Coordinator (employees of contractors and students) or Sexual Assault Services Coordinator (students only).

All members of the VSU community are expected to provide truthful information in any report or proceeding under this policy and the Discrimination Grievance Procedures. Submitting or providing false or misleading information in bad faith or with a view toward personal gain or intentional harm to another in connection with any report, investigation, or proceeding under this policy and the Discrimination Grievance Procedures is prohibited and subject to honor charges for student or employee discipline under the appropriate policy. This provision does not apply to reports made or information provided in good faith, even if the facts as alleged are not later substantiated by a preponderance of the evidence.

Criminal Reporting

If a victim is in immediate danger or needs immediate attention, the individual should contact 911 or use the emergency call box (blue emergency lights) to connect directly to the campus police station. Some conduct in violation of this policy may also be a crime under Virginia law.

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Individuals are encouraged to report incidents of sexual misconduct to law enforcement; even if the reporting individual is not certain if the conduct constitutes a crime. VSU will provide assistance to victims in notifying law enforcement if the victim so chooses. Crimes dealing with minors must be reported to law enforcement.

Reports of sexual misconduct made to campus police will automatically be referred to the Title IX Coordinator for investigation whether the complainant chooses to pursue criminal charges or not. A student or employee, who reports sexual misconduct, will be given a written explanation of his or her rights and options found in the Trojan Bill of Rights.

Confidential and Anonymous Reporting.

University officials have varying reporting responsibilities under state and federal law. If a victim of conduct in violation of this policy or another reporting party wishes to keep a report confidential, it must be made to the University's licensed health care providers and other personnel at the Student Health Services, University Counseling Center, or the pastor of the United Campus Ministries. These individuals will encourage victims to make a report to the Virginia State University Department of Police and Public Safety (DPPS), the Title IX Coordinator, or local law enforcement. Students and student organizations cannot keep reports confidential, even if working with officials above that are able to maintain confidentiality of reports. Other University officials receiving reports of conduct in violation of this policy are mandated reporters but will maintain privacy to every extent possible without compromising the University's ability to investigate and respond in accordance with applicable law and regulations. The Title IX Coordinator may be limited in the ability to investigate an anonymous report unless sufficient information is furnished to enable the Title IX Coordinator to conduct a meaningful and fair investigation.

If the complainant requests confidentiality or that an investigation not be conducted, The University may be limited in the actions it is able to take and its ability to respond while respecting the request. The complainant will be asked to sign a statement stating a desire for confidentiality or that an investigation not be pursued and the Title IX Coordinator will take all reasonable steps to respond to the complaint consistent with the request. The Title IX Coordinator will consider the reasons for the request, including concerns about continued safety of the person reportedly harmed and members of the campus community. Factors that also will be considered in weighing a request by a complainant for confidentiality or not to proceed with a formal investigation include the seriousness of the alleged violation, the respective ages and positions of the complainant and the respondent, whether there have been other complaints against the respondent, and the respondent's right to receive information. In cases in which a complainant requests confidentiality or that an investigation not be pursued, but the Title IX Coordinator has concerns that not conducting an informal or formal investigation might endanger the health or safety of members of the campus community, the Title IX Coordinator will initiate confidential consultation with appropriate individuals who may include, as appropriate, the President, the Vice President for Student Affairs, the Provost, the Virginia State University Chief of Police, the Threat Assessment Team, Counseling Center Director, and legal counsel.

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Notwithstanding a complainant's request that local law enforcement not be informed of an incident, the University is required pursuant to Virginia Code § 23-9.2:15 to report information about an incident to local law enforcement if necessary to address an articulable and significant threat posing a health or safety emergency, as defined by the implementing regulations of the Family Educational Rights and Privacy Act (FERPA), 34 C.F.R. § 99.36, and as detailed in the Sexual Violence Threat Assessment provisions, below.

The Title IX Coordinator may be limited in the ability to investigate an anonymous report unless sufficient information is furnished to enable the Title IX Coordinator to conduct a meaningful and fair investigation.

General Reporting

The University strongly encourages the reporting of all incidents of sexual misconduct to the Title IX Coordinator or any member of the Title IX team. A report is an account or description of a specific incident. There is no time limit for filing a complaint of sexual misconduct. However, complainants should report as soon as possible to maximize the University's ability to respond. Failure to report promptly could result in the loss of relevant evidence and impair VSU's ability to adequately respond to the allegations. The University will make the reporting person aware of the right to file a complaint with law enforcement, the option to be assisted by the Title IX Coordinator and other University authorities in notifying the proper law enforcement authorities of the alleged sexual misconduct, or the right to decline to notify law enforcement. The University will not dissuade a victim from notifying law enforcement either during or after VSU's internal Title IX investigation.

- A. Filing a formal complaint is a written or verbal request for the University to investigate an incident and take appropriate actions. The University will investigate all formal complaints of sexual misconduct and will take appropriate disciplinary or corrective action in each instance. A detailed description of the investigation procedures is found in the Discrimination Grievance Procedures. The University will investigate informal and formal complaints of sexual misconduct in a manner that preserves to the greatest extent possible the confidentiality of both parties.
- B. A student or employee who files a formal complaint of sexual misconduct will be provided a written explanation of her or his rights and options found in the Trojan Bill of Rights. (Appendix A) The information provided will include options for criminal or other legal action and information on health care, counseling and other support services available for students, faculty, staff, and visitors who have reported sexual assault, stalking, or relationship violence. The reporting person has the right to choose whether or not to file a formal complaint. In addition to pursuing administrative penalties through a disciplinary hearing and remedies at the University, the reporting person or complainant maintains the right to pursue criminal charges. Also, those seeking to file complaints will be given notice of the University's reporting, complaint filing and sexual violence threat assessment review committee process.

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- C. The university's grievance procedure provides for prompt, adequate, and impartial investigation of all claims of sexual misconduct. When an incident has been reported, the University will take appropriate remedial action that is commensurate with the severity of the offense.
- D. The University encourages individuals who make a report or file a formal complaint of sexual assault, stalking and relationship violence, regardless of where the report is made, to also contact the Sexual Assault Services Coordinator for assistance.
- E. The Title IX Coordinator or his/her staff will assist the victim in accessing and navigating services, resources, and referrals both on and off campus. Any individual who is reported to be the victim of sexual misconduct shall receive from the Title IX Coordinator or his/her staff information on contacting The James House and other services available through James House's Memorandum of Understanding (MOU) with VSU. In addition, victims will be given the Trojan Bill of Rights (See Appendix A) and the Student Guide for Responding to Sexual Misconduct and Assault (See Appendix B.)
- F. Sexual assault, stalking and relationship violence may be reported to VSU Department of Police and Public Safety, local law enforcement, Sexual Assault Services, Student Conduct, Vice President of Student Affairs, Associate Vice President of Human Resources, Title IX Coordinator, or anonymously to a Campus Security Authority (CSA).

Campus Security Authority (CSA)

Pursuant of The Clery Act, The University's Campus Security Authority (CSA) has a specific reporting responsibility (See Appendix C.) While not part of law enforcement, the CSA will explain reporting party rights and potential resources as well as completing forms and submitting them to law enforcement.

Timely Warnings

VSU is required by federal law to issue timely warnings for reported incidents that pose a significant threat of bodily harm or danger to members of the campus community. The University will ensure, to every extent possible, that a victim's name and other identifying information is not disclosed, while still providing enough information for members of the VSU community to make decisions to address their own safety in light of the potential danger.

Sexual Misconduct Survivor Procedures and Services

VSU will assist sexual misconduct survivors/victims in a supportive manner, implementing the procedures set out herein. Because of the potential seriousness and sensitivity of the investigations involved, it is important to undertake these investigations properly. Individuals who experience sexual assault or relationship violence are strongly encouraged to seek medical attention and to be examined for physical injury, the presence of sexually transmitted diseases, or

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pregnancy. Individuals have the right to have evidence collected and retained anonymously by law while they consider whether or not to pursue criminal charges.

It is important for the individual to be examined within 96 hours of the assault to recover physical evidence. The Preliminary Evidence Recovery Kit (PERK) is a free exam that is used to collect evidence. Preserving evidence is often a key step in the successful investigation of alleged sexual misconduct.

Recommended procedure for anyone who has experienced sexual misconduct:

- A. Go to a place where you feel safe.
- B. For your safety and confidential care, report promptly to the Student Health Center, or the nearest medical facility/emergency room. You may request a Sexual Assault Advocate if one is not provided. Physical evidence may be usable if proper procedures are followed for evidence collection within 96 hours of the assault.
- C. Contact a trusted friend or family member. For professional and confidential counseling support, contact Sexual Assault Prevention Services (804-524-6942) or James House. Among other services, James House offers survivors a 24-hour Hotline (804- 458-2840), crisis intervention, counseling, applicable referrals, and hospital accompaniment.
- D. It is your right to have evidence collected and retained anonymously by law enforcement while you consider whether to pursue criminal charges. Evidence preservation is enhanced in the following ways:
 1. Do not wash your hands, bathe, or douche. Do not urinate, if possible.
 2. Do not eat, blow your nose, drink liquids, smoke, or brush your teeth if oral contact took place.
 3. Keep the clothing worn when the assault took place. If you change clothing, place the worn clothing in a paper bag (evidence deteriorates in plastic).
 4. Do not destroy any physical evidence that may be found in the vicinity of the assault by cleaning or straightening the location of the crime. The victim should not clean or straighten the location of the crime until law enforcement officials have had an opportunity to collect evidence.
 5. Tell someone all the details you remember or write them down as soon as possible.
 6. Maintain text messages, pictures, online postings, video and other documentary or electronic evidence that may corroborate a complaint.

There is no time limit for filing a complaint of sexual misconduct. However, complainants should report as soon as possible to maximize VSU's ability to respond. Failure to report promptly could result in the loss of relevant evidence and impair VSU's ability to adequately respond to the allegations.

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The victim shall have the right to file a complaint with law enforcement and the option to be assisted by law enforcement and other University officials in notifying the proper law enforcement authorities of the alleged sexual misconduct.

Resources for Victims of Sexual Misconduct:

- a. Any student or visiting student who reports sexual misconduct to the Title IX Coordinator, law enforcement representatives, the University Counseling Center, Student Conduct, or VSU Campus Minister will receive an information card outlining resources and options. VSU Police protocol includes coordination with James House and other crisis resources. Additional resources provided to student or visiting student may include visa and immigration assistance and student aid assistance, if necessary.
- b. The Title IX Coordinator shall advise and encourage victims to utilize the available counseling and support resources on or off campus. In addition, any individual who is reported to be the victim of sexual misconduct shall receive from the Title IX Coordinator or his or her staff contact information for James House and other resources and the services available from each as outlined in any existing memorandum of understanding with VSU.
- c. Complainants will be assisted with available options for changing academic, transportation, parking, work and living arrangements after alleged sexual misconduct. Safety arrangements such as no-contact orders and escorts are also available as needed.

On-campus care For VSU students, medical care/consultation is available at Student Health Services if the complainant chooses not to go to the hospital. Student Health Services provides pregnancy and STI testing, and prophylactic treatment for STIs.

Transportation for medical services. Students may obtain taxi vouchers for transportation to a medical facility for the forensic or PERK exam. A taxi voucher is obtained from Student Health Services, Counseling Services or Residence Life staff. Transportation by ambulance is obtained by dialing 911. The campus police can assist in transporting individuals who choose to report to law enforcement.

Hospitals:

VCU Health System, Medical College of Virginia
Forensic Nurse Examiner available 24 hours (804) 828-5250
1006 E. Marshall St. Richmond, VA 23298

Bon Secours St. Mary's Hospital
Forensic Nurse Examiner available 24 hours (804) 285-2011
5801 Bremono Rd. Richmond, VA 23226

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Southside Regional Medical Center
(804) 765-5000
200 Medical Park Boulevard – Petersburg, VA 23805

Campus Support Resource Numbers:

Counseling and Support Services (All offices are located in Memorial Hall):
Sexual Assault Services..... (804) 524-6942 or (804) 524-5939
Counseling Services..... (804) 524-5939 or (804) 524-5061
Student Health Services..... (804) 524-5711

Free Off Campus Counseling Resources:

The James House 24 hr. Hotline/TTY (804) 458-2840
Chesterfield Domestic and Sexual Violence Resource Center..... (804) 318-8265
Greater Richmond Hotline Sexual Violence Hotline..... (804) 612-6126
LGBTQ Partner Abuse & Sexual Assault Helpline 1-866-356-6998

Amnesty for Other Violations

The University encourages reporting of incidents of sexual misconduct. Sometimes, complainants are hesitant to make reports because they fear that they may be charged with violations of the Student Code of Conduct, such as underage drinking at the time of the incident. To encourage reporting of sexual misconduct incidents, the University will consider all factors and exercise discretion on a case by case basis towards a complainant with respect to taking action for other violations of the Student Code of Conduct.

Interim Measures

During the investigation and resolution of complaints, the University may take interim measures to protect the complainant and other members of the VSU community from any harassment, discrimination, retaliation, and/or further violation perpetrated by the accused individual. If in the judgment of the Vice President of Student Affairs, Title IX Coordinator or other VSU administrative leader, the accused individual jeopardizes the safety and well-being of any member of the VSU community, the University may provide interim remedies to address the situation.

To the degree feasible, VSU will seek the consent of the complainant before taking interim measures. Interim measures may include, but are not necessarily limited to, changing class schedules and housing, enforcing no-contact orders, barring access to campus, utilizing escorts on campus, requiring referral and coordination of counseling and health services, and modifying work, academic or training requirements. The University may temporarily reassign or place on administrative leave an employee alleged to have violated the University's Discrimination, Harassment, Sexual Misconduct, and Retaliation Policy. In such a situation, the employee will be given the opportunity to meet with the Title IX Coordinator prior to such action being imposed, or as soon thereafter as reasonably possible, to show cause why the action should not be

implemented. A description of evidence and information from the institution's Title IX investigation may be shared with local law enforcement, consistent with any memorandum of understanding or other mutual aid agreement, and state and federal law.

Academic Transcripts and Holds

Pursuant to § 23-9.2:15 of the Code of Virginia, the Registrar of VSU shall place a prominent notation on the academic record of each student who has been suspended for, has been permanently dismissed for, or withdraws from VSU while under investigation for an offense involving sexual violence under the University's Code of Student Conduct, University's policies or the laws of the Commonwealth of Virginia. Affected students will be notified of any notations and holds. Any such notations or holds will be removed, under guidelines set forth by University procedure and the laws of the Commonwealth.

Student Investigation Procedures

Student investigations will be conducted in accordance with the Discrimination Grievance Procedures.

Employee Investigation Procedures

Administrative investigations of student versus employee complaints will be coordinated by the Associate Vice President of Human Resources with support from the Director of the Department of Student Conduct. Administrative investigations of employee versus employee complaints will be coordinated by the Associate Vice President of Human Resources and/or designee and will follow the procedures outline in the University's Discrimination Grievance Procedures.

Rights of the Complainant and the Respondent

Regardless of whether or not a complainant elects to pursue a hearing or whether or not the incident is alleged to have occurred on or off campus, the University will assist complainants of sexual assault, domestic violence, dating violence, and stalking and will provide each complainant with a written explanation of her or his rights and options (see Trojan Bill of Rights in the appendix).

- A. Confidentiality of the names of both parties and personally-identifiable information will be protected and excluded from timely warning, emergency notifications and record-keeping such as Campus Security Authority reports. Personally-identifiable information will be safeguarded in disciplinary proceedings and criminal investigations.
- B. Both parties are entitled to the same opportunities to attend any pre-hearing and to review each other's written statements, and have others present during an institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice.

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- C. Both parties have the right to change university housing and academic arrangements if requested and such changes are reasonably available.
- D. Both parties have the right to have access to existing campus mental health and support services, which may include visa and immigration assistance and student aid assistance.
- E. A complainant who obtains an Order of Protection from Virginia should provide a copy to campus police and the Title IX Coordinator. A complainant may then meet with campus police to develop a Safety Action Plan, which is a plan for campus police and the complainant to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to, escorts, special parking arrangements, or independent study arrangements.

Standard of Evidence

In accordance with the Office on Civil Rights (OCR), a preponderance of the evidence is the standard for investigation and conduct of student discipline proceedings in domestic violence, dating violence, sexual assault, and stalking cases. The "preponderance of the evidence" standard requires that the weight of the evidence, in totality, supports a finding that it is more likely than not that the alleged misconduct occurred. Decisions based on a preponderance of evidence may not meet other evidentiary standards required for a finding of guilt in criminal proceedings.

Sanctions

If it is determined that conduct in violation of this policy has occurred, sanctions will be determined in accordance with the Discrimination Grievance Procedures. Consequences for violating this policy will depend on the facts and circumstances of each particular situation, the frequency and severity of the offense, and any history of past conduct in violation of this policy.

Sanctions that may be imposed for faculty, staff, and approved volunteers resulting from the Discrimination Grievance procedures and disciplinary process include, but are not limited to, verbal warnings, written reprimand, denial of specified University privileges, fines, restitution, suspension, and termination of employment.

Sanctions that may be imposed for students include verbal warnings, written reprimand, denial of specified University privileges, fines, restitution, removal of the student from the course(s) in progress, community service, probation, mandatory assessment or education program, suspension, and expulsion.

In addition to sanctions that may be imposed on an individual found in violation of this policy, the University will take steps to prevent recurrence of any sexual misconduct, including sexual violence, and to remedy discriminatory effects on the complainant and others, if appropriate.

Education, Awareness and Prevention Programs

The University engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end discrimination, sexual harassment, dating violence, domestic violence, sexual assault and stalking that:

- A. are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- B. consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and employees that:

1. identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct and uses definitions provided both by the Department of Education as well as state law to categorize such behaviors;
2. defines sexual misconduct, coercion, and consent, and the behaviors and actions that constitute consent to sexual activity in the Commonwealth of Virginia and/or uses the definition of consent found in the Sexual Misconduct Policy;
3. provides a description of safe and positive options for bystander intervention. Bystander interventions are safe and positive options that may be carried out by an individual or individuals to prevent harm or to provide intervention when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;
4. includes information on risk reduction. Risk reductions are options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence;
5. explains statistics and risk factors for sexual assault; explains the role of alcohol and drugs in sexual assault; identifies the rights of victims and accused; explains confidentiality and reporting options;
6. includes disciplinary procedures and sanctions; resources available on campus and in the community which include advocacy, counseling, medical attention, and law enforcement regulations and web-based resources; the VSU Discrimination Harassment Sexual

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Misconduct and Retaliation Policy; and provides an overview of information contained in the Annual Security Report in compliance with the *Clery Act*.

Academic Freedom and Free Speech

This policy does not allow curtailment or censorships of constitutionally protected expression, which is valued in higher education. In addressing all complaints and reports of alleged violations of this policy, the University will take all permissible actions to ensure the safety of students and employees while complying with any and all applicable guidance regarding the free speech rights of students and employees. This policy does not in any way apply to curriculum and curriculum decisions or abridge the use of particular textbooks or curricular materials.

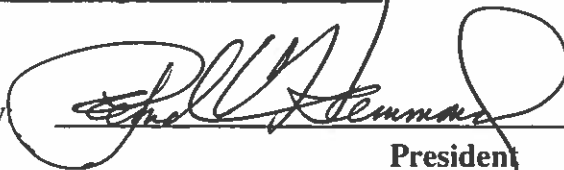
References

Virginia State University Procedures Discrimination and Grievance Procedures
Virginia State University Trojan Bill of Rights (Appendix A)
Virginia State University Violence Prevention/Threat Assessment
Virginia State University Student Code of Conduct
Virginia State University Protocol for Student Administrative Withdrawal for Medical, Emotional or Psychological Emergencies
Virginia State University Student Guide for Responding to Sexual Misconduct and Assault (Appendix B)
Virginia State University Sexual Misconduct Policy Zero Tolerance brochure

Other Resources:

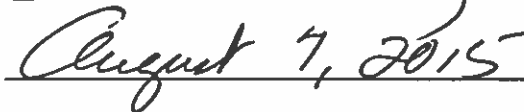
Rape, Abuse and Incest National Network - <http://www.rainn.org>
Department of Justice - <http://www.ovw.usdoj.gov/sexassault.htm>
Department of Education, Office of Civil Rights -
<http://www2.ed.gov/about/offices/list/ocr/index.html>
The White House Task Force Report to Protect Students from Sexual Assault
<https://www.notalone.gov/assets/report.pdf>

Approval By



President

Date:



Appendix A

Trojan Bill of Rights

Victims, whether student or staff, and the accused are afforded rights by the federal government, the state, and the institution. All victims have the right to emotional and physical safety. These rights/options are for anyone who reports being a victim of domestic violence, dating violence, sexual assault or stalking, whether the offense occurred on- or off-campus, and regardless of whether you choose to report the crime to campus police or local law enforcement.

Virginia Law outlines the following:

- You have the right to know the range of sanctions the institution can impose on the accused, which include the following: written reprimand; denial of specified university privileges; fines; restitution; removal of the student from the course in progress; disciplinary probation; suspension; and expulsion.
- Any disclosure of a sexual assault made to a University employee can result in a report as an annual crime statistic (with victim's name withheld).
- You have a right to privacy and confidentiality. Unless you sign a waiver, no one can share information among one another or with any third party, including parents without your prior consent.

As a victim, you are entitled to the following rights:

- You and the accused have the same opportunity to have others present throughout disciplinary proceedings.
- You and the accused shall be informed simultaneously and in writing of the procedures, outcome and any changes to the results that occurs of any disciplinary proceeding. At no time can a victim be required to keep the outcome confidential.
- You can obtain a free forensic exam from a Sexual Assault Nurse Examiner (SANE) or forensic nurse without filing a police report at St. Mary's Hospital or VCU Medical Center. A free Physical Evidence Recovery Kit (PERK) exam may be obtained from Southside Regional Medical Center.

You also have to the right to be:

- Informed of your options to notify law enforcement or not.
- Notified of counseling services that are available on- and off-campus.
- Notified of options for obtaining protective orders, changing academic, living, transportation, and working situations, if so requested, and if such accommodations are reasonably available.

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Additional Rights and Resources

The institution is committed to ensuring that you are afforded the following:

- The right to an advocate of your choosing (For more information see resources below).
- The right to access STI testing and treatment, emergency contraception, and pregnancy testing.
- The right to be informed of and have access to medical, mental health, crisis response, legal, forensic, campus disciplinary, and/or victim advocacy services.
- Law enforcement officers are not required to issue a minor-in-possession violation if you are underage and were drinking alcohol on the occasion of the assault.
- In a campus disciplinary hearing, you have a variety of options for how you offer your testimony, including video conference, phone, or with room partition.

On-campus Resources

Counseling & Confidential Resources
Sexual Assault Prevention Services (804) 524-5939
University Counseling Center (804) 524-5939
United Campus Ministries (804) 524-5214

Medical Resources

Student Health Services (804) 524-5711

Financial Aid & Leave of Absence Information

University College (804) 524-6755

Reporting & Investigation

Department of Police & Public Safety (804) 524-5360 Crime in progress: (804) 524-5411
Title IX Coordinator (804)524-1007 or (804) 524-5090

Off-campus Resources

Chesterfield Domestic & Sexual Violence Resource Center (Free Counseling and Support Groups) (804) 318-8265
LGBTQ Partner Abuse & Sexual Assault Helpline 1-866-356-6998
The James House (Free 24 hour Crisis intervention, Advocacy for hearings, support groups) (804) 458-2840
Greater Richmond Regional Hotline (Free 24 hour Crisis intervention, Advocacy for hearings, support groups) (804) 612-6126

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Virginia Family Violence & Sexual Assault Hotline (Free 24 Hour Crisis Intervention and support) (800) 838-8238

Medical Resources

VCU Medical Center Forensic Nurse Examiner available 24 hours (804) 828-5250
Bon Secours St. Mary's Hospital Forensic Nurse Examiner available 24 hours (804) 285-2011
Southside Regional Medical Center (804) 765-5000

Legal Services

Central Virginia Legal Aid Society (804) 648-1012
Central VA Legal Aid-Southside (804) 862-1100
Chesterfield County Victim Witness Assistance Program (804) 796-7087
Virginia Poverty Law Center, Inc. (804) 782-9430
Petersburg Victim Witness Assistance Program (804) 732-0226

Appendix B

 **Student Guide For Responding to Sexual Misconduct and Assault**

YOUR SAFETY MATTERS

Go to a place where you feel safe
Consider Medical attention
For 24/7 response contact VSU Police & Public Safety 804-524-5411 or 911
For 24/7 confidential support contact 804-481-5738

REMEMBER

Sexual assault is never your fault. It doesn't matter:
What you were wearing
What or how much you drank
What time it occurred
How many partners you have had
What your sexual orientation or gender identity is
Remember, it is not your fault.

Confidential Counseling & Support

- University Counseling Center 804-524-5939/ Memorial Hall 4th Floor
- Student Health Services 804-524-5711 / Memorial Hall Ground Floor
- United Campus Minister 804-524-5214 / Foster Hall 3rd Floor

Confidential Counseling & Support

- Sexual Assault Coordinator/Rm.401 Memorial Hall/804-524-6942
- Off Campus 24/7 The James House Crisis Line 804-458-2840
- Off Campus Chesterfield Domestic & Sexual Violence Resource Center 804-318-8265

Medical Attention

- Student Health Services 804-524-5711 / Memorial Hall Ground Floor
- VCU Medical Center / Forensic Nurse Examiner 24hr. 804-828-5250
- St. Mary's Hospital/ Forensic Nurse Examiner 24hr. 804-285-2011
- Southside Regional Medical Center 804-765-5000

Medical Attention

- PERK exams are FREE of charge within 72 hours of the assault
- Medical transportation resources include taxi voucher, police, or ambulance
- Voucher obtained from RA, Health Services, or Counseling Center

For more information about resources, policies, and services, visit the Sexual Assault Prevention webpage at: <http://www.vsu.edu/sexualassault>

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Student Reporting Options	•VSU Police & Public Safety/21012 Service Rd./804-524-5360/524-5411 Assists with obtaining medical attention; provides information about on/off campus options for filing formal complaints. Assists in connecting with local law enforcement to pursue a criminal complaint.
Student Reporting Options	•Title IX Coordinator/Rm.101 Virginia Hall/804-524-1007/804-524-5090 Oversees the process in handling all matters involving sexual harassment and sexual assault to ensure compliance.
Student Reporting Options	•Student Conduct / Foster Hall Rm.308 / 804-524-5504 Provides options for filing a formal complaint and/or connecting with local law enforcement. Oversees student hearing process.
Student Reporting Options	•Sexual Assault Coordinator/Rm.401 Memorial Hall/804-524-6942 Provides confidential counseling, advocacy, and information about on/off campus options for filing complaints and supportive resources.

HOW TO HELP A FRIEND

Start by Believing Your Friend. Don't ask accusatory questions or place blame.	Listen to your friend. Be supportive and nonjudgmental.	Remind them that they have a right to report when and if they feel ready.
Share these resources and inform your friend of their options.	Encourage them to seek support and professional counseling. Take care of yourself too. You are not alone.	

This project was supported by grant No. 2012 WA 49-0014 awarded by the Office on Violence Against Women in the Department of Justice. The opinions, findings, conclusions, and recommendations presented in this publication are those of the author(s) and do not necessarily reflect those of the Department of Justice, Office on Violence Against Women.

Appendix C

Campus Security Authority

A Campus Security Authority (CSA) is an official of an institution who has a significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. CSAs should explain to the reporting person how to get assistance; CSAs should also share with the reporting person written information that explains the rights of victims. For reporting persons who do not wish for the report to go any further than the CSA, the CSA should explain that he or she is required to submit the report for statistical purposes; however, the report will not identify the reporting person or the victim. Upon receiving a report of sexual misconduct, the CSA should submit the reporting form to the campus police station, in person or electronically, as soon as possible but not later than 48 hours after receiving the report.

Campus Reporting and Investigation:

Title IX Coordinator Julia Walker, EEO/Compliance Manager 804-524-1007 or 804-524-5090 Virginia Hall P.O. Box 9412 Email: jawalker@vsu.edu	Office of Student Conduct DeAndrea Neal, Director (804) 524-5866 or (804) 524-5504 Foster Hall room 306 Email: dneal@vsu.edu
VSU Police (804) 524-5411 or (804) 524-5360 Address: 21012 Service Rd Email: Police@vsu.edu	Student Affairs Henry DeBose, Assoc. VP (804) 524-5350 Gandy Hall Email: hdebose@vsu.edu
	Sexual Assault Services Dr. Evelyn Whitehead, Coordinator (804) 524-6942 or (804) 524-5939 Memorial Hall room 401 Email: ewhitehead@vsu.edu (not for investigations)