



## OPERATING POLICY AND PROCEDURE

**OP 915: Title IX Sexual Harassment**

**DATE:** November 8, 2015

**PURPOSE:** The purpose of this Operating Policy/Procedure (OP) is to provide guidance for the University to maintain an environment for work and study that is free from discrimination by Sexual Harassment.

**REVIEW:** This OP will be reviewed and updated annually before the start of the fall term by the University’s President’s Council with leadership by the CFO/COO, VP of Student Engagement, Chief Compliance Officer and Title IX Coordinator, Chief Human Resources Officer, and other interested individuals as appropriate.

## POLICY AND PROCEDURES

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## Policy

1. Averett University is committed to maintaining a safe and healthy education and work environment in which no member of the community is excluded from participation, denied the benefits of, or subjected to discrimination or harassment in any University program or activity (including admission to or employment with the University) on the basis of sex. The University emphasizes that every member of the University community, regardless of demographic, personal characteristics, or identity is entitled to protection against Sexual Harassment and misconduct.

Members of the Averett community (students, staff, faculty, volunteers, vendors, and visitors) have the right to be free from all forms of Sexual Harassment. All members of the Averett community are expected to conduct themselves in accordance with this Policy. Sexual Harassment violates the dignity of individuals and will not be tolerated. The University seeks to eliminate Sexual Harassment through education and prevention and by encouraging everyone to report concerns. The University is committed to stopping Sexual Harassment, preventing its recurrence, eliminating any hostile environment, and remedying its discriminatory effects by the use of a prompt, thorough, equitable, fair, and impartial process.

Retaliation against any person who makes a report or cooperates with an investigation or participates in proceedings under this Policy is prohibited conduct and is subject to disciplinary action.

All questions or inquiries regarding this Policy should be addressed to Amanda Estabrook, the University’s Title IX Coordinator. Ms. Estabrook can be reached Monday through Friday during normal business hours at (434) 791-7222 or by email at [TitleIX@averett.edu](mailto:TitleIX@averett.edu). See Appendix A for additional resources.

## Scope of Policy

2. This Policy applies to allegations of Sexual Harassment that take place on University property or at University-sponsored events, within the United States, including, but not limited to, field trips, internships, service activities, athletic events, and theatre, music, or other performances when a report is submitted while the Complainant is participating in or attempting to participate in the University’s educational programs or activities.
  - a. It may apply to Sexual Harassment that occurs off-campus, including virtual spaces, if the alleged misconduct involves a member of the University community and falls within the definitions and regulatory provisions of Title IX of the Education Amendments of 1972 as currently in effect. Misconduct falling outside this Policy, including discrimination on the basis of sex, may be addressed, as appropriate and determined by the University, under other provisions in the University’s student handbook and employment policies.

- b. The Policy applies regardless of the medium used to manifest the Sexual Harassment including, but not limited to physical, verbal, visual, online/electronic/social media.
- c. “Students” include undergraduate, graduate, and special students enrolled in any course or program in the University. “Employees” include all staff and faculty members, whether full-time, adjunct, or part-time, on campus or remote, and whether in the capacity of Complainant or Respondent. Graduate Assistants as Complainants may be students or employees depending on their role at the time and the facts and circumstances surrounding the events. Graduate Assistants as Respondents will always be deemed to be employees.
- d. This Policy is not intended for, and will not be used to, infringe on academic freedom.
- e. Nothing in this Policy impairs the rights any individual may have under Title VII of the Civil Rights Act of 1964, as amended.

## Policy Definitions

3. As used in this Policy, these terms when capitalized mean:
  - a. **Actual Knowledge** means notice of Sexual Harassment or allegations of Sexual Harassment to the University’s Title IX Coordinator or any other University official who has authority to institute corrective measures on behalf of the University, as defined in this Policy and identified in Appendix A.
  - b. **Bias** is an influence or preconceived inclination or judgment of a person towards favoring an outcome or a party. Bias can be favorable or unfavorable and can be based on the status of a party as Complainant or Respondent or on sex-based stereotypes.
  - c. **Complainant** means an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment.
  - d. **Conflict of Interest** is a situation in which a person has a duty to more than one person or entity but cannot do justice to the actual or potentially adverse interests of both parties. It can arise when an individual’s personal interests or concerns are inconsistent with duties and obligations to be objective, to act in the best interests of the University or contrary to loyalty.
  - e. **Consent** is permission that is clear, knowing, voluntary, and expressed prior to engaging in and during an act. Consent is active not passive. Silence cannot be interpreted as Consent. Consent can be given by words or actions when those words or actions create mutually understandable, clear permission regarding willingness to engage in, and the conditions of, sexual activity.
    - i. Consent to any one form of sexual activities does not automatically imply Consent to any other form of sexual activity.
    - ii. Consent may be withdrawn at any time.
    - iii. Previous relationships or prior Consent cannot imply Consent to future sexual acts; this includes “blanket” Consent (i.e., permission in advance for any and all acts at a later time/place).
    - iv. Consent cannot be given by a person who is known to be or should reasonably have been known to be based on the circumstances, substantially impaired (e.g., by alcohol or other drug use, unconsciousness, or blackout, etc.).
      - Substantial impairment is a state when an individual cannot make rational, reasonable decisions because the person lacks the capacity to

give knowing Consent (to understand the who, what, when, where, why, or how of sexual interaction).

- Individuals may have substantial impairment resulting from other physical or mental conditions including mental disability, sleep, involuntary physical restraint, or from the consumption of alcohol or other drugs.
  - Being impaired by alcohol or other drugs is never a defense for behavior that violates this Policy.
- v. An individual cannot Consent if the person has been coerced, including being compelled by force, threat of force, or deception; is unaware that the act is being committed; or is coerced by a supervisory or disciplinary authority.
- vi. No individual who is under the age of 18 at the time of the sexual act is legally capable under Virginia law of giving Consent.
- f. **Education Program or Activity** includes all of the University operations, locations, events, or circumstances over which the University exercised substantial control over both the Respondent and the context in which the conduct occurs; and any building owned or controlled by a student organization or group that is officially recognized by the University. Such off-campus situations are fact specific and will be reviewed to determine if such location or activity is part of the University's program or activity for purposes of this Policy.
- g. **Formal Complaint** means a document filed and signed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment committed by a Respondent and requesting that the University investigate the allegation of Sexual Harassment.
- h. **Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.
- i. **Retaliation** is the acts of intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with rights or privileges secured by Title IX or because a person has made a report or Formal Complaint, testified, assisted, or participated or refused to participate, in any manner in an investigation, proceeding or hearing. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or Sexual Harassment, but arise out of the same facts or circumstances as a report or Formal Complaint of sex discrimination, or a report or Formal Complaint of Sexual Harassment, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations, constitutes Retaliation.
- j. **Sexual Harassment** means conduct on the basis of sex that satisfies one or more of the following:
- i. **Quid Pro Quo Sexual Harassment:** An employee of the University conditioned the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct.
  - ii. **Hostile Environment Sexual Harassment:** Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity.

- iii. **Dating Violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant and where the existence of such a relationship shall be determined based on a consideration of the following factors: (1) the length of the relationship, (2) the type of relationship, and (3) the frequency of interaction of the persons involved in the relationship.
- iv. **Domestic Violence** is conduct that would meet the definition of felony or misdemeanor crime of violence committed by the Complainant's current or former spouse or intimate partner, a person with whom the Complainant shares a child in common, a person who is or has cohabitated with the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse under domestic or family violence law, or anyone else protected under the domestic or family violence law of the jurisdiction in which the offense occurred.
- v. **Sexual Assault** is defined as the following forcible and non-forcible sex offenses:
- **Forcible Rape:** Penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the Consent of the Complainant.
  - **Forcible Sodomy:** Oral or anal intercourse with another person forcibly and/or against the person's will (non-consensually) not forcibly or against the person's will in stances where the Complainant is incapable of giving Consent because of age or because of temporary or permanent mental or physical incapacity.
  - **Forcible Fondling:** The touching of the private body parts of another person (buttocks, groin, breasts), for the purpose of sexual gratification, forcibly and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
  - **Sexual Assault with an Object:** The use of an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person forcibly and/or against that person's will (non-consensually) or not forcibly or against the person's will in stances where the Complainant is incapable of giving Consent because of age or because of temporary or permanent mental or physical incapacity
  - **Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by state law (for applicable law in Virginia, see Va. Code Ann. § 18.2-366
  - **Statutory Rape:** Non-forcible sexual intercourse with a person who is under the age of Consent in the jurisdiction in which the offense occurred (the age of Consent in Virginia is 18 unless both parties are under 18; see Va Code Ann, § 18.2-61).
- vi. **Stalking** is a course of conduct directed at a specific individual that would cause a reasonable person under similar circumstances and with similar identities to the Complainant to fear for their own or others' safety, or to suffer substantial emotional distress. A course of conduct includes two or more acts, including but

not limited to those in which the alleged perpetrator directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about the Complainant, or interferes with the Complainant's property. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

- k. **Remedies** are measures designed to restore or preserve equal access to the University's educational program or activities where a determination has been made following a formal resolution process that a Respondent is responsible for one or more acts of Sexual Harassment under this Policy. Remedies may include Supportive Measure but may include additional disciplinary or punitive measures.
- l. **Sanctions** are measures that may be disciplinary or punitive in nature and may be imposed if a Respondent is found to be responsible for violations of this Policy against Sexual Harassment. The following Sanctions may be assigned singularly or in combination:
  - i. Student Sanctions (see the Student Handbook for a complete description of each sanction):
    - Official Reprimand
    - Restitution
    - Loss of Privileges
    - Coach and/or Department Chair Notification
    - Educational Task
    - Deferred Sanction
    - Disciplinary Probation
    - Disciplinary Suspension
    - Expulsion
    - No Contact
    - Restriction from University Employment
    - University Housing Transfer or Removal
    - Removal from Specific Courses or Activities
  - ii. Employee Sanctions:
    - Written Warning
    - Required Training or Education
    - Alteration of Work Arrangements
    - Probation
    - Loss of Annual Pay Increase
    - Loss of Oversight, Supervisory, Mentor, or Sponsor Responsibilities
    - Demotion
    - Suspension with or without Pay
    - Termination
- m. **Supportive Measures** mean 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.
  - i. Such measures are designed to restore or preserve equal access to the University's Education Program or Activity without unreasonably burdening the

other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter Sexual Harassment.

- ii. Supportive Measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures as determined to be appropriate to protect and support the parties.
  - iii. The University will maintain as confidential Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality does not impair the ability of the University to provide the Supportive Measures.
- n. **Title IX Coordinator** is the University designated official with primary responsibility for coordinating the University's compliance with Title IX. Additional information about the role of the Title IX Coordinator can be found in Paragraph 45 of this Policy.
- i. **Deputy Title IX Coordinators** are designated officials with secondary responsibility for the University's compliance with Title IX. Deputies will assist with implementation of this Policy and serve in the Coordinator role when the Title IX Coordinator is not available, is recused from a case for Conflict of Interest or Bias, or as otherwise deemed appropriate. Use of the terms "Title IX Coordinator" or "Coordinator" includes Deputy Title IX Coordinators.

## Reporting a Policy Violation

4. In the interests of providing Supportive Measures to persons affected by Sexual Harassment, the University strongly encourages the reporting of potential violations by any person who has knowledge, regardless of when such violation is believed to have occurred.
  - a. Information on how to report violations of this Policy will be disseminated to applicants for employment and for admission to the University, current employees, enrolled students, and will be made available on the University's website.
  - b. Reports may be made by any person, including persons who are witnesses to the incident or who have heard about the incident from another source.
  - c. The University respects the right of a Complainant to decide whether they wish to pursue a Formal Complaint and/or whether they wish to report to law enforcement and will assist a Complainant in reporting to law enforcement and/or obtaining an order of protection, if the Complainant wishes. A report of an incident to the University does not automatically initiate a formal process but will enable persons affected to access Supportive Measures and resources and to receive information about their rights and options.
  - d. If the person making the report is not the Complainant, the University will contact the potential Complainant to offer Supportive Measures and resources.
5. Reports may be made any time (24/7) by telephone, email, or mail. Reports may also be made in-person during regular University business hours.
6. Reports should be directed to an Official with Authority to initiate corrective measures while working with the University's Title IX team. Each Official with Authority who is not a Title IX Coordinator must notify a Coordinator as soon as is practicable but within 24 hours and provide all available information. Once an Official with Authority or a Title IX Coordinator receives a report, the University has Actual Knowledge of the report, as defined in Paragraph 3 of this

Policy. See **Appendix A** for a full list of and contact information for such designated personnel.

7. Employees of the University who are not designated as Officials with Authority and become aware of potential violations of this Policy are required to report what they know to a Title IX Coordinator as soon as is practicable but within 24 hours and provide all available information. When an employee who is not designated as an Official with Authority to initiate corrective measures receives a report, the University does not have Actual Knowledge of the report, as defined in Paragraph 3 of this Policy. To ensure the University has Actual Knowledge and can provide support and information to individuals impacted by Sexual Harassment, Complainants and third party reporters are encouraged to report to a Title IX Coordinator or an Official with Authority. See **Appendix A** for a full list of and contact information for such designated personnel.

### **Initial Response to Reports**

8. Promptly upon receipt of a report, the Title IX Coordinator or Deputy Coordinator will:
  - a. Take necessary steps to identify potential Complainants if not identified in the report
  - b. Contact each potential Complainant to offer Supportive Measures, regardless of whether the potential Complainant intends to file a Formal Complaint.
  - c. Complete a Conflict of Interest/Bias review and if a potential Bias or Conflict of Interest is identified, transfer the report to another Coordinator who does not report to the Coordinator and to whom the Coordinator does not report.
  - d. The Title IX Coordinator will respond to the report in a manner that is reasonable in light of known circumstances at the time and will avoid acting in a manner that is deliberately indifferent as that term is used under the Title IX regulations.
9. Upon meeting/discussing the report with the potential Complainant, the Title IX Coordinator responsible for overseeing the case will:
  - a. Offer and determine appropriate Supportive Measures, individualized to consider the wishes and needs of the potential Complainant, regardless of whether a Formal Complaint is filed. Supportive Measures may be implemented by the Title IX Coordinator or with the assistance of appropriate administrators.
  - b. Determine if the allegations as reported meet the definition of Sexual Harassment under Title IX regulations and be covered by Title IX. If not, the report will be referred to the appropriate University review/disciplinary/resolution process for non-Title IX violations.
  - c. Explain the process for filing a Formal Complaint, the investigative and formal resolution process, and the availability of an informal resolution process.

### **Emergency Removal**

10. The University may remove a Respondent from its Educational Program or Activity on an emergency basis:
  - a. After an individualized safety or risk analysis is conducted based on known facts and circumstances.
    - i. The University's threat assessment team if the Respondent is a student

- ii. The Director of Human Resources upon consultation with the employee's supervisor and other relevant personnel as determined by the circumstances if the Respondent is an employee
- b. If it is determined that the Respondent's actions arising from the alleged Sexual Harassment poses an immediate threat to the physical health or safety of a member of the University community (including self-harm) arising from the allegations of Sexual Harassment.
- c. If the Respondent's actions posing an immediate and direct threat do not arise from the allegations of Sexual Harassment (such as a student possessing a weapon on campus unrelated to any Sexual Harassment allegation), then the University will address the concern in accordance with the applicable code of conduct, separate from this Policy.

Before an emergency removal decision is implemented there shall be appropriate consideration of all applicable disability laws and how those laws may require some modification of the decision.

If an Emergency Removal is made, the Coordinator shall issue a written notice to the Respondent, and with an immediate right to appeal. An appeal of an emergency removal decision is the same used for an appeal of a hearing decision determining responsibility under this Policy. See Paragraph 34-38 below.

A decision to impose an emergency removal is a discretionary one, and not tantamount to a determination of responsibility or a Sanction.

### **Administrative Leave**

- 11. The University may place a non-student employee Respondent on administrative leave after a Formal Complaint has been filed against the Respondent. Administrative Leave is meant for non-emergency situations and may be imposed in accordance with the College's other policies for leave that apply to employee, and the employee's rights under applicable disability laws must be considered.

### **Formal Complaints**

- 12. A written Formal Complaint may be filed and signed by a Complainant or signed by a Title IX Coordinator requesting an investigation into Sexual Harassment. The filing of a Formal Complaint serves to initiate a formal resolution process and also makes the informal resolution process available.
  - a. A Formal Complaint may be filed by the Complainant with the Title IX Coordinator in person, by mail, or by electronic mail, or other means the University may provide.
    - i. Filed by a Complainant means a document or electronic submission that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint.
  - b. If specific circumstances warrant, the Title IX Coordinator may sign a Formal Complaint to initiate the formal resolution process against the Respondent when the Complainant does not wish to do so if doing so is not clearly unreasonable in light of the circumstances. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not considered to be the Complainant.
  - c. The Title IX Coordinator, in their discretion, also may consolidate Formal Complaints when the allegations of Sexual Harassment arise out of the same facts or circumstances. Consolidation is permitted if there are multiple Formal Complaints against one or more Respondents by multiple Complainants or by the same Complainant.

- d. The Title IX Coordinator will review all Formal Complaints to determine whether they fall within the scope of this Policy. A Formal Complaint may be dismissed per the guidelines outlined in Paragraph 37.
13. After receiving a Formal Complaint, the Title IX Coordinator will provide a written notice of allegations simultaneously to the known parties with sufficient advance notice to enable the parties to prepare for a meeting with the assigned Investigator. The notice of allegations will include:
  - a. Notice of a Formal Complaint being filed with the allegations of Sexual Harassment and of the procedures that apply.
  - b. A statement of details known at the time including identifies of the parties involved (if known), the conduct alleged to constitute Sexual Harassment, and the date(s) and location(s) of the alleged incident(s).
  - c. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the formal resolution process.
  - d. Notice that the parties may have an advisor of their choice, who may be, but does not need to be, an attorney, to attend all meetings, interviews, and hearings.
  - e. Notice that the parties will have the ability to inspect and review evidence collected during the investigation.
  - f. Information regarding any provision in the University code of conduct that prohibits knowing making false statements or submitting false information during the resolution processes.
  - g. Additional allegations about the Complainant or Respondent that were not included in the initial notice.

Amendments and updates to the notice of allegations may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various alleged policy violations.

14. The Title IX Coordinator will meet with the Respondent following the filing of a Formal Complaint, or if Supportive Measures would be available and beneficial to the potential Respondent. Upon meeting with the Respondent, the Title IX Coordinator responsible for overseeing the case will:
  - a. Review and explain the allegations included in the notice.
  - b. Offer and determine appropriate Supportive Measures, individualized to consider the wishes and needs of the Respondent. The Respondent will be treated in a manner that is equitable and the Coordinator may not implement measures that are punitive or disciplinary in nature unless or until the Respondent has been adjudicated responsible for the Sexual Harassment.
  - c. Explain and provide information on the process used by the University once a Formal Complaint has been filed, including the investigative, and formal resolution processes, as well as the availability of an informal resolution process.

### **Informal Resolution Process**

15. At any time after a Formal Complaint is filed and before there has been a determination regarding responsibility on the allegations the parties may elect to utilize an informal resolution process.

- a. Informal resolution is available for resolution of any Formal Complaint unless the Respondent is an employee (as specified in paragraph 2.c. above) and the Complainant is a student *or* the Title IX Coordinator determines that informal resolution is not an appropriate mechanism for resolving the Formal Complaint.
  - b. The University will provide written notice simultaneously to the parties that will include (1) the allegations, (2) the requirements of informal resolution, including circumstances under which parties will be precluded from resuming a formal complaint arising from the same allegations, (3) the right of any party to withdraw from informal resolution and resume formal resolution, and (4) any consequences resulting from participating in the informal resolution process, including the records that will be maintained or shared.
  - c. Participation in the informal resolution process may not be required by the University as a condition of enrollment, continued enrollment, employment or continued employment, as a condition to enjoy any other right, or as a waiver of the right to an investigation and hearing on a Formal Complaint of Sexual Harassment. Participation in the informal resolution process must be voluntary, without coercion.
  - d. In order to initiate the informal resolution process both parties must sign an agreement that reflects the following: their voluntary decision to submit all allegations contained in the Formal Complaint to this alternative form of resolution, subject to their right to withdraw at any time before a final agreement is reached; their understanding that informal resolution may include mediation, restorative justice, or any other interventions or agreed upon by the parties and deemed appropriate by the University; and their understanding that the use of informal resolution is not an admission of responsibility by the Respondent, nor will a finding of “Responsible” be placed in a student or employee file.
  - e. Either party may withdraw from the informal resolution and resume for the formal resolution process, unless the parties have reached a binding agreement.
  - f. The informal resolution process does not require a live hearing that allows for cross-examination, but instead may be held virtually, with the parties in one location, or may be resolved through separate meetings and communication with the Facilitator.
16. The facilitator appointed to lead the informal resolution process may be external to the University retained for such a purpose or may be a University employee. The facilitator must be impartial without Bias or Conflicts of Interest and will be trained on appropriate topics as noted in Paragraph 43.
  17. If the informal resolution process is successful and the parties voluntarily agree to the resolution, the Title IX process is complete.
  18. If the informal resolution process is unsuccessful the facilitator shall not be called as a witness in any subsequent hearing held under the formal resolution process, and no records generated by the facilitator or provided by either party in confidence exclusively to the facilitator shall be offered or received by the investigators or in any hearing held under the formal resolution process.

### **Formal Resolution Process**

19. All personnel (internal or external to the University) who will participate in the formal resolution process must be trained on appropriate topics as indicated in Paragraph 43 of this Policy and be cleared of Conflicts of Interest and Bias, including Biases against a specific Complainant or Respondent or against Complainants or Respondents in general, before being assigned to a particular case. Anyone who is determined to have a potential Bias or Conflict of Interest must

recuse themselves from the case and remain uninvolved and avoid discussion of the case or the parties involved.

20. The formal resolution process shall be conducted with:
  - a. A presumption that the Respondent is not responsible until the conclusion of the hearing at which time a determination is rendered.
  - b. Protection of legally recognized privilege
  - c. Written notice to the parties of their right to select an advisor of their choice or to be appointed one by the University.
  - d. All rules and processes applied to both parties equally and in the same manner.
21. Knowing that it is in the best interest of all parties and the University community to address Formal Complaints of Sexual Harassment correctly and promptly, the University has set reasonably prompt timelines for each phase of the process once a Formal Complaint has been filed through resolution of the Formal Complaint. However, there may be temporary delays of the formal resolution process or extensions of the timeframes for good cause. Good cause may include the absence of a party, a party's advisor, or witness. It may also include concurrent law enforcement activity, the need for language assistance or disability accommodation, among other considerations necessary to provide a prompt, fair, equitable and impartial process. Should a delay occur, the parties will be notified of the delay or extension and the reasons for the action.

## **Investigation**

22. The formal resolution process begins with an objective and thorough investigation of the matters alleged in the Formal Complaint. The investigator(s) appointed by the University shall make best efforts to collect all relevant evidence within 30 business days following the written notice to both parties of the Formal Complaint and initiation of the formal resolution process. During the investigation,
  - a. The burden to identify and speak with all witnesses and to gather all relevant evidence, both inculpatory and exculpatory, is on the University not the parties.
  - b. The University shall not restrict the ability of the parties to discuss the allegations under investigation or to gather and present relevant evidence.
  - c. The parties have the right to an advisor of their choice which may be an attorney. The University shall provide the advisor with information on the University's formal resolution process. If a party does not have an advisor and desires one during the investigation, the University shall provide trained advisor.
  - d. The parties must be provided an equal opportunity to identify relevant witnesses, including fact and expert witnesses, and to present facts and relevant evidence, both inculpatory and exculpatory.
  - e. The University shall send written notice of interviews, meetings, or hearings when a party's participation is expected or invited with sufficient time to enable the party to prepare to participate.
  - f. The investigator shall respect each party's rights, as outlined in this Policy, and the confidentiality of the party's own medical, psychological, and similar treatment records. The investigator shall not apply pressure or seek to coerce waiver of such rights or privileges. Should a party voluntarily choose to waive such privilege, such information may be collected and reviewed for evidentiary value as part of the investigation.

23. Parties will be provided an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including evidence that is not intended to be used in a hearing to determine responsibility and includes evidence regardless of the source from which obtained. The evidence will be sent to each party and their advisors, if any, and provide 10 business days for the parties to review and submit a written response to be considered prior to the completion of the final investigative report.
- a. At the conclusion of the investigation but prior to the hearing, the investigator must prepare a final investigative report that fairly and objectively summarizes the relevant evidence. This report shall be provided to both parties (hard or electronic copy) for their review at least 10 business days prior to the scheduled hearing to determine responsibility.
  - b. Non-Disclosure Agreement. Each party and their advisors, if any, will be required prior to the disclosure of evidence, to execute a non-disclosure agreement that: (a) prohibits the public dissemination of the documents and information made are to be made available for inspection and review, (b) prohibits the use of the documents and information for any purpose unrelated to the formal resolution process under this Policy, and (c) prohibits the taking of photographs or otherwise copying of any of the evidence provided to that party by the investigator(s) under Policy, including sensitive materials such as nude images.
  - c. Redaction. Before sharing the documents in the Investigator's file, the Investigator(s) may redact information that is not directly related to the allegations in the Formal Complaint, or that is otherwise barred from use, such as a legally recognized and un-waived privilege. Personally identifiable information may be redacted from a student's records if the information is not directly related to the allegations in the Formal Complaint. However, the investigators shall not redact student "education records" shared among the parties in the course of the investigation so long as they directly relate to the allegations raised in the Formal Complaint because such evidence directly relates to the allegation and as such constitutes an education record of both the Complainant and Respondent. The Investigator will keep a clear record of what documents, if any, are withheld or redacted because they do not to relate to the allegations in the Formal Complaint or are subject to an un-waived privilege.
24. The University may use external or internal resources to conduct investigations. In either circumstance the investigator will be trained on appropriate topics as noted in Paragraph 43.

## **Hearing**

25. A live hearing shall be scheduled as soon as practicable following the delivery of the investigative report but notice shall be provided to the parties and their advisors at least 10 business days in advance of the hearing.
- a. The hearing shall be conducted virtually and will be recorded, for purposes of review in the event of an appeal, using technology available to the University at the time. The parties may not record the proceedings, and no other unauthorized recordings are permitted.
  - b. Each party to the hearing, the witnesses, and the hearing officer may be in separate locations or rooms.
26. Each party has the right to be present at the hearing so long as they participated in the investigation. Each party's advisor may ask the other party and any witnesses relevant questions and follow up questions, including those that challenge credibility, The parties may not question each other or witnesses directly.

27. If a party does not have an advisor, the hearing may not proceed until the University has provided a trained advisor to participate in the hearing at no fee or charge to the party.
28. Each party has the equal opportunity to present fact witnesses and expert witnesses and other evidence, both inculpatory and exculpatory.
29. Hearing officers may be internal or external to the University but shall be free of Bias and Conflicts of Interest and be qualified by having training as indicated in Paragraph 43 of this Policy. A hearing officer shall be appointed to preside over the hearing and shall have the following responsibilities:
  - a. To make a determination regarding responsibility based on an objective evaluation of all relevant evidence provided during the investigation and hearing, both exculpatory and inculpatory, using a preponderance of the evidence standard. A party's or witness' absence or refusal to answer questions cannot be inferred as the sole basis for a determination regarding responsibility. Credibility determinations may not be based on a person's status as a complainant, respondent, or witness.
  - b. To establish such rules and procedures are deemed necessary to the operation of the hearing, so long as such rules and procedures, including restrictions on advisors, must apply equally to both parties.
  - c. To determine the relevancy of questions asked before witnesses or the parties provide answers. Questions and evidence regarding the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such evidence about the Complainant's prior sexual behavior are offered to prove someone other than Respondent committed the conduct alleged by the Complainant or if the questions and evidence concerns specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. For each question not permitted, the hearing officer must provide the rationale for its exclusion.
  - d. To prepare a written determination of findings that provides the rationale for the outcome that includes:
    - i. Identification of allegations in the Formal Complaint of potential Sexual Harassment
    - ii. Description of the procedural steps taken from receipt of Formal Complaint through determination (notifications to the parties, interviews with parties and witnesses, site visits, methods of evidence gathering, hearings held, and other steps taken)
    - iii. Findings of fact supporting the determination
    - iv. Conclusion regarding application of the Policy to the facts
    - v. A statement of, and the rationale for, the result as to each allegation, including a determination regarding responsibility
    - vi. A statement of the determination regarding disciplinary Sanctions, if any, imposed on Respondent and Remedies, if any, to be provided to Complainant to restore or preserve equal access to the education program or activity as determined pursuant to Paragraph 30, below.
    - vii. The applicable process and grounds for appeal for the Complainant and Respondent.
    - viii. The date the decision becomes final.

30. Subsequent to the decision of the hearing officer, the designated University decision-maker shall determine the appropriate Remedies and Sanctions and communicate them to the hearing officer to be communicated to the parties.
  - a. For student Respondents, the decision-maker is the Dean of Students.
  - b. For employee Respondents the decision-maker is the appropriate Vice President in consultation with the employee's supervisor and Director of Human Resources.
31. The parties will be notified, simultaneously and in writing, of the outcome as outlined in Paragraph 29(d).

## **Appeal**

32. As indicated in Paragraph 10 above, the Respondent has the right to file an appeal of any Emergency Removal decision within 5 business days of the decision on the grounds that the decision is not warranted based on the known facts and/or there are less restrictive measures available to address the safety concerns.
33. Within 5 business days of the notice of dismissal or the notice of outcome of a hearing, either party may appeal. Appeals are limited to the following grounds:
  - a. A procedural irregularity that affected the outcome.
  - b. New evidence that was not reasonably available at the time of the determination regarding responsibility or dismissal was made that could affect the outcome.
  - c. The Title IX Coordinator, investigator(s), hearing officer(s) or decision-maker had a Conflict of Interest or Bias for/against the Complainant or Respondent or for/against Complainants/Respondents in general that affected the outcome.
34. When an appeal that meets one or more of the above grounds is received, the University will notify each party and, when appropriate, the investigator(s), decision-maker, and hearing officer, who may then respond in writing within 5 business days with information relevant to portion of the appeal that was approved and involves them. The appeal and all relevant information will be considered, and a decision rendered, within 7 business days after the response period has expired or the responses have been received.
35. The appeals process is as follows:
  - a. For cases with a student respondent, the Title IX Coordinator will provide the appeal and responses along with any other information, including the record of the hearing, to the Vice President for Academic Affairs or their designee, who shall render a final decision on the appeal. The designee may not be the decision-maker, Title IX Coordinator, investigator, advisor, or hearing officer involved in the Formal Complaint.
  - b. For cases with a staff member as a respondent, the Title IX Coordinator will provide the appeal and responses along with any other information, including the record of the hearing, to the President of the University or their designee, who shall render a final decision on the appeal. The designee for the decision-maker on the appeal may not be the Title IX Coordinator, investigator, advisor, or hearing officer involved in the Formal Complaint.
  - c. For cases with a faculty member as a respondent, the Title IX Coordinator will provide the appeal and responses along with any other information including the record of the hearing, to the President of the University or their designee. The President of the University or a faculty panel appointed by the President of the University shall render a

final decision on the appeal. The President's designee may not be the Title IX Coordinator, investigator, advisor, or hearing officer involved in the Formal Complaint.

36. A notice of appeal outcome will include the decision on each approved ground and rationale for each decision. The notice will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanction that may result which the University is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the University is permitted to share under state and federal law. The decision on the appeal shall be sent simultaneously to all parties and is final.

## **Dismissal**

37. A Formal Complaint may be dismissed by the University under several circumstances:

- a. The University is required to dismiss the Formal Complaint or portions of the Formal Complaint when (1) the conduct, even if proven, would not constitute Sexual Harassment (as defined in Paragraph 3), (2) the conduct, even if proven, did not occur in an Education Program or Activity controlled by the University or within the United States, or (3) the Complainant is not participating or attempting to participate in the education program or activity of the University. When the University is required to dismiss the Formal Complaint or any portion of the Formal Complaint, the conduct may then be addressed, if the University chooses, under another applicable code of conduct, policy, or expectations of staff/faculty.
  - b. The University may dismiss the Formal Complaint if the Complainant provides written notification to the Title IX Coordinator that the Complainant would like to withdraw the Formal Complaint or any allegations therein, prior to a determination of responsibility. In considering the request, the Coordinator will give consideration to the wishes of the Complainant and also will assess the nature of the alleged misconduct and the information obtained, including whether evidence from others besides the Complainant supports the potential of an ongoing risk or a threat to the safety of the Averett community. If dismissed upon Complainant request, the Coordinator may later reinstate the formal resolution process by signing a new Formal Complaint as described in paragraph 12(c) above.
  - c. The University may dismiss the Formal Complaint if, prior to a determination on responsibility is reached, the Respondent is no longer enrolled or employed by the University. If Respondent should re-enroll or return to employment with the University in the future, the Coordinator may later reinstate the formal resolution process by signing a new Formal Complaint as described in paragraph 12(c) above.
  - d. The University may dismiss the Formal Complaint if specific circumstances prevent the gathering of evidence sufficient to reach a determination of responsibility as to allegations in the Formal Complaint. Such circumstances could include, but are not limited to lack of access to or lack of cooperation by the Complainant or witnesses or other unique conditions.
38. The Title IX Coordinator will promptly and simultaneously send written notice of the dismissal and the reasons for the dismissal to the parties.
39. Either party may file an appeal from a dismissal determination in accordance with paragraphs 34-38 above.

## **Retaliation, False Statements, and Amnesty**

40. **Retaliation** by a person against any person who reports or participates in any way in any part of the process contained within this Policy is prohibited. Persons found to be engaging in Retaliation shall be subject to disciplinary action under the resolution procedures for sex discrimination or applicable student code of conduct or employment policy.
- a. Charging a person with a conduct violation for making a materially false statement in bad faith during the course of the investigation or the resolution processes does not constitute Retaliation. A finding regarding responsibility alone is not sufficient to conclude any party made a materially false statement in bad faith.
  - b. To help protect the individuals who submit a report or a Formal Complaint of Sexual Harassment and/or who participates in a process herein, including third party reporters, Complainants, Respondents, and witnesses, identities of these individuals will be treated as confidential, except as necessary to provide Supportive Measures, address Formal Complaints, or as permitted by FERPA or required by law.
41. **False Statements and Evidence.** Deliberately false and/or malicious accusations under this Policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action. Additionally, witnesses and parties knowingly providing false evidence or statements, tampering with or destroying evidence after being directed to preserve such evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under this Policy or referred to other appropriate University procedures.
42. **Amnesty.** The University considers the reporting and adjudication of conduct prohibited by this Policy to be of paramount importance. The University does not condone underage drinking or use of illegal drugs. However, the University will extend amnesty to Complainants, Respondents, third-party reporters, participating witnesses, and those assisting Complainants from punitive sanctioning for illegal use of drugs and/or alcohol and for the use of drugs and/or alcohol in violation of University policy.

## **Training**

43. All persons assigned to the University to serve as Coordinators, advisors, investigators, hearing officers, decision-makers, or facilitators in the informal resolution process shall be trained in the following topics:
- a. The definition of Sexual Harassment and issues related to sexual assault, dating violence, domestic violence, and stalking
  - b. The scope of the University's Education Program or Activity
  - c. Title IX requirements and regulations
  - d. The University's Title IX process for investigations, hearings, appeals, and the informal resolution processes, as applicable
  - e. How to remain impartial, avoiding prejudgment of facts at issue, Conflicts of Interest, and Bias
  - f. How to conduct an investigation and hearing process that protects the safety of the parties and promotes accountability
  - g. Technology to be used at the hearing

- h. Issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant and how to create an investigative report that fairly summarizes relevant evidence.

Materials used in training may not rely on sex stereotypes and must promote impartial investigations and adjudications of Formal Complaints of Sexual Harassment.

- 44. Materials used in the Title IX training of Coordinators, investigators, decision-makers, and informal resolution facilitators shall be posted on the University website if owned by the University or otherwise available for inspection upon request.

## **Recordkeeping**

- 45. Records related to Title IX reports and Formal Complaints and the University's response will be maintained for seven years or longer if required in the University policy on record retention. The seven (7) year period runs from the date of creation of the last record pertaining to that case. Records to be created and preserved include:

- a. Complete records of each investigation, outcome, recording, Sanctions, Remedies
- b. Appeals and results thereof
- c. All informal resolutions and the results
- d. Materials used to train Title IX Coordinators, investigators, hearing officers, decision-makers, and facilitators of informal resolution processes. Training materials will be available on the University website and will be made available for inspection by members of the public upon request
- e. Complete records of reports, Formal Complaints, responses, Supportive Measures provided to parties including documentation of the reasons for the University's conclusion that its response was not deliberately indifferent and that it took measures designed to restore or preserve equal access to the University's Education Programs or Activities.
- f. If Supportive Measures were not provided – including not providing a specific Supportive Measure requested by the Complainant, the University will document the reasons for not providing the services and will be maintained as well as the rationale to support that the decision not to provide Supportive Measures was not clearly unreasonable in light of the known circumstances.

## **Role of the Title IX Coordinators**

- 46. The role of the Title IX Coordinators is to support the University's efforts to end discrimination on the basis of sex in education, including discrimination resulting from acts of Sexual Harassment. The Title IX Coordinators are to ensure compliance with and coordination of the processes under this Policy. Specific, but not all-inclusive, responsibilities include:
  - a. Publishing and disseminating the information required by this Policy
  - b. Determining whether a filed Formal Complaint alleges Sexual Harassment under Title IX and its regulations
  - c. Ensuring that Supportive Measures and information regarding the resolution processes are made available to affected parties and that any remedies are effectively implemented

- d. Coordinating the flow of communications, notices, and information, as required under this Policy, among and between parties, advisors, witnesses, investigators, hearing officers, decision-makers, and appeal decision-makers
- e. Ensuring the resolution processes move forward and is completed in a timely manner in conformance with this Policy
- f. Ensuring training required under Title IX regulations and this Policy is provided to those individuals who the University assigned to participate in the resolution processes.
- g. Assigning investigator(s), hearing officers, and advisors, if necessary, who have been properly trained, and are impartial and free from Bias and Conflicts of Interest, and to rule on objections raised to the impartiality of investigators or hearing officers. The Title IX Coordinator may appoint a trained designee to perform the responsibilities of any individual designated under the policy.
- h. Maintaining information and documentation of cases under this Policy in a secure manner
- i. Participating in and organizing prevention efforts, campaigns, and events to raise awareness and to educate the community on ways to prevent Sexual Harassment, how to report, and options available to individuals who experience Sexual Harassment and discrimination
- j. Conducting climate surveys, as appropriate, to assess effectiveness of education and prevention initiatives
- k. Ensuring that information required for statistical reporting under the Clery Act is provided in a timely manner to the Chief of Campus Safety and Security.
- l. Ensuring that the University is in compliance with the NCAA Board of Governors Policy on Campus Sexual Violence:
  - i. That the intercollegiate athletics department is fully knowledgeable about, integrated in, and compliant with institutional policies and processes regarding sexual violence prevention and proper adjudication and resolution of acts of sexual violence.
  - ii. That the institutional policies and processes regarding sexual violence prevention and adjudication, and the name and contact information for the campus Title IX Coordinator are readily available within the department of athletics.
  - iii. That all student-athletes, coaches and athletics staff are educated annually on sexual violence prevention, intervention, and response, to the extent allowable by state law.
  - iv. That the University President, Director of Athletics, and Title IX Coordinator can attest to these above requirements annually.

### **Conflict with State Law**

47. Consistent with the doctrine of federal pre-emption, if the requirements of Title IX conflict with state law, Title IX and its requirements prevail and federal regulations must be followed. Virginia law requires that under certain circumstances a student (including an employee who is a student) who is under investigation for or who has been found responsible for an act of sexual violence will have a prominent notation added to that student's transcript.

- a. For purposes of this section, sexual violence means physical sexual acts perpetrated against a person's will or against a person incapable of giving Consent. Such notation will be added only when:
    - i. A student withdraws from the University while under investigation for an offense involving sexual violence. Such notation will state that the student withdrew while under investigation for such a violation.
      - Under the Title IX regulations effective August 14, 2020, this provision of state law may be deemed to be unenforceable if the transcript notation as prescribed is deemed to be a non-Supportive Measure that could be construed as disciplinary or punitive Sanction since it could impact the student's ability to further their education at another institution or gain employment. It also may be deemed to violate the Title IX confidentiality requirements.
    - ii. A student is found responsible for an act of sexual violence and was suspended or permanently dismissed from the University as a consequence of that finding will have a notation that the student was suspended or dismissed for such violation.
    - iii. A student with such a transcript notation may have the notation removed:
      - If the student is subsequently found, to be not responsible for such an offense or
      - If the student has completed the term of suspension, and other Sanctions required by the University, and has been determined by the University to be in good standing
  - b. Under state law, a transcript notation will be added only when:
    - i. A student withdraws from the University while under investigation for an offense involving sexual violence. Such notation will state that the student withdrew while under investigation for such a violation.
    - ii. A student is found responsible for an act of sexual violence and was suspended or permanently dismissed from the University as a consequence of that finding will have a notation that the student was suspended or dismissed for such violation.
  - c. A student with a transcript notation may have the notation removed:
    - i. If the student is subsequently found, to be not responsible for such an offense or
    - ii. If the student has completed the term of suspension, and other Sanctions required by the University, and has been determined by the University to be in good standing.
48. State law also requires that the University's risk assessment team meet within 72 hours of receipt of a report of physical sexual violence. This meeting must occur whether or not a Formal Complaint or criminal charges have been, and this state law requires disclosure to third parties in certain circumstances.
- a. If the reported conduct would not consist of a felony Sexual Assault under state law, the law enforcement representative on the review team shall notify the other team members, and within 24 hours consult with the Commonwealth Attorney with jurisdiction to prosecute, but shall do so without disclosing the name or other identifying information of any of the individuals involved.

- b. After a review of all available information, if the review team determines a disclosure is necessary to protect the health and safety of the student or others on campus, then personal identifying information of all students known to be involved shall be released to campus security as well as the local police. The Title IX Coordinator will provide prompt notice to the student that this safety disclosure has been made.
- c. The Department of Education has indicated in the Preamble to the new regulations that this state mandated review process which may result in required disclosures, if students or campus safety is found to be a risk, do not conflict with Title IX or its implementing regulations and are enforceable.

### **Publication**

- 49. This Policy, the appendices hereto, including identification and contact information of the designated Title IX Coordinators shall be displayed prominently on the University website and in every handbook and catalog available to students, potential students, employees, and potential employees.

## **APPENDIX A**

### **Action Steps, Resources, and Reporting**

#### **Action Steps for Victims of Sexual Assault/Harassment**

##### **1. Ensure Your Physical Safety.**

Please do not hesitate to call the Campus Safety and Security Department (434-791-5888) or dial 911. Campus Safety and Security officers are on duty 24 hours a day, 7 days a week and can provide you with both on- and off-campus resources.

##### **2. Seek Medical Assistance and Treatment, if Needed**

Local options for emergency medical care and collection of personal evidence include SOVAH located in Danville, Virginia (434-799-2100).

It is crucial that you obtain medical attention as soon as possible after a Sexual Assault to determine the possibilities of physical injury, to prevent or treat sexually transmitted diseases, and/or to screen for the presence of sedative drugs such as Rohypnol or GHB (date-rape drugs). University staff can help you contact a support person, such as a family member, friend, or roommate.

If you choose to have an evidence collection kit (PERK kit) completed, it is important to do so within 120 hours of an assault. Even if you have not decided to file charges, it is advisable to have the evidence collection kit completed so that you can preserve the options of obtaining a protective order and/or filing criminal charges at a later date.

In order to best preserve evidence for an evidence collection kit, it may be advisable to avoid showering, bathing, going to the bathroom, or brushing your teeth before the kit is completed. You should also wear (or take with you in a paper – not plastic – bag) to the hospital the same clothing that you were wearing during the assault. An evidence collection kit can still be completed even if you have showered or bathed.

You can visit [www.notalone.gov/students](http://www.notalone.gov/students) for additional information and resources.

##### **3. Obtain Emotional Support – Campus Resources.**

The Office of Counseling Services and the University Chaplain can help people sort through their feelings and begin the recovery process as they are trained to provide confidential crisis intervention on short-term and emergency issues. They can also provide referrals for outside providers and law enforcement.

Counseling is free of charge to all students. In some instances, the law may require the disclosure of information shared by students with counselors; however, absent a legal mandate to the contrary, counseling services are confidential, are not part of students' University records, and will not be reported to other University personnel.

The University Chaplain can provide pastoral counseling for students which is also confidential, not part of students' records, and not reportable to other University personnel except in instances where the law may require the disclosure of information shared by students with counselors.

Employees may access counseling services through the University's Employee Assistance Program (EAP).

## Reporting Sexual Harassment

Averett University encourages anyone with knowledge of Sexual Harassment to report such incidents to the University. Reporting allows University officials to provide information about resources, Supportive Measures, and rights and options to individuals who may have been impacted by Sexual Harassment.

Because conduct prohibited by this Policy may in some instances constitute both a violation of University policy and criminal activity, and because University processes are not a substitute for instituting legal action, the University encourages individuals impacted by Sexual Harassment to report to University officials *and* to law enforcement, where appropriate. Individuals who experience Sexual Harassment have the right not to report to campus officials or to law enforcement authorities, as well.

### Title IX Coordinators and Officials with Authority

Averett University has designated the below listed Title IX Coordinators and Officials with Authority to receive notice of incidents of Sexual Harassment. Reports may be made any time via email, phone, or mail or in-person during normal business hours. *A report made to persons not listed here will not provide the University with Actual Knowledge (as defined in Paragraph 3 of this Policy) of the report and may not provide the full access to information and Supportive Measures.*

Contact	Location	Telephone	Email
<b>Amanda Estabrook</b> Title IX Coordinator	Main Hall #10	434-791-7222	titleix@averett.edu
<b>Kathie Tune</b> Deputy Title IX Coordinator	Main Hall #13	434-791-7106	ktune@averett.edu
<b>Katie Johnston</b> Deputy Title IX Coordinator	Main Hall #120	434-791-5877	kjohnston@averett.edu
<b>Izy Obi</b> Deputy Title IX Coordinator	Riverview #233	434-791-7115	iobi@averett.edu
<b>Dr. Tiffany Franks*</b> President	Main Hall #200	434-791-5670	tfranks@averett.edu
<b>Don Aungst*</b> VP and CFO/COO	Main Hall #101	434-791-5651	daungst@averett.edu
<b>Timothy Fulop*</b> VP for Academic Affairs	Main Hall #208	434-791-5630	tfulop@averett.edu
<b>Stacy Gato*</b> VP for Enrollment Management	Main Hall #114	434-791-7110	sgato@averett.edu
<b>Venita Mitchell*</b> VP for Student Engagement	Student Ctr #423	434-791-5627	vmitchell@averett.edu
<b>Meg Stevens*</b> VP and Director of Athletics and Campus Operations	North Campus Grant Ctr #102	434-791-5700	mstevens@averett.edu
<b>John Vigouroux*</b> Chief Entrepreneurship and Innovation Officer	Main Hall #203	434-791-7114	jvigouroux@averett.edu
<b>Melissa Wohlstein*</b> VP of Philanthropy	Main Hall #204	434-791-5654	mwohlstein@averett.edu
<b>Campus Safety and Security*</b>	Student Success Ctr	434-791-8888	

\*These individuals have been designated as Officials with Authority. Official with Authority means an employee of the University explicitly vested with the responsibility to implement corrective measures for harassment, discrimination, and/or retaliation. Reports to Officials with Authority provide the University with Actual Knowledge of a report.

## **Mandatory Reporters**

To assist in the University's goals of supporting individuals impacted by Sexual Harassment and creating a safe environment for all community members, all faculty and staff, *with the exception of those listed as Title IX Coordinators or Officials with Authority or those who are confidential resources (University Chaplin, Counselor, Director of Health Services)*, are mandatory reporters. Mandatory reporters, also known as Responsible Employees, are required to report to the Title IX Coordinator, as soon as is practicable but within 24 hours, all information they receive about possible Sexual Harassment. Although employees are required to report to the Title IX Coordinator, reports to a mandatory reporter does not provide the University with Actual Knowledge of a report. As such, individuals are encouraged to report directly to a Title IX Coordinator or Official with Authority to ensure full access to information and Supportive Measures can be provided.

## **Community Resources**

**Local Law Enforcement Agencies** can be reached by calling 911.

**Danville Police Department** may be contacted at 434-799-5111. They are located at 427 Patton Street in Danville.

**SOVAH** is located at 142 South Main Street in Danville. The Emergency Department can be reached by calling 434-799-2100.

**Sexual Assault Response and Awareness, Inc. (SARA)** runs a 24-hour hotline that can be reached at 540-981-9352. You can also visit them online at [www.sararanoke.org](http://www.sararanoke.org).

**Piedmont Community Service Board, Danville** is located at 24 Clay Street Martinsville and can be reached by calling 276-632-7128.

**Contact Listen Line** is a 24-hour counseling hotline that can be reached at 1-877-WEHELP6 or 1-877-934-3576.

**Haven of the Dan River Region Inc.** they can be reached at 434 483-5482.

Rape, Abuse, and Incest National Network (**RAINN**), is a confidential, anonymous national sexual assault hotline. They can be reached at 800-656-4673 or [www.rainn.org](http://www.rainn.org).

The **U.S. Government website** [www.notalone.gov/students](http://www.notalone.gov/students) offers links for additional information and resources.