

PATRICK HENRY COMMUNITY COLLEGE

Policy on Sexual Violence, Domestic Violence, Dating Violence, and Stalking

1. Notice of Nondiscrimination.

As a recipient of federal funds, Patrick Henry Community College is required to comply with Title IX of the Higher Education Amendments of 1972, 20 U.S.C. § 1681 et seq. (“Title IX”), which prohibits discrimination on the basis of sex in educational programs or activities, admission and employment. Under certain circumstances, sexual misconduct, sexual harassment, sexual assault and similar conduct may constitute sexual discrimination prohibited by Title IX. Inquiries concerning the application of Title IX may be referred to the College’s Title IX Coordinator or to the U.S. Department of Education’s Office for Civil Rights. The College’s Title IX Coordinator is John I. (Jack) Hanbury, Vice President for Financial & Administrative Services. His office is located at West 158. He may be contacted by phone at 276-656-0205 or by email at jhanbury@patrickhenry.edu. The College’s Deputy Title IX Coordinator is Lori McCarty, Director of Human Resources. Her office is located at West 148. She may be contacted by phone at 276-656-0214 or by email at lmccarty@patrickhenry.edu.

2. Policy.

Patrick Henry Community College is committed to providing an environment that is free from harassment and discrimination based on any status protected by law. This Policy supplements the general policy statement set forth by the Virginia Community College System: This institution promotes and maintains educational opportunities without regard to race, color, sex, ethnicity, religion, gender, age (except when age is a bona fide occupational qualification), disability, national origin, or other non-merit factors. This Policy also addresses the requirements under the Violence Against Women Reauthorization Act of 2013, (also known as the Campus SaVE Act).

This Policy is not intended to substitute or supersede related criminal or civil law. Individuals should report incidents of sexual and domestic violence, dating violence, and stalking to law enforcement authorities. Criminal and civil remedies are available in addition to the potential remedies that the College may provide.

3. Purpose.

The purpose of this Policy is to establish that the College prohibits discrimination, harassment, sexual assault, domestic violence, dating violence, stalking, and retaliation and to set forth procedures by which such allegations shall be filed, investigated and resolved.

4. Applicability.

This Policy applies to all campus community members, including students, faculty, staff and third parties, e.g., contractors and visitors. Conduct that occurs off campus can be the subject of a complaint or report and will be evaluated to determine whether it violates this Policy, e.g. if off-

campus harassment has continuing effects that create a hostile environment on campus or if the off-campus conduct occurs at a college sponsored function.

5. Definitions

Advisor: An individual who is requested by the complainant or respondent to provide the complainant or respondent support, guidance, or advice. Advisors may be present at any meeting or hearing, but may not speak directly on behalf of the complainant or respondent.

Campus: The term “campus” refers to (i) any building or property owned or controlled by the College within the same reasonably contiguous geographic area of the College and used in direct support of, or in a manner related to, the College’s educational purposes, and (ii) any building or property that is within or reasonably contiguous to the area described in clause (i) that is owned by the College but controlled by another person, is frequently used by students, and supports institutional purposes, such as a food or other retail vendor.

Complainant: A complainant refers to an individual who may have been the subject of a violation of this Policy and files a complaint against a faculty member, staff member, student or third party.

Consent: Any sexual activity or sex act committed against one’s will, by the use of force, threat, intimidation, or ruse, or through one’s mental incapacity or physical helplessness is without consent. 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). An individual who is mentally incapacitated, physically helpless, or who is under the age of legal consent cannot legally consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred.

Mental incapacity means that condition of a person existing at the time which prevents the person from understanding the nature or consequences of the sexual act involved (the who, what, when, where, why, and how) and about which the accused knew or should have known. This includes incapacitation through the use of drugs or alcohol. Intoxication is not the same as incapacitation.

Physical helplessness means unconsciousness or any other condition existing at the time which rendered the person physically unable to communicate an unwillingness to act and about which the accused knew or should have known. Physical helplessness may be reached through the use of alcohol or drugs.

Dating Violence: Dating violence is violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury that is committed by a person who is or has been in a close relationship of a romantic or intimate nature with the other person. The existence of such a relationship shall be determined based on a consideration of the

length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence: Domestic violence is violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury that is committed by a person against such person's family or household member, which includes a current or former spouse a person with whom the victim shares a child in common, or who is cohabitating with or has cohabitated with the person as a spouse or intimate partner.

Respondent: A respondent refers to an individual who has been accused of violating this Policy

Responsible Employee: Responsible Employees are required to forward all reports of violations of this Policy to the appropriate Title IX Coordinator. A Responsible Employee is one designated for purposes of initiating notice and investigation of alleged violations of this Policy or who has the authority to take action to redress violations of this Policy. A Responsible Employee also is any employee who a person reasonably believes is a Responsible Employee. Responsible employees are required to forward all reports of violations of this Policy to the appropriate Title IX Coordinator. Responsible employees also must report to the Title IX Coordinator any information obtained in the course of his employment that an act of sexual violence may have been committed against a student or may have occurred on property owned or controlled by the College or on public property within the campus, or immediately adjacent to and accessible from the campus. Any employee with supervisory authority may be a Responsible Employee. Alternatively, the College may name Responsible Employees by title, position or name employees who are CSAs as Responsible Employees. A responsible employee shall not be an employee who, in his position at the College, provides services to the campus community as a licensed health care professional, (or the administrative staff of a licensed health care professional), professional counselor, victim support personnel, clergy, or attorney.

Sex Discrimination: Sex discrimination is the unlawful treatment of another based on the individual's sex that excludes an individual from participation in, denies the individual the benefits of, or otherwise adversely affects a term or condition of an individual's employment, education, or participation in college program or activity.

Sexual Assault: Sexual assault is defined as the intentional sexual contact with a person against that person's will by the use of force, threat, or intimidation, or through the use of a person's mental incapacity or physical helplessness. Sexual assault includes intentionally touching, either directly or through clothing, of the victim's genitals, breasts, thighs, or buttocks without the person's consent, as well as forcing someone to touch or fondle another against his or her will. Sexual battery is a type of sexual assault.

Sexual Exploitation: Sexual exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to invasion of sexual privacy; prostituting another person; non-consensual video or audio-taping of

sexual activity; going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex); engaging in voyeurism; exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals, and knowingly transmitting HIV or an STD to another.

Sexual Harassment:

The law defines sexual harassment as unwanted sexual advances, requests for sexual favors or visual, verbal or physical conduct of a sexual nature when:

- (a) submission to such conduct is made a term or condition of education or employment; or
- (b) submission to or rejection of such conduct is used as basis for educational or employment decisions affecting the individual; or
- (c) such conduct has the purpose or effect of unreasonably interfering with a student's or an employee's work performance or creating an intimidating, hostile or offensive working environment.

Generally, two categories of sexual harassment exist:

Quid Pro Quo: The submission to or rejection of such conduct is used as the basis for educational or employment decisions affecting the student or employee either explicitly or implicitly; or

Hostile Environment: Conduct so severe or pervasive and objectively offensive that it undermines and detracts from an employee's work performance or a student's educational experience.

Sexual Misconduct: Sexual misconduct encompasses a range of behavior used to obtain sexual gratification against another's will or where a person is incapable of giving consent. Sexual misconduct includes sexual harassment, sexual assault, sexual exploitation, and sexual violence.

Sexual Violence: Sexual violence is any intentional physical sexual abuse committed against a person's will. Sexual violence includes rape, sexual assault, and sexual battery.

Stalking: Stalking occurs when someone, on more than one occasion, engages in conduct directed at another person with the intent to place, or knows or reasonably should know that the conduct places that other person in reasonable fear of death, criminal sexual assault, or bodily injury to that other person or to that other person's family or household member.

Third Party: A third party is any person who is not a student or employee of the College.

6. Consensual Relationships.

Pursuant to VCCS Policy 3.14.2, consenting romantic and or sexual relationships between employees and students for whom the employee has a direct professional responsibility are prohibited. Consenting romantic or sexual relationships between employees where one employee has a direct professional responsibility also are prohibited. Consenting romantic or sexual relationships between other employees (not in a supervisory position), or with students for whom the employee does not have a direct professional responsibility, although not expressly forbidden, are unwise and are strongly discouraged. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome.

7. Reporting Incidents.

- a) Members of the campus community who believe they have been subjected to any of these actions should immediately report the incident to the College Title IX Coordinator, a Responsible Employee or to campus or local police. All emergencies or any incident where someone is in imminent danger should be reported immediately to campus police/security or local police by dialing 911.
- b) Whether or not a report is made to law enforcement, members of the campus community must report alleged violations of this Policy to a Responsible Employee or to the Title IX Coordinator. The failure of any employee to report alleged violations may result in employment action against the employee.
- c) The Title IX Coordinator is solely responsible for overseeing the prompt, fair, and impartial investigation and resolution of complaints filed with the College. To help ensure a prompt, fair, and impartial investigation and resolution, individuals are encouraged to complete a Complaint Form. The written complaint will be submitted to the Title IX Coordinator. Although strongly encouraged, a complainant is not required to submit a complaint on the Complaint Form or in writing.

Patrick Henry Community College Title IX Campus Resources

Title IX Coordinator:	John I. (Jack) Hanbury West 158 276-656-0205 jhanbury@patrickhenry.edu
Deputy Title IX Coordinator	Lori McCarty West 148 276-656-0214 lmccarty@patrickhenry.edu
Chief of Police	Gary Dove West 105

After normal business hours, members of the campus community should report alleged violations of this Policy to Gary Dove, Chief of Police, at 276-806-9840.

- d) There is no time limit for filing a complaint with the College. However, complainants should report possible violations of this Policy as soon as possible to maximize the College's ability to respond effectively. Failure to report promptly could result in the loss of relevant evidence and impair the College's ability to adequately respond to the allegations.

8. Retaliation.

Any form of retaliation, including intimidation, threats, harassment, and other adverse action taken or threatened against any complainant or person reporting a complaint alleging a violation of this Policy, or against any person cooperating in the investigation of allegations of violations of this Policy, to include testifying, assisting or participating in any manner in an investigation pursuant to this Policy and the resolution 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 violations of this Policy.

9. False Allegations.

Any individual who knowingly files a false complaint under this Policy, who knowingly provides false information to College officials, or who intentionally misleads College officials who are involved in the investigation or resolution of a complaint may be subject to disciplinary action, up to and including dismissal for students and termination of employment for faculty and staff. An allegation that cannot be proven by a preponderance of the evidence is not necessarily proof of knowingly filing a false complaint.

10. Handling of Reports and Investigations.

- a) The Title IX Coordinator will assist members of the campus community in reporting incidents to law enforcement authorities upon request. The Title IX Coordinator will request the consent of the complainant (or alleged victim if different from the complainant) to report incidents of alleged sexual violence that occur on campus property to law enforcement. Members of the campus community may decline to notify law enforcement authorities and decline their consent for the Title IX Coordinator to notify law enforcement if they wish. The College will comply with all requests for cooperation by the campus police or local law enforcement in investigations. The College may be required to suspend the Title IX investigation while the campus police or the local law enforcement agency gathers evidence. The College will resume its Title IX investigation as soon as the campus

police or local law enforcement agency has completed gathering evidence. Otherwise, the College's investigation will not be precluded or suspended on the grounds that criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

- b) Additionally, upon receiving a report of an alleged act of sexual violence against a student or one that allegedly occurred on property owned or controlled by the College or on public property within the campus, or immediately adjacent to and accessible from the campus, the Title IX Coordinator shall convene the College's Title IX Review Committee within 72 hours to review the information reported and any information obtained through law-enforcement records, criminal history record information, health records, conduct or personnel records, and any other facts and circumstances, including personally identifiable information, related to the alleged incident known to the review committee. If it is determined by the law enforcement representative of the review committee that the disclosure of the information, including the personally identifiable information, is necessary to protect the health or safety of the alleged victim or other individuals, the College immediately will disclose such information to the law enforcement agency that would be responsible for investigating the alleged incident. The Title IX Coordinator will notify the alleged victim in writing that such disclosure is being made.
- c) If the report of an alleged act sexual violence would constitute a felony sexual assault, within 24 hours of the first Title IX Review Committee meeting, the law enforcement representative of the review committee shall notify the local Commonwealth's Attorney and disclose the information received by the review committee, including personally identifiable information, if such information was disclosed pursuant to Paragraph I(4). The law enforcement representative usually will make this disclosure; however, any member of the review committee may decide independently that such disclosure is required under state law and within 24 hours of the first Title IX Review Committee meeting shall disclose the information to the local Commonwealth's Attorney, including personally identifiable information, if such information was disclosed pursuant to Paragraph I(4). If the Title IX Coordinator is aware of such disclosure, the Title IX Coordinator will notify the alleged victim in writing that such disclosure is being made.

11. Confidentiality and Anonymous Reports.

- a) Individuals may be concerned about their privacy when they report a possible violation of this Policy. The College has a responsibility to end conduct that violates this Policy, prevent its recurrence, and address its discriminatory effects. For this reason, some College employees may not be able keep secret any report of sexual violence, domestic violence, dating violence, or stalking. The College expects employees to treat information they learn concerning incidents of reported violations of this Policy with respect and with as much privacy as possible. College employees must share such information only with those College and law enforcement officials who must be informed of the information pursuant to this Policy.

- b) Responsible Employees must report all alleged violations of this Policy to the Title IX Coordinator. Other campus employees have a duty to report sexual assault, domestic violence, dating violence, and stalking for federal statistical reporting purposes (Campus Security Authority (CSA) under the Clery Act). CSAs include student/conduct affairs personnel, campus law enforcement, local police, student activities staff, human resources staff, and advisors to student organizations. Reports received by the College concerning the abuse of a minor must be reported in compliance with state law.
- c) If a complainant wishes to keep the report confidential, it is recommended that he or she report the alleged conduct to someone with a legal duty to maintain confidentiality, e.g., mental health counselor or clergy. Employees may contact the Employee Assistance Program. If the complainant requests that the complainant's identity not be released to anyone else, the College's ability to investigate and take reasonable action in response to a complaint may be limited. A respondent has a right to know the name of the complainant and information regarding the nature of the allegations in order to defend against the complaint. Likewise, if the complainant does not wish to disclose the identity of the accused, the College's ability to investigate and take reasonable action in response to a complaint will be severely limited. In the foregoing cases, the College will evaluate the confidentiality request(s) in the context of the College's commitment to provide a reasonably safe and non-discriminatory environment. In order to make such an evaluation, the Title IX Coordinator may conduct a preliminary investigation into the alleged violation of this Policy and may weigh the request(s) against the following factors:
- The seriousness of the allegation(s);
 - The complainant's or alleged victim's age;
 - Whether there have been other similar complaints against the same respondent;
 - The respondent's right to receive information about the allegations if the information is maintained by the College as an "education record" under FERPA; and
 - The applicability of any laws mandating disclosure.

Therefore, the College may pursue an investigation and/or notify law enforcement even if the complainant requests that no action be taken and the College will not be able to ensure confidentiality in all cases. The College will notify the complainant when it is unable to maintain confidentiality or respect the complainant's request for no further action.

- d) The College will accept anonymous reports, but it will be limited in its ability to investigate and take reasonable action. The College must have sufficient information to conduct a meaningful and fair investigation. The College, when reasonably available and when requested, may arrange for changes in academic, parking, transportation, or work arrangements after an alleged violation of this Policy. When such accommodations are provided, the College will protect the privacy of the complainant to the extent possible while still providing the accommodation.

12. Amnesty.

The College encourages the reporting of incidents that violate this Policy. The use of alcohol or drugs should not be a deterrent to reporting an incident. When conducting the investigation, the College's primary focus will be on addressing the alleged misconduct and not on alcohol and drug violations that may be discovered or disclosed. The College does not condone drug usage or underage drinking; however, the College will extend limited amnesty from punitive sanctioning in the case of drug or alcohol use to complainants, witnesses, and others who report incidents, provided that they are acting in good faith in such capacity. The College may provide referrals to counseling and may require educational options, rather than disciplinary sanctions, in such cases.

13. Timely Warnings.

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

14. Interim Measures.

- a) Prior to the resolution of a complaint, the College may suspend or place the respondent on disciplinary or administrative leave when it is determined that the respondent's continued presence on campus threatens the safety of an individual or of the campus community generally; may hamper the investigation into the alleged misconduct; or is necessary to stop threatening or retaliatory contact against the complainant or complainant's witnesses. The College shall provide advance notice of such measures, except in cases where the individual's presence constitutes a threat. In all cases, however, the College shall notify individuals subject to these interim measure(s) in writing of the specific facts and circumstances that make such interim measure(s) necessary and reasonable. Individuals subject to proposed interim measures shall have the opportunity to show why such measure(s) should not be implemented.
- b) Notwithstanding the above, the College may impose a "no contact" order on each party, requiring the parties to refrain from having contact with one another, directly or through proxies, whether in person or by electronic means. The College also will enforce orders of protection issued by courts on all College property to the extent possible.
- c) The College may implement other measures for either the complainant or the respondent if requested, appropriate and reasonably available, regardless of whether a formal complaint has been filed or whether an investigation by either campus administrators or law enforcement agencies has commenced. Such measures may include, but are not limited to, course schedule adjustments, reassignment of duty, changing work arrangements, changing parking arrangements, rescheduling class work, assignments, and examinations,

and allowing alternative class or work arrangements, such as independent study or teleworking.

15. Sexual and Domestic Violence Procedures.

Anyone who has experienced sexual violence, domestic violence, dating violence, or stalking should do the following:

- Safely find a place away from harm.
- Call 911 or if on campus, contact campus police/security.
- Call a friend, the Title IX Coordinator, a Responsible Employee, a family member or someone else you trust and ask her or him to stay with you.
- Go to the nearest medical facility/emergency room. It is important to seek appropriate medical attention to ensure your health and well-being, as well as to preserve any physical evidence.
- If you suspect that you may have been given a drug, ask the hospital or clinic where you receive medical care to take a urine sample. The urine sample should be preserved as evidence. “Rape drugs,” such as Rohypnol and GHB, are more likely to be detected in urine than in blood.
- For professional and confidential counseling support, call the Virginia Family Violence & Sexual Assault Hotline at 1-800-838-8238. Help is available 24 hours a day.
- You should take steps to preserve any physical evidence because it will be necessary to prove criminal domestic violence, dating violence, sexual violence, or stalking, or to obtain a protective order.
 - Do not wash your hands, bathe, or douche.
 - Do not urinate, if possible.
 - Do not eat, blow your nose, drink liquids, smoke, or brush your teeth if oral contact took place.
 - Keep the clothing worn when the incident occurred. If you change clothing, place the worn clothing in a paper bag.
 - Do not destroy any physical evidence that may be found in the vicinity of the incident by cleaning or straightening the location of the crime.
 - Do not clean or straighten the location of the crime until law enforcement officials have had an opportunity to collect evidence.
 - Tell someone all the details you remember or write them down as soon as possible.
 - Evidence of violence, such as bruising or other visible injuries, following an incident should be documented by taking a photograph. Evidence, including any communications such as written notes, text messages, email, voice mail, or other

electronic communications should be saved and not altered in any way.

16. Written Notification of Rights and Options.

Members of the campus community who report incidents of sexual assault, domestic violence, dating violence, or stalking, whether the incident occurred on or off campus, shall receive a written explanation of their rights and options, including the (i) the available law-enforcement options for investigation and prosecution; (ii) the importance of collection and preservation of evidence; (iii) the available options for a protective order; (iv) the available campus options for investigation and adjudication under the College's policies; (v) the complainant's rights to participate or decline to participate in any investigation to the extent permitted under state or federal law; (vi) the applicable federal or state confidentiality provisions that govern information provided by a victim; (vii) information on contacting available on-campus resources and community resources, including the local sexual assault crisis centers, domestic violence crisis centers, or other victim support services with which the College has entered into a memorandum of understanding; (viii) the importance of seeking appropriate medical attention; and (ix) options related to changes in academic, parking, and working arrangements, when requested and when reasonably available.¹ Those rights and options are as follows:

Victim's Rights

- Go to court and file a domestic abuse complaint requesting an order restraining your attacker from abusing you, and/or an order directing your attacker to leave your household, building, school, college, or workplace;
- Seek a criminal complaint for threats, assault and battery, or other related offenses;
- Seek medical treatment (if on campus, the police will arrange transportation for you to the nearest hospital or otherwise assist you in obtaining medical treatment if you wish);
- Request the police remain at the scene until your safety is otherwise ensured;
- Request that a police officer assist you (if you are on campus) by arranging transportation or by taking you to a safe place, such as a shelter or a family or friend's residence; and
- Obtain a copy of the police incident report at no cost from the police department.

¹ The information required by the Campus SaVE Act is included in this Policy: (a) possible sanctions or protective measures that the College may impose following a final determination of a disciplinary procedure regarding sexual violence, domestic or dating violence, or stalking (b) procedures individuals should follow if sexual violence, domestic or dating violence, or stalking has occurred; (c) procedures for disciplinary action in cases involving sexual violence, domestic or dating violence, or stalking, including a clear statement that the College's proceedings shall provide a prompt, fair, and impartial investigation and resolution; (d) information about how the College will protect the confidentiality complainants; (e) written notification of students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims both on-campus and in the community; and (f) written notification about options for, and available assistance in, changing academic, living, transportation, and working situations, if so requested and if such accommodations are reasonably available, regardless of whether the complainant chooses to report the crime to campus police or local law enforcement. Therefore, Colleges may fulfill this requirement by providing anyone who makes a report a copy of this Policy.

- Victims will have the opportunity to request prompt proceedings and that a fair, and impartial investigation and resolution will occur
- College officials will treat the incident seriously and that the incident will be investigated and adjudicated by appropriate criminal and/or College officials.
- Proceedings shall be conducted by officials trained on sexual assault and other intimate partner violence issues. And shall use the “preponderance of the evidence” standard (which is “more likely than not” and the standard used by civil courts in the United States).
- Victims will be treated with dignity, respect, and in a non-judgmental manner.
- College officials will inform victims of their option to notify appropriate law enforcement authorities, including College Police, on-campus security and local police, and offer assistance in notifying proper authorities when an individual discloses an incident of sexual misconduct.
- College personnel will not discourage anyone from reporting, nor encourage them to under-report or report the incident as a lesser crime.
- College personnel will cooperate in obtaining, securing and maintaining evidence (including a medical examination) necessary for legal/criminal proceedings.
- College officials will prohibit retaliation and will not only take steps to prevent retaliation but also take strong responsive action if it occurs. They will also follow up with complaints to determine whether any retaliation or new incidents of harassment have occurred.
- Victims are provided with written notification of on and off campus available services for mental health, victim advocacy, legal assistance, and other available community resources.
- Orders of protection issued by courts are fully upheld on all College-owned, used, and controlled property. Therefore, if any member of the College community obtains an order of protection or restraining order, he or she should promptly inform College Police and provide College Police with a copy of that order, so that the College can enforce it. If the College Police Department determines that an individual’s presence on campus poses a danger to one or more members of the College community, College Police can issue an institutional No Contact or No Trespass Order barring that individual from College property.
- Victims will be afforded the opportunity to request immediate on-campus steps to prevent unnecessary or unwanted contact or proximity to an alleged perpetrator when reasonably available.
- Victims are informed that they are entitled to be accompanied to any related meeting or proceeding by an advisor of their choice, knowing that the accused also has the same opportunity to have others present during any proceeding (the College may deny both parties and advocate or support person).

Rights of Persons Accused of Sexual Misconduct

- All sexual misconduct cases will be treated seriously.

- The accused will be treated with dignity, respect, and in a non-judgmental manner.
- The accused will be informed of the nature of the complaint made against him/her and the name of the complainant.
- The accused will be given written Notice of Accused Rights.
- College personnel will cooperate in investigating the case fully for legal and student conduct & resolution proceedings.
- The accused will be provided written notice of any decision or disciplinary action taken by the College.
- Respondents are informed that they are entitled to be accompanied to any related proceeding by an advisor of their choice, knowing that the victim also is provided with the same opportunity to have others present during any proceeding (the College may deny both parties and advocate or support person).

17. Support Services.

All students and employees will receive information in writing of available counseling, health, mental health, victim advocacy, legal assistance, and other services available in the community and on campus.

The resources available to students and College employees are as follows:

- Citizens Against Family Violence
13 Cleveland Ave
Martinsville, VA 24112
276-632-8701
<http://caf.v.info/>
- Martinsville City Victim/Witness Program
P.O. Box 1063
55 West Church Street
Martinsville, VA 24114
Vicky Belcher, Director
(276) 403-5467
vbelcher@ci.martinsville.va.us
- Henry County Victim/Witness Assistance Program
Victim-Witness Director
Robin D. Byrd
3160 Kings Mountain Road, Suite D
Martinsville, VA 24112
276-634-4503
Email: rbyrd@co.henry.va.us

- Henry-Martinsville Social Services
(276) 656-4300 option 1
Monday - Friday from 8:00 a.m. - 5:00 p.m.
- Virginia Family Violence & Sexual Assault 24-Hour Hotline
Hotline: (800) 838-8238
Web: <http://www.theredflagcampaign.org/index.php/resources/hotlines/>
- Virginia Sexual and Domestic Violence Action Alliance (VSDVAA)
The Corporate Centre
5008 Monument Avenue, Suite A
Richmond, VA 23230
Phone: 866-3VSDVAA (Toll-Free)
Hotline: (800) 838-8238
Web: www.vsdvalliance.org
- Victim Notification Program
Office of the Attorney General
900 East Main Street
Richmond, Virginia 23219
Toll Free: (800) 370-0459
- Crime Victim Assistance
Victims Services Section Of the Department Of Criminal Justice Services
202 North Ninth Street, 6th Floor
Richmond, VA 23219
Phone: (888) 887-3418

18. Education and Awareness.

- a) The College conducts a program to educate students and employees about this Policy and its procedures. The education and awareness program is designed to promote awareness of sexual violence, domestic violence, dating violence, and stalking.
- b) Incoming students and new employees must take part in a mandatory primary prevention and awareness program. The program, at a minimum, shall include:
 - A statement that the College prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking;
 - The definition of domestic violence, dating violence, sexual assault, and stalking;
 - The definition of consent;
 - Safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than such individual;

- Information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks;
 - Information on possible sanctions, procedures to follow after an incident of sexual violence, domestic violence, dating violence or stalking, disciplinary procedures, and the protection of confidentiality; and
 - Written notification about available resources and services, and options for academic and work accommodations, if requested and reasonably available.
- c) The College also conducts an ongoing prevention and awareness campaign for all students and employees.

19. Resolution of Complaints.

- a) The College has an obligation and is committed to provide prompt, fair, and impartial investigation and resolution of alleged violations to this Policy. Title IX Coordinator(s), investigators, Responsible Employees and hearing officials must receive training on sexual violence, domestic violence, dating violence, and stalking, and the conduct of investigations and hearings. The College may resolve complaints either by an informal or formal resolution process.
- b) The parties may agree to proceed under the informal resolution process in matters not involving sexual violence, domestic violence, dating violence, or stalking. The formal resolution process will be applied (i) when any party that participated in the informal resolution process chooses to terminate the informal process, and (ii) to all matters that are not eligible for informal resolution.

20. Complainant's Initial Meeting with the Title IX Coordinator.²

As soon as is reasonably practicable, the Title IX Coordinator will contact the complainant to schedule an initial meeting. If the complainant is not the alleged victim, the Title IX Coordinator also will contact the alleged victim as soon as possible to schedule an initial meeting. The complainant may be accompanied by an advisor of his or her choosing. At this initial meeting, the Title IX Coordinator will:

- Provide the complainant with a copy of this Policy;
- Provide the complainant with a Complaint Form, if necessary;
- Provide the complainant with the written Notice of Victim's Rights and with the written Notice of Victim's Resources;
- Explain avenues for formal resolution and informal resolution of the complaint;
- Determine whether the complainant wishes to pursue a resolution (formal or informal)

² The College may request a meeting with a third party complainant, but it may not require his or her attendance.

through the College or no resolution of any kind;

- Explain the steps involved in an investigation;
- Discuss confidentiality standards and concerns with the complainant;
- Refer the complainant to campus and community resources, including the local sexual assault crisis center, domestic violence crisis center, or other victim support service with which the College has entered into a memorandum of understanding; Discuss with the complainant, as appropriate, possible interim measures that may be taken or provided when necessary during the pendency of the investigative and resolution processes;
- Discuss the right to a fair and impartial resolution of the complaint; and
- Discuss the College's obligation to disclose information about the complaint, including personally identifiable information, to campus/local law enforcement or to the local Commonwealth's Attorney, or both, under certain conditions.

21. Respondent's Initial Meeting with the Title IX Coordinator.³

As soon as is reasonably practicable, the Title IX Coordinator or designee will schedule an initial meeting with the respondent. The respondent may be accompanied by an advisor of his or her choosing. During the initial meeting with the respondent, the Title IX Coordinator or designee will:

- Provide the respondent sufficient information to allow him or her to respond to the substance of the allegation;
- Provide the respondent a copy of this Policy;
- Provide an explanation of the respondent's rights and options related to changes in academic, parking, and working arrangements;
- Explain the College's procedures for formal resolution and informal resolution of the complaint;
- Explain the steps involved in an investigation;
- Discuss confidentiality standards and concerns with the respondent;
- Discuss non-retaliation requirements;
- Inform the respondent of any interim measures that may be imposed on the respondent;
- Refer the respondent to campus and community resources, as appropriate;
- Discuss with the respondent, as appropriate, possible interim measures that can be provided to the respondent during the pendency of the investigative and resolution processes;

³ The College may request a meeting with a third party respondent, but it may not require his or her attendance.

- Discuss the respondent's the right to due process and a fair and impartial resolution of the complaint; and
- If the respondent is a student and the complaint involves an alleged act of sexual violence, explain to the respondent that the College will include a notation on the academic transcript if the respondent is suspended or dismissed after being found responsible, or withdraws while under investigation, and that the investigation will continue in the respondent's absence while being afforded notice of the charges (and hearing, if applicable) and an opportunity to respond to all the evidence.

22. Informal Resolution.

- a) After receiving a request from both parties to resolve the complaint with the informal resolution process, the Title IX Coordinator will appoint a College official to facilitate an effective and appropriate resolution. Such official may be a Responsible Employee who was not involved in the receipt of or investigation of the complaint. Within five (5) workdays of the appointment, the College official will request a written statement from the parties to be submitted within ten (10) workdays. Each party may request to interview witnesses. Within ten (10) workdays of receiving the written statements from the parties, the College official will hold a meeting(s) with the parties and coordinate informal resolution measures. Each party may have one advisor of his or her choosing during any meeting; however, the advisor may not speak on the party's behalf.
- b) The informal resolution process should be completed within thirty (30) days from the date of the request in most cases, unless good cause exists to extend the timeframe. The parties will be notified in writing and given the reason for the delay and an estimated time of completion. Any party may request in writing that the informal resolution process be terminated at any time, in which case the formal resolution process will commence. In addition, any party can pursue formal resolution if he or she is dissatisfied with the proposed informal resolution.
- c) Any resolution of a complaint through the informal process must be by agreement of both parties. It must address the concerns of the complainant and the responsibility of the College to address alleged violations of the Policy, while also respecting the due process rights of the respondent. Informal resolution remedies might include mandatory education, counseling, written counseling by an employee's supervisor, or other methods. The College official will provide the complainant and respondent with a copy of the final written report concurrently. The final written report shall include the nature of the complaint, a meeting(s) summary, the informal resolution reached.
- d) There is no right of appeal afforded to the complainant or the respondent following the informal resolution process.

23. Formal Resolution Process.

a) Title IX Coordinator's Initial Determination.

- i. The College shall conduct an investigation of the complaint unless (i) the complainant does not want the College to pursue the complaint and the Title IX Coordinator has determined that the College can honor the request; (ii) it is clear on its face and based on the Title IX Coordinator's initial meetings with the victim that no reasonable grounds exist for believing that the conduct at issue constitutes a violation of this Policy. The Title IX Coordinator will consider the following factors in determining whether it is reasonable to investigate the complaint: the source and nature of the information; the seriousness of the alleged incident; the specificity of the information; the objectivity and credibility of the source of the information; and whether the individuals allegedly subjected to the conduct can be identified.
- ii. In the event that the Title IX Coordinator determines that an investigation of the complaint should not be conducted, he or she will document (in consultation, as necessary, with the complainant, respondent, and other College officials) the appropriate resolution of the complaint and inform the parties of the same. The Title IX Coordinator shall provide specific and clear written reason(s) why an investigation should not be conducted. The Title IX Coordinator shall provide the determination that the College will not investigate the matter to the complainant and the respondent, concurrently, within five (5) workdays of the completion of the initial meetings. This decision is final.

b) Appointment of the Investigator and Conduct of the Investigation.

- i. If the Title IX Coordinator determines that an investigation should be conducted, he or she will appoint an investigator within five (5) workdays of the completion of the initial meeting. The Title IX Coordinator will share his or her name and contact information with the complainant and respondent and will forward the complaint to the investigator. Within three (3) workdays of such appointment, the investigator, the complainant or the respondent may identify to the Title IX Coordinator in writing any potential conflict of interest posed by assigning such investigator to the matter. The Title IX Coordinator will consider such statements and will assign a different individual as investigator if it is determined that a material conflict of interest exists.
- ii. The investigator will contact the complainant and respondent promptly. In most cases, this should occur within three (3) workdays from the date of the investigator's appointment or the conclusion of the informal resolution process, whichever is later. The investigator will schedule meetings with the parties. The parties may provide supporting documents, evidence, and recommendations of witnesses to be interviewed during the course of the investigation. Each party may have one advisor present during any meeting with the investigator; however, the advisor may not speak on the party's behalf.

- iii. In the conduct of the investigation, the investigator should weigh the credibility and demeanor of the complainant, respondent, and witnesses; the logic and consistency of the evidence, motives, and any corroborating evidence.
- iv. The investigation of any alleged violation of this Policy should be completed within 60 days of the filing of the complaint or the date on which the College becomes aware of the alleged violation, unless good cause exists to extend the timeframe. If more time is necessary, the parties will be notified in writing and given the reason for the delay and an estimated time of completion.
- v. The investigator will complete a written investigative report that includes summaries of all interviews conducted, photographs, descriptions of relevant evidence, the rationale for credibility determinations, summaries of relevant electronic records, and a detailed report of the events in question. The written investigative report shall include at minimum, the following information:
 - The name and gender of the complainant and, if different, the name and gender of the person reporting the allegation;
 - A statement of the allegation, a description of the incident(s), and the date(s) and time(s) (if known) of the alleged incident(s);
 - The date that the complaint or other report was made;
 - The date the respondent was interviewed;
 - The names and gender of all persons alleged to have committed the alleged violation;
 - The names and gender of all known witnesses to the alleged incident(s);
 - The dates that any relevant documentary evidence (including cell phone and other records as appropriate) was obtained;
 - Any written statements of the complainant or the alleged victim if different from the complainant;
 - The date on which the College deferred its investigation and disciplinary process because the complainant filed a law enforcement complaint and the date on which the College resumed its investigation and disciplinary process (if applicable); and
 - The outcome of the investigation.
- vi. The investigator will forward the written investigative report to the Title IX Coordinator.
- vii. The withdrawal of a student from the College while under investigation for an alleged violation of this Policy involving an act of sexual violence shall not end the College's investigation and resolution of the complaint. The College shall continue the

investigation as set forth under this Policy. The College shall notify the student of the investigation and afford the student the opportunity to provide evidence, to review and respond to all the evidence against the student, and to the written investigative report prior to making a final determination. The student also shall receive notice in writing of any hearing, including the day, time, and location. Upon the student's withdrawal, the College shall place a notation on the student's academic transcript that states, "Withdrew while under investigation for a violation of Patrick Henry Community College's Sexual Misconduct Policy." After the College has completed its investigation and resolution of the complaint, the College shall either (1) remove the notation if the student is found not responsible or (2) change the notation to "Withdrew while under investigation and subsequently found responsible for a violation of Patrick Henry Community College's Sexual Misconduct Policy. Upon a final determination, the Title IX Coordinator immediately shall notify the registrar and direct that the appropriate notation is made.

d) Determination of Title IX Coordinator and Corrective Action Recommendation.

- i. Upon the conclusion of the investigation, the Title IX Coordinator may refer the matter to the Title IX Review Committee for a non-binding recommendation of whether there is a preponderance of the evidence to find that the respondent violated this Policy as alleged. In most cases, this should occur within five (5) workdays of receiving the written investigative report from the investigator. 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 violation occurred. If the Title IX Review Committee finds by a preponderance of the evidence that a violation of this Policy did occur, the Title IX Review Committee shall also recommend to the Title IX Coordinator such sanctions, if any, that it deems appropriate.
- ii. The Title IX Coordinator will determine whether there is a preponderance of the evidence to find that the respondent violated this Policy as alleged. In most cases, this should occur within five (5) workdays of receiving the written investigative report from the investigator. 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 violation occurred.
- iii. If the Title IX Coordinator finds that the evidence does not prove by a preponderance of the evidence that the respondent committed the alleged violation, the matter will be closed. The Title IX Coordinator will make the determination in writing (the "Title IX Determination") and distribute the Title IX Determination to the complainant and the respondent concurrently. All parties to whom the Title IX Determination is distributed pursuant to this Policy should maintain it in confidence. If the Title IX Coordinator finds that the evidence does not prove by a preponderance of the evidence that the respondent committed the alleged violation the complainant may appeal that Title IX Determination under the Appeals procedure described below.
- iv. If the Title IX Coordinator finds by a preponderance of the evidence that a violation

of this Policy did occur, the Title IX Coordinator will make a Title IX Determination in writing and distribute the Title IX Determination with such finding to the complainant and the respondent concurrently. All parties to whom the Title IX Determination is distributed pursuant to this Policy should maintain it in confidence. The Title IX Determination that a violation occurred is not a final adjudication of any complaint and therefore cannot be appealed.

- v. When the Title IX Coordinator finds that a violation has occurred, he or she also shall write a written corrective action recommendation (the “Corrective Action Recommendation”) that will contain recommendations for steps that should be taken to prevent recurrence of any such violation and to remedy any discriminatory effects. In most cases, the written Corrective Action Recommendation should be completed within five (5) workdays after the distribution of the Title IX Determination. The Title IX Determination and the Corrective Action Recommendation may be submitted in the same document and may be submitted concurrently. If interim measures have been taken, the written Corrective Action Recommendation shall include a recommendation regarding continuation, suspension or modification of any such interim measures. The Title IX Coordinator shall distribute the written Corrective Action Recommendation to the complainant and respondent. The Title IX Coordinator also shall provide the Title IX Determination and the written Corrective Action Recommendation to the appropriate College official, as described below.
- vi. If the respondent is a credit student, the Title IX Coordinator will forward the Title IX Determination and the Corrective Action Recommendation to the Vice President for Academic and Student Services, or other appropriate official. If the respondent is a non-credit student, the Title IX Coordinator will forward the reports to the Vice President for Workforce, Economic & Community Development, or other appropriate official. Within ten (10) workdays, the Vice President shall determine whether to accept the findings and recommendations, modify the findings and recommendations, reject the findings and recommendations, and to impose appropriate sanctions, as described below. The respondent and the Title IX Coordinator shall receive written notification of Vice President’s determination. The Title IX Coordinator may disclose to the complainant the sanctions imposed on the respondent that directly relate to the complainant as permitted by state and federal law, including the Federal Educational Rights and Privacy Act (FERPA) and the Virginia Freedom of Information Act, when such disclosure is necessary to ensure the safety of the complainant. The Title IX Coordinator also may disclose in writing to the complainant the final results of a disciplinary proceeding involving the respondent with regard to an alleged forcible or non-forcible sex offense, act of stalking, domestic violence or dating violence on the complainant, as permitted by state and federal law including FERPA and the Virginia Freedom of Information Act. The disclosure of final results must include only the name of the student, the violation committed, and any sanction imposed by the College against the student.
- vii. If the respondent is an employee, the Title IX Coordinator will forward the reports to the employee’s supervisor or other appropriate college official. Within ten (10)

workdays, the employee's supervisor or other appropriate college official shall determine whether to accept the findings and recommendations, modify the findings and recommendations, reject the findings and recommendations, and to impose appropriate sanctions, as described below. The respondent and the Title IX Coordinator shall receive written notification of the determination.⁴

- viii. If the respondent is a third party, the Title IX Coordinator will forward the reports to President. Within ten (10) workdays, the President shall determine whether to accept the findings and recommendations, modify the findings and recommendations, reject the findings and recommendations, and to impose appropriate sanctions, as described below. The respondent and the Title IX Coordinator shall receive written notification of the determination. The Title IX Coordinator may disclose to the complainant information as described above.
- ix. The Title IX Coordinator will advise both the respondent and the complainant of their right to appeal any finding or sanction in writing. The written notification also shall provide information on the appeals process.

24. Sanctions & Corrective Actions.

- a) The College will take reasonable steps to prevent the recurrence of any violations of this Policy and to correct the discriminatory effects on the complainant (and others, if appropriate). Sanctions for a finding of responsibility depend upon the nature and gravity of the misconduct, any record of prior discipline for similar violations, or both.
- b) The range of potential sanctions and corrective actions that may be imposed against a student includes but is not limited to the following: required discrimination or harassment education, a requirement not to repeat or continue the discriminatory, harassing, or retaliatory conduct, verbal or written warning, a no-contact order, written or verbal apology, verbal or written warning, probation, suspension, and dismissal from the College.
- c) If a student is found responsible for an act of sexual violence under this Policy and is suspended or dismissed, the student's academic transcript shall be noted as follows: "Suspended/Dismissed for a violation of Patrick Henry Community College's Sexual Misconduct Policy." In the case of a suspension, the College shall remove such notation immediately following the completion of the term of suspension and any conditions thereof, and when the student is considered to be in good standing. The student shall be considered to be in good standing for the purposes of this section following the completion of the term of suspension and satisfaction of all conditions thereof. Upon completion of the suspension, the Title IX Coordinator (or designee) shall meet with the student to confirm completion of the conditions and upon such confirmation, direct the registrar to remove the

⁴ The complainant shall not receive information that would constitute personnel records; however, the College will take appropriate steps as necessary to protect the safety of the complainant while also complying with state law and policy.

notation from the student's academic transcript.

- d) If a student withdraws from the College while under investigation involving an act of sexual violence under this Policy, the student's academic transcript shall be noted as follows: "Withdrew while under investigation for a violation of Patrick Henry Community College's Sexual Misconduct Policy." Students are strongly encouraged not to withdraw and to participate in the investigation and resolution of the complaint.
- e) The College shall immediately remove the notation from the student's academic transcript upon a subsequent finding that the student is not responsible an offense of sexual violence under this Policy. Upon such a finding, the Title IX Coordinator (or designee) shall direct the registrar to remove the notation from the student's academic transcript.
- f) Notations on academic transcripts regarding suspensions and dismissals shall be placed on the student's academic transcript after resolution of all appeals.
- g) Sanctions for faculty and staff shall be determined in accordance with the VCCS Policy Manual and the Department of Human Resource Management Standards of Conduct, respectively. Possible sanctions and corrective actions include required discrimination or harassment education, informal or formal counseling, reassignment, demotion, suspension, non-reappointment, and termination from employment.
- h) Third parties, e.g., contractors, may be prohibited from having access to the campus. Depending on the violation, this prohibition may be permanent or temporary.
- i) Sanctions imposed do not take effect until the resolution of any timely appeal. However, sanctions may take effect immediately when the continued presence of an individual on campus may threaten the safety of an individual or the campus community, generally. Sanctions will continue in effect until such time as the appeal process is exhausted in such cases.

25. Appeals.

- a) Third parties shall have no right to appeal any final decision. The right of appeal shall apply only to students and employees of the college.
- b) Either the complainant or the respondent has the opportunity to appeal the outcome of a final decision or the sanction(s) recommended. Individuals must submit a written request for appeal to the Title IX Coordinator within ten (10) workdays of the final decision or imposition of sanction(s), whichever is later. The appeal request must cite the reason(s) for the appeal and provide evidence and succinct arguments to support those reason(s).
- c) Appeals filed after this deadline shall not be considered.
- d) Appeals shall be granted for the following reasons only:
 - i. New evidence, unavailable at the time of the investigation that could substantially

impact the investigator's finding. The appeal should explain why the evidence was unavailable previously and why such evidence may substantially impact the investigator's finding;

- ii. The decision is not justified by a preponderance of the evidence and/or mitigating factors that is of such magnitude as to deny fundamental fairness;
 - iii. The sanction(s) are unjustified by a preponderance of the evidence and/or mitigating factors warrant a lesser sanction or aggravating factors warrant a greater sanction.
- e) Within five (5) workdays of receipt of the written request for appeal, the Title IX Coordinator shall notify the Title IX Hearing Committee Chair to schedule a hearing. The Hearing Committee Chair will concurrently notify the parties of the time and place of hearing before the Hearing Committee. The hearing typically will be scheduled within fifteen (15) workdays of the Committee Chair's receipt of the notice of appeal from the Title IX Coordinator. If the Hearing Committee requires an extension beyond fifteen (15) workdays is necessary for good cause, both parties will be notified of the expected time frame concurrently.
- f) Not less than five (5) workdays prior to the hearing, the parties must submit a written statement to the Hearing Committee Chair and to the opposing party that:
- i. identifies the names and addresses of witnesses that are requested to be called at the hearing, together with a brief summary of the anticipated testimony of each witness. The parties shall be responsible for securing the attendance of their own witnesses
 - ii. identifies and includes copies of any documents that will be used as evidence at the hearing; and
 - iii. requests a specific remedy.
- g) A party not appealing the findings or sanction(s) may choose not to submit information. If a non-appealing party elects not to participate in the hearing, the Hearing Committee shall use evidence and statements from the record. The Title IX Coordinator shall forward the Final Title IX Report and the Final Corrective Action Report to the Chair of the Hearing Committee as soon as possible, but no later than ten (10) workdays prior to the hearing.
- h) Each party may retain an attorney at his or her own expense or designate a non-attorney advisor to accompany him or her at the hearing. If either party has retained legal counsel or a non-attorney advisor, the party must notify the Hearing Committee Chair of such and provide contact information no later than five (5) workdays prior to the hearing. The role of the attorney or advisor for the parties shall be limited to advice and consultation with the parties or the parties' witnesses. Attorneys and advisors may not question witnesses, raise objections, or make statements or arguments to the Hearing Committee at the hearing. The College may receive assistance from the Office of System Counsel of the VCCS System Office.
- i) The Hearing Committee Chair shall preside over the hearing. The hearing shall be conducted in a fair and impartial manner. The rules of evidence shall not be strictly applied.

All evidence and testimony relevant to whether a violation of this Policy occurred and whether the grounds for appeal are met by a preponderance of evidence shall be considered. The Hearing Committee Chair and its members may question the parties and witnesses. The parties may question witnesses but may not question each another. The Hearing Committee Chair will be the final decision-maker on all matters of procedure and evidence during the hearing. All hearings will be closed to the public.

- j) The past sexual history of either party with anyone other than each other is not admissible.
- k) The Hearing Committee Chair will arrange for the hearing to be recorded by audio and/or visual recording devices. Each party will receive a copy of the recorded hearing upon request and at its own cost. The hearing need not be stenographically recorded. Parties may prepare a transcript of the recording at their own expense.
- l) The Hearing Committee shall decide the appeal by a simple majority vote. Within ten (10) workdays after the hearing, the Hearing Committee Chair will submit a written decision to the parties, the Title IX Coordinator, and the President of the College, concurrently. The decision shall include:
 - i. a description of the grounds for appeal;
 - ii. whether such grounds are accepted or rejected and the rationale for such determination;
 - iii. the Committee's decision to uphold, modify or reject the final decision and/or the sanction(s) and the rationale for such determination;
- m) The decision of the Hearing Committee shall be final as to students. Any employee aggrieved by the decision of the Hearing Committee may grieve any disciplinary sanction imposed against them under the applicable VCCS Policy Manual, and the Grievance Procedure Manual of the Department of Human Resource Management. With respect to students, the complaint resolution procedures outlined in this policy supersede the regular student grievance procedures.

25. Record Keeping.

The Title IX Coordinator shall maintain, in a confidential manner, for at least five (5) years, paper or electronic files of all complaints, witness statements, documentary evidence, written investigative reports, review committee records, written corrective action reports, sanctions, appeal hearings and associated documents, the responses taken campus personnel for each complaint, including any interim and permanent steps taken with respect to the complainant and the respondent, and a narrative of all action taken to prevent recurrence of any harassing incident(s), including any written documentation.

This Policy shall be forwarded to the VCCS Office of System Counsel in July of each year to be reviewed and updated as necessary.