



Board Policies and Procedures Manual

Revised June 2026

Table of Contents

1.0	NAME, MISSION, AND ORGANIZATION OF THE COLLEGE	7
1.1	Name of the College.....	7
1.2	Mission and Vision of the College	7
1.3	Approval and Accreditation	7
2.0	COLLEGE BOARD AND PRESIDENT	8
2.1	The College Board	8
2.1.1	Authority for Establishment of the College Board.....	8
2.1.2	Name of the Board.....	8
2.1.3	Duties and Responsibilities of the Board.....	8
2.1.4	Composition of the Board.....	10
2.1.5	Length of Terms of Board Members.....	11
2.1.6	Compensation of Board Members.....	11
2.1.7	Conflict of Interest	12
2.1.8	Removal and Replacement of Board Members.....	13
2.1.9	Reappointments and Vacancies.....	13
2.1.10	Reallocation of Board Membership.....	13
2.1.11	Distribution of Representation	14
2.1.12	Officers of the Board.....	14
2.1.13	Committees of the Board.....	14
2.1.14	Board Liaison with Foundation Board	15
2.1.15	Meetings of the Board	16
2.1.16	Meetings of the Board held through electronic communication means; situations other than declared states of emergency:	17
2.2	The President of the College	22
2.2.1	Responsibilities and Authority of the President of the College.....	22
2.2.2	Presidential Selection Procedure.....	24
2.2.3	Presidential Supplementary Salary Guidelines	26
2.2.4	Presidential Evaluation	26
2.2.5	Presidential Evaluation Procedure.....	29
2.2.6	Procedures for Dismissal of a President	30
3.0	GENERAL POLICIES.....	30
3.1	Reaffirmation of All Motions and Decisions of Predecessor Boards	30

3.2	Compliance with Title VII of the Civil Rights Act of 1964	30
3.3	Compliance with the American with Disabilities Act of 1990	30
4.0	CURRICULAR-RELATED POLICIES.....	30
4.1	Instructional Programs	30
4.2	Local Lay Advisory Committees.....	31
4.3	Community Service Programs	31
5.0	FISCAL POLICIES	31
5.1	Fiscal Year	32
5.2	Formula for Fiscal Support of the College by the Cooperating Jurisdictions	32
5.3	Deposit and Disbursement of Local and Auxiliary Enterprise Funds	32
5.4	Investment of Local and Auxiliary Enterprise Funds.....	33
5.4.1	Investment Objectives	33
5.4.2	Authorized Investments and Credit Quality	33
5.4.3	Diversification	34
5.4.4	Liquidity Requirements.....	34
5.4.5	Prohibited Investments or Actions	34
5.4.6	Pooling	34
5.4.7	Reporting.....	35
5.4.8	Divestiture.....	35
5.5	Audit of Local Funds Accounts	35
5.6	Auxiliary Enterprises Fund.....	35
5.7	Budget Review.....	36
5.8	Tuition and Fees	36
6.0	BUILDING AND SITE DEVELOPMENT POLICIES	37
6.1	Projects.....	37
6.2	Capital Outlay Plans	38
6.3	Master Plan	38
6.4	Construction Projects.....	38
6.5	Policy for Naming P&HCC Facilities	39
7.0	PERSONNEL POLICIES	40
7.1	Educational Assistance and Continuous Learning Policy	40
	Definitions.....	40
	Limitations.....	40
7.2	Educational Assistance Program	40

7.2.1	Program Criteria.....	40
7.2.2	Definitions.....	41
7.2.3	Employee Eligibility for Educational Assistance Generally	41
7.2.4	Employee Eligibility for Educational Assistance that Includes Educational Leave With Full Pay, Partial Pay, or Without Pay.....	42
7.2.5	Payment Options	42
7.2.6	Procedures Applicable to All Educational Assistance Applications	42
7.2.7	Procedures for Educational Assistance Without Leave and Without Pay.....	44
7.2.8	Procedures for Educational Assistance with Leave and Full Pay or Partial Pay	45
7.2.9	Promissory Notes.....	46
7.2.10	Continuation Requirements.....	46
7.2.11	Repayment Provisions	46
7.3	Continuous Learning Program.....	47
7.3.1	Eligibility Requirements	47
7.3.2	Program Requirements.....	47
7.3.3	Procedures	47
7.3.4	Exceptions to Educational Aid Policy	48
7.4	Smoking Policy.....	48
7.5	Drug and Alcohol Abuse Prevention Policy.....	48
	At a minimum, an IHE must annually distribute the following in writing to all students and employees:.....	48
	The College must also complete a biennial review of its program to:	49
	Standards of Conduct and Disciplinary Sanctions:	49
7.5.1	Controlled Substances Policy.....	50
7.5.2	Alcohol Policy	51
7.5.3	Enforcement	52
7.5.4	Investigations and Searches.....	52
7.5.5	Health Risks Associated with Drug and Alcohol Abuse	52
7.5.6	Counseling Services and Treatment Programs	59
	Summary of Federal Marijuana Law³	62
	Appendix 1: Summary of Federal Drug Law (Continued)	64
7.6	Policy on Sexual Harassment	65
A.	Notice of Nondiscrimination.....	65

B.	Policy	65
C.	Purpose	66
D.	Applicability.....	66
E.	Definitions:.....	66
F.	Retaliation	73
G.	Reporting Incidents of Sexual Harassment.....	74
	Patrick & Henry Community College Title IX Campus Resources	74
H.	Confidentiality and Anonymous Reports	75
I.	Immunity	76
J.	Timely Warnings	76
K.	Interim Measures.....	76
L.	Supportive Measures	77
M.	Procedures to Follow after an Incident	77
N.	Support Services	79
O.	Education and Awareness Program.....	79
P.	Academic Freedom and Freedom of Speech.....	80
Q.	False Statements.....	80
R.	Consensual Relationships	80
S.	Handling Reports of Sexual Violence	80
T.	Handling Reports of Sexual Harassment, including Domestic Violence, Dating Violence, Sexual Assault, or Stalking	83
U.	Resolution of Formal Complaints	84
V.	Formal Resolution Process.....	86
W.	Conduct of Live Hearing.....	92
X.	Actions Following the Written Determination	96
Y.	Appeals.....	97
Z.	Informal Resolution Process	98
AA.	Sanctions & Corrective Actions	99
BB.	Academic Transcript Notations and Expungement	100
CC.	Training and Training Materials.....	101
DD.	Record Keeping	102
EE.	Use of Template/Reports to System Counsel	103
	7.7 Workplace Violence Policy.....	103

7.7.1 In General.....	103
7.7.2 Workplace Violence Prevention and Threat Assessment Policy Guidelines	104
7.7.3 Policy	105
7.7.4 Consequences of Policy Violations:	106
7.7.5 Violence Prevention Committees and Threat Assessment Teams.....	106
7.7.6 Procedures for reporting or responding to threats or incidents of workplace violence:	107
8.00 CHANGES IN THE BOARD POLICIES AND PROCEDURES MANUAL.....	110

**PATRICK & HENRY COMMUNITY COLLEGE
BOARD POLICIES AND PROCEDURES MANUAL**

1.0 NAME, MISSION, AND ORGANIZATION OF THE COLLEGE

1.1 Name of the College

The official name of the college is Patrick & Henry Community College (P&HCC).

1.2 Mission and Vision of the College

- **Mission:** P&HCC is committed to promoting diversity, equity, and inclusion and to enriching the quality of life in our service region through academic excellence, educational affordability, student success, workforce development, and community engagement.
- **Vision:** P&HCC will be the educational catalyst that provides access to economic prosperity for our diverse community.
- **Values:** P&HCC values excellence, innovation, diversity, inclusion, and continuous improvement. We demonstrate these values in the following ways:
 - **Teaching and Learning:** As teaching and learning are paramount at P&HCC, we employ innovative faculty who utilize high-impact practices and state-of-the-art equipment in educating our students.
 - **Integrity and Respect:** To promote a culture of integrity, equity, and respect, we develop, nurture, and sustain an engaged, diverse, and talented workforce.
 - **Communication and Collaboration:** Through effective communication, we foster relationships and build partnerships that enhance the success and quality of life for our constituents.

1.3 Approval and Accreditation

P&HCC operates as part of the Virginia Community College System (VCCS) and is governed by the State Board for Community Colleges. The associate degree curricula of the College are approved by the State Council of Higher Education

for Virginia (SCHEV). P&HCC is accredited by the Southern Association of Colleges and Schools Commission on Colleges.

2.0 COLLEGE BOARD AND PRESIDENT

2.1 The College Board

2.1.1 Authority for Establishment of the College Board

Title 23, Chapter 16, Section 23-220 of the Code of Virginia makes the following provisions:

“The State Board shall establish policies providing for the creation of a local community college board for each institution established under this chapter and the procedures and regulations under which such local boards shall operate.”

2.1.2 Name of the Board

The name of the Board shall be the Patrick & Henry Community College Board.

2.1.3 Duties and Responsibilities of the Board

The VCCS Policy Manual governing the establishment and operation of the comprehensive community colleges of Virginia delegates the following provisions concerning the duties and responsibilities to the College Board:

A College Board shall perform such duties with respect to the operation of a community college as may be delegated to it by the State Board. In general, a College Board is responsible for assuring that the Community College is responsive to the needs existing within its service region within the statewide policies, procedures, and regulations of the State Board. The specific duties of a college board include the following:

- a. The College Board shall elect a chairman and other such officers from its membership as it deems necessary and shall adopt such rules and regulations as are considered necessary to conduct its business in an orderly manner.

- b. The College Board and the members thereof shall serve as channels of communication between the State Board for Community Colleges and the governing bodies of the local political subdivisions.
- c. The College Board shall submit its recommendations to the State Board for a name for the community college and each campus of a multi-campus college. In the name of each community college shall be included the phrase "Community College." The College Board shall be authorized to provide names for any facilities on the college campus.
- d. Each college shall adopt procedures regarding the naming of major facilities on its campus(es). The procedures may provide for naming on the basis of significant service but should also provide incentives and recognition for private sector giving to support the college. Recognition for private sector giving should typically occur after the gift has been received rather than on a prospective basis.
- e. The College Board shall provide recommendations to the State Board on the development of the site plan and on the design and construction of facilities for the community college.
- f. The College Board shall participate with the Chancellor and the State Board in the selection, evaluation and removal of the president of the community college in accordance with procedures adopted by the State Board.
- g. The College Board shall participate, with the college president, the Chancellor, and the State Board, in the development and evaluation of a program of community college education of high quality in accordance with procedures adopted by the State Board. In that context, a college statement of purpose shall be developed by the college community. It shall be approved by the College Board and reviewed and approved by the Chancellor on behalf of the State Board. This statement of purpose shall tailor the VCCS Mission Statement to the particular needs and circumstances of the college.
- h. The College Board shall be responsible for eliciting community participation in program planning and development, establishing local citizens' advisory committees for specialized programs and curricula, and approving the appointment of all members of these communities.
- i. The College Board shall review all new curricular proposals for the community college and shall recommend those proposals that it

supports to the State Board. It shall also review proposals for the discontinuation of programs and shall communicate its recommendations on such proposals to the State Board.

- j. The College Board shall oversee the development and evaluation of the community service program for the community college and may authorize the President to grant an “award of completion” to a person successfully completing an approved non-credit program.
- k. The College Board shall be kept informed of the fiscal status of the college by the college president and shall receive summaries of the biennial financial plan and the annual spending plans.
- l. The College Board shall review and approve a detailed local funds budget for the community college as prepared by the college president within State Board guidelines and shall submit this proposed budget to the State Board for review at the time of its submission to the local political subdivisions. In addition, the College Board shall submit a financial statement showing detailed expenditures of such local funds to the local political subdivisions and the State Board at the end of the fiscal year.
- m. The College Board shall be responsible for reviewing and approving local rules on student conduct developed by the college president within the guidelines of the State Board.
- n. The College Board shall be responsible for the review and approval of a budget prepared by the college president for the expenditure of revenues from vending commissions and auxiliary enterprises, including the student activity fund, within the guidelines established by the State Board. The College Board shall be responsible for reviewing and approving periodic reports of revenues and expenditures within these funds.
- o. The College Board shall be responsible both for reviewing reports of audit and for reviewing the college president’s response to those reports of audit.
- p. The College Board shall be informed of personnel matters by the college president.

2.1.4 Composition of the Board

The Board shall consist of 15 members as follows: the City of Martinsville, three representatives; the County of Henry, eight representatives; the County of Patrick, two representatives; and the County of Franklin, two representatives.

2.1.5 Length of Terms of Board Members

The VCCS Policy Manual governing the establishment and operation of the comprehensive community colleges of Virginia makes the following provisions:

Members shall be appointed for a term of 4 years. However, initial appointments of members shall be as follows:

One-third of the members for four years, one-third of the members for three years, and one-third of the members for two years.

The original appointees shall among themselves determine by lot which are to receive appointments for four years, which are to receive appointments for three years, and which are to receive appointments for two years. Thereafter, all appointments shall be for a period of four years and shall become effective on July 1 of the appropriate year. Initial terms of the original appointees shall become effective on the date of the College Board's first meeting and shall expire on July 1 of the appropriate year (even though the first meeting of the College Board is held in a month other than July). No person having served on the community college board for two successive four-year terms shall be eligible for reappointment to the College Board for two years thereafter. However, a person appointed to fill an unexpired term may be reappointed for two additional four-year terms.

2.1.6 Compensation of Board Members

- a. Board Members shall receive no salaries.
- b. Members of the Board will be reimbursed at the prevailing state mileage rate for official travel to and from meetings and other official functions required by the Board. Travel outside the area served by the Patrick & Henry Community College Board will be reimbursed only if authorized by the Board.
- c. If any official meeting or official engagement of the Board necessitates a meal being served during the time that the Board

member is on official college business, the Board member will be reimbursed for the cost of that meal.

- d. Members will be reimbursed for other direct costs incurred in the execution of their duties as members of the Board.
- e. Reimbursement to members for the above items shall be upon proper vouchers from funds available in the local M&O Budget.

2.1.7 Conflict of Interest

- a. For purposes of this section, immediate family shall be defined as any son, daughter, or spouse whether living in the employee's household or not. Son and daughter shall include those related by blood, marriage, or adoption. Also included in the definition are all dependents residing in the employee's or board member's household and anyone for whom the employee or board member is a dependent.
- b. No member of a local college board shall apply for a full- or part-time position in the VCCS while serving as a member of a local college board. Each community college is prohibited from employing for remuneration, in any capacity whatsoever, either on a full-time or part-time basis, a member of the college's board, or the board member's immediate family.
- c. No member of the State Board shall apply for a full- or part-time position in the VCCS while serving as a member of a local college board. Each community college is prohibited from employing for remuneration, in any capacity whatsoever either on a full-time or part-time basis, a member of the State Board, or the Board member's immediate family.
- d. In accordance with the Code of Virginia, College Board members are required to file a Financial Disclosure Statement as a condition of assuming office and then by January of each year, and are required to disclose real estate interests located within the county, city, or town in which the officer serves, or a county, city, or town contiguous to the county, city, or town in which the officer serves.

2.1.8 Removal and Replacement of Board Members

The VCCS Policy Manual governing the establishment and operation of the comprehensive community colleges of Virginia makes the following provision for removal and replacement of local College Board members:

- a. Failure to attend meetings of the College Board shall constitute cause for the removal and replacement of the College Board member. The community college board shall make this determination, and if it is determined that it is in the best interest of the college to have a replacement, the College Board shall notify the appropriate sponsoring political subdivision of the need for a replacement.
- b. If a member shall fail to regularly attend Board meetings and is absent for three consecutive meetings or for 40 percent or more of the meetings scheduled between July 1 and the next succeeding June 30, he or she shall be notified in writing by the Board Chairman that the matter will be presented to the Board, in executive session, at the next board meeting.
- c. This notice shall inform the member that he or she may present such justification as he may desire or offer to resign.
- d. The Board will make its determination and, if appropriate, instruct the Chairman to notify the jurisdiction concerned of the need for replacement.

2.1.9 Reappointments and Vacancies

- a. When the term of office of a College Board member expires, the appropriate local political subdivision shall either reappoint the member or appoint a new member. If the member whose term of office has expired is eligible for reappointment, he shall continue in office until he is reappointed or a successor named. A member who is not eligible for reappointment shall discontinue his service on the College Board at the expiration of his term.
- b. Whenever a vacancy occurs on the College Board, the appropriate political subdivision shall appoint a person to fill the unexpired term of the member creating the vacancy.

2.1.10 Reallocation of Board Membership

The VCCS Policy Manual governing the establishment and operation of the comprehensive community colleges of Virginia makes the following provisions:

- a. In the event that any political subdivision wishes to reallocate the positions on a College Board because of changing conditions, it shall notify the community college board and the State Board in writing of its desires and reasons for change. The same procedure used to establish the original ad hoc committee shall be instituted to establish an ad hoc committee to determine the number of members on the community college board and the reallocation of these members among the local political subdivision(s) sponsoring the college.
- b. The Board itself may determine the need for a change in number or reallocation of its membership. Upon approval of two-thirds of the total membership of the Board, the Chairman shall notify the appropriate sponsoring political subdivision(s) of the action of the Board and request the political subdivision(s) follow the procedure as outlined in item (a) above.

2.1.11 Distribution of Representation

The College Board membership distribution should be representative of the industries, businesses, and professions which are located in the service area of the college. To ensure an appropriate membership distribution representative of the service area, the State Board has established a list of employment categories to assist and guide the College Board Chairman and local government jurisdictions in the selection and appointment process. The President and College Board Chairman should work closely with the local jurisdictions in order to maintain a membership distribution representative of the college service area.

2.1.12 Officers of the Board

- a. The officers of the Board shall be a chairman and a vice-chairman.
- b. The officers of the Board, Chairman, and Vice-Chairman, shall be elected for a term of two years. The term of office of the chairman and vice-chairman are to be limited to no more than two years.
- c. Officers of the Board may be removed from office by a vote of two-thirds of the total membership of the Board.

2.1.13 Committees of the Board

- a. The standing committees of the Board shall be the Budget and Finance Committee, the Facilities Committee, the Academic and Student Affairs Committee, and the Legislative Committee.
- b. Standing Committees shall be appointed by the Chairman, such appointments being for a term of one year.
- c. Functions of the standing committees:
 - i. The Budget and Finance Committee shall consider matters pertaining to the local capital outlay budget, the local M&O and Auxiliary Enterprises budget, and audits and compliance reviews performed by various state and federal agencies.
 - ii. The Facilities Committee shall consider matters pertaining to the procurement, development, and improvement of sites and the design, construction, and renovation of college facilities.
 - iii. The Academic and Student Affairs Committee shall consider matters pertaining to instructional programs, student affairs, occupational advisory committees, community service programs, community relations activities, and workforce development activities.
 - iv. The Legislative Committee shall consider matters pertaining to legislative issues relevant to the college.
- d. Each year at the November Board meeting, the Board Chairman shall appoint an ad hoc Nominating Committee to present recommendations at the March meeting. The Nominating Committee shall be responsible for presenting a list of names to fill Board member vacancies resulting from resignation or term expiration and recommending a slate of officers for the next fiscal year. The Nominating Committee report on names to replace expired terms shall be made at the March Board meeting. The Nominating Committee report recommending the slate of officers for the next fiscal year shall be made at the March Board meeting.

2.1.14 Board Liaison with Foundation Board

The VCCS Policy Manual governing the establishment and operation of the comprehensive community colleges of Virginia makes the following provision:

“The application to the State Board to establish an institutionally related Foundation within the VCCS shall encompass six primary requirements,” including “a provision in the enabling documents that the College President (or designee) and one or more Local College Board members (appointed by the Local College Board) shall serve as ex officio members of the Foundation’s governing board with voting rights.”

2.1.15 Meetings of the Board

- a. All meetings of the Board shall be conducted in accordance with the provisions of the Virginia Freedom of Information Act, except where a closed meeting is authorized by the Act and the Board convenes and adjourns the closed session in the manner provided by the Act.
- b. Regular scheduled meetings of the Board shall be held at 12:00 noon on the following days (or at such other times as the Board may agree):
 - Fourth Monday in January*
 - Third Monday in March
 - Third Monday in May
 - Third Monday in July
 - Third Monday in September
 - Third Monday in November

Note: *The third Monday in January is Martin Luther King, Jr. Day, which is a state holiday.

- c. Special meetings of the Board shall be held at the call of the Chairman or upon petition of a simple majority of the members of the Board.
- d. If an issue or situation arises which, in the opinion of the President or College Board chair, requires action by the College Board before its next regularly scheduled meeting, the President or College Board chair shall contact the appropriate College Board members to review the matter and offer advice regarding the issue. The President, as secretary to the College Board, shall forward a memorandum to the members of the College Board, setting forth the facts surrounding the issue and the recommendation of the administration. Supporting data

as appropriate shall be included with the memorandum. Should a vote be required, the decision reached shall be reaffirmed at the next regularly scheduled meeting of the College Board.

- e. A simple majority of the members of the Board shall constitute a quorum for all purposes, except as otherwise specified herein.
- f. The president of the college shall serve as Secretary to the Board.
- g. The president, as Secretary to the Board, shall keep such minutes and records as are necessary to set forth clearly all actions, showing the vote of each member present, and proceedings of the Board. The typed minutes of each meeting shall be considered, corrected if necessary, and approved at the next regular meeting, provided that this action may be taken at an intervening special meeting if the Board desires. The minutes shall be signed by the Chairman and the President after corrections and approval and shall be kept as public record in permanently bound books in the custody of the President.

2.1.16 Meetings of the Board held through electronic communication means; situations other than declared states of emergency:

- A. The Board is encouraged to:
 - i. Provide public access, both in person and through electronic communication means, to its meetings and
 - ii. Provide avenues for public comment at meetings when public comment is customarily received, which may include public comments made in person or by electronic communication means or other methods. The Board has determined that, when circumstances dictate, it may allow public access to its meetings through electronic communication means, including telephone or videoconferencing, if already used by the Board. In such event, the Board shall provide the public with the opportunity to comment using such electronic communication means at such meetings at the point when public comment is customarily received.
- B. Individual Board members may use remote participation instead of attending a Board meeting in person if the member notifies the Board chair that:

1. The member has a temporary or permanent disability or other medical condition that prevents the member's physical attendance. For purposes of determining whether a quorum is physically assembled, an individual member of the board who is a person with a disability as defined in Virginia Code § 51.5-40.1 and uses remote participation counts toward the quorum as if the individual was physically present;
2. A medical condition of a member or the member's family requires the member to provide care that prevents the member's physical attendance, or the member is a caregiver who must provide care for a person with a disability at the time the meeting is being held thereby preventing the member's physical attendance. For purposes of determining whether a quorum is physically assembled, an individual member of the Board who is a caregiver for a person with a disability and uses remote participation counts toward the quorum as if the individual was physically present;
3. The member's principal residence is more than 60 miles from the meeting location identified in the required notice for such a meeting. For purposes of determining whether a quorum is physically assembled, an individual member of the board whose principal residence is more than 60 miles from the meeting location and uses remote participation does not count toward the quorum as if the individual was physically present; or
4. The member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. However, the member may not use remote participation due to personal matters more than two meetings per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater. For purposes of determining whether a quorum is physically assembled, an individual member of the Board who is unable to attend the meeting due to a personal matter and uses remote participation does not count toward the quorum as if the individual was physically present.

If participation by a member through electronic communication means is approved pursuant to this subsection, the Board shall record in its minutes the remote

location from which the member participated; however, the remote location need not be open to the public and may be identified in the minutes by a general description.

If participation is approved pursuant to subdivision 1 or 2, the Board shall also include in its minutes the fact that the member participated through electronic communication means due to a:

- i. Temporary or permanent disability or other medical condition that prevented the member's physical attendance or
- ii. A family member's medical condition required the member to provide care for such family member, thereby preventing the member's physical attendance.

If participation is approved pursuant to subdivision 3, the Board shall also include in its minutes the fact that the member participated through electronic communication means due to the distance between the member's principal residence and the meeting location. If participation is approved pursuant to subdivision 4, the Board shall also include in its minutes the specific nature of the personal matter cited by the member.

If a member's participation from a remote location pursuant to this subsection is disapproved because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.

C. The Board may hold all-virtual public meetings, provided that the Board follows the other requirements in the Virginia Freedom of Information Act for meetings, and:

1. An indication of whether the meeting will be an in-person or all-virtual public meeting is included in the required meeting notice along with a statement notifying the public that the method by which the Board chooses to meet shall not be changed unless the Board provides a new meeting notice in accordance with the provisions of Virginia Code § 2.2-3707;

2. Public access to the all-virtual public meeting is provided via electronic communication means;
3. The electronic communication means used allows the public to hear all members of the Board participating in the all-virtual public meeting and, when audio-visual technology is available, to see the members of the Board as well. When audio-visual technology is available, a member of the Board shall, for purposes of a quorum, be considered absent from any portion of the meeting during which visual communication with the member is voluntarily disconnected or otherwise fails or during which audio communication involuntarily fails;
4. A phone number or other live contact information is provided to alert the public body if the audio or video transmission of the meeting provided by the Board fails, the Board monitors such designated means of communication during the meeting, and the Board takes a recess until public access is restored if the transmission fails for the public;
5. A copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of the Board for a meeting are made available to the public in electronic format at the same time that such materials are provided to members of the Board;
6. The public is afforded the opportunity to comment through electronic means, including by way of written comments, at those public meetings when public comment is customarily received;
7. No more than two members of the Board are together in any one remote location unless that remote location is open to the public to physically access it;
8. If a closed session is held during an all-virtual public meeting, transmission of the meeting to the public resumes before the Board votes to certify the closed meeting as required by subsection D of Virginia Code § 2.2-3712;
9. The Board does not convene an all-virtual public meeting

- i. more than two times per calendar year or 50 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater, or
 - ii. consecutively with another all-virtual public meeting
- 10. Minutes of all-virtual public meetings held by electronic communication means are taken as required by Virginia Code § 2.2-3707 and include the fact that the meeting was held by electronic communication means and the type of electronic communication means by which the meeting was held. If a member's participation from a remote location pursuant to this subsection is disapproved because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.

D. Before the Board uses all-virtual meetings as described in subsection C or allows members to use remote participation as described in subsection B, the Board shall at least once annually adopt a policy, by recorded vote at a public meeting, that shall be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

Subject to the limitations set forth in Subsection C 9, the Board may hold an all-virtual public meeting under the following circumstances:

- 1. The Board chair may elect to hold the regularly scheduled July meeting as an all-virtual board meeting;
- 2. If the Board chair determines that there are no action items requiring a vote by the board, the board chair may elect to hold a meeting as an all-virtual public meeting; or
- 3. If the Board chair determines that other extraordinary factors limit the ability of college administrators or board members to attend an in-person meeting, rendering such meeting impracticable.

4. Notice of an all-virtual Board meeting shall be given to the Board members and to the public at least 48 hours prior to the meeting.

Subject to the limitations set forth in Subsection B 4, an Individual Board member may remotely participate instead of attending a Board meeting in person if, in advance of the Board meeting, the member notifies the board chair that the member wishes to remotely participate in the meeting; identifies the reason(s) for requesting to remotely participate; the reason(s) given fall within the provisions of Subsection B; and permission to remotely participate is granted by the board chair.

The policy shall not prohibit or restrict any individual member of the Board who is participating in an all-virtual meeting or who is using remote participation from voting on matters before the Board.

Should the Board create a committee, subcommittee, or other entity however designated of the Board to perform delegated functions of the Board or to advise the Board may also adopt a policy on behalf of its committee, subcommittee, or other entity that shall apply to the committee, subcommittee, or other entity's use of individual remote participation and all-virtual public meetings.

2.2 The President of the College

2.2.1 Responsibilities and Authority of the President of the College

The VCCS Policy Manual governing the establishment and operation of the comprehensive community colleges of Virginia makes the following provisions concerning the responsibilities of the president:

The President is responsible to the Chancellor of the Virginia Community College System for organizing and operating the community college in accordance with the policies, procedures, and regulations of the State Board for Community Colleges, and the Virginia Community College System. Specific responsibilities of the President are:

- a. Providing principle-centered leadership and supervision for the community college, including:

- i. Occupational/technical education, college transfer education, general education, and developmental education;
 - ii. Continuing education, workforce education, and community services;
 - iii. Student access and student services, including counseling programs, student admissions and records, financial aid, disability services, and student activities;
 - iv. Budget planning and fiscal management;
 - v. Management and development of all campus sites and facilities, and technology;
 - vi. Recruitment, selection, and professional development of the college's human resources, and
 - vii. Serving as secretary to the Local College Board.
- b. Assuming responsibility for student enrollment growth relative to the growth of the college's service area;
- c. Developing effective regional and community relations with other organizations and individuals for the benefit of the college and community;
- d. Providing leadership for institutional resource development including serving as institutional liaison to the foundation and active involvement in fundraising, grants, gifts, and other resources;
- e. Serving as legislative advocate for the college and the Virginia Community College System;
- f. Leading an institutional effectiveness program for the purpose of continuous improvement;
- g. Representing the college at appropriate local, state, and national events;
- h. Maintaining an active program of professional development;
- i. Serving as a member of the VCCS Advisory Council of Presidents to study, analyze, and recommend policies and procedures to the

Chancellor in the areas of budget and finance, human resources, technology, academic and student affairs, public and governmental affairs, and workforce development; and

- j. Supporting the work of the Virginia Community College System by actively participating in events and initiatives as requested by the Chancellor.

2.2.2 Presidential Selection Procedure

The State Board as the governing body is responsible for the administration of the VCCS. The Chancellor, as the Chief Executive Officer of the System, is assigned the responsibility and delegated the authority to carry out the following Presidential Selection Procedures:

- a. The Chancellor shall announce the vacancy promptly by initiating a recruitment and advertising process, to include advertising it in all the colleges of the System, and in national publications of wide circulation to ensure gathering qualified applicants from a broad base.
- b. The Chancellor shall appoint an ad hoc Presidential Screening Committee which shall be chaired by a college president, co-chaired by a college president, and composed of a member of the Chancellor's Faculty Advisory Committee, along with senior college administrators such as Vice Presidents of Academic Affairs and Finance, chief advancement and workforce development officers, and representatives of other administrative areas. Three members of the local College Board shall also serve as a member of this committee, with preference that the members who serve include the current Chair and Vice Chair, or Chair- and Vice-Chair-elect. No member of the Committee shall be an employee of the college for which the president is being sought.
- c. The Associate Vice Chancellor for Human Resources shall conduct an initial screening of applicants by comparing applicant materials against objective evaluation criteria broadly distilled from the duties and responsibilities of Presidents outlined in VCCS Policy 2A, IX, F, 2, as well as additional leadership criteria determined by the Chancellor and the Local College Board.

- d. The Chancellor and the Presidential Screening Committee shall meet to identify a number of candidates to be invited for state-level interviews.
- e. Candidates chosen for state-level interviews shall be screened by the Chancellor, the Chancellor's Cabinet, the Presidential Screening Committee, and any member of the State Board desiring to participate for the purpose of selecting finalists to be presented to the State Board for certification. The Chancellor or the Chancellor's designee shall carry out a reference check on all finalists.
- f. The names of the finalists shall be presented to an ad hoc committee on Presidential Certification of the State Board for review and certification. Any candidate certified by the State Board shall be eligible to be chosen for the presidency.
- g. The Chancellor shall notify the local College Board, and the certified candidates, of the action of the State Board and shall work with the college to schedule local college interviews.
- h. Local college interviews shall be under the direction of the local College Board and shall involve representatives of the faculty, administration, staff, and students in addition to local College Board members.
- i. The college interviews shall be comprehensive and will usually require the presence of a candidate for two days. The purpose of the college interviews shall be to exchange ideas and evaluate the candidates' strengths and weaknesses in terms of the needs of the college. The qualifications of each candidate shall be presented by those involved in the interview process to the local College Board. This assessment shall be as detailed as necessary but shall not involve the ranking of the candidates.
- j. Upon completion of the college interview process, the Chairman of the College Board shall notify the Chancellor, and a meeting shall be convened to discuss the selection of a president. The findings of the local College Board and state level interviews shall be reviewed during this meeting. The Chancellor shall select a candidate from among those interviewed. The Chancellor shall then negotiate with the candidate regarding salary, effective date of employment and any other considerations specified during the meeting with the local College Board and shall make the appointment if satisfactory arrangements can be made. If satisfactory arrangements cannot be made with the candidate, then any alternative course of action

determined by the Chancellor shall be followed, including negotiation with other candidates, or reopening the selection procedures.

- k. The Chancellor shall notify the State Board of the final action.
- l. A news release on the appointment of a president shall be coordinated by the Chancellor's Office for release simultaneously by the Chancellor's Office and the local College Board.
- m. The Chancellor shall provide materials regarding the operation of the college and the System and shall orient the new president to the duties and responsibilities of the presidency.

2.2.3 Presidential Supplementary Salary Guidelines

- a. Supplemental total compensation utilizing the provisions of the VCCS approved Executive Compensation Plan will be considered on an as-needed basis.
- b. The VCCS has an approved Executive Compensation Plan that includes a limited number of options designed to recruit and retain the best executive talent. This plan is reviewed and updated periodically to reflect market conditions. The plan elements are used on an as-needed basis. Some elements are funded from state resources and others from private gifts, endowment funds, or income from endowments and gifts. Generally, the elements will require the recommendation of the Local College Board, approval of the Chancellor, and all are subject to the review of the Personnel Committee of the State Board for Community Colleges annually. The plan elements are detailed in a separate Executive Compensation Plan maintained by the VCCS Human Resource Services Department.
- c. Requests for a salary supplement must be submitted in writing and include the amount of supplement, the source of the supplement, and whether it is a one-time or continuing supplement. Requests must be received by April 1 for the upcoming fiscal year. The amount of all supplements to a president's state salary will be identified in the president's contract or otherwise documented for the record.

2.2.4 Presidential Evaluation

- a. Purpose:

The purpose of presidential evaluation is the improvement of performance, both individual and institutional. Improvement of performance is a continuing process, a concept consistent with the premise that education, or learning, should be lifelong. It is consistent, too, with the reality that communities and people change over time giving rise to new and different conditions and needs to which the community college should be responsive.

b. Objectives:

The objectives of annual presidential evaluation are:

- i. To provide the individual president with a formal statement on the adequacy of the president's performance based on predetermined measures;
- ii. To provide the college board and the Chancellor with an appropriate mechanism for setting and monitoring progress toward attaining specified goals/objectives;
- iii. To provide the State Board with an appropriate mechanism for assuring the evaluation of management personnel; and
- iv. To identify serious problems that may require special attention.

c. Conditions

- i. The Virginia Community Colleges are accountable to the State Board for compliance with System and State Policy and for judicious management of resources.
- ii. The individual college is responsible to its College Board for assuring that its mission, and its program and activities, are based on and consistent with local needs, interest, and aspirations.
- iii. The position of president, defined by the State Board, includes reporting relationships to the College Board and to the Chancellor.
- iv. The role of president, defined in large measure by the interaction and interrelationships between the individual

president and the communities and constituencies comprising the individual college, is situationally determined.

- v. The president is singularly qualified and located to judge the performance of the institution and to be judged by same.

- d. Evaluation Plan

The president shall be evaluated annually. The annual evaluation shall be prepared in letter form by the Chancellor. It shall have as its basis two independent assessments of the president's accomplishments conducted separately by the College Board and the Chancellor. As a minimum, the evaluation letter shall list each goal/objective followed by a narrative statement detailing the degree of accomplishment.

- e. College Board's Evaluation

The evaluation of the president by the College Board shall be conducted by an appropriately designated board committee or individual, working in conjunction with the president. The College Board and president, working together, shall define the procedure they shall follow in determining the evaluation. The evaluation letter shall be reviewed with the president and shall be signed by the Board Chairman and by the president and submitted to the Chancellor no later than May 1.

- f. Chancellor's Evaluation

The Chancellor shall prepare an evaluation of each president and shall review the evaluation with the president no later than June 15. Following their review of the evaluation, both the president and Chancellor shall sign the evaluation letter.

- g. Predetermined Goals/Objectives

The Chancellor and the College Board, acting separately, shall establish with the president goals/objectives for the ensuing evaluation period. Once agreed upon, these goals/objectives shall serve as one basis for evaluation of performance. The College Board and president shall establish goals/objectives to be used in evaluating the president by the board. By June 15, the Chancellor shall provide the president with a copy of the Chancellor's

goals/objectives for the year and indicate which of these objectives are to be included in the president's goals/objectives. The president's goals/objectives shall be used by the Chancellor to evaluate the president's performance.

2.2.5 Presidential Evaluation Procedure

The evaluation process shall be as follows:

- a. By May 1, the College Board shall have completed its evaluation of the president and submitted the appropriately signed evaluation letter to the Chancellor.
- b. By June 15, the Chancellor shall provide the president with a copy of the Chancellor's goals/objectives; the Chancellor shall have established with each president and confirmed to each in writing the goals/objectives upon which the president's performance in the ensuing evaluation period shall be evaluated; and the appropriate committee/individual of the college board shall have established with the president and have confirmed in writing the goals/objectives upon which the president's performance shall be judged.
- c. By June 15, the Chancellor shall have completed an evaluation of each president and shall have reviewed it with the College Board's evaluation to identify significant disparities, if any. Where significant difference(s) in the Chancellor's evaluation of the president as compared with the evaluation by the College Board are deemed to exist, the Chancellor shall seek to reconcile them.
- d. In those instances where the Chancellor's evaluation is irreconcilable with that of the College Board, the areas of difference shall be noted in the Chancellor's evaluation letter, and the president shall have the opportunity to file a rebuttal.
- e. Copies of the Chancellor's final evaluation of the president and the goals and objectives for the upcoming year shall be directed by the Chancellor to the president, the Chairman of the College Board and the president's personnel file. In those instances where the Chancellor's evaluation is irreconcilable with that of the College Board, the Chancellor's evaluation with attachments and the president's rebuttal, if any, shall be directed by the Chancellor to the president, the Chairman of the College Board, and the president's personnel file. The final evaluation of the president by the College

Board shall also be directed by the Chancellor to the president's personnel file.

2.2.6 Procedures for Dismissal of a President

Either the College Board or the State Board may initiate action for the dismissal of a president. The State Board shall inform the College Board prior to the dismissal of the president.

3.0 GENERAL POLICIES

3.1 Reaffirmation of All Motions and Decisions of Predecessor Boards

The Board reaffirms all motions and decisions made by all predecessor boards, said motions and decisions to remain in effect until rescinded.

3.2 Compliance with Title VII of the Civil Rights Act of 1964

Patrick & Henry Community College subscribes to and endorses Title VII of the Civil Rights Act of 1961 which states:

"No person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity."

3.3 Compliance with the American with Disabilities Act of 1990

Patrick & Henry Community College is committed to compliance with the Americans with Disabilities Act (ADA) of 1990 which assures individuals with disabilities an equal opportunity in all phases of education and employment.

4.0 CURRICULAR-RELATED POLICIES

4.1 Instructional Programs

- a. All proposed instructional programs shall be reviewed and approved by the College Board for recommendation to the State Board for Community Colleges.

- b. Approval of courses and course content, within an approved instructional program, is delegated to the president.

4.2 Local Lay Advisory Committees

- a. The VCCS Policy Manual governing the establishment and operation of the comprehensive community colleges of Virginia makes the following provision:

Local citizens' curricular advisory committees must be utilized to assist in development of all occupational/technical curricula and courses. Members for these local advisory committees shall be recommended by the community college president to the College Board for approval.

- b. The Board delegates to the Academic and Student Affairs Committee the authority to approve the establishment of occupational advisory committees and appointment of members thereto, upon recommendation of the president. Appointees approved by the Academic and Student Affairs Committee shall be so notified by the president.
- c. The Academic and Student Affairs Committee shall assist the president in maintaining active occupational advisory committees and shall be alert to individuals in the community who would be potentially valuable members on such advisory committees.

4.3 Community Service Programs

- a. The College Board shall be alert to the need for community service programs and shall advise the president concerning such need.
- b. The College Board may delegate to the Academic and Student Affairs Committee the authority to approve community service programs, upon recommendation by the president.
- c. The College Board shall be provided an annual report and evaluation of community service programs.

5.0 FISCAL POLICIES

5.1 Fiscal Year

The fiscal year of the college shall be from July 1st through June 30th.

5.2 Formula for Fiscal Support of the College by the Cooperating Jurisdictions

The Local Funds annual budget request is shared by the cooperating political subdivisions. The amount of the total budget requested from each cooperating political subdivision is based on the percentage of the current year fall semester headcount, excluding out-of-state students, enrolled from each political subdivision.

5.3 Deposit and Disbursement of Local and Auxiliary Enterprise Funds

- a. All Local Maintenance and Operation (M & O) and Auxiliary Enterprise Funds shall be placed in a local depository, which shall be designated as a Concentration Bank by the Commonwealth of Virginia, Department of the Treasury.
- b. The president and the vice president for financial and administrative services are designated to approve all disbursements of Local and Auxiliary Enterprise Funds. Checks may be signed by the president, the vice president for financial and administrative services, and the business office manager.
- c. The president and vice president for financial and administrative services, in conjunction with the Local Board Budget and Finance Committee, are responsible for the investment of idle Local and Auxiliary Enterprise Funds using the following guidelines:
 - i. Funds deposited in bank accounts must be fully secured as provided under Section 6.1-79 of the Code of Virginia.
 - ii. All deposited funds will be placed into high yield, low service cost, low compensating balances, and the best quality investment instrument.
 - iii. The administration shall have the authority to review the cash and investment accounts every 90 days to determine if the college is receiving the best rate of return, and if not, move the accounts to the institution paying the highest interest rate.

- iv. All earned income will be distributed annually by the Local Board upon recommendation of the College Administration and review by the Local Board Budget and Finance Committee.

5.4 Investment of Local and Auxiliary Enterprise Funds

Section 4.2.2 (f) of the VCCS Policy Manual encourages the investment of idle college local funds subject to the limitations of Chapter 18, Sections 2.1-327 and 2.1-328 of the Code of Virginia (Now Sections 2.2-4501-4518).

The policy of the College Board is to invest local funds in a manner which will provide the highest investment return with maximum security while meeting the daily liquidity needs of P&HCC and conforming to all state statutes governing the investment of public funds. Investments are made according to the “Prudent Person Rule” which states that investments shall be made with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent person in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims.

5.4.1 Investment Objectives

The primary objectives, in priority order, of P&HCC Local Fund investment activities shall be:

- a. **Safety:** Safety of principal is the foremost objective. Investments shall be undertaken in a manner that seeks to ensure preservation of capital in the overall portfolio.
- b. **Liquidity:** The investment portfolio will be sufficiently liquid to enable it to meet all operational requirements which might be reasonably anticipated.
- c. **Return on investment:** The investment portfolio shall be designed with the objective of attaining a market rate of return, taking into account its investment risk constraints of Local Fund investments.

5.4.2 Authorized Investments and Credit Quality

Authorized investments for public funds are limited to those of the type and quality set forth in the “Investment of Public Funds Act” of the Code of Virginia Sections 2.2-4500, et seq. (the “Act”). The College Board authorizes the investment of Local Fund assets only in the types and

quality of investments permitted by the Act as amended from time to time.

5.4.3 Diversification

The Local Board allows management at P&HCC to deposit and maintain investments within the following guidelines:

- a. The portfolio can be diversified with no more than five percent of the value of the portfolio invested in securities of any one issuer. This limitation shall not apply to securities of the U.S. Government or Agency thereof, government sponsored corporation, or fully insured and/or collateralized certificates of deposits and time deposits.
- b. The portfolio may be invested with the financial institution contracted by Patrick & Henry Community College to handle all local fund banking.

5.4.4 Liquidity Requirements

- a. Daily Liquid Assets—10% minimum
- b. Weekly Liquid Assets—30% minimum
- c. Illiquid Securities—Limited to 5 percent of total assets. Defined as a security that cannot be sold or disposed of within 7 calendar days at approximately the carrying value.

5.4.5 Prohibited Investments or Actions

- a. CMOs, inverse floaters, IOs, POs, and Z-tranche securities, etc.
- b. Futures, options, options on futures, margin buying, leveraging, and commodities. Forward trades are permitted as long as they are procured during normal “when issued” periods for individual markets and as long as cash is reserved or a security will mature to cover the purchase.

5.4.6 Pooling

Amounts available for investment from various local funds may be pooled in order to maximize investment return. Interest earned on pooled principle may be prorated, as earned, to the individual funds based on the relative ratio of individual funds contribution amount to the total pooled amount. Interest earned by the various funds may be transferred, as approved in the local funds budget, to other local funds for scholarships, general use, student activities, etc., so long as it benefits the operation of the college.

5.4.7 Reporting

On a monthly basis the investment manager will report to the Vice President of Finance summary investment and performance information and provide a copy of the investment portfolio at current market value. Additional information will be provided if deemed appropriate or if requested. The P&HCC Investment Policy and Guidelines and investment performance will be reviewed annually by the Vice President of Finance and investment performance and recommendations shall be presented to the Local Board annually.

5.4.8 Divestiture

The President and Vice President of Finance are authorized to execute transactions within the scope of this policy. Investments not addressed by this policy must be approved by the Local Board prior to executing the transactions.

5.5 Audit of Local Funds Accounts

The audit of Local Funds accounts shall be conducted by the state auditor. The report of such audit shall be reviewed by the Board and made available upon request to the supporting jurisdictions.

5.6 Auxiliary Enterprises Fund

The president is authorized to establish an Auxiliary Enterprises Fund which may receive revenue from student fees, the bookstore, vending machines, and other approved activities for the purpose of funding student activities and college activities. The audit of the Auxiliary Enterprises Fund shall be conducted by the state auditor.

5.7 Budget Review

Management of the local funds shall be the responsibility of the College Board and the college administration. All activities within the local funds, including discretionary funds accounts, shall be within the limits set through budgets prepared by the college administration and approved by the College Board. Local funds budget expenditures shall be reviewed at least annually by the College Board.

The president shall prepare a draft of the Local M & O Budget and the Auxiliary Enterprises Budget.

The draft of the Local M&O and Auxiliary Enterprises budget as approved by the Administration and Budget & Finance Committee of the Board shall be submitted to the College Board for review and approval.

Financial statements of Local M&O budget expenditures shall be provided upon request to the supporting jurisdictions.

5.8 Tuition and Fees

The State Board shall prescribe the tuition and/or fees to be paid by the students. The tuition and/or fees shall be collected in a manner prescribed by the State Board and shall be deposited in the State Treasury.

Mandatory non-education and general program fees shall be adequate to meet the cost of such programs. Adoption of new mandatory non-education and general program fees or increases in such existing fees shall be approved by the College Board upon recommendation of the College Administration and review by the Local Board Budget & Finance Committee. In addition, adoption of or increases in these fees shall be approved by the State Board.

6.0 BUILDING AND SITE DEVELOPMENT POLICIES

6.1 Projects

It is the expressed direction that the State Board for Community Colleges will be informed in advance of any other agency, board, or body on matters that pertain to construction of any nature on a community college campus. Such matters will be heard before the State Board and consent must be granted by the Board prior to any contacts with other agencies, boards, or bodies.

Approval of the State Board must also be gained for the following projects:

- a. The Six Year Capital Outlay Plan for the Community Colleges;
- b. Approval of the establishment and acquisition of new campuses, including the naming of new campuses as detailed in the VCCS Policy Manual;
- c. Acquisition or conveyance of title to community college real property including exchanges;
- d. Capital leases, subject to further approval of the General Assembly and appropriate state agencies;
- e. Master site plans;
- f. Requests for college specific line-item appropriations, maintenance reserve funds, and all other blanket/umbrella appropriations;
- g. Proposed construction of new building space which is not covered under capital outlay;
- h. Entering into any arrangement including proposed debt to support any capital project;
- i. Pre-planning Studies or Schematic Plans when Pre-planning Studies are not required;
- j. Contract awards for any construction projects with a contract price exceeding the authorized construction estimate by the greater of 10 percent or \$100,000;
- k. Any activity which would substantially affect the appearance of a campus, including demolition of any building, renovation of the exterior of any building, the construction of any site improvements including, but not limited

to, parking lots, walls, fences, entrance signs, tennis courts, gazebos, moveable buildings, and other outdoor physical education areas;

- l. Any other commitment which would have substantial impact on the real property of the VCCS;
- m. Any litigation proposed on behalf of the VCCS or initiated against the VCCS relative to construction or real estate; and
- n. Any project requiring an increase in student fees. Guidelines for making such a submission will be available through the office of the Vice Chancellor for Administrative Services.

6.2 Capital Outlay Plans

The State Board shall approve the Six Year Capital Outlay Plan for the Community Colleges including Major Capital Projects. Major Capital Projects that are to be funded entirely or in part by a general fund appropriation or proceeds from State Tax Supported Debt shall follow the Commonwealth's requirements for capital plans.

6.3 Master Plan

A master site plan (MSP) is required for each community college campus and must be approved by the State Board. Once a master site plan has been approved, any changes in location, size, or use of buildings or other facilities shall be similarly approved.

Master plans for campus development, and changes thereto, shall be submitted by the president to the Facilities Committee for review and recommendation to the College Board. The action of the College Board concerning such recommendations shall be submitted by the president to the State Board for approval.

Significant changes recommended in locations of buildings, other constructed facilities or land use must be incorporated as revisions to the MSP and resubmitted for approval by the College Board and the State Board.

6.4 Construction Projects

The State Board shall authorize the initiation of each Capital Project and Major Capital Project by approving its size, scope, budget, and funding. Capital and

Major Capital Projects that are to be funded entirely or in part by a general fund appropriation or proceeds from State Tax Supported Debt, shall require both State Board approval and those pre-appropriation approvals of the State's governmental agencies when applicable, and shall follow the State's process for capital budget requests.

Accordingly, the budget, size, and scope of a capital project shall not be materially changed beyond the plans and justifications that were the basis for the capital project's approval, either before or during construction, unless approved in advance as described above. Minor changes shall be permissible if they are determined by the Chancellor or his designee to be justified. Major Capital Projects may be submitted for State Board authorization at any time but must include a statement of urgency if not part of the approved Major Capital Project program.

Final plans and specifications for building construction and/or site development shall be reviewed and approved by the Facilities Committee and submitted by the president to the Virginia Community College System for final approval by state agencies concerned. Those approvals shall be obtained prior to the advertisement for bids.

6.5 Policy for Naming P&HCC Facilities

Affixing the name of any Patrick & Henry Community College facility is subject to the approval of the College Board. Based on donations to the Patrick & Henry Community College Foundation, the following guidelines will be used in approving the name of a building or specific area in a building:

- a. For future privately funded buildings, a donor who donates at least 50% of construction costs may name the building.
- b. For existing buildings which are unnamed, the donor who contributes at least \$1,000,000 may name the building.
- c. For high visibility areas such as the learning lab, gymnasium area, and lecture hall, name the area for the donor who contributes at least \$250,000.
- d. For smaller areas, such as classrooms, seminar rooms, and laboratories, the donor name will be used for donations of at least \$100,000.

7.0 PERSONNEL POLICIES

7.1 Educational Assistance and Continuous Learning Policy

Patrick & Henry Community College is committed to supporting educational opportunities for our employees with College support, which in turn enhances the effectiveness of the College. Contingent upon budgetary resources and pursuant to policies and procedures of the Virginia Community College System (VCCS), the College may provide support for employees to take classes that are directly job related, part of a degree program, and/or classes taken under the continuous learning program. This policy outlines eligibility requirements, payment options, procedures and guidelines for approval, tuition reimbursement information, and employee obligations under this policy. It should be noted that meeting minimum criteria does not guarantee approval for receipt of educational assistance.

Definitions

- Educational Assistance is financial support for approved educational courses or the acquisition of job-related degrees, professional certifications, or licenses. It may be granted for a single course or combined with educational leave. The financial support shall consist of the cost of tuition and mandatory fees. In cases with educational leave, full pay, partial pay, or leave without pay may be provided.
- Continuous Learning Courses are for-credit courses offered at the College to employees at no cost. The courses may be job related or non-job related.

Limitations

Educational assistance and/or continuous learning are limited to no more than a combined total of 6 credit hours of course work per semester or 12 credit hours per fiscal year per employee. The College President may approve course work in excess of these limits provided it is in the interest of the effective and efficient operation of the College.

7.2 Educational Assistance Program

7.2.1 Program Criteria

Requests for educational assistance must be for courses that are job-related or are part of a degree program. The course(s) taken must be in accordance with the employee's Professional Development Objectives (Faculty) or Employee Development Plan (Classified) listed on the Employee Work Profile (EWP) on file in the Office of Human Resources.

7.2.2 Definitions

Job Related: Education or training related to employee's current position to meet one of the following objectives:

- To provide training in the use of new or modified methods and equipment.
- To provide training in skills and knowledge required by changes in the employee's current position.

Degree Requirement: Academic courses taken at regionally accredited institutions:

- To enable qualified administrative and teaching faculty to attain advanced degrees for the maintenance of established standards of the College or to meet specific needs that have been authorized by the College.
- To enable classified employees to complete degree programs which will enhance job performance or support the College's mission.

7.2.3 Employee Eligibility for Educational Assistance Generally

- a. **New Employees:** New full-time employees are immediately eligible to receive educational assistance for tuition and mandatory fees.
- b. **Grant Funded Employees:** Educational Assistance is designed for employees who are expected to continue in State service for a period of time that will justify such assistance. Employees whose salaries are grant funded have no assurance that they will be employed by the College after the grant expires. Therefore, grant funded employees will not be eligible for educational assistance except in extraordinary circumstances.

- c. **Full-Time Employees:** This is a benefit for full-time employees only and therefore it is intended to exclude students, adjuncts, and part-time employees from eligibility. Persons whose primary status with the College is as a student, or who serve in positions designated as student positions, adjuncts, and part-time employees are not eligible for reduced tuition under this policy.

7.2.4 Employee Eligibility for Educational Assistance that Includes Educational Leave With Full Pay, Partial Pay, or Without Pay

- a. Classified employees must have completed at least 3 years of continuous service with the College.
- b. Teaching faculty, counselors, and librarians should normally be eligible for, or have received, a multi-year appointment.
- c. Administrative and other professional faculty must have completed a minimum of 3 continuous years of service with the VCCS.

7.2.5 Payment Options

The College may use the following payment options for educational coursework:

- a. **Reimbursement:** Employees pay the required tuition and fees and are reimbursed for the costs when the course is completed and appropriate documentation submitted.
- b. **Up-front Payment—Promissory Note:** The College may pay for the course at the time of registration. The employee and the College will execute a promissory note for the amount of tuition and mandatory fees prior to registration for the class. Payment for tuition will be transmitted to the institution by check.
- c. For all payment options, the course must be completed satisfactorily with a grade of “C” or better. For any up-front payment, if an employee fails to complete a class, or receives an unsatisfactory final grade, the College must initiate repayment provisions immediately.

7.2.6 Procedures Applicable to All Educational Assistance Applications

- a. If an employee is pursuing a degree, he or she must attach to the request for educational assistance documentation of acceptance into the degree program and a copy of the program's course requirements. Employees must attach a copy of their Professional Development Objectives (Faculty) or Employee Development Plan (Classified) listed on the Employee Work Profile (EWP) on file in the Office of Human Resources and explain how the requested assistance furthers that plan.
- b. If an employee is pursuing a degree, he or she must attach to each annual request for educational assistance documentation that the employee is satisfactorily progressing toward completion of the degree.
- c. The employee must submit his or her final grade or training certification and receipt for payment to the Human Resource Office within 30 calendar days of the end of term. Failure to submit a final grade or proof of training and payment to the Human Resource Office may result in loss of future educational aid eligibility. The Human Resource Office will then inform the Business Office that the requirement has been satisfied.
- d. The employee must inform the Human Resource Office if he or she fails to complete the course(s) or meet the minimum grade requirement. The Human Resource Office will then inform the Business Office. The Business Office will then establish a receivable credit the expense account(s) of the College, and, in conjunction with the employee, coordinate tuition repayment. Failure to inform the Human Resource Office of these events will result in loss of future educational aid eligibility.
- e. If an employee decides not to enroll in a course under this policy after receiving permission to do so, the employee must notify the Human Resources Department, the immediate supervisor, and the supervising dean or vice president. If the employee desires tuition assistance for an alternative course, a new Educational Assistance Request must be completed according to the normal application procedures.
- f. Prioritization of Requests. The following criteria will be used to determine competitive selection and approval of requests. Preference will be given to:

- Full-time faculty and staff employees pursuing a degree and who have an approved professional development plan on file;
- Full-time faculty and staff who have an approved professional development plan on file and who wish to take courses or training directly related to the employee's job responsibilities;
- Courses or training critical to the needs of the College;
- Distribution of previously awarded educational aid (in order to balance support among employees and departments); and
- Commitment of employee to share the costs for the courses or training.

7.2.7 Procedures for Educational Assistance Without Leave and Without Pay

- a. Employees must request education assistance prior to July 31 for assistance for the following fiscal fall semester and prior to October 15 for the following spring semester. Requests must be submitted on the VCCS-16, and signed by the employee, the employee's supervisor and dean, the employee's vice president, and the College President.
- b. Justification for educational assistance must be attached to the educational aid request form (VCCS-16). Employees pursuing a specific degree or certificate should submit the entire program of student for approval as part of the Employee's Professional Development Objectives (Faculty) or Employee Development Plan (Classified) listed on the Employee Work Profile (EWP) on file in the Office of Human Resources.
- c. When budgeted funds are exhausted, no further requests will be approved.
- d. If the class is part of a degree requirement, the employee must submit documentation of acceptance to a degree granting program that is regionally accredited. For classes not part of a degree program, the course must be job-related as determined by the employee's vice president.
- e. If courses are taken during normal work hours, classified employees are required to adjust their work schedule to fulfill their normal work hours per week. Adjustments may take the form of reducing an

employee's work week, increasing the number of hours worked, requiring use of annual, compensatory, or overtime leave, or VSDP family and personal leave (for VSDP participants). Faculty are required to ensure that courses do not conflict with teaching and College responsibilities.

7.2.8 Procedures for Educational Assistance with Leave and Full Pay or Partial Pay

- a. Submission and Approval of Requests: Employees must request education assistance prior to July 31 for assistance for the following fall semester and prior to October 15 for the following spring semester. Requests must be submitted on the VCCS-16, and signed by the employee, the employee's supervisor and dean, the employee's vice president, and the College President. The request must identify the length of time and the amount of pay being requested.
- b. When budgeted funds are exhausted, no further requests will be approved.
- c. Justification for educational assistance must be attached to the educational aid request form (VCCS-16). Employees pursuing a specific degree or certificate should submit the entire program of study for approval as part of the Employee's Individual Development Plan with the VCCS-16.
- d. Establishing Base Pay: The base salary utilized to compute the full or partial pay shall be the salary in effect on the last workday prior to the period of educational leave. The base will be adjusted for merit increases at the time the increases become effective for all state employees.
- e. Effective date: The effective date to be used when placing 9-month faculty on educational leave with or without pay shall normally be the first day of the fall or spring semester in which the leave begins. For other employees, it will be the last day worked before the leave period starts.
- f. For educational leave, the College and the System Office will prepare a letter stating the terms and length of the employee's leave. It will address the effect of the leave period on salary, benefits, retirement,

and the timeframe to notify the College/System Office of the employee's return to full-time employment.

- g. Length of Educational Leave: Educational leave with or without pay is limited to 12 months. An extension of 12 months may be granted by the College President.

7.2.9 Promissory Notes

Employees receiving up-front educational assistance for a course or for a leave with pay must execute a promissory note for the total amount of salary to be paid and/or costs paid by the State. The note will be executed on the first day of the leave and interest will begin to accrue on the date study is terminated.

7.2.10 Continuation Requirements

- a. Any employee receiving educational assistance may be required to sign a continuation agreement.
- b. Up-Front Payment for Educational Assistance: Employees will be required to work a minimum of an additional six months for assistance received.
- c. Leave with Pay: Employees will be required to work a period twice that of the leave period.

7.2.11 Repayment Provisions

- a. If an employee does not successfully complete a course but remains employed within the VCCS, reductions in the employee's salary will be initiated to recover the cost of tuition and mandatory fees. The repayment schedule, not to exceed six months, will be initiated immediately.
- b. An employee who does not return to the College, or resigns prior to the completion of the promissory obligation, will pay the pro rata portion of the note from existing leave balances or the final salary payment. If recovery of funds is not available from these sources, a repayment schedule with interest at the prime rate plus 1 percent

shall be paid with the final payment due within six months of the employee's last day of employment.

- c. If an employee accepts employment with another Virginia state agency, a release from the promissory note may be obtained, providing that the employing institution reimburses the College in full.

7.3 Continuous Learning Program

7.3.1 Eligibility Requirements

Full-time instructional faculty, administrative/professional faculty, full-time classified employees, wage employees, and adjunct faculty may take continuous learning courses. Wage employees must be employed during the term for which they are requesting a course. Wage employees whose primary status is as a student are not eligible for this program. This is an employment benefit and therefore it is intended to exclude students from eligibility.

7.3.2 Program Requirements

Employees may take continuous learning courses only at the College. Courses included in this program must be offered by the College and may be part of a degree program or for professional development.

7.3.3 Procedures

- a. **Submission and Approval of Requests:** Employees must request continuous learning prior to the semester in which the course is to be taken. Requests must be submitted on the P&HCC-16 Continuous Learning Form and signed by the employee, the employee's supervisor and dean, and the employee's vice president.
- b. If courses are taken during normal work hours, classified employees are required to adjust their work schedule to fulfill their normal work hours per week. Adjustments may take the form of reducing an employee's work week, increasing the number of hours worked, requiring use of annual, compensatory, or overtime leave, or VSDP family and personal leave (for VSDP participants). Faculty are required

to ensure that courses do not conflict with teaching and College responsibilities.

7.3.4 Exceptions to Educational Aid Policy

Exceptions to the above guidelines will be considered on a case-by-case basis, and should come through the appropriate supervisor, appropriate chain of authority, up to and including the President. When eligibility requirements are waived, an explanatory justification statement approved by the College president shall be attached to the VCCS-16 or P&HCC-16 and maintained in the Human Resources files.

7.4 Smoking Policy

Smoking or the use of any and all tobacco products, including electronic cigarettes and smokeless tobacco, is prohibited in all P&HCC buildings, or within 25 feet of building entrances, or in college vehicles.

7.5 Drug and Alcohol Abuse Prevention Policy

Approved by the P&HCC Board September 19, 2022.

Federal laws (the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989), and VCCS and DHRM policy, require an Institution of Higher Education (IHE) such as Patrick & Henry Community College ("College"), to certify that it has implemented programs to prevent the abuse of alcohol and the use, and /or distribution of illicit drugs both by students and employees either on its premises and as a part of any of its activities.

At a minimum, an IHE must annually distribute the following in writing to all students and employees:

- (1) Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on its property or as part of any of its activities;
- (2) A description of the applicable legal sanctions under local, State, or Federal law for the unlawful possession or distribution of illicit drugs and alcohol;
- (3) A description of the health risks associated with the use of illicit drugs and the abuse of alcohol;

- (4) A description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to employees or students; and
- (5) A clear statement that the College will impose disciplinary sanctions on students and employees (consistent with local, State, and Federal law), and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct required by this policy.

The College must also complete a biennial review of its program to:

- (1) Determine its effectiveness and implement changes to the program if they are needed; and
- (2) Ensure that the disciplinary sanctions described in paragraph (a)(5) of this section are consistently enforced.

Standards of Conduct and Disciplinary Sanctions:

Patrick & Henry Community College intends to maintain a workplace free from the adverse effects of alcohol and other drugs. Employees are forbidden to use these substances at the workplace or to come to the workplace while under the influence of these substances. In addition, employees are expected to notify their supervisors if they are convicted of violating any criminal drug law, either within or outside the workplace, or if they are convicted of violating any alcohol beverage control law or law that governs driving while intoxicated, based on conduct occurring in the workplace. Violation of policies related to these matters can result in serious disciplinary action including termination.

Students or employees of Patrick & Henry Community College shall not possess, sell, use, manufacture, give away or otherwise distribute illegal substances including drugs or alcohol while on campus, attending a college sponsored off-campus event, or while serving as a representative of the college at off-campus functions. Students or employees who violate this policy shall have college charges processed against them in the normal manner of due process provided by college rules. Further, students or employees who violate this policy shall have committed a criminal offense, and the college shall notify the appropriate agency of the Commonwealth of Virginia, county or city government for investigation and, if warranted, prosecution.

With recent changes to the Commonwealth of Virginia’s marijuana laws, students and employees should be aware of the impact of these laws both on and off college grounds. The college’s alcohol and drug policy has not changed and continues to prohibit possession and use of marijuana on college grounds. Federal law classifies cannabis/marijuana as a Schedule 1 drug. As such, possession, use, and distribution of marijuana remain prohibited on all college property and at all college functions under the Drug-Free Schools and Communities Act and the Drug Free Workplace Act.

7.5.1 Controlled Substances Policy

Definitions:

- a. The term “controlled substances,” as used in this policy, is defined to include legal and illegal drugs. The use or possession of legal drugs (i.e., those drugs for which a valid prescription is required before the drug may be used or possessed) is not prohibited by this policy unless that use or possession is inconsistent with the prescription or where no such prescription has been provided.
- b. The term “illegal drugs” is defined to include all such drugs of which the use, sale, possession, distribution, manufacture, or transfer is prohibited by law and includes, but is not limited to, marijuana, narcotics, hallucinogens, stimulants, depressants, and so-called designer drugs.
- c. As used in this policy, “under the influence” means that the individual is affected by a controlled substance in a detectable manner.
- d. The term “workplace” as used here shall mean any College premises or work site or customer’s place of business, attending a college sponsored off-campus event, or while serving as a representative of the college at off-campus functions, and College vehicles and public or private means of transportation while engaged in College business.

Policy Statement

The illegal use, sale, possession, distribution, manufacture, or transfer of controlled substances at the workplace or elsewhere during work hours is strictly prohibited. Also prohibited under this policy is use, sale,

possession, distribution, manufacture, or transfer of controlled substances on nonworking time, and on or off College property to the extent such use impairs an employee's ability to perform his or her job, or when such activities negatively affect the reputation of the College to the general public or threaten the integrity of the College.

College personnel may not report to work or work while under the influence of illegal drugs, nor may such personnel report to work under the influence of legal drugs for which no prescription has been issued or where the use of the legal drugs is inconsistent with a prescription.

Whereas this policy does not prohibit the use or possession of over the counter or prescription drugs where such use or possession is consistent with the proper use of such substances, College personnel are encouraged to advise supervisors of such use where it may affect performance. Should performance be affected by the use of such substances, the individual may be relieved of his or her job duties under the Sick Leave Programs.

College personnel who plead guilty or no contest or are convicted of a violation of a controlled substance statute must inform their supervisor within five days of the conviction, or plea. Failure to comply with this requirement will subject College personnel to disciplinary action, which may include termination for a first offense.

Persons violating the College policy regarding substance abuse will be subject to disciplinary action, which may include termination for a first offense.

7.5.2 Alcohol Policy

The College expects that all personnel will maintain proper professional decorum at all times during the workday, on and off College property. Expressively prohibited under this policy are reporting to work or working while impaired from the use of alcohol and alcohol consumption while on the job or at other times during the workday on or off College property.

As used in this policy, impaired from the use of alcohol means that the individual's performance or behavior is marked by abnormal conduct or erratic or aberrant behavior, including, but not limited to, sleeping on the job, slurred words, or a significant smell of alcohol about the person.

The legal use of alcohol is not prohibited when an employee is not working and is not at the workplace.

Personnel violating the policy regarding abuse of alcohol will be subject to disciplinary action, which may include termination for a first offense.

7.5.3 Enforcement

In order to enforce this policy and procedures, the College may investigate potential violations and require personnel to undergo drug and/or alcohol screening, including urinalysis, blood tests, or other appropriate tests and, where appropriate, searches of all areas of the College's physical premises, including, but not limited to, work areas, personal articles, employees' desks, workstations, and College vehicles, etc. Employees will be subject to discipline up to and including discharge for refusing to cooperate with searches or investigations or to submit to screening or for failing to execute consent forms when required by management.

7.5.4 Investigations and Searches

Where a manager or supervisor has reasonable suspicion that an employee has violated the substance abuse policy, the supervisor, or his or her designee, may inspect vehicles, lockers, work areas, desks, and other locations or belongings without prior notice, in order to ensure a work environment free of prohibited substances. An employee may be asked to be present and may remove a personal lock. The employee is hereby notified that locked areas or containers do not prevent a search, and thus employees should understand there is no expectation of privacy on College premises. Where the employee is not present or refuses to remove a personal lock, the College may do so. Any such searches will be coordinated with a representative of the HR department. The College may use unannounced drug detection methods.

7.5.5 Health Risks Associated with Drug and Alcohol Abuse

The negative physical and mental effects of the use of alcohol and other drugs are well documented. Use of these drugs may cause blackouts, poisoning, overdose, and death; physical and psychological dependence; damage to vital organs such as the brain, heart, and liver; inability to learn and remember information; and psychological problems, including

depression, psychosis, and severe anxiety. Risks associated with specific drugs are described later in this section.

Impaired judgment and coordination resulting from the use of alcohol and other drugs are associated with DUI/DWI arrests; falls, drowning, and other injuries; contracting sexually transmitted infections, including HIV; and unwanted or unplanned sexual experiences and pregnancy.

Substance abuse by family members and friends may also be of concern to individuals. Patterns of risk-taking behavior and dependency not only interfere in the lives of those with substance use disorders but also can have a negative impact on the affected student's academic work, emotional well-being, and adjustment to college life.

Drugs and alcohol interfere with student learning and employee performance in the workplace. Use of drugs and alcohol can also have dangerous consequences for personal health and for the safety of others. A list of controlled substances and their effects is provided later in this chapter. Some of the more commonly abused drugs are highlighted below:

Health Risks Information:

Alcohol:

The following information on health risks is from the Centers for Disease Control and Prevention:

Drinking too much can harm your health. Excessive alcohol use led to approximately 95,000 deaths and 2.8 million years of potential life lost (YPLL) each year in the United States from 2011 – 2015, shortening the lives of those who died by an average of 29 years. Further, excessive drinking was responsible for 1 in 10 deaths among working-age adults aged 20-64 years. The economic costs of excessive alcohol consumption in 2010 were estimated at \$249 billion, or \$2.05 a drink.

The Dietary Guidelines for Americans defines moderate drinking as up to 1 drink per day for women and up to 2 drinks per day for men. In addition, the Dietary Guidelines do not recommend that individuals who do not drink alcohol start drinking for any reason.

Excessive alcohol use has immediate effects that increase the risk of many harmful health conditions. Over time, excessive alcohol use can

lead to the development of chronic diseases and other serious problems including: High blood pressure, heart disease, stroke, liver disease, and digestive problems; Cancer of the breast, mouth, throat, esophagus, liver, and colon; Learning and memory problems, including dementia and poor school performance; Mental health challenges, including depression and anxiety; Social problems, including lost productivity, family problems, and unemployment; Alcohol dependence, or alcoholism. By not drinking too much, you can reduce the risk of these short- and long-term health risks.

The following information on health risks is from the Centers for Disease Control and Prevention:

Marijuana:

Marijuana is the most commonly used illegal drug in the United States, and marijuana use may have a wide range of health effects on the body and brain. About 1 in 10 marijuana users may experience some form of addiction. For people who begin using before the age of 18, that number rises to 1 in 6. People who are addicted to marijuana may also be at a higher risk of other negative consequences of using the drug, such as problems with attention, memory, and learning. Some people who are addicted may need to smoke more and more marijuana to get the same high. It is also important to be aware that the amount of tetrahydrocannabinol (THC) in marijuana (i.e., marijuana potency or strength) has increased over the past few decades. The higher the THC content, the stronger the effects on the brain. In addition, some methods of using marijuana (e.g., dabbing, edibles) may deliver very high levels of THC to the user.

In many cases, marijuana is smoked in the form hand-rolled cigarettes (joints), in pipes or water pipes (bongs), in bowls, or in blunts—emptied cigars that have been partly or completely refilled with marijuana. Smoked marijuana, in any form, can harm lung tissues and cause scarring and damage to small blood vessels. Smoke from marijuana contains many of the same toxins, irritants, and carcinogens as tobacco smoke. Smoking marijuana can also lead to a greater risk of bronchitis, cough, and phlegm production. These symptoms generally improve when marijuana smokers quit.

Marijuana use, especially frequent (daily or near daily) use and use in high doses, can cause disorientation, and sometimes cause unpleasant thoughts or feelings of anxiety and paranoia. Marijuana use is associated with temporary psychosis (not knowing what is real, hallucinations and

paranoia) and long-lasting mental health challenges, including schizophrenia (a type of mental illness where people might see or hear things that aren't really there).

Marijuana use has also been linked to depression and anxiety, and suicide among teens. However, it is not known whether this is a causal relationship or simply an association.

Cocaine:

Cocaine stimulates the central nervous system. Immediate physical effects include dilated pupils and increased blood pressure, heart rate, respiratory rate, and body temperature. Occasional use can cause a stuffy or runny nose, while chronic use may destroy nasal tissues. Following the "high" of extreme happiness and a sense of unending energy is a cocaine "crash," which includes depression, dullness, intense anger, and paranoia. Injecting cocaine with contaminated equipment can lead to infection with HIV, hepatitis, and other diseases. Tolerance develops rapidly, and psychological and physical dependency can occur. The use of cocaine can cause kidney damage, heart attacks, seizures, and strokes due to high blood pressure. Death can occur by cardiac arrest or respiratory failure.

Depressants:

Barbiturates and benzodiazepines are two of the most used groups of these drugs. Barbiturates include Phenobarbital, Seconal, and Amytal; benzodiazepines include Ativan, Dalmane, Librium, Xanax, Valium, Halcyon, and Restoril. These drugs are frequently used for medical purposes to relieve anxiety and to induce sleep. Physical and psychological dependence can occur if the drugs are used for longer periods of time at higher doses. Benzodiazepine use can cause slurred speech, disorientation, and lack of coordination. If taken with alcohol, use can lead to a coma and possible death.

Hallucinogens:

This category includes phencyclidine (PCP or "angel dust") and amphetamine variants, which have mind-altering effects. Perception and cognition are impaired, and muscular coordination decreases. Speech may be blocked and incoherent. Chronic users of PCP may have memory problems and speech difficulties lasting six months to a year after prolonged daily use. Depression, anxiety, and violent behavior also occur. Large doses produce convulsions, comas, and heart and lung failure.

Lysergic acid diethylamide:

(LSD or "acid"), mescaline, and psilocybin (mushrooms) cause illusions, hallucinations, and altered perception of time and space. Physical effects include dilated pupils, elevated body temperature, increased heart rate and blood pressure, decreased appetite, insomnia, and tremors. Psychological reactions include panic, confusion, paranoia, anxiety, and loss of control. Flashbacks, or delayed effects, can occur even after use has ceased.

MDMA:

People who use MDMA usually take it as a capsule or tablet, though some swallow it in liquid form or snort the powder. The popular nickname Molly (slang for "molecular") often refers to the supposedly "pure" crystalline powder form of MDMA, usually sold in capsules. However, people who purchase powder or capsules sold as Molly often actually get other drugs such as synthetic cathinones ("bath salts") instead. Some people take MDMA in combination with other drugs such as alcohol or marijuana.

MDMA increases the activity of three brain chemicals:

- Dopamine—produces increased energy/activity and acts in the reward system to reinforce behaviors.
- Norepinephrine—increases heart rate and blood pressure, which are particularly risky for people with heart and blood vessel problems.
- Serotonin—affects mood, appetite, sleep, and other functions. It also triggers hormones that affect sexual arousal and trust. The release of large amounts of serotonin likely causes the emotional closeness, elevated mood, and empathy felt by those who use MDMA.

Other health effects include:

- Nausea
- Muscle cramping
- Involuntary teeth clenching
- Blurred vision
- Chills
- Sweating

MDMA's effects last about 3 to 6 hours, although many users take a second dose as the effects of the first dose begin to fade. Over the course of the week following moderate use of the drug, a person may experience irritability, impulsiveness and aggression, depression, sleep problems, anxiety, memory and attention problems, decreased appetite, and decreased interest in and pleasure from sex. It's possible that some of these effects may be due to the combined use of MDMA with other drugs, especially marijuana.

High doses of MDMA can affect the body's ability to regulate temperature. This can lead to a spike in body temperature that can occasionally result in liver, kidney, or heart failure or even death.

Opioids:

Prescription opioids used for pain relief are generally safe when taken for a short time and as prescribed by a doctor, but they can be misused.

Opioids bind to and activate opioid receptors on cells located in many areas of the brain, spinal cord, and other organs in the body, especially those involved in feelings of pain and pleasure. When opioids attach to these receptors, they block pain signals sent from the brain to the body and release large amounts of dopamine throughout the body. This release can strongly reinforce the act of taking the drug, making the user want to repeat the experience.

In the short term, opioids can relieve pain and make people feel relaxed and happy. However, opioids can also have harmful effects, including drowsiness, confusion, nausea, constipation, euphoria, and slow breathing. Opioid misuse can cause slow breathing, which can cause hypoxia, a condition that results when too little oxygen reaches the brain. Hypoxia can have short- and long-term psychological and neurological effects, including coma, permanent brain damage, or death. Researchers are also investigating the long-term effects of opioid addiction on the brain, including whether damage can be reversed.

People addicted to opioid medication who stop using the drug can have severe withdrawal symptoms that begin as early as a few hours after the drug was last taken. These symptoms include muscle and bone pain, sleep problems, diarrhea and vomiting, cold flashes with goose bumps, uncontrollable leg movements, and severe cravings.

An opioid overdose occurs when a person uses enough of the drug to produce life-threatening symptoms or death. When people overdose on an opioid medication, their breathing often slows or stops. This can decrease the amount of oxygen that reaches the brain, which can result in coma, permanent brain damage, or death.

If you suspect someone has overdosed, the most important step to take is to call 911 so he or she can receive immediate medical attention. Once medical personnel arrive, they will administer naloxone. Naloxone is a medicine that can treat an opioid overdose when given right away. It works by rapidly binding to opioid receptors and blocking the effects of opioid drugs. Naloxone is available as an injectable (needle) solution, a hand-held auto-injector (EVZIO®), and a nasal spray (NARCAN® Nasal Spray).

Health Risks Information: Drug Facilitated Sexual Assault Drugs

Rohypnol®:

Rohypnol®, also known as flunitrazepam, is not approved in the United States, although it is available for use as a prescription sleep aid in other countries. It is most commonly found as a tablet which is consumed by dissolving it in a drink or swallowing it. The possible short term health effects include drowsiness, sedation, sleep, amnesia, blackout; decreased anxiety; muscle relaxation, impaired reaction time and motor coordination; impaired mental functioning and judgement; confusion; aggression; excitability; slurred speech; headache; slowed breathing and heart rate. When combined with alcohol the possible health effects include severe sedation, unconsciousness, and slowed heart rate and breathing, which can lead to death. At this point the long-term health effects of Rohypnol® are still unknown. Rohypnol® can take between 36-72 hours to leave the body.

GHB:

GHB is a depressant approved for use in treatment of narcolepsy, and commonly goes by the other names of Goop, liquid ecstasy, and liquid X. It is most commonly found as a colorless liquid or white powder which is consumed through swallowing, often in combination with alcohol. The possible short term health effects include euphoria, drowsiness, nausea, vomiting, confusion, memory loss, unconsciousness, slowed heart rate

and breath, lower body temperature, seizures, coma, and death. In combination with alcohol the possible health effects include nausea, problems with breathing, and greatly increased depressant effects. At this point in time the long-time effects of GHB are unknown. GHB, unlike Rohypnol, leaves the body between 10-12 hours after consumption.

Ketamine:

Ketamine is a dissociative drug used as a surgical anesthetic, an anesthetic in veterinary practice, and as a prescription for treatment resistant depression under strict medical supervision. It is most commonly found in liquid or white powder and is consumed through swallowing, smoking, snorting, or injections. The possible short term health effects include problems with attention, learning, and memory; dreamlike states, hallucinations; sedation; confusion loss of memory; raised blood pressure, unconsciousness; and dangerously slowed breathing. If ketamine is consumed with alcohol there is a risk of adverse effects. The possible health effects associated with long term use include ulcers and pain in the bladder; kidney problems; stomach pain; depression; and poor memory.

If an individual believes they or a friend have consumed Rohypnol®, GHB, or Ketamine they should visit a local healthcare facility that can care for survivors of sexual assault and provide a forensic exam. While receiving care the individual who has ingested the drug can request the hospital to take a urine sample for drug toxicology testing, if the individual cannot immediately go to a hospital they should save their urine in a clean, sealable container as soon as possible, and place it in the refrigerator or freezer for future toxicology testing.

7.5.6 Counseling Services and Treatment Programs

Numerous community and state agencies, medical facilities, and private outpatient counseling/treatment programs are available to help Patrick & Henry students and employees dealing with substance abuse programs. A few examples are listed below:

- Call or text the 988 Suicide & Crisis Lifeline for free and confidential emotional support in a suicidal crisis or emotional distress situation, available 24 hours a day and 7 days a week.
- Piedmont Community Services is a drug treatment and alcohol rehabilitation center. Services are provided in Henry County and

Martinsville City by calling 276-632-7128, Patrick County by calling 276-694-4361, and Franklin County by calling 540-483-0582, or by visiting [Piedmont Community Services](https://www.prcsb.org/) (<https://www.prcsb.org/>). You can reach Piedmont Community Services' 24-Hour Crisis Line by calling 276-336-8320.

- Spero Health provides addiction treatment through counseling and recovery support services in Martinsville. Services can be accessed by emailing info@sperohealth.com or visiting [SperoHealth](https://sperohealth.com/) (<https://sperohealth.com/>) as well as by calling 276-201-1647.
- Alcoholics Anonymous and Narcotics Anonymous are available in the community. Call 540-343-6857. A list of meetings can be found for [Alcoholics Anonymous](https://www.aa.org/) (<https://www.aa.org/>) and [Narcotics Anonymous](https://na.org/) (<https://na.org/>).
- Carilion/Saint Albans offers comprehensive inpatient and outpatient psychiatric treatment and chemical dependency programs. Call 540-731-2000 or visit [Carilion Clinic Mental Health Adult Inpatient Psychiatry](https://www.carilionclinic.org/locations/carilion-clinic-saint-albans-hospital) (<https://www.carilionclinic.org/locations/carilion-clinic-saint-albans-hospital>).
- For Lewis-Gale RESPOND Assessment and Referral, call 800-541-9992 or visit www.lewisgale.com.
- Call Blue Ridge Behavioral Healthcare for information at 540-343-3007 and for their 24-Hour Crisis line at 540-981-9351.
- Galax Treatment Center Inc Life Center of Galax offers Substance Abuse Rehab Services in Galax, VA. Call 800-345-6998 or visit [Life Center of Galax](http://www.galaxrecovery.com) (<http://www.galaxrecovery.com>).
- Mount Regis Center treatment for addictions offers inpatient and intensive outpatient services. Call 1-844-819-4812 or visit [Mount Regis Center](http://www.mtregis.com) (<http://www.mtregis.com>).
- State Employee Assistance Services: Anthem Blue Cross and Blue Shield Member Services: Call 1-855-223-9277 or visit [Anthem](http://www.anthem.com) (<http://www.anthem.com>).
- For State Employee Assistance Services: Aetna, call 1-888-238-6232 or visit [Resources for Living](http://www.mylifevalues.com) (<http://www.mylifevalues.com>).

- Virginia 211 is available to link community members with area services. Residents can dial 211 or visit [2-1-1 Virginia](http://www.211virginia.org) (<http://www.211virginia.org>) for a list of up-to-date services.
- Sobrius Health offers a holistic approach to recovery, with locations in Bassett, Galax, and Lynchburg. Call 1-888-507-6321 or visit [Sobrius Holistic Recovery](http://sobrius.health/) (<http://sobrius.health/>).

APPENDIX I-SUMMARY OF FEDERAL DRUG LAWS

Summary of Federal Marijuana Law³

Substance / Schedule	Quantity	1st Offense	2nd Offense
Marijuana (Schedule I)	1,000 kg or more marijuana mixture; or 1,000 or more marijuana plants.	Not less than 10 years or more than life. If death or serious bodily injury, not less than 20 years, or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.	Not less than 20 years or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	100 kg to 999 kg marijuana mixture; or 100 to 999 marijuana plants.	Not less than 5 years or more than 40 years. If death or serious bodily injury, not less than 20 years or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.	Not less than 10 years or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	More than 10 kilograms of hashish; 50 to 99 kilograms of marijuana mixture; More than 1 kilogram of hashish oil; 50 to 99 marijuana plants.	Not more than 20 years. If death or serious bodily injury, not less than 20 years or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.	Not more than 30 years. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.
Marijuana (Schedule I)	Less than 50 kilograms of marijuana (but does not include 50 or more marijuana plants regardless of weight). 1 to 49 marijuana plants.	Not more than 5 years. Fine not more than \$250,000, \$1 million if other than an individual.	Not more than 10 years. Fine \$500,000 if an individual, \$2 million if other than individual.

Substance / Schedule	Quantity	1st Offense	2nd Offense
Hashish (Schedule I)	10 kg or less		
Hashish Oil (Schedule I)	1 kg or less		

Appendix 1: Summary of Federal Drug Law (Continued)

Substance/Quantity	Penalty
Any Amount of Other Schedule I & II Substances	First Offense: Not more than 20 years. If death or serious bodily injury, not less than 20 years or more than Life. Fine \$1 million if an individual, \$5 million if not an individual. Second Offense: Not more than 30 years. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.
Any Amount of Any Drug Product Containing Gamma Hydroxybutyric Acid	
Flunitrazepam (Schedule IV) 1 Gram	
Any Amount of Other Schedule III Drugs	First Offense: Not more than 10 years. If death or serious bodily injury, not more than 15 years. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual. Second Offense: Not more than 20 years. If death or serious injury, not more than 30 years. Fine not more than \$1 million if an individual, \$5 million if not an individual.
Any Amount of All Other Schedule IV Drugs (other than Flunitrazepam)	First Offense: Not more than 5 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual. Second Offense: Not more than 10 years. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.
Flunitrazepam (Schedule IV) (Other than 1 gram or more)	First Offense: Not more than 5 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual. Second Offense: Not more than 10 years. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.
Any Amount of All Schedule V Drugs	First Offense: Not more than 1 year. Fine not more than \$100,000 if an individual, \$250,000 if not an individual. Second Offense: Not more than 4 years. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.

7.6 Policy on Sexual Harassment

- Approved by the Advisory Council of Presidents August 19, 2020.
- Approved by the P&HCC Board September 21, 2020.
- Revised & Approved by the State Board for Community Colleges September 23, 2023.
- Approved by the P&HCC Board January 23, 2023.

A. 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 education programs or activities, admission, and employment. Under certain circumstances, sexual harassment constitutes 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 Title IX Coordinator is John I. (Jack) Hanbury, whose office is located at West 158, and may be contacted by phone at 276-656-0205 or by email at jhanbury@patrickhenry.edu.

B. Policy

1. Patrick & Henry Community College is committed to providing an environment that is free from harassment and discrimination based on any status protected by law. Accordingly, this Policy prohibits sex discrimination, which includes sexual harassment, sexual assault, sexual exploitation, domestic violence, dating violence, and stalking. This Policy also prohibits retaliation. This Policy supplements the following general policy statement set forth by the Virginia Community College System: This College promotes and maintains educational opportunities without regard to race, color, national origin, religion, disability, sex, sexual orientation, gender identity, ethnicity, marital status, pregnancy, childbirth or related medical conditions including lactation, age (except when age is a bona fide occupational qualification), veteran status, 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), and Virginia law.
2. This Policy is not intended to substitute or supersede related criminal or civil law. Individuals are encouraged to 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 remedies that the College can provide.

C. Purpose

The purpose of this Policy is to establish that the College prohibits sexual harassment and retaliation, and to set forth procedures by which allegations of sexual harassment shall be reported, filed, investigated, and resolved.

D. Applicability

This Policy applies to prohibited conduct by or against students, faculty, staff, and third parties, e.g., contractors and visitors involving a program or activity of the College in the United States. Conduct outside the jurisdiction of this Policy may be subject to discipline under a separate code of conduct or policy.

E. Definitions:

1. Actual Knowledge:

Actual knowledge means notice of sexual harassment or allegations of sexual harassment to a College's Title IX Coordinator or any other official of the College who has authority to institute corrective measures on behalf of the College. "Notice" includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator.

2. Advisor:

An advisor is an individual who provides the complainant or respondent support, guidance, and advice. Advisors may be present at any meeting or live hearing but may not speak directly on behalf of the complainant or respondent, except to conduct cross-examination during a live hearing. Advisors may be but are not required to be licensed attorneys.

3. Appeal Officer:

The Appeal Officer is the designated employee who reviews the complete record of the formal complaint and written statements of the parties during an appeal of a written determination or dismissal of a formal complaint or any allegations therein. The Appeal Officer decides whether to grant the appeal and determines the result of the appeal.

4. Campus:

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.

5. Complainant:

A complainant is an individual who is alleged to be the victim of conduct that could constitute sexual harassment. A complainant may file a formal complaint against faculty, staff, students, or third parties.

6. 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 cannot consent who is under the age of legal consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred. 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.

a) Mental Incapacity:

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 by using drugs or alcohol. Intoxication is not synonymous with incapacitation.

b) Physical Helplessness:

Physical helplessness means unconsciousness or any other condition existing at the time which otherwise 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.

7. Cross Examination:

Cross examination is the opportunity for a party's advisor to ask questions of the other party and the other party's witnesses.

8. Cumulative Evidence:

Cumulative evidence is additional evidence that has been introduced already on the same issue and is therefore unnecessary. The Hearing Officer has the discretion to exclude cumulative evidence.

9. 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 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.

10. Deliberate Indifference:

Deliberate indifference refers to a response to sexual harassment that is clearly unreasonable in light of the known circumstances. The College's response may be found deliberately indifferent if the response restricts the rights to the Freedom of Speech and Due Process under the First, Fifth, and Fourteenth Amendments of the U.S. Constitution.

11. Direct Examination:

Direct examination is the questioning of a witness by a party who has called the witness to provide such testimony.

12. 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 and 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.

13. Due Process:

Due process is a right guaranteed by the Fifth and Fourteenth Amendments of the U.S. Constitution. Basic procedural due process guarantees that an individual receives notice of the matter pending that relates to the possible deprivation of a property or liberty interest and the opportunity to be heard. For example, students and employees facing suspension or expulsion/termination for disciplinary reasons must be given notice of the allegations against them prior to any hearing or determination of responsibility. Any disciplinary process must be fair and impartial. Additionally, the opportunity to respond must be meaningful.

14. Education Program or Activity:

An education program or activity encompasses all of the College's operations and includes locations, events, or circumstances over which the College exercises substantial control over both the respondent and the context in which the sexual harassment occurs. Examples of education programs or activities include, but are not limited to, college-sponsored conferences, athletic events and sports teams, student organizations, and wi-fi network.

15. Exculpatory Evidence:

Exculpatory evidence is evidence that shows, or tends to show, that a respondent is not responsible for some, or all, of the conduct alleged in the notice of allegations. The College must provide the respondent with all exculpatory evidence.

16. Facilitator:

A Facilitator guides a discussion between parties during the informal resolution process and reaches a decision to the satisfaction of each party.

17. Final Decision:

A final decision is the written document that describes any sanctions imposed and remedies provided to the respondent and complainant, respectively, at the conclusion of the formal resolution process.

18. Formal Complaint:

A formal complaint is a document filed and signed by a complainant or signed by the Title IX Coordinator that alleges sexual harassment against a respondent and requests the College to investigate the allegation of sexual harassment. The complainant must be participating in or attempting to participate in an education program or activity of the College when the formal complaint is filed. A complainant cannot file a formal complaint anonymously. The Title IX Coordinator may sign on a complainant's behalf in matters where it is in the best interest of the complainant or the College to do so. The College may consolidate formal complaints against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

19. Freedom of Speech:

The freedom of speech is a right guaranteed by the First Amendment of the U.S. Constitution to express one's thoughts and views without unlawful governmental restrictions. As governmental entities, Colleges must not infringe on this right. This Policy expressly prohibits censorship of constitutionally protected expression.

20. Hearing Officer:

A Hearing Officer is the presiding official of a live hearing who must issue a written determination on responsibility. Colleges may choose to hold live hearings with a single Hearing Officer or by committee.

21. Inculpatory Evidence:

Inculpatory evidence is evidence that shows, or tends to show, that a respondent is responsible for some, or all, of the conduct alleged in the notice of allegations.

22. Preponderance of the Evidence:

A preponderance of the evidence is evidence that shows that the allegation against the respondent is more likely to be true than not. The preponderance of the evidence standard is the standard of evidence the College must use to determine responsibility.

23. Relevance:

Relevance refers to evidence that tends to prove or disprove whether the respondent is responsible for the alleged conduct. A relevant question asks whether the facts material to the allegations under investigation are more or less likely to be true. A question not directly related to the allegations in the formal complaint generally will be irrelevant.

24. Remedies:

Remedies are actions taken or accommodations provided to the complainant after a determination of responsibility for sexual harassment has been made against the respondent. Remedies are designed to restore or preserve equal access to the College's education program or activity. Remedies may be disciplinary or non-disciplinary.

25. Report of Sexual Harassment:

A report of sexual harassment occurs when anyone reports an allegation of sexual harassment to the Title IX Coordinator, or that reaches the Title IX Coordinator through a Responsible Employee. An individual need not be participating or attempting to participate in an education program or activity of the College to file a report. The respondent also does not need to be an employee, student, or otherwise affiliated with the College for a person to file a report against a respondent. A report of sexual harassment does not trigger an investigation or the formal or informal resolution process, but it does require the Title IX Coordinator to meet with the complainant and carry out the procedures described in Section T of this Policy.

26. Respondent:

A respondent is an individual who has been reported to have engaged in conduct that could constitute sexual harassment as defined under this Policy. In most cases, a

respondent is a person enrolled or employed by the College or who has another affiliation or connection with the College. The College may dismiss a formal complaint when the College has little to no control over the respondent but will offer supportive measures to the complainant and set reasonable restrictions on an unaffiliated respondent when appropriate.

27. Responsible Employee:

A Responsible Employee is an employee who has the authority to take action to redress sexual harassment; who has been given the duty to report sexual harassment to the Title IX Coordinator; or an employee a student could reasonably believe has such authority or duty. Only members of the College's Title IX team are Responsible Employees. A Responsible Employee shall not be an employee who, in his or her 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.

28. Review Committee:

A Review Committee is the committee consisting of three or more persons, including the Title IX Coordinator or designee, a representative of campus police or campus security, and a student affairs representative, that is responsible for reviewing information related to acts of sexual violence.

29. Sex Discrimination:

Sex discrimination is the unlawful treatment of another based on the individual's sex that excludes an individual from participation in, separates or denies the individual the benefits of, or otherwise adversely affects a term or condition of an individual's employment, education, or participation in an education program or activity. The College's treatment of a complainant or a respondent in response to a formal complaint of sexual harassment constitutes sex discrimination under Title IX when such response is deliberately indifferent.

30. Sexual Assault:

Sexual assault is any sexual act directed against another person without consent or where the person is incapable of giving consent. Sexual assault includes intentionally touching, either directly or through clothing, 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 assault includes sexual violence.

31. 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 harassment offenses. Examples of sexual exploitation include prostituting another person; non-consensual video or audiotaping of otherwise consensual sexual activity; going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex), and knowingly transmitting HIV or an STD to another.

32. Sexual Harassment:

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- a) **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;
- b) **Hostile Environment:** Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an education program or activity of the College, including a student's educational experience or an employee's work performance;
- c) **Clery Act/VAWA Offenses:** Sexual assault/sexual violence, dating violence, domestic violence, and stalking, as defined by this Policy.

33. Sexual Violence:

Sexual violence means physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Sexual violence includes rape and sexual assault.

34. Stalking:

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress. Such conduct can occur in person or online, but the conduct must involve an education program or activity of the College.

35. Statement:

A statement is a person's intent to make factual assertions during the formal or informal resolution process, including evidence that contains a person's statement(s). Party or witness statements, police reports, Sexual Assault Nurse Examiner (SANE) reports, medical reports, and other records, such as emails and texts may be considered by the Hearing Officer even if they were not subject to cross-examination at a live hearing.

36. Supportive Measures:

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the College's education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the campus environment, or to deter sexual harassment.

37. Third Party:

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

38. Title IX:

Title IX means Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in any education program or activity receiving Federal financial assistance.

39. Title IX Coordinator:

The Title IX Coordinator is the employee or employees designated and authorized to coordinate the College's efforts to comply with its responsibilities under Title IX.

40. Workday:

A workday is any eight-hour day, Monday through Friday, that the College is open for regular business. Workdays include days when classes are not held, but when employees are expected to be at work.

41. Written Determination:

A written determination is the written decision by a Hearing Officer that a respondent is responsible or not responsible for a violation of this Policy by a preponderance of the evidence after a live hearing. A written determination also is the result of an appeal decided by an Appeal Officer.

F. Retaliation

1. No person may intimidate, threaten, coerce, harass, discriminate, or take any other adverse action against any other person for the purpose of interfering with any right or privilege provided by this Policy, or because the person has made a report or filed a formal complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, live hearing, or any other process described in this Policy.

2. Action is generally deemed adverse if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this Policy.
3. Allegations of retaliation that do not involve sex discrimination or sexual harassment but are related to a report or formal complaint of sexual harassment for the purpose of interfering with any right or privilege provided by this Policy constitutes retaliation.
4. Allegations of retaliation will be investigated and adjudicated as a separate code of conduct violation. Any person found responsible for retaliating against another person is subject to disciplinary or other action independent of the sanctions or interim measures imposed in response to the underlying allegations of violations of this Policy.

G. Reporting Incidents of Sexual Harassment

1. Members of the campus community who believe they have been victims of crimes may report the incident 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 or 276-732-2406.
2. Whether or not a report is made to law enforcement, any person may report incidents of sexual harassment, domestic violence, dating violence, sexual assault, or stalking (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute violation of this Policy), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by reporting such conduct to a Responsible Employee to ensure that the Title IX Coordinator receives the verbal or written report. The Title IX Coordinator is solely responsible for overseeing the prompt, fair, and impartial investigation and resolution of reports and formal complaints filed with the College.

Patrick & Henry Community College Title IX Campus Resources

Title IX Coordinator: John I. (Jack) Hanbury
Location: West 158
Phone: 276-656-0205
Email: jhanbury@patrickhenry.edu

Deputy Title IX Coordinator: Ruthanne Duffy
Location: Stone 106
Phone: 276-656-0313
Email: rduffy@patrickhenry.edu

Chief of Police: Gary Dove
Location: West 105
Phone: 276-656-5494
Email: gdove@patrickhenry.edu

1. During non-business hours, members of the campus community should report alleged violations of this Policy to the Chief of Police.
2. There is no time limit for reporting incidents of sexual harassment with the Title IX Coordinator. However, complainants should report possible violations of this Policy as soon as possible to maximize the College's ability to respond effectively to the report. Failure to report promptly also could result in the loss of relevant evidence.

H. Confidentiality and Anonymous Reports

1. Individuals may be concerned about their privacy when they report a possible violation of this Policy. The College must keep confidential the identity of any individual who has made a report or formal complaint of sexual harassment; any complainant or any individual who has been reported to be the perpetrator of sexual harassment; and any witness related to a report or formal complaint of sexual harassment, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA), or as otherwise required by law, or to carry out the purposes of this Policy, including the conduct of any investigation, live hearing, or judicial proceeding arising from any report or formal complaint.
2. The College has a responsibility to respond to conduct that violates this Policy. For this reason, most College employees may not keep secret a report of sexual harassment. The College expects employees to treat information they learn concerning incidents of reported violations of this Policy with respect and as confidentially 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.
3. Responsible Employees must report all alleged violations of this Policy obtained in the course of his or her employment to the Title IX Coordinator as soon as practicable after addressing the immediate needs of the complainant. 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, student activities staff, human resources staff, and advisors to student organizations. All employees must report suspected child abuse or neglect to the [Title IX Coordinator/other designated official] as soon as practicable, but no later than 24 hours after forming such suspicion, pursuant to VCCS Policy Number 3.14.6, Reporting Sexual Child Abuse or Neglect.
4. If a complainant wishes to keep the report of sexual harassment completely confidential, it is recommended that he or she reports the alleged conduct to someone without a duty to report incidents of sexual harassment to the Title IX Coordinator. Full-time employees also may contact the Employee Assistance Program. If the complainant requests that the complainant's identity is not released to anyone else, the College's response will be limited to providing supportive measures, if appropriate and reasonably available. When supportive

measures are provided, the College will protect that person's e-privacy to the extent possible while still providing the supportive measures.

5. The College will accept anonymous reports, but a complainant may not remain anonymous if a complainant files a formal complaint. In the absence of a formal complaint, the College's response will be limited to providing supportive measures if appropriate and reasonably available.
6. The College may pursue the formal resolution process even if the complainant requests the College to take no action. The Title IX Coordinator will notify the complainant in writing within 5 workdays of the decision to pursue the formal resolution process when he or she is unable to maintain confidentiality or respect the complainant's request for no further action. The Title IX Coordinator will give the complainant's wishes due consideration.

I. Immunity

The College encourages the reporting of incidents that violate this Policy. The use of alcohol or drugs should not be a deterrent to reporting a possible incident of sexual harassment. When conducting the investigation, the College's primary focus will be on addressing the alleged sexual harassment and not on alcohol and drug violations that may be discovered or disclosed. The College does not condone underage drinking or the use of illicit drugs; however, the College will grant immunity from disciplinary action based on the personal consumption of alcohol or drugs to individuals who report incidents that violate this Policy, provided that such report is made in good faith. The College may provide referrals to counseling and may require educational options, rather than disciplinary sanctions, in such cases.

J. 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.

K. Interim Measures

1. Immediate Suspension:

Prior to the resolution of a formal complaint, the College may immediately suspend the respondent from an education program or activity when it determines that the respondent's continued presence poses an immediate threat to the physical health or safety of any person

arising from the allegations of sexual harassment. Prior to such suspension, the College will conduct an individualized safety and risk analysis, focusing on the respondent and the specific facts and circumstances arising from the allegations of sexual harassment that justify the suspension. The College shall notify the respondent in writing of the specific facts and circumstances that make the immediate suspension necessary and reasonable and shall give the respondent the opportunity to challenge the decision immediately following the notice of suspension.

2. Administrative Leave:

The College may place a respondent employee on administrative leave prior to the resolution of a formal complaint. Reasons to place an employee on administrative leave include but are not limited to, the continued presence of the employee may be harmful to the employee or other employees; may hamper an investigation into the employee's alleged conduct; or may disrupt the work environment.

3. Mutual No Contact Order:

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.

L. Supportive Measures

1. The College will offer supportive measures to complainants and respondents, whether or not a formal complaint has been filed, or whether the alleged incident is under investigation by a law enforcement agency. All requests for supportive measures will be provided if appropriate and reasonably available.
2. Supportive measures may include, but are not limited to, course schedule adjustments, reassignment of duty, leaves of absence, alternative parking arrangements, rescheduling class work, assignments, and examinations; allowing alternative class or work arrangements, such as independent study or teleworking; escort services, increased security and monitoring of certain areas of the campus, and other similar measures. Provisions of supportive measures to either party will be kept confidential to the extent possible.

M. Procedures to Follow after an Incident

Anyone who has experienced a sex offense, domestic violence, sexual assault, or should take the following action:

1. Find a safe place away from harm.

2. Call 911 or if on campus, contact campus police/security. The Title IX Coordinator may assist you in notifying law enforcement authorities if you wish, and you may decline to notify law enforcement.
3. Call a friend, a campus advocate, a family member, or someone else you trust and ask her or him to stay with you.
4. 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.
5. 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.
6. 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. (Colleges may use the local hotline).
7. You should take the following steps to preserve any physical evidence because it will be necessary to prove criminal domestic violence, dating violence, sexual assault, or stalking, or to obtain a protective order:
 - a. Do not wash your hands, bathe, or douche. Do not urinate, if possible.
 - b. Do not eat, blow your nose, drink liquids, smoke, or brush your teeth if the incident involved oral contact.
 - c. Keep the clothing worn when the incident occurred. If you change clothing, place the worn clothing in a paper bag.
 - d. 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.
 - e. Tell someone all the details you remember or write them down as soon as possible.
 - f. Maintain text messages, pictures, online postings, video, and other documentary or electronic evidence that may corroborate a formal complaint.
8. The College will enforce protective orders issued by a court of law to the extent possible.

N. Support Services

1. 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.
2. For information about available resources, visit [P&HCC Student Support Services](https://www.patrickhenry.edu/student-resources/student-support-services/) (<https://www.patrickhenry.edu/student-resources/student-support-services/>)

O. Education and Awareness Program

1. 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 assault, domestic violence, dating violence, and stalking.
2. The program, at a minimum, shall include:
 - a) A statement that the College prohibits sexual harassment, including sexual assault, domestic violence, dating violence, and stalking;
 - b) The definition of sexual harassment, including sexual assault, domestic violence, dating violence, and stalking;
 - c) The definition of consent;
 - d) 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 sexual assault, domestic violence, dating violence, or stalking against a person other than such individual;
 - e) Information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks;
 - f) Information on possible sanctions and procedures to follow after an incident of sexual assault, domestic violence, dating violence or, stalking;
 - g) The College's disciplinary procedures;
 - h) Information on how the College will protect confidentiality; and
 - i) Written notification about available resources and support services and available supportive measures available if appropriate and reasonably available.
3. The College offers the prevention and awareness program to all new and existing students and employees.

P. Academic Freedom and Freedom of Speech

1. This Policy does not allow censorship of constitutionally protected expression. As a "marketplace of ideas," the College encourages intellectual inquiry and recognizes that such inquiry may result in intellectual disagreements. Verbal or written communications constitute sexual harassment only when such communications are sufficiently severe, pervasive, and objectively offensive that they undermine and detract from a student's educational experience or an employee's work performance. Verbal or written communications, without accompanying unwanted sexual physical contact, does not constitute sexual assault.
2. In addressing all complaints and reports of alleged violations of this Policy, the College will take action to comply with this Policy that recognizes and ensures the free speech rights of students and employees. This Policy does not apply to curricula, curricular materials, or abridge the use of any textbooks.

Q. False Statements

The College prohibits knowingly making false statements or knowingly submitting false information. Any individual who knowingly files a false report or formal complaint, who knowingly provides false information to College officials, or who intentionally misleads College officials who are involved in the investigation or resolution of a report or formal 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 insufficient evidence of a knowing false statement.

R. Consensual Relationships

Pursuant to VCCS Policy 3.14.2, consenting romantic 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 to the other also is 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 prohibited, are unwise and strongly discouraged. The relationship may be viewed in different ways by each of the parties, in retrospect. Additionally, circumstances may change and conduct that was previously welcome may become unwelcome.

S. Handling Reports of Sexual Violence

1. Reports to Law Enforcement:

The Title IX Coordinator will assist members of the campus community in reporting incidents of sexual violence as defined by this Policy to law enforcement authorities upon request. When allowable under Virginia law, 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.

2. Meeting(s) of the Review Committee:

Within 72 hours of receiving a report of an alleged act of sexual violence as defined in this Policy 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 Review Committee 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.

3. Disclosures to Law Enforcement:

Under Virginia law, the Review Committee may determine that the disclosure of information to local law enforcement regarding the alleged incident of sexual violence, including personally identifiable information, is necessary to protect the health or safety of the complainant or other individuals.

- a) The Review Committee may try to reach a consensus, but it is the law enforcement representative of the Review Committee that ultimately determines whether 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 shall disclose such information to the law enforcement agency that would be responsible for investigating the alleged incident immediately.
- b) The Title IX Coordinator will notify the alleged victim in writing that the College will disclose such information to law enforcement.

4. Disclosures to the Commonwealth's Attorney:

If the report of an alleged act of sexual violence would constitute a felony, within 24 hours of the first Review Committee meeting, the law enforcement representative of the Review Committee shall notify the local Commonwealth's Attorney (or other prosecutor responsible for prosecuting the alleged act of sexual violence) and disclose the information received by the Review Committee, including personally identifiable information, if such information was disclosed pursuant to Section S3.

- a) 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 Review Committee meeting shall disclose the information to the local Commonwealth's Attorney (or other prosecutor responsible for prosecuting the alleged act of sexual violence), including personally identifiable information, if such information was disclosed pursuant to Section S3.
 - b) 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.
5. Law enforcement will notify the local Commonwealth's Attorney within 48 hours of beginning an investigation involving a felonious act of sexual violence. Either campus police, the local law enforcement agency, or the State Police will notify the Commonwealth's Attorney pursuant to an MAA/MOU.
6. The College also must inform the complainant of the following:
- a) The available law enforcement options for investigation and prosecution;
 - b) The importance of collection and preservation of evidence;
 - c) The available options for a protective order;
 - d) The available campus options for investigation and adjudication under the institution's policies;
 - e) The complainant's rights to participate or decline to participate in any investigation to the extent permitted under state or federal law;
 - f) The applicable federal or state confidentiality provisions that govern information provided by a victim;
 - g) The available on-campus resources and any unaffiliated community resources, including sexual assault crisis centers, domestic violence crisis centers, or other victim support services;
 - h) The importance of seeking appropriate medical attention; and
 - i) The College's obligation to disclose information about the report, including personally identifiable information, to campus or local law enforcement, or to the local Commonwealth's Attorney, or both, if the review team determines that such disclosure is necessary to protect the health or safety of the complainant or others.
7. In addition to the procedures described in this Section, the College shall follow the procedures described in Section T.

T. Handling Reports of Sexual Harassment, including Domestic Violence, Dating Violence, Sexual Assault, or Stalking

1. Upon receiving actual knowledge of sexual harassment in an education program or activity of the College against a person in the United States, the College must respond promptly in a manner that is not deliberately indifferent. The College will treat complainants and respondents equitably by offering supportive measures to the complainant and by completing either a formal or informal resolution process before imposing any disciplinary sanctions or other corrective actions that are not supportive measures against a respondent.
2. Upon receiving a report of sexual harassment (including domestic or dating violence, sexual assault, or stalking), the Title IX Coordinator shall take the following actions:
 - a) Promptly contact the complainant to discuss the availability of supportive measures and consider the complainant's wishes with respect to such supportive measures;
 - b) Inform the complainant that supportive measures are available with or without the filing of a formal complaint;
 - c) Explain to the complainant the process for filing a formal complaint, including providing the complainant with a Formal Complaint Form, when applicable; and,
 - d) Give the complainant a written explanation of available rights and options as described in Sections H, L, M, N, U, and AA.
3. The Title IX Coordinator shall take the actions described above whether the offense occurred on or off campus.

4. Closing the Report:

After following the procedures described in this Section, the Title IX Coordinator must close the report if:

- a) The conduct alleged in the report would not constitute sexual harassment as defined by this Policy, even if proved;
- b) The conduct did not involve an education program or activity of the College; or
- c) The complainant does not file a formal complaint and the Title IX Coordinator does not sign a formal complaint.

- (1) The Title IX Coordinator shall forward the report to the appropriate College official that will determine whether the conduct alleged in the report violates a separate policy or code of conduct and provide written notice of the decision to close the report to the complainant.
- (2) The Title IX Coordinator will document the action(s) taken and the rationale for such action(s).
- (3) The decision to close the report is final.

u. Resolution of Formal Complaints

1. The College's Responsibilities:

The College must provide a prompt, fair, and impartial investigation, and resolution of alleged violations of this Policy. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the College and not on the parties, but the parties may present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

- a) When resolving a formal complaint, the College will evaluate all relevant evidence objectively, including both inculpatory and exculpatory evidence, and will make credibility determinations without reference to a person's status as a complainant, respondent, or witness.
- b) The College will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
- c) All employees involved in the resolution of formal complaints, including the appeal process, must not have a conflict of interest or bias for or against complainants or respondents generally, or for or against an individual complainant or respondent.
- d) All employees involved in the resolution of formal complaints receive relevant training.
- e) The College will treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following the formal or informal resolution process before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.
- f) At all times prior to a determination of responsibility, the respondent will be presumed not responsible for the alleged conduct. The imposition of interim measures does not constitute a presumption of responsibility.

2. Resolution Process Options:

The College may resolve formal complaints by either a formal or informal resolution process.

3. Consolidation of Formal Complaints:

The College may consolidate formal complaints against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

4. Suspending an Investigation:

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 its gathering of 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.

5. Preliminary Investigation:

If the respondent's identity is unknown, the Title IX Coordinator (or campus police) will conduct a preliminary investigation to determine the respondent's identity. If the preliminary investigation fails to reveal the identity of the respondent, the Title IX Coordinator shall dismiss the formal complaint because the College must have sufficient information to conduct a meaningful and fair investigation. If the identity of the respondent is revealed, the Title IX Coordinator shall proceed as otherwise provided in this Policy. The Title IX Coordinator will notify the complainant in writing of the result of the preliminary investigation promptly after the preliminary investigation.

6. Time Frame for Resolution of Formal Complaint:

- a) The formal resolution of any formal complaint should be completed normally within 75 workdays of filing the formal complaint, unless good cause exists to extend the timeframe. For resolving formal complaints, good cause includes but is not limited to the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; the need for language assistance or accommodation of disabilities; or unavoidable scheduling conflicts. The 75-workday timeframe refers to the entire formal resolution process, which includes the initial determination, investigation, live hearing, determination of responsibility, and the imposition of sanctions and provision of remedies, if any. The 75-workday timeframe does not include appeals. If any step of the process must be suspended or delayed for any reason and more time is necessary, the Title IX Coordinator will notify the parties in writing and give the reason for the delay and an estimated length of the delay.

- b) The informal resolution of any formal complaint should be completed within 30 workdays of filing the formal complaint. Timeframes governing the formal resolution process temporarily cease and only recommence upon reentry into the formal resolution process.

V. Formal Resolution Process

1. Formal Complaint Form:

To initiate the formal resolution process, complainants must complete the Formal Complaint Form or other written and signed document that requests an investigation, (found in Appendix A or other location), and submit it to the Title IX Coordinator. After due consideration of the complainant's wishes, the Title IX Coordinator may sign a formal complaint. In determining whether to sign a formal complaint, the Title IX Coordinator will consider the following factors:

- a) The seriousness of the allegation(s), including whether the allegation(s) include(s) bodily injury, threats, or the use of weapons;
- b) The complainant's or alleged victim's age;
- c) Whether there have been other similar complaints of against the same respondent; and,
- d) The applicability of any laws mandating disclosure.

2. Notice of Allegations to the Parties:

After receiving a formal complaint and as soon as practicable, the Title IX Coordinator will contact the parties to schedule an initial meeting. The correspondence must include the following information:

- a) A copy of the College's Title IX Policy against sexual harassment, including the process by which the College resolves allegations of sexual harassment;
- b) Notice of the allegation(s), including sufficient details known at the time and with sufficient time to prepare a response before the initial meeting. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known;
- c) Notice that each party may be accompanied by an advisor of his or her choice at all meetings and the live hearing who may be, but is not required to be, an attorney, and that each party and advisor will have the opportunity to inspect and review evidence;
- d) A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the formal or informal resolution process;

- e) A statement that each party must notify the Title IX Coordinator in writing within 5 workdays if he or she believes that the Title IX Coordinator has a conflict of interest or bias against the party; and
- f) A statement that the College prohibits knowingly making false statements or knowingly submitting false information during the resolution of a formal complaint, in accordance with Section Q of this Policy.

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

At this meeting, the Title IX Coordinator will:

- a) Determine whether an informal resolution is permissible, and whether the complainant wishes to pursue a resolution (formal or informal) through the College or no resolution of any kind;
- b) Explain avenues for formal resolution and informal resolution of the formal complaint;
- c) Explain that if the complainant chooses an informal resolution, that the complainant may withdraw from the informal resolution process at any time prior to the conclusion of the informal resolution process and pursue a formal resolution process, but may not do so after the conclusion of the informal resolution process;
- d) Explain that records related to the informal resolution process will be maintained for a period of seven years and be made part of the record if a formal resolution process is pursued;
- e) Explain the investigative process, including the right to discuss the allegations under investigation and to present facts and expert witnesses and other relevant evidence;
- f) Discuss confidentiality standards and concerns with the complainant;
- g) Discuss non-retaliation requirements;
- h) Refer the complainant to campus and community resources, including the local sexual assault crisis center, domestic violence crisis center, victim support service with which the College has entered into a memorandum of understanding, or other appropriate support services;
- i) Inform the complainant of any interim measures that will be imposed and any supportive measures that will be provided to the complainant during the pendency of the investigative and resolution processes;
- j) Discuss the right to a prompt, fair, and impartial resolution of the formal complaint; and,
- k) Answer questions about the Policy and procedures.

4. Respondent's Initial Meeting with the Title IX Coordinator:

During this meeting with the respondent, the Title IX Coordinator will:

- a) Review the allegations;
- b) Determine whether an informal resolution is permissible, and whether the respondent wishes to pursue an informal resolution;
- c) Explain avenues for formal resolution and informal resolution of the formal complaint;
- d) Explain that if the respondent chooses an informal resolution, that the respondent may withdraw from the informal resolution process at any time prior to the conclusion of the informal resolution process and pursue a formal resolution process, but may not do so after the conclusion of the informal resolution process;
- e) Explain that records related to the informal resolution process will be maintained for a period of seven years and be made part of the record if a formal resolution process is pursued;
- f) Explain the investigative process, including the right to discuss the allegations under investigation and to present facts and expert witnesses and other relevant evidence;
- g) Discuss confidentiality standards and concerns with the respondent;
- h) Discuss non-retaliation requirements;
- i) Inform the respondent of any interim measures that will be imposed and any supportive measures that will be provided to the respondent during the pendency of the investigative and resolution processes;
- j) Refer the respondent to campus and community resources, as appropriate;
- k) Discuss the respondent's right to due process and a prompt, fair, and impartial resolution of the formal complaint;
- l) If the respondent is a student and the formal complaint involves an alleged act of sexual violence as defined in this Policy, 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 if the respondent withdraws while under investigation, that the investigation may continue in the respondent's absence, if possible, while being afforded notice of all meetings and the live hearing, if applicable, and an opportunity to inspect, review, and respond to all the evidence; and
- m) Answer questions about the Policy and procedures.

5. Title IX Coordinator's Initial Determination:

- a) **Mandatory Dismissal of Formal Complaint:** After completing the initial meetings, the Title IX Coordinator must dismiss the formal complaint if:
 - (1) The conduct alleged in the formal complaint would not constitute sexual harassment as defined in this Policy even if proved;
 - (2) The conduct did not involve an education program or activity of the College;
 - (3) The conduct did not occur against a person in the United States.
- b) **Optional Dismissal of Formal Complaint:** The Title IX Coordinator may dismiss the formal complaint if:
 - (1) A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any of its allegations. If a complainant requests to withdraw a formal complaint, the Title IX Coordinator will consider the factors listed in Section V1 in determining whether to sign the formal complaint;
 - (2) The respondent is no longer enrolled or employed at the College; or
 - (3) Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the formal complaint or any of its allegations.
- c) After dismissing the formal complaint, the Title IX Coordinator shall forward the formal complaint to an appropriate College official that will determine whether the conduct alleged in the formal complaint violates a separate policy or code of conduct.
- d) The Title IX Coordinator will send written notice of the dismissal with specific reason(s) for the dismissal to the parties, simultaneously, within 5 workdays of completing the initial meetings. This decision may be appealed.

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

- a) **Appointment of Investigator:** After an initial determination to continue the formal resolution process or after failed informal resolution process, the Title IX Coordinator will appoint an investigator within 5 workdays of completing the initial meetings. The Title IX Coordinator will provide the investigator's name and contact information to the complainant and respondent and will forward the formal complaint to the investigator. Within 5 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 or bias of the appointed investigator. The Title IX Coordinator will consider such information and will appoint a different investigator if it is determined that a material conflict of interest or bias exists.

- b) **Contacting the Parties:** The investigator will contact the complainant and respondent promptly. In most cases, this should occur within 10 workdays from the date of the investigator's appointment. The investigator will schedule meetings with the parties. The parties may provide supporting documents, evidence, and recommendations of witnesses, including character and expert witnesses, to be interviewed for 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.
- c) **Weighing of the Evidence:** As part of the investigation, the investigator must weigh the credibility and demeanor of the complainant, respondent, and witnesses, and ensure that credibility determinations are not based on a person's status as a complainant, respondent, or witness; the logic and consistency of the evidence, motives, and any inculpatory and exculpatory evidence.
- d) **Withdrawal of a Student During an Investigation:** The withdrawal of a student from the College while under investigation for an alleged act of sexual violence as defined by this Policy in most cases will not end the College's investigation and resolution of the complaint. The College shall continue the investigation, if possible, as set forth under this Policy. The College shall notify the student in writing of the investigation and afford the student the opportunity to provide evidence, to inspect, review, and respond to all the evidence and the written investigative report prior to making a determination on responsibility.
 - (1) 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 [name of community college's] Title IX Policy." After the College has completed its investigation and resolution of the complaint, the College shall either
 - i. Remove the notation if the student is found not responsible or
 - ii. Change the notation to reflect either a suspension or dismissal for a violation of the Policy if either was imposed.
 - (2) The College shall end the investigation and resolution of the complaint if the College cannot locate the respondent to provide due process. In such cases, the College shall maintain the withdrawal notation on the student's academic transcript. Upon a final determination, the Title IX Coordinator immediately shall notify the registrar and direct that the appropriate notation is made.
- e) **Inspection and Review of the Evidence:** The parties will have the opportunity to inspect, review, and respond to all the evidence obtained during the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the College does not intend to rely in reaching a determination of responsibility and inculpatory or exculpatory evidence, whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. The investigator will send each party and each party's

advisor, if any, a copy of the evidence subject to review. The parties will have 10 workdays to submit a written response to the evidence and the option to submit additional evidence, which the investigator will consider prior to the completion of the investigative report. Neither the parties nor their advisors may disseminate any of the evidence subject to inspection and review or use such evidence for any purpose unrelated to the Title IX formal resolution process. Nevertheless, the College will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

- f) **Investigative Report:** The investigator will complete an investigative report that fairly summarizes relevant evidence, including but not limited to, all interviews conducted, photographs, descriptions of relevant evidence, the rationale for credibility determinations, summaries of relevant records, and a detailed report of the events in question. The investigative report shall include the following information to the extent possible:
- (1) The name and gender of the complainant and, if different, the name and gender of the person reporting the allegation;
 - (2) The names and gender of all persons alleged to have committed the alleged violation;
 - (3) 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);
 - (4) The dates of the report and formal complaint were filed;
 - (5) The dates the parties were interviewed;
 - (6) The names and gender of all known witnesses to the alleged incident(s);
 - (7) The dates that any relevant documentary evidence (including cell phone and other records as appropriate) was obtained;
 - (8) Any written statements of the complainant or the alleged victim if different from the complainant; and
 - (9) 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.
- g) **Submission of the Investigative Report:** The investigator will submit the investigative report to the Title IX Coordinator, who will send the investigative report to the parties and the parties' advisors, if any, simultaneously for review and written response as soon as possible, but no later than 5 workdays after receiving the investigative report from the investigator. The parties will have 10 workdays to submit a written response to the investigative report to the Title IX Coordinator. The Title IX Coordinator will not consider the parties' written responses but will ensure that such statements are added to the record. Neither the parties nor their advisors may disseminate the investigative report or use such report for any purpose unrelated to the Title IX formal or informal resolution process.

W. Conduct of Live Hearing

1. The Title IX Coordinator will appoint a Hearing Officer [and members of the Hearing Committee, if preferred by the College] within 10 workdays after sending the investigative report to the parties and their advisors, if any. Within 5 workdays after the appointment, the Hearing Officer will contact the parties to schedule a live hearing. The parties have 5 workdays after being contacted by the Hearing Officer to notify the Title IX Coordinator in writing of any potential conflict of interest or bias of the Hearing Officer. The Title IX Coordinator will consider such information and will appoint a different Hearing Officer if the Title IX Coordinator determines that a material conflict of interest or bias exists. When the date, time, and place of the live hearing is confirmed, the Hearing Officer will notify the parties in writing simultaneously of the date, time, and place of the live hearing.
2. No later than 15 workdays before the live hearing, each party must notify the Hearing Officer and the other party of the following:
 - a) the name and contact information of the advisor, if new, or notification that a party does not have an advisor available for the hearing, if applicable;
 - b) the names and contact information of witnesses that will be called at the live hearing and the purpose of their testimony at the live hearing;
 - c) whether a party intends to be subjected to cross-examination;
 - d) a description of documents or other evidence and the purpose of such evidence that will be used at the live hearing;
 - e) the specific remedy requested; and,
 - f) whether a party requests that the live hearing occurs with the parties located in separate rooms with technology that enables the Hearing Officer and the parties to see and hear the party or the witness answering questions simultaneously. Only one party is required to make the request for separate rooms.
3. The Hearing Officer will notify the Title IX Coordinator promptly that the College must appoint an advisor for a party when notified of the need for an advisor. The Title IX Coordinator will appoint the advisor promptly, but no later than 10 workdays prior to the live hearing. If a party appears at a live hearing without an advisor, the Hearing Officer shall delay the start of the live hearing until an advisor is available.
4. The Hearing Officer shall ensure that all evidence obtained during the investigation is made available to the parties at the live hearing.

5. Rules of the Live Hearing:

- a) **Evidence:** The formal rules of evidence will not be applied except to determine whether the evidence or question presented is relevant or cumulative.
 - (1) Either party may call character or expert witnesses.
 - (2) Questions and evidence about a party's sexual predisposition or prior sexual behavior are not relevant, unless:
 - (a) Such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or
 - (b) The questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
 - (3) If the evidence or witness testimony is, on its face, not relevant or is cumulative, the Hearing Officer may exclude such evidence or witness statement(s), with the rationale for the decision in the pre-hearing determination. The parties may object in writing to such determination within 5 workdays of the determination. The Hearing Officer shall rule on the objection within 5 workdays of receipt of the objection.
- b) **Standard of Evidence:** The live hearing will determine responsibility using the preponderance of the evidence standard.
- c) **Participation of Parties and Witnesses:** Neither party may choose to waive the right to a live hearing, but parties and witnesses may choose whether to participate in the live hearing or submit to cross-examination.
- d) **Recording or Transcript:** The Hearing Officer will arrange for the live hearing to be recorded. Each party will receive a copy of the recorded live hearing upon request. Parties may prepare a transcript of the recording at their own expense. Neither the parties nor their advisors may disseminate the record or transcript or use such record or transcript for any purpose unrelated to the Title IX formal resolution process or related civil proceeding.
- e) **Opening Statements and Closing Statements:** At the sole discretion of the Hearing Officer, the parties may make opening and/or closing statements at the live hearing. The Hearing Officer will determine the time that is allotted for each.
- f) **Pre-Hearing Determinations:** No later than 10 workdays prior to the live hearing, the Hearing Officer shall decide:

- i. Whether to exclude any of the proposed evidence or witnesses, and the basis upon which such evidence or witness is excluded; and
 - ii. Whether to allow opening statements and closing arguments and the time allotted for both.
- g) **Rules of Conduct During the Live Hearing:** All live hearings will be closed to the public and witnesses will be present only during their testimony. For live hearings that use technology, the Hearing Officer shall ensure that appropriate protections are in place to maintain confidentiality.
 - (1) The College will require all parties, advisors, and witnesses to maintain appropriate decorum throughout the live hearing. Participants at the live hearing are expected to abide by the Hearing Officer's directions and determinations, maintain civility, and avoid emotional outbursts and raised voices.
 - (2) Repeated violations (generally, more than two) of appropriate decorum will result in a break in the live hearing, the length of which shall be determined by the Hearing Officer. The Hearing Officer has the sole discretion to appoint a different advisor to conduct cross-examination on behalf of a party after repeated violations of appropriate decorum or other rules related to the conduct of the live hearing.

6. Role of the Advisor:

- a) The role of the advisor at the live hearing is to conduct cross-examination on behalf of a party. The advisor is not to "represent" a party, but only to relay the party's cross-examination questions that the party wishes to have asked of the other party and witnesses so that parties never personally question or confront each other during a live hearing. A party shall not conduct cross-examination on his or her behalf.
- b) Each party may retain an attorney at his or her expense or designate a non-attorney advisor to accompany him or her at the live hearing. The advisor may provide advice and consultation to the parties or the parties' witnesses outside of the conduct of the live hearing to assist parties in handling the formal resolution process.
- c) A party's advisor must conduct cross-examination at the live hearing directly, orally, and in real time. Only relevant cross-examination questions and follow-up questions, including those that challenge credibility, may be asked. Advisors may not raise objections or make statements or arguments during the live hearing.
- d) The College shall appoint an advisor for the live hearing at no cost to a party when the party does not have an advisor. The appointed advisor may be but is not required to be a licensed attorney or anyone with formal legal training. Advisors may be faculty, staff, students, or volunteers from the local community.

7. Role of the Hearing Officer:

- a) The role of the Hearing Officer is to preside over the live hearing in a fair and impartial manner. After the live hearing, the Hearing Officer must issue a written determination regarding responsibility using the preponderance of the evidence standard of evidence. The Hearing Officer will be the final decision-maker on all matters of procedure during the live hearing.
- b) Before a complainant, respondent, or witness answers a cross-examination or other question, the Hearing Officer first must determine whether the question is relevant or cumulative and explain any decision to exclude a question that is not relevant or is cumulative.
- c) The Hearing Officer may question the parties and witnesses, but they may refuse to respond.
- d) The Hearing Officer must consider all relevant evidence, including statements of a party or witness, even if such statement was not subjected to cross-examination at the live hearing. In determining the amount of weight the Hearing Officer will give to such a statement, the Hearing Officer should consider the reliability of the statement. Factors to consider include, but are not limited to, whether a party or witness commented on or challenged the statement prior to the live hearing, whether the statement is a rumor or something of which the party or witness does not have first-hand knowledge, and whether the person who made the statement has a motive or a conflict of interest that can be demonstrated through other evidence. The level of reliability will determine the amount of weight the Hearing Officer will give to the statement when reaching a determination regarding responsibility. Additionally, the Hearing Officer must not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.
- e) Within 10 workdays after the live hearing, or with good cause shown as soon as possible, the Hearing Officer will submit a written determination to the Title IX Coordinator. The Hearing Officer must make a finding of responsibility or non-responsibility for each allegation and describe the rationale for the finding based on an objective evaluation of the evidence presented at the live hearing. The written determination shall include the following:
 - (1) Identification of the allegations potentially constituting sexual harassment defined under this Policy;
 - (2) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and live hearings held. The description of the procedural steps also

should include who performed the investigation and the process taken to inspect and review the evidence and disseminate the investigative report, including the adherence to mandated procedural timelines;

- (3) Findings of fact supporting the determination;
- (4) Conclusions regarding the application of this Policy to the facts;
- (5) A statement of, and rationale for, the result as to each allegation, including a
 - i. determination regarding responsibility, any range of disciplinary sanction(s) to be imposed on the respondent, and whether (not which) remedies designed to restore or preserve equal access to the College's education program or activity will be provided to the complainant.
- (6) When applicable, a statement that a notation will be placed on the academic transcript that the respondent was suspended or dismissed for a violation of the College's Title IX Policy.
- (7) When applicable, a statement that the respondent may request the expungement of the notation on the academic transcript for good cause shown and after a period of three years.
- (8) The College's procedures and permissible bases for the complainant and the respondent to appeal. If the complainant or respondent does not contest the finding or recommended sanction(s) and/or remedies and does not file an appeal within the required time frame, the written determination shall be final.

X. Actions Following the Written Determination

- 1. The role of the Title IX Coordinator following the receipt of the written determination from the Hearing Officer is to facilitate the imposition of sanctions, if any, the provision of remedies, if any, and to otherwise complete the formal resolution process.
- 2. The Title IX Coordinator must provide the written determination to the parties simultaneously, with a copy to Human Resources, Conduct Officer, and/or other College officials, as appropriate. The appropriate college official, after consultation with the Title IX Coordinator, will determine the sanction(s) imposed and remedies provided, if any.
- 3. The parties shall receive the final decision on the imposition of sanction(s), if any, and the provision of remedies, if any, simultaneously within 10 workdays of receipt of the written determination by the appropriate college official(s). The College must disclose to the complainant the sanction(s) imposed on the respondent that directly relate to the

complainant when such disclosure is necessary to ensure equal access to the College's education program or activity.

4. The Title IX Coordinator shall confer as necessary with employees, community resources, or other support services that will provide such remedies.
5. Any sanctions to be imposed or remedies to be provided should begin after 5 workdays of issuing the final decision unless a party files an appeal.
6. If the respondent is a third party, the Title IX Coordinator will forward the written determination to [vice president/police chief, or other college official]. Within 10 workdays, the [designated official] shall determine and impose appropriate sanction(s), as described below. The respondent and the Title IX Coordinator shall receive written notification of sanction(s) in the final decision, if any. The Title IX Coordinator may disclose to the complainant information as described above.

Y. Appeals

1. Within 5 workdays of receipt of the final decision, either party may appeal the Hearing Officer's written determination regarding responsibility and the final decision related to sanctions and remedies. The parties also may appeal the College's dismissal of a formal complaint or any of its allegations therein within 5 workdays of such dismissal. The appeal must be in writing and submitted to the Title IX Coordinator, who will appoint an Appeal Officer within 5 workdays of receipt of the appeal. The Appeal Officer's decision is final.
2. The Appeal Officer will grant an appeal only on the following basis:
 - a) Procedural irregularity that affected the outcome of the matter;
 - b) New evidence that was not reasonably known or available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and,
 - c) The Title IX Coordinator, investigator(s), or Hearing Officer had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
3. Within 5 workdays of receipt of an appeal request, the Title IX Coordinator will notify the other party that an appeal has been filed and implement appeal procedures equally for both parties.
4. The Title IX Coordinator will compile the record, including the notice of allegations, evidence obtained, investigative report, live hearing recording, written determination, and final decision. The Title IX Coordinator shall forward the record with the appeal request to

the Appeal Officer as soon as possible, but no later than 10 workdays of receipt of the appeal request.

5. The Appeal Officer must not be the Hearing Officer, the investigator, or the Title IX Coordinator and be free from conflict of interest and bias.
6. Upon receipt of the request for the appeal and the record, the Appeal Officer shall decide whether to grant the appeal, including the rationale for the decision, and notify the parties whether the appeal has been granted simultaneously. The decision shall be made within 10 workdays of receipt of the appeal request and record from the Title IX Coordinator.
7. If the Appeal Officer grants the appeal, he or she will notify the parties that they have 5 workdays to submit a written statement in support of, or against, the outcome of the written determination, final decision, or dismissal of the formal complaint. The Appeal Officer may grant additional time for good cause to both parties.
8. The Appeal Officer shall make the decision based on the record and the parties' written statements, if any. The Appeal Officer shall not receive additional statements or testimony from any other person.
9. The Appeal Officer shall issue a written determination of the result of the appeal and the rationale for such result within 10 workdays of receipt of written statements, if any. The Appeal Officer shall provide the written determination to the parties simultaneously.
10. At the conclusion of the appeal, the Title IX Officer shall facilitate the imposition of sanctions, if any, and the provision of remedies, if any.

Z. Informal Resolution Process

1. The informal resolution process is available under the following conditions:
 - a) The complainant has filed a formal complaint of hostile environment sexual harassment involving parties with the same status (e.g., student-student or employee-employee);
 - b) The Title IX Coordinator has completed the steps described in Sections V1 through V4; and,
 - c) The parties voluntarily request in writing to resolve the formal complaint through the informal resolution process.
2. Within 5 workdays after the receipt of the written request to start the informal resolution process, the Title IX Coordinator will appoint a College official to facilitate an effective and appropriate resolution ("Facilitator"). The Title IX Coordinator may serve as a Facilitator. Within 5 workdays of such appointment (or receipt of the written request), the parties may identify to the Title IX Coordinator in writing any potential conflict of interest or bias posed

by such Facilitator to the matter. The Title IX Coordinator will consider such information and will appoint another Facilitator if it is determined that a material conflict of interest or bias exists. Within 5 workdays of the appointment (or receipt of the written request), the Facilitator will request a written statement from the parties to be submitted within 10 workdays. Each party may request that witnesses are interviewed, but the Facilitator will not conduct a full investigation as part of the informal resolution process.

3. Within 10 workdays of receiving the written statements, the Facilitator will hold a meeting(s) with the parties and coordinate informal resolution measures. The Facilitator shall document the meeting(s) in writing. Each party may have one advisor of his or her choice during any meeting; however, the advisor may not speak on the party's behalf.
4. The informal resolution process should be completed within 30 workdays in most cases, unless good cause exists to extend the time. The parties will be notified in writing and given the reason for the delay and an estimated time of completion.
5. Any resolution of a formal complaint through the informal resolution process 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.
6. At the conclusion of meetings, interviews, and the receipt of statements, the Facilitator will write a summary of such in a written informal resolution report and provide the parties with the informal resolution report simultaneously. The written informal resolution report shall include the notice of allegations, a meeting(s) summary, remedies provided, if any, sanctions imposed, if any, and whether the formal complaint was resolved through the informal resolution process. The Facilitator will forward the written informal resolution report to the Title IX Coordinator, when applicable.
7. At the conclusion of the informal resolution process, if the formal complaint was resolved to the satisfaction of the parties, the parties will provide a written and signed statement as such for the record. The decision will be final, and the matter will be closed.
8. At any time prior to resolving a formal complaint through the informal resolution process, either party may withdraw in writing from the informal resolution process and resume or begin the formal resolution process.
9. If the formal complaint is not resolved through the informal resolution process, the Title IX Coordinator shall resume the formal resolution process.
10. The Facilitator shall not be a witness as part of the formal resolution process, but the written informal resolution report (if applicable) shall be part of the record.

AA. Sanctions & Corrective Actions

1. The College will take reasonable steps to address any violations of this Policy and to restore or preserve equal access to the College's education programs or activities. 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.
2. 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 expulsion from the College.
3. 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.
4. Third parties, e.g., contractors, or patrons from the general public, will be prohibited from having access to the campus. Depending on the violation, this prohibition may be permanent or temporary.
5. Sanctions imposed do not take effect until the resolution of any timely appeal. However, the College may keep in place any interim measures when necessary.
6. Informal resolution process remedies include mandatory training, reflective writing assignment, counseling, written counseling memorandum by an employee's supervisor, suspension, termination, or expulsion, or other methods designed to restore or preserve equal access to the College's education programs or activities.

BB. Academic Transcript Notations and Expungement

1. If a student is found responsible for an act of sexual violence as defined by this Policy and is suspended or dismissed, the student's academic transcript shall be noted as follows: "Suspended/Dismissed for a violation of [the name of the College's] Title IX 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 notation from the student's academic transcript.

2. If a student withdraws from the College while under investigation involving an act of sexual violence as defined by this Policy, the student's academic transcript shall be noted as follows: "Withdrew while under investigation for a violation of [name of the College's] Title IX Policy." Students are strongly encouraged not to withdraw from the College.
3. 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 as defined by 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.
4. Notations on academic transcripts regarding suspensions and dismissals shall be placed on the student's academic transcript after resolution of any timely appeal.
5. The College shall expunge the notation from the academic transcript of any student for good cause shown and after a period of 3 years.
 - a) Persons seeking to expunge the notation on an academic transcript shall submit a written request for expungement to the [College's designated official] no sooner than three years after the date the College placed the notation on the academic transcript.
 - b) The request for expungement must contain sufficient information to support a finding of good cause. For expungement purposes, good cause includes:
 - (1) the act of sexual violence did not involve serious bodily injury, the use of force, or threat, and the former respondent demonstrates remorse and/or rehabilitation;
 - (2) the former respondent committed the Policy violation while under the age of 18 and the former respondent demonstrates remorse and/or rehabilitation; and,
 - (3) any other reason that, in interest of justice, the notation should be expunged.
 - c) The [designated official] shall issue a written decision and the rationale for such decision within 10 workdays of receipt the request.
 - d) If the request for expungement is denied, the former respondent may submit another request for expungement no sooner than 3 years after the denial of the request. This decision is final.

CC. Training and Training Materials

1. Title IX Coordinator(s), investigators, Hearing Officers, Appeal Officers, and Facilitators for the informal resolution process must receive annual training, as appropriate, on the following topics:

- a) The definition of sexual harassment;
 - b) The scope of the College's education programs or activities;
 - c) How to conduct an investigation and grievance process, including live hearings, appeals, and informal resolution processes, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
 - d) The definition of relevance;
 - e) Investigative report writing; and,
 - f) Technology that may be used at live hearings.
- 2. College-appointed advisors receive training on the definitions of sexual harassment, consent, preponderance of the evidence, and relevance.
 - 3. Training materials must not rely on sex stereotypes and will promote impartial investigations and adjudications of formal complaints of sexual harassment.
 - 4. All training materials must be available on the College's website.

DD. Record Keeping

- 1. The Title IX Coordinator, Deputy Title IX Coordinator, if applicable, and any other employee as appropriate, e.g., HR Director, shall maintain in a confidential manner, for at least 7 years from the date of creation of the last record pertaining to each case, in paper or electronic files of the following:
 - a) The complete file for each sexual harassment investigation and formal resolution process, including:
 - (1) Any determination regarding responsibility;
 - (2) Any audio or audiovisual recording or transcript of the live hearing;
 - (3) Any disciplinary sanctions imposed on the respondent; and,
 - (4) Any remedies provided to the complainant;
 - b) Records of any appeal and its result;
 - c) Records of any informal resolution process and its result;

- d) All materials used to train Title IX Coordinators, investigators, Hearing Officers, Appeal Officers, and Facilitators for an informal resolution process.
2. Records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. Records must explain why the College's response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the College's education programs or activities.
3. If the College does not provide a complainant with supportive measures, then the College must document the reasons why such a response was not clearly unreasonable in light of the known circumstances, including whether such decision was made based on the complainant's request or desire for the College to take no action or to provide supportive measures.
4. The documentation of certain bases or measures does not limit the College in the future from providing additional explanations or detailing additional measures taken.

EE. Use of Template/Reports to System Counsel

All community colleges of the Virginia Community College System shall use this template. All reports of alleged incidents of sexual harassment shall be reported to the Office of System Counsel.

7.7 Workplace Violence Policy

Approved by the P&HCC Board, September 18, 2023.

7.7.1 In General

It is Patrick & Henry Community College's policy to promote a safe environment for its employees, students, and campus visitors. The College is committed to working with its employees to maintain a work and learning environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior.

- Violence, threats of violence, harassment, intimidation, and other disruptive behavior in our workplace will not be tolerated. Such behavior can include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm to oneself or to others. All reports of incidents will be taken seriously and will be dealt with appropriately. Individuals who commit such acts may be removed from College property and may be subject to disciplinary action up to and including discharge, criminal penalties, or both.
- All employees and students should cooperate to implement this policy effectively and maintain a safe working and learning environment. Do not ignore violent,

threatening, harassing, intimidating, or other disruptive behavior. If you observe or experience such behavior by anyone on College property or at a College function, you should report that person immediately to campus police or other College officials, regardless of whether the person is an employee or student. College personnel who receive such reports should seek advice from their respective Vice President, the Vice President of Financial and Administrative Services, or the College's Human Resource Director.

- Please note: Threats or assaults that require immediate attention by security or police should be reported first to P&HCC security at 276-732-2406 or to local police by calling 911.
- P&HCC will support all efforts made by College personnel in dealing with violent, threatening, harassing, intimidating, and other disruptive behavior in our workplace and will monitor whether this policy is being implemented effectively. For additional information, contact the Vice President of Financial and Administrative Services or the Human Resource Manager.

7.7.2 Workplace Violence Prevention and Threat Assessment Policy Guidelines

- a) **Purpose:** The purpose of this policy is to establish guidelines for the development of a College policy for the prevention of workplace and general campus violence. It includes the formation of campus Threat Assessment Teams and the promotion and maintenance of a productive environment for learning and working that is free from threats, intimidation, and violence.
- b) **Coverage:** These policy guidelines will apply to all faculty, staff, students, visitors, contractors, and other third parties. Students may be covered under additional provisions of the College's Student Handbook.
- c) **Definitions:**
 - **Workplace:** Any location, either permanent or temporary, where an employee performs any work-related duty. This includes, but is not limited to, the buildings and the surrounding perimeters, including the parking lots, field locations, alternate work locations (other than an individual's home when telecommuting), and travel to and from work assignments.
 - **Workplace Violence:** Any physical assault or threatening behavior occurring in the workplace by employees, students, or third parties. It includes, but is not limited to, beating, stabbing, suicide, shooting, rape, attempted suicide, psychological trauma such as threats, obscene phone calls, intentionally

damaging property, an intimidating presence which makes a reasonable person apprehensive of imminent harm, and harassment of any nature such as stalking, shouting so as to cause a disruption, swearing, or committing injurious acts motivated by, or related to, domestic violence or sexual harassment.

- **Third Parties:** Individuals who are not state employees, such as relatives, acquaintances, strangers, contractors, or visitors.

7.7.3 Policy

The College prohibits threats and acts of violence on College property, within College facilities, at any College-sponsored event; while engaged in College business, educational, or athletic activities; and while traveling in state vehicles. Prohibited conduct includes but is not limited to:

- Injuring another person physically;
- Engaging in behavior that creates a reasonable fear of injury to self or another person;
- Engaging in behavior that would subject a reasonable person to, and does subject another individual to, extreme emotional distress;
- Possessing, brandishing, or using a weapon while on state premises by students, except where possession is a result of participation in an organized and scheduled instructional exercise for a course, or where the student is a law enforcement professional, or when the weapon is secured in the student's vehicle;
- Possessing, brandishing, or using a firearm, weapon, or other device by faculty or staff that is not required by the individual's position while on College property or engaged in College business; or in violation of law or other College policy, except where the employee is a law enforcement professional, and except when the weapon is secured in the employee's vehicle;
- Brandishing, using, or possessing a weapon by third parties while on campus in academic or administrative buildings, or while attending a sporting, entertainment, or educational event. This provision does not apply to law enforcement personnel.
- Intentionally damaging property;
- Threatening to injure an individual (including oneself) or to damage property;

- Committing injurious acts motivated by, or related to, domestic violence or sexual harassment as defined in Section 7.6 (E) of this manual; and
- Retaliating against any employee or student who, in good faith, reports a violation of this policy.

7.7.4 Consequences of Policy Violations:

1. Employees violating this policy will be subject to disciplinary action up to and including termination and criminal prosecution using existing policies and procedures including Section 3 of the VCCS Policy Manual or DHRM Policy 1.60, Standards of Conduct. Additionally, employees who are identified as engaging in the use of threatening language or behavior may be required, as a condition of continued employment, to participate in a mental health evaluation as part of a threat assessment process, and receive approval from the mental health evaluator that they are not a risk to themselves or others.
2. Students violating this policy will be subject to disciplinary action as outlined in the College's Student Handbook, and other College policies as appropriate. Additionally, students who are identified as engaging in the use of threatening language or behavior may be required, as a condition of continued enrollment, to participate in a mental health evaluation as part of a threat assessment process and receive approval from the mental health evaluator that they are not a risk to themselves or others.
3. Visitors and third parties violating this policy will be subject to applicable local, state, federal laws, and associated regulations, and may be barred from the College at the College's discretion for violating this policy.

7.7.5 Violence Prevention Committees and Threat Assessment Teams

- a) The College shall establish a committee with responsibility for education and violence prevention on campus. The membership of this body shall include representatives from the following areas: student affairs, human resources, law enforcement, a mental health professional or counseling services representative, and others who have knowledge, professional expertise, or responsibilities that could assist the committee with completing its work. However, in all cases the membership of the committee must comply with the requirements of Virginia law. The committee should consult VCCS legal counsel, when necessary, through established protocols.

- b) The violence prevention committee shall publish for its College community a clear statement of its mission and membership, as well as the committee's leadership role in the area of violence prevention.
- c) The violence prevention committee shall publish periodic guidance to faculty, staff and students regarding the following:
 - 1. How to recognize and report aberrant or potentially harmful behavior that may represent a threat to the community;
 - 2. Policies and procedures for the assessment of individuals whose behavior may present a threat;
 - 3. Appropriate means of intervention with such individuals;
 - 4. College action to resolve potential threats; and
 - 5. To whom on the College's threat assessment team, or through what method, potentially threatening behavior should be reported.
- d) The College shall also organize a threat assessment team to be established by the State Board for Community Colleges. Membership of this body shall include representatives from the following areas: student affairs, human resources, law enforcement, and a mental health representative. The violence prevention committee may also be designated the campus threat assessment team. The threat assessment team may supplement its membership with others as necessary to assist it with fulfilling its purpose. However, in all cases the membership of the team must comply with the requirements of Virginia law. The committee shall invite VCCS legal counsel to all meetings to provide legal advice. The threat assessment team may invite other representatives from campus to participate in individual cases, but no such representative shall be considered a member of the threat assessment team. The threat assessment team shall implement the assessment, intervention, and action policies of the violence prevention committee.

7.7.6 Procedures for reporting or responding to threats or incidents of workplace violence:

- a) Employee and student responsibilities should include:
 - Reporting incidents or threats of violence to their immediate supervisor, Human Resource Office, campus police/security, Threat Assessment Team members, or other designated individuals or offices by stated College policy.

- Providing Human Resources and the immediate supervisor, or a College's counseling services office where a student or employee, with a copy of any Protective Orders from a court which lists the College as protected areas so that appropriate enforcement activities occur.
- No person who, in good faith, reports threatening or otherwise troubling behavior in accordance with this policy will be subject to retaliation.

b) Management Responsibilities include:

- Designate a Workforce Violence Prevention Coordinator.
- The College must obtain the name(s) of an emergency clinician at each Community Services Board (CSB) in the College's service region to serve as a contact person. Each President must designate a College staff member with responsibility for communication with the CSB contact person(s) to prepare for and respond to potential emergency situations, to include requesting an assessment to determine whether a student, faculty, or staff member poses a threat of violence to self or others.
- Establish a College violence prevention committee and a threat assessment team to comply with Virginia law. The College's administration should ensure that its threat assessment team remains able to quickly receive information about, assess, and respond to potential threats that are reported in accordance with its policies, and to determine corrective actions and prepare necessary reports on given situations. In addition, the College's administration should ensure that its violence prevention committee remains able to publish education and prevention information and recommend ways to:
 - (1) Respond to incidents,
 - (2) Investigate all reported incidents of workplace violence, and
 - (3) Determine the appropriate response and the actions necessary to address a particular situation.

c) Threat Assessment Team Responsibilities include:

- Establishing or utilizing existing relationships with local and state law-enforcement agencies as well as mental health agencies to ensure compliance with § 23.1-805 of the Code of Virginia and expedite

assessment and intervention with individuals whose behavior may present a threat to campus safety.

- Upon a preliminary determination that an individual poses a threat of violence to self or others, or exhibits significantly disruptive behavior or need for assistance, a threat assessment team may obtain criminal history record information, as provided in Virginia Code §§ 19.2-389 and 19.2-389.1, and health records, as provided in § 32.1-127.1.03.
- Upon a preliminary determination that an individual poses an articulable and significant threat of violence to others, the threat assessment team shall:
 - Obtain any available criminal history record information as provided in §§ 19.2-389 and 19.2-389.1 and any available health records as provided in § 32.1-127.1.03;
 - Within 24 hours of making the preliminary determination, notify in writing:
 - i. the campus police department,
 - ii. the local law enforcement agency where the College is located,
 - iii. the local law enforcement agency where the individual resides,
 - iv. if known to the threat assessment team, the local law enforcement agency for the city or county in which the individual is located, and
 - v. the local Commonwealth's Attorney in any jurisdiction where the threat assessment team has notified local law enforcement; and,
 - vi. Disclose any specific threat of violence posed by the individual as part of such notification.
- No member of a threat assessment team or invited representative shall redisclose any criminal history record information or health information obtained pursuant to this section or otherwise use any

record of an individual beyond the purpose for which such disclosure was made to the threat assessment team.

- Each threat assessment team member shall complete a minimum of eight hours of initial training within 12 months of appointment to the threat assessment team and shall complete a minimum of two hours of threat assessment training each academic year thereafter. Training shall be conducted by the Department of Criminal Justice Services (the Department) or an independent entity approved by the Department.
- When otherwise consistent with applicable state and federal law, if the College has reliable knowledge that a student or employee who was determined pursuant to an investigation by the College's threat assessment team to pose an articulable and significant threat of violence to others is transferring to another institution of higher education or place of employment, the College from which the individual is transferring shall notify the other institution of higher education or place of employment to which the individual is transferring of such investigation and determination.

8.00 CHANGES IN THE BOARD POLICIES AND PROCEDURES MANUAL

A simple majority vote of full membership of the Board may revise, amend, add, or delete provisions within the Policies and Procedures Manual at any official meeting, provided a written copy of the proposed changes are provided each member of the Board at least 7 days prior to the time that official action is taken.

In the event that any policy in this manual conflicts with any policy adopted by Virginia Community College Board, then the terms of the VCCS policy shall prevail and shall be incorporated by reference as if set forth fully herein.

Important Note: Patrick & Henry Community College does not discriminate on the basis of race, color, national origin, sex, or disability in its programs and activities.

The following person has been designated to handle inquiries regarding the non-discrimination policy:

Affirmative Action Coordinator, Francis T. West Hall, Room 148, Phone: (276) 656-0214.