

PATRICK HENRY COMMUNITY COLLEGE

Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence, and Stalking

Reporting & Investigative Procedures

The procedure outlined here is a summary of the reporting and investigative procedure set forth the college policy. For details on the complete process, please refer to the policy.

1. Reporting Incidents.

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.

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 105 276-656-5494 gdove@patrickhenry.edu

2. Handling of Reports and Investigations.

The Title IX Coordinator will assist members of the campus community in reporting incidents to law enforcement authorities upon request.

3. Complainant's Initial Meeting with the Title IX Coordinator.

As soon as is 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.

4. Title IX Coordinator's Initial Determination.

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; or (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.

5. Referral to Title IX Review Committee.

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.

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 above. 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.

6. Appointment of the Investigator and Conduct of the Investigation.

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 investigator will complete a written investigative report of the investigation. The investigator will forward the written investigative report to the Title IX Coordinator.

7. Determination of Title IX Coordinator and Corrective Action Recommendation.

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. 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.

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. 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. 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. 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.

8. Action Upon Determination

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.

If the respondent is an employee, the Title IX Coordinator will forward the reports to the employee’s supervisor or other appropriate college official.

If the respondent is a third party, the Title IX Coordinator will forward the reports to President.

Within ten (10) workdays, the 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. The respondent and the Title IX Coordinator shall receive written notification of the determination.

9. Appeals.

Third parties shall have no right to appeal any final decision to a Hearing Committee. The right of appeal shall apply only to students and employees of the college. 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.

10. Grievance.

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.