



Eastern Mennonite University Policy on Relationship Violence and Sexual Misconduct

INTRODUCTION

Eastern Mennonite University (EMU) is committed to establishing and maintaining a community rich in equality and free from all forms of discrimination and harassment. As an institution rooted in the values of Christian discipleship, community, service, and peacebuilding; EMU commits itself to the highest standards of personal and professional conduct. Relationship violence and sexual misconduct are prohibited at EMU. Relationship violence and sexual misconduct are community issues and can only be prevented through active community participation.

As a Christian institution of higher education, EMU affirms that relationship violence and sexual misconduct is harmful to the individuals involved as well as to the campus community. Furthermore, instances of relationship violence and sexual misconduct are often experienced as trauma and can thus have lasting impacts even many years after the originating event/incident. EMU recognizes that healing from sexual violence is a process that often takes time, resources, and empathic support. Many individuals in the university community are survivors of multiple forms of trauma, including: historical trauma, repeated victimization, marginalization, discrimination, and other forms of violence. EMU seeks to ground this policy and procedures within this awareness and understanding.

The university will take prompt and equitable action to eliminate relationship violence and sexual misconduct, prevent its recurrence, and repair the harm that has been caused. When the conduct has a propensity to create a hostile, manipulative, or coercive environment on campus, the university obligates itself to respond in support of victims/survivors, the campus community, and others who have been impacted. EMU commits itself to proactively build a campus community that prioritizes health and safety. The university strives to achieve this by ensuring the safety of those who have been harmed, holding accountable those who have done harm, and addressing the root causes of relationship violence and sexual misconduct.

EMU commits itself to the prevention of relationship violence and sexual misconduct, and commits itself to response efforts that are focused in the following ways: through policies that reflect EMU values and meet federal and state guidelines, a response procedure that is clear and supportive, ongoing sexual violence prevention and healthy relationship education, and establishing and maintaining a community that is survivor-supportive.

The purpose of the *Relationship Violence and Sexual Misconduct Policy* is to define relationship violence and sexual misconduct, describe the process for reporting violations of the policy, outline the procedure used to investigate and resolve alleged violations of policy, and identify resources available to members of the EMU community who are involved in an incident of relationship violence and/or sexual misconduct.

In order to establish and maintain a campus community that values the dignity of all, this policy and resolution procedure commits the university to:

1. identify the forms of relationship violence and sexual misconduct that violate this policy;
2. disseminate clear policies and procedures for responding to relationship violence and sexual misconduct or other forms of prohibited conduct reported to the university;
3. develop an ongoing coordinated effort for delivering prevention and awareness programs and ongoing training and education programs to students, faculty, and staff so they
 - a. may identify what behavior constitutes relationship violence and sexual misconduct and other misconduct described in the policy;
 - b. understand how to report such misconduct;
 - c. recognize warning signs of potentially abusive behavior and ways to reduce risks; and
 - d. learn about 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 relationship violence and sexual misconduct or other forms of prohibited conduct against a person other than such individual;
4. engage in investigative inquiry and resolution of reports that are adequate, reliable, impartial, prompt, fair, and equitable;
5. support those who have been harmed and holding persons accountable for established violations of this policy; and
6. provide a written explanation of the rights and options available to every student or employee that has been the victim of relationship violence and sexual misconduct, both complainant and respondent, regardless of when or where the conduct occurred.

In addition, this policy identifies the university's Title IX coordinator, deputy Title IX coordinators, and Title IX investigators and describes their roles; identifies how students, faculty, and staff can report relationship violence and sexual misconduct or other forms of prohibited conduct to the university, confidentially, and what resources are available on- and off-campus to aid them including the right to notify local law enforcement, be assisted in that notification, and their right to decline to notify such authorities.; provides information about how reports are assessed, investigated, and resolved; and provides the university with a means to take all reasonable steps to identify relationship violence and sexual misconduct, support prevention of its recurrence and the repair of harmful effects on the complainant and others, as appropriate.

SCOPE OF POLICY

Eastern Mennonite University prohibits harassment of, and discrimination against, any and all community members. This policy applies to students who are registered or enrolled for credit- or non-credit-bearing coursework (*students*); all university employees, consisting of full-time and part-time faculty and staff--including temporary(*employees*); and contractors, vendors, visitors, volunteers, guests, or other third parties (*third parties*).

This policy pertains to acts of relationship violence and sexual misconduct or other forms of prohibited conduct that may be based on sex or gender committed by or against students, employees and third parties when:

1. the conduct occurs on university property or other property owned or controlled by the university;
2. the conduct occurs in the context of a university employment or education program or activity including, but not limited to, university sponsored cross-cultural, research, online, or internship programs;
3. the conduct occurs off-campus but is likely to have a substantial adverse effect on any member of the EMU community; or
4. the conduct occurs outside the context of a university employment or education program or activity but has continuing adverse effects on, or has the propensity to create a hostile environment for students, employees, or third parties while on university property, other property owned or controlled by the university, or in any university employment or education program/activity.

NOTICE OF NON-DISCRIMINATION

The university is committed to maintaining an environment free from harassment and discrimination for everyone and does not discriminate on the basis of race, sex, national origin, religion, sexual orientation, gender identity or expression, or any other protected status in any of its education or employment programs and activities. This policy prohibits specific forms of behavior that may violate *Title IX of the Education Amendments of 1972* (Title IX); relevant provisions of the *Violence Against Women Reauthorization Act of 2013* (VAWA); *Title VII of the Civil Rights Act of 1964* (Title VII); the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* (Clery Act); the *Virginia Human Rights Act*.

The university recognizes that it is important to coordinate this policy with other existing policies related to harassment and discrimination knowing that harassment related to an individual's sex, sexual orientation, gender identity or gender expression can occur in conjunction with misconduct and harassment related to a person's race, ethnicity, national origin, religion, age, pregnancy or parenting status, disability, and/or other protected status. Therefore, when a report is made of harassment or discrimination based on sex as well as harassment or discrimination based on some other protected status, the university's response will be governed by the procedures referenced in this policy. Questions about which policy applies in a specific instance should be directed to the Title IX coordinator.

This policy covers relationship violence and sexual misconduct. This policy does not specifically cover items under Title VII. Employees should seek further information regarding equal opportunity, disability, harassment, discrimination and retaliation that is not based on sex or gender with the director of human resources, Marcy Engle, at (540) 432-4148 or marcy.engle@emu.edu.

BIAS

Bias is prejudice in favor of or against one thing, person, or group compared with another, usually in a way considered to be unfair. Due to the identity of EMU as a small, historically denominationally affiliated university, as well as human nature, the university recognizes that biases exist. EMU makes every effort to recognize and mitigate the impacts of bias. The university strongly encourages all parties involved to identify, name, and work to address the various forms of bias that may impact the campus community.

CONFLICT OF INTEREST

Conflict of interest means that a person may have the potential to undermine the impartiality of a process due to the possibility of a conflict between the person's self-interest and professional interest or public interest. The university makes every effort to identify and prevent conflicts of interest at any and every level. Should a conflict of interest be identified, the university will identify and utilize alternative (up to and including external) resources.

PRIVACY AND CONFIDENTIALITY

The university is committed to protecting the privacy of all individuals involved in the investigation and resolution of a report under this policy. The university will provide assistance to help students, employees and third parties make informed choices. With respect to any report under this policy, the university will make reasonable efforts to protect the privacy of participants, in accordance with applicable state and federal law, while balancing the need to gather information to assess the report and to take steps to eliminate relationship violence and sexual misconduct and associated conduct, prevent its recurrence, and remedy its effects.

Privacy and confidentiality have distinct meanings under this policy.

Privacy: *Privacy* means that information related to a report of relationship violence and sexual misconduct or other forms of prohibited conduct will be shared with a limited circle of university employees who have legitimate interests to assist in the assessment, investigation, and resolution of the report. All employees who are involved in the university's response to reports of relationship violence and sexual misconduct or other forms of prohibited conduct receive specific training and guidance about sharing and safeguarding private information in accordance with federal and state law.

Further, the university will privately maintain any accommodations or protective measures provided to the complainant or respondent to the extent that maintaining such privacy would not impair the university's ability to provide the accommodations or protective measures.

The privacy of student education records will be protected in accordance with the *Family Educational Rights and Privacy Act* (FERPA). All documentation related to a student's report, investigation, and resolution are protected by FERPA and will not be released, except as required by law. Non-identifying information about a report may be shared with Campus Safety and Security to comply with the *Clery Act*. A complainant's name will never be published in connection with the university's obligations under the *Clery Act*. In addition, any person involved in relationship violence and/or sexual misconduct may request that their directory information on file be removed from public sources by contacting the Title IX coordinator at titleixcoordinator@emu.edu or by calling 540-432-4302.

The privacy of an individual's medical and related records is generally protected by the *Health Insurance Portability and Accountability Act* (HIPAA), except health records protected by FERPA and by *Virginia's Health Records Privacy Act, Va. Code § 32.1-127.1:03*. Access to an employee's personnel records may be restricted in accordance with the *Virginia Freedom of Information Act* (FOIA).

Confidentiality: *Confidentiality* means that information shared by an individual with designated confidential campus or community professionals cannot be revealed to any other individual without expressed permission of the individual. These campus and community professionals include medical and clinical care providers (and those who provide administrative services related to the provision of medical and clinical care), mental health providers, counselors, and licensed and/or credentialed pastors acting in that capacity, all of whom may engage in confidential communications under Virginia law. The university has designated individuals who can have privileged communications as confidential employees. *Confidential employees* are prohibited from breaching confidentiality unless there is an imminent threat of harm to self or others or the disclosure is otherwise legally permitted or required. Mental health service providers are required to hold a state license in order to qualify as a confidential employee at EMU. Non-identifying, aggregate data may be shared for statistical purposes consistent with the *Clery Act*.

The following classifications of individuals are confidential employees under university policy:

Licensed mental health clinicians with the Commonwealth of Virginia and those clinicians in training whose official university responsibilities include providing mental health counseling to members of the campus community are not required by *Title IX* to report any information regarding an incident of relationship violence, sexual misconduct or other forms of prohibited conduct to the Title IX coordinator or other university officials.

Medical health professionals who are registered with the Commonwealth of Virginia and whose official university responsibilities include providing health services to members of the campus community are not required by *Title IX* to report any information regarding an incident of relationship violence and sexual misconduct or other forms of

prohibited conduct to the Title IX coordinator or other university officials.

Pastors who are licensed and/or credentialed and whose official university responsibilities are to provide pastoral counseling to members of the university community are not required by title in the official capacity of pastoral counseling. For example, students may disclose sexual abuse to a pastor who is their faculty member for purposes of getting help, receiving an academic extension or accommodation or the like. If this disclosure is received in the context of the pastor's role as a faculty member, the information is required to be reported to the Title IX coordinator.

Employee reporting responsibilities: *Title IX* uses the concept of notice, and imposes obligations for a “prompt and effective remedy” on colleges and universities when notice of a sex and/or gender discrimination or harassment is given to a responsible employee. A school has notice if a responsible employee knew, or in the exercise of reasonable care should have known, about the harassment. A *responsible employee* is every faculty, staff, and volunteer on campus who works with students or minors, (with the exception of the *confidential employees* named above), and every person identified as a *campus security authority* (CSA) under the *Clery Act* must immediately report to the Title IX coordinator any relationship violence, sexual misconduct or other forms of prohibited conduct reported to them or observed by them, including the name of the complainant and respondent, if known, and all known details. This reporting can be done by emailing titleixcoordinator@emu.edu, calling (540)432-4302, or completing a campus safety form found at <https://emu.edu/safecampus/>. The university requires everyone in the campus community, including confidential employees, to report the suspected abuse of children (those under the age of 18).

Public awareness events or other open forums such as “Take Back the Night,” candlelight vigils, protests, “survivor speak outs,” in which students, staff, or faculty members disclose incidents of relationship violence and sexual misconduct, are not considered a report or notice to the university of relationship violence, sexual misconduct or other forms of prohibited conduct for purposes of initiating the university's obligation to investigate any particular incident(s). Such events may, however, inform the need for campus-wide education and prevention efforts, and the university will provide information about *Title IX*, *Clery Act*, and *Violence Against Women Act*, rights at these events. Similarly, information disclosed during a student's participation as a subject in an Institutional Review Board-approved human subjects research protocol (IRB Research) is not considered a report of relationship violence and/or sexual misconduct or other forms of prohibited conduct for purposes of initiating the university's obligation to investigate any particular incident(s). Institutional Review Boards may, in appropriate cases, require researchers to provide such information to all student subjects of IRB Research.

Request for anonymity by a complainant: Victims of relationship violence or sexual misconduct may request anonymity, including that their name not be shared with the respondent, that the respondent not be notified of the report, or that no investigation occur. Where the complainant requests that their identity not be shared with the respondent or that the university not pursue an investigation, the university will balance this request with the university's responsibility to provide a safe and non-discriminatory environment for all university community members. The university, through the Title IX coordinator, will take all reasonable steps to investigate and respond to the complaint consistent with the request not to share identifying information or pursue an investigation, but its ability to do so may be limited. If the victim wants to tell the responsible employee what happened, but also wants

to maintain anonymity, the employee should tell the victim that the university will consider the request but cannot guarantee anonymity. Requests for anonymity are balanced against the following factors:

1. the respective ages and roles of the complainant and respondent;
2. whether there have been other reports of relationship violence, sexual misconduct or other forms of prohibited conduct under this policy involving the respondent;
3. whether the circumstances suggest there is a risk of the respondent committing additional acts of relationship violence and sexual misconduct;
4. whether the respondent has a history of arrests or records indicating a history of violence;
5. whether the report indicates the respondent threatened further sexual violence or other violence against the complainant and other individuals involved;
6. whether the reported conduct was committed by multiple individuals;
7. whether the circumstances suggest there is a risk of future acts of relationship violence, sexual misconduct or other forms of prohibited conduct under similar circumstances;
8. whether the reported conduct was perpetrated with a weapon;
9. whether the university possesses other means to obtain relevant evidence (e.g., security cameras or personnel, physical evidence).

Where the university is unable to act consistent with the request of the complainant, the Title IX coordinator will inform the complainant about the chosen course of action, which may include the university seeking disciplinary action against a respondent. Alternatively, the course of action may also include steps to eliminate the effects of the relationship violence, sexual misconduct or other forms of prohibited conduct and prevent its recurrence that do not involve formal disciplinary action against a respondent or revealing the identity of the complainant.

Where the university determines that it must move forward with an investigation despite a complainant's request for anonymity, the university will notify the complainant and will make reasonable efforts to protect the privacy of the complainant to the extent possible. However, certain actions that may be required as part of the university's response, including an investigation and disciplinary resolution, will involve speaking with the respondent and others who may have relevant information, in which case the complainant's identity may have to be disclosed. In such cases, the university will notify the complainant that it intends to move forward with an investigation, but in no event will the complainant be required to participate in any such actions undertaken by the university.

CONDUCT PROHIBITED UNDER THIS POLICY

The University prohibits the following forms of conduct:

Relationship Violence

Domestic Violence

Dating Violence

Intimate Partner Violence

Stalking

Bullying and Intimidation

Hazing

Retaliation

Sexual Misconduct and Sexual Violence

Sexual Harassment

Gender-based harassment

Sexual Assault

Sexual Exploitation

Indecent Exposure

Conduct under this policy is prohibited regardless of the sex, sexual orientation and/or gender identity/expression of the complainant or respondent. Relationship violence, sexual misconduct or other forms of prohibited conduct includes the following specifically defined forms of behavior: domestic violence, dating violence, intimate partner violence, stalking, bullying and intimidation, hazing, retaliation, sexual harassment, gender-based harassment, sexual assault, sexual exploitation, and indecent exposure, and forms of complicity to any of these forms of behavior.¹

A. Relationship violence

Relationship violence is a broad term that encompasses domestic violence, dating violence, intimate partner violence, and stalking (definitions provided below). Relationship violence often includes ongoing emotional,

¹ The definitions in this policy may differ from those used in the civil or criminal laws of the Commonwealth of Virginia. In some cases, the definitions include behaviors that, while not torts or crimes under Virginia law, still violate EMU's standards of conduct for faculty, staff, and students. In addition, certain conduct may be punishable under Virginia or federal criminal statutes, civil law, and university policy. These processes are separate and distinct from one another but can run concurrently. The codification of criminal sexual assault is located in Virginia Code §§ 18.2-61 through -67.10 and can be accessed on the Code of Virginia website at <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+TOC>.

psychological, physical, and fiscal abuse. Though this policy addresses physical acts of relationship violence, individuals experiencing other facets of relationship violence should seek help from campus resources, regardless of whether the abuse is occurring on-campus.

An incident of relationship violence can consist of a single act of violence or a pattern of violent acts that includes, but is not limited to, sexual or physical abuse.

When analyzing allegations of relationship violence, the following factors are considered:

- i. the existence of any power differential between the parties;
- ii. the existence of fear by either party, tied to verbal threats and/or specific behaviors that can determine abuse; and
- iii. the context of behavior (e.g. a history of coercive controlling tactics by one party over the other; one party acting in self-defense or in response to recent violations, abuse, threats, or coercive tactics).

A1. Domestic Violence

Domestic violence is violence committed by a current or former spouse, or sexual or intimate partner of the alleged victim, a person who is living as a spouse or who lived as a spouse with the alleged victim, parents and children, other persons related by blood or marriage, or by a person with whom the alleged victim shares a child in common. Under the criminal laws of Virginia certain offenses, including but not limited to, rape, aggravated assault and stalking, can be deemed domestic violence depending on the relationship of the parties involved.

A2. Dating Violence

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 alleged victim. The existence of such a relationship will be determined based on the reporting party's statement, taking into consideration the following factors: a) the length of the relationship, b) the type of relationship, and c) the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

A3. Intimate Partner Violence

Intimate-partner violence includes dating violence, domestic violence, and relationship violence, includes any act of violence or threatened act of violence against a person who is, or has been involved in, a sexual, dating, domestic, and/or other intimate relationship with that person. It may involve one act or an ongoing pattern of behavior.

A4. Stalking

Stalking occurs when a person engages in a course of conduct directed at a specific person under circumstances that would cause a reasonable person to fear bodily injury or to experience substantial

emotional distress.

- i. *Course of conduct* means two or more acts, including but not limited to acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to, or about another person, or interferes with another person's property.
- ii. A *reasonable person* means a person under similar circumstances and with similar identities to the victim.
- iii. *Substantial emotional distress* means significant mental suffering or anguish.

Stalking includes *cyber-stalking*, a particular form of stalking in which a person uses electronic media, such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact.

A5. Bullying and Intimidation

Bullying includes any intentional electronic, written, verbal, or physical act or a series of acts of physical, social, or emotional domination that cause physical or emotional harm to another student or group of students. Bullying conduct may not only cause a negative effect on individuals targeted but also others who observe the conduct. Bullying conduct is severe, persistent, or pervasive and has the effect of doing any of the following:

- i. substantially interfering with a community member's education, employment, or full enjoyment of the university;
- ii. creating a threatening or intimidating environment; or
- iii. substantially disrupting the orderly operation of the university. Bullying is prohibited, and participating in such acts will result in disciplinary action.

Intimidation is any verbal, written, or electronic threats of violence or other threatening behavior directed toward another person or group that reasonably leads the person(s) in the group to fear for her/his physical well-being. Intimidation is prohibited and will result in disciplinary action.

Anyone who attempts to use bullying or intimidation to retaliate against someone who reports an incident, brings a complaint, or participates in an investigation in an attempt to influence the *Title IX* conduct process will be in violation of retaliation as described within this policy and will be subject to disciplinary action.

When acts of bullying and intimidation occur in the context of intimate partner violence or when the behavior is perpetrated on the basis of sex or gender, the conduct will be resolved under the *Relationship Violence and Sexual Misconduct Policy*.

A6. Hazing

Hazing is defined as actions which are initiated against someone's will by harassing through force, banter, ridicule or criticism. In some cases conduct may implicate both the student disciplinary procedures and the *Relationship Violence and Sexual Misconduct Policy*. Hazing is an act that, as an explicit or implicit condition for initiation to, admission into, affiliation with, or continued

membership in a group organization, could be seen by a reasonable person as endangering the physical health of an individual or as causing mental distress to an individual through, for example, humiliating, intimidating, or demeaning treatment; destroys or removes public or private property; involves the consumption of alcohol, other drugs, or other substances; or violates any of the policies of the university. Hazing that involves sexual misconduct will be resolved under the *Relationship Violence and Sexual Misconduct Policy*.

A7. Retaliation

Retaliation is any act or attempt to retaliate against or seek retribution from any individual or group of individuals. Retaliation can take many forms, including continued abuse or violence, threats, and intimidation. Retaliation can occur in many venues, including face-to-face or group-to-group content on public bulletin boards, classroom discussions, or social media.

B. Sexual Misconduct and Sexual Violence

Sexual misconduct is a broad term that encompasses sexual harassment, sexual violence, and sexual exploitation, and sexual contact. Definitions of relevant terms are included below.

B1. Sexual Harassment

Sexual harassment is a form of unlawful gender discrimination. Sexual harassment means unwelcome sexual advances, unwelcome requests for sexual favors, or other unwelcome behavior of a sexual nature. Sexual harassment violates university policy when:

- i. submission to, or rejection of, such conduct is made, either explicitly or implicitly, a term or condition of a person's employment, academic standing, or participation in any university programs and/or activities; or
- ii. submission to or rejection of such conduct is used as the basis for university decisions affecting the individual (often referred to as "quid pro quo" harassment); or
- iii. such conduct creates a hostile environment. A *hostile environment* exists when the conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefitting from the university's education or employment programs and/or activities.

Conduct must be deemed severe, persistent, or pervasive from both a subjective and an objective perspective. In evaluating whether a hostile environment exists, the university will consider the totality of known circumstances, including, but not limited to:

- i. the frequency, nature and severity of the conduct;
- ii. whether the conduct was physically threatening;
- iii. the effect of the conduct on the complainant's mental or emotional state;
- iv. whether the conduct was directed at more than one person;
- v. whether the conduct arose in the context of other discriminatory conduct;
- vi. whether the conduct unreasonably interfered with the complainant's educational or work performance and/or university programs or activities; and
- vii. whether the conduct implicates concerns related to academic freedom or protected

speech.

A hostile environment can be created by persistent or pervasive conduct or by a single or isolated incident, if sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. A single incident of sexual assault, for example, may be sufficiently severe to constitute a hostile environment. In contrast, the perceived offensiveness of a single verbal or written expression, standing alone, is typically not sufficient to constitute a hostile environment. The conduct does not have to be directed at a specific person or persons to constitute harassment.

Examples of behavior that may constitute sexual harassment, if sufficiently severe, persistent or pervasive, include the following:

- i. calling someone by a sexually-oriented or demeaning name;
- ii. giving someone unwanted gifts of a sexual nature;
- iii. displaying sexually-suggestive materials or sending notes, email, or jokes to a person that are sexually explicit;
- iv. touching someone sexually without their consent;
- v. massaging someone without permission;
- vi. brushing up against someone repeatedly;
- vii. continuing to ask out a person who already has said he or she is not interested; or
- viii. exposing your private parts to another person.

B2. Gender-based harassment

Gender-based harassment includes harassment based on gender, sexual orientation, gender identity, or gender expression which may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise even if the acts do not involve conduct of a sexual nature, when the conditions outlined below are present:

- i. submission to, or rejection of, such conduct is made, either explicitly or implicitly, a term or condition of a person's employment, academic standing, or participation in any university programs and/or activities; or
- ii. submission to or rejection of such conduct is used as the basis for university decisions affecting the individual (often referred to as *quid pro quo* harassment); or
- iii. such conduct creates a hostile environment. A hostile environment exists when the conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in, or benefitting from, the university's education or employment programs and/or activities.

B3. Sexual Assault

- i. *Sexual assault* consists of sexual contact and/or sexual intercourse that occurs without affirmative consent.
- ii. *Sexual contact* is any intentional sexual touching, however slight with any object or body part (as described below), performed by a person upon another person. Sexual contact includes:

- a. intentional touching of the breasts, buttocks, groin or genitals, whether clothed or unclothed, or intentionally touching another with any of these body parts; and
 - b. making another touch you or themselves with or on any of these body parts.
- iii. *Sexual intercourse* is any intentional penetration, however slight, with any object or body part (as described below), performed by a person upon another person, sexual intercourse includes:
 - a. vaginal penetration by a penis, object, tongue, or finger;
 - b. anal penetration by a penis, object, tongue, or finger; and
 - c. any contact, no matter how slight, between the mouth of one person and the genitalia of another person.
- iv. *Affirmative consent* is:
 - a. informed (knowing)
 - b. voluntary (freely given)
 - c. active (not passive), meaning that, through the demonstration of clear words or actions, a person has indicated permission to engage in mutually agreed-upon sexual activity

Affirmative consent cannot be obtained by force.

- v. *Force* includes
 - a. the use of physical violence,
 - b. threats,
 - c. intimidation, and/or
 - d. coercion, physical violence means that a person is exerting control over another person through the use of physical force. Examples of physical violence include hitting, punching, slapping, kicking, restraining, choking, and brandishing or using any weapon.
- vi. *Threats* are words or actions that would compel a reasonable person to engage in unwanted sexual activity. Examples include threats to harm a person physically, to reveal private information to harm a person's reputation, or to cause a person academic or economic harm.
- vii. *Intimidation* is an implied threat that menaces or causes reasonable fear in another person. A person's size, alone, does not constitute intimidation; however, a person's size may be used in a way that constitutes intimidation (e.g., blocking access to an exit).
- viii. *Coercion* is the use of pressure to compel another individual to initiate or continue sexual activity against an individual's will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity.
 - a. Examples of coercion include:
 1. threatening to "out" someone based on sexual orientation, gender identity, or gender expression.
 2. threatening to harm oneself if the other party does not engage in the sexual activity.
 3. grooming an individual for the purposes of relationship violence and/or

sexual misconduct.

In evaluating whether coercion was used, the university will consider: the frequency of the application of the pressure, the intensity of the pressure, the degree of isolation of the person being pressured, the duration of the pressure and the power differential between parties.

ix. Affirmative consent and incapacitation

- a. Affirmative consent cannot be gained by taking advantage of the incapacitation of another, where the person initiating sexual activity knew or reasonably should have known that the other was incapacitated. Incapacitation means that a person lacks the ability to make informed, rational judgments about whether or not to engage in sexual activity.
- b. A person who is incapacitated is unable, temporarily or permanently, to give affirmative consent because of mental or physical helplessness, sleep, unconsciousness, or lack of awareness that sexual activity is taking place. A person may be incapacitated as a result of the consumption of alcohol or other drugs, or due to a temporary or permanent physical or mental health condition.
- c. *Incapacitation* describes an individual who lacks the ability to make informed, rational judgments and cannot consent to sexual activity. Incapacitation is defined as the inability, temporarily or permanently, to give consent because the individual is mentally and/or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring.
- d. The university offers the following guidance on affirmative consent and assessing incapacitation:
 1. A person who wants to engage in a specific sexual activity is responsible for obtaining affirmative consent for that activity. Lack of protest does not constitute affirmative consent. Lack of resistance does not constitute affirmative consent. Silence and/or passivity also do not constitute affirmative consent. Relying solely on non-verbal communication before or during sexual activity can lead to misunderstanding and may result in a violation of this Policy. It is important not to make assumptions about whether a potential partner is consenting. In order to avoid confusion or ambiguity, participants are encouraged to talk with one another before engaging in sexual activity. If confusion or ambiguity (including emotional and/or physical *freezing*) arises during sexual activity, participants are encouraged to stop and clarify a mutual willingness to continue that activity.
 2. affirmative consent to one form of sexual activity does not, by itself, constitute affirmative consent to another form of sexual activity. For example, one should not presume that affirmative consent to oral-genital contact constitutes affirmative consent to vaginal or anal penetration. Affirmative consent to sexual activity on a prior occasion does not, by itself, constitute affirmative consent to future sexual activity. In cases of prior relationships, the manner and nature of prior communications between the parties and the context of the relationship may have a bearing on the presence of affirmative consent.

3. affirmative consent may be withdrawn at any time. An individual who seeks to withdraw affirmative consent must communicate, through clear words or actions, a decision to cease the sexual activity. Once affirmative consent is withdrawn, the sexual activity must cease immediately.
- x. Incapacitation and alcohol/drugs
- a. Incapacitation may result from the use of alcohol and/or drugs. Incapacitation is a state beyond drunkenness or intoxication. The impact of alcohol and other drugs varies from person-to-person.
 - b. Warning signs that a person may be approaching incapacitation may include:
 1. slurred speech
 2. vomiting
 3. unsteady gait
 4. odor of alcohol
 5. combativeness
 6. emotional volatility
 - c. Guidance for evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects an individual, with respect to:
 1. decision-making ability
 2. awareness of consequences
 3. ability to make informed judgments
 4. capacity to understand the implications and consequences of the act
 - d. In general, the university considers sexual contact while under the influence of alcohol or other drugs to be risky behavior. Alcohol and drugs impair a person's decision-making capacity, awareness of consequences, and ability to make informed judgments. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person's level of intoxication. If there is any doubt as to the level or extent of the other individual's intoxication or impairment, the prudent course of action is to forgo or cease any sexual contact or activity.
 - e. In evaluating affirmative consent and in cases of alleged incapacitation, the university asks two questions: (1) did the person initiating sexual activity know that the other party was incapacitated? and if not, (2) should a sober, reasonable person in the same situation have known that the other party was incapacitated? If the answer to either of these questions is "yes," affirmative consent was absent, and the conduct is likely a violation of this policy.

Examples of sexual assault

Examples of behavior that may constitute sexual assault include, but are not limited to the following:

- i. engaging in sexual activity with an unconscious or semi-conscious person;
- ii. engaging in sexual activity with someone who is asleep or passed out;
- iii. engaging in sexual activity with someone who has said "no" or has otherwise indicated through non-verbal communication that they do not consent to sexual activity;
- iv. engaging in sexual activity with someone who is vomiting, unable to stand without assistance, or has to be carried to bed;
- v. allowing another person to engage in sexual activity with your sexual partner without his or her consent;

- vi. requiring any person to perform any sexual activity as a condition of acceptance into any organization affiliated with the university;
- vii. telling someone you will “out” them if they don’t engage in sexual activity (e.g., threatening to disclose the person’s sexual orientation without their consent);
- viii. telling someone you will fail them or give them a grade different from what they deserve if they don’t agree to engage in sexual activity; or
- ix. facilitating or assisting in a sexual assault including purchasing or providing alcohol or drugs to further a sexual assault.

B4. Sexual exploitation

Sexual exploitation is purposely or knowingly doing any of the following:

- i. causing the impairment or incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person’s ability to give affirmative consent to sexual activity;
- ii. allowing third parties to observe sexual activity from a hidden location (e.g., closet) or through electronic means (e.g., Skype or live-streaming of images);
- iii. engaging in voyeurism (e.g., watching private sexual activity without the consent of the participants or viewing another person’s intimate parts (including genitalia, groin, breasts or buttocks) in a place where that person would have a reasonable expectation of privacy);
- iv. recording or photographing sexual activity and/or a person’s intimate parts (including genitalia, groin, breasts or buttocks) without affirmative consent;
- v. disseminating or posting images of private sexual activity and/or a person’s intimate parts (including genitalia, groin, breasts or buttocks) without affirmative consent;
- vi. prostituting another person; or
- vii. exposing another person to a sexually transmitted infection or virus without the other’s knowledge.

B5. Indecent Exposure

A person commits *indecent exposure* if that person exposes their genitals, buttocks and breasts in any public place or in any place where there are other persons present and under circumstances in which one knows or should know that this conduct is likely to offend, affront, or alarm.

C. Complicity

Complicity is any act taken with the purpose of aiding, facilitating, protecting, promoting or encouraging the commission of an act of relationship violence, sexual misconduct or other forms of prohibited conduct by another person.

D. Violations of law

Behavior that violates this policy may also constitute a crime under the laws of the jurisdiction in which the incident occurred. For example, the Commonwealth of Virginia criminalizes and punishes some forms of sexual assault, intimate partner violence, sexual exploitation, stalking, and physical assault. The criminal statutes that may apply in cases of physical assault and intimate partner violence are found in various sections of *Chapter 4, Articles 1 (Homicide) and 4 (Assaults and Bodily Woundings)*, of *Title 18.2 of the Code Virginia*. The criminal statutes relating to sexual assault are found in *Sections 18.2-61 to 18.2-67.10 of the Code*

of Virginia. Section 18.2-60.3 of the Code of Virginia defines and identifies the penalty for criminal stalking. Finally, Sections 18.2-386.1 and 18.2-386.2 of the Code of Virginia provide for criminal penalties in some cases of sexual exploitation. This compilation of criminal statutes is not exhaustive, but is offered to notify the university community that, some forms of prohibited conduct may also constitute crimes under Virginia law, which may subject a person to criminal prosecution and punishment in addition to any sanctions under this policy.

CONSENSUAL RELATIONSHIPS

Employee-to-employee

Eastern Mennonite University strongly discourages romantic or sexual relationships between an employee and his or her manager and between junior and senior faculty members. In these circumstances, even when both parties have consented, the relationship can give rise to problems that compromise the professional integrity of staff and faculty, and may generate charges of unfair treatment or of sexual harassment.

The university views romantic or sexual relationships between employees and their managers, between faculty members, and between administrators and students in the same light; these relationships are also characterized by significant power differentials and are subject to the same liabilities.

If you are engaged in a romantic or sexual relationship with another employee whom you instruct, supervise, evaluate, or advise, it is your professional responsibility to inform the director of human resources so that the director of human resources can discuss and assess the situation with you to determine whether it is appropriate to make changes to the instructional, advisory, evaluative, or supervisory relationship. Information disclosed in these discussions shall be treated as confidential, and disclosure to others shall be made only on a need-to-know basis.

Please note: In the event you are the subject of a report of sexual harassment and if the facts show that you were engaged in a romantic or sexual relationship with someone whom you instructed, supervised, evaluated or advised, and you did not advise your Provost or HR of the existence of that relationship so that steps could have been taken to change, if appropriate or necessary, the instructional, advisory, evaluative, or supervisory relationship, the University may decline to assist you in your legal defense against the allegation(s), and you, not the University, may bear any litigation costs or fees associated with your legal defense. In addition, you may face disciplinary action, up to and including termination, for any substantiated misconduct resulting from such relationship.

Employee-to-student

Sexual or romantic relationships between employees and students are prohibited at EMU and are particularly problematic. The university agrees with the American Association of University Professors statement:

“Sexual relations between students and faculty members with whom they also have an academic or evaluative relationship are fraught with the potential for exploitation. The respect and trust accorded a professor by a student, as well as the power exercised by the professor in an academic or evaluative role, make voluntary consent by the student suspect. Even when both parties initially have consented, the development of a sexual relationship renders both the faculty member and the institution vulnerable to possible later allegations of sexual harassment in light of the significant power differential that exists between faculty members and students.”

Employees are prohibited from engaging in romantic or sexual relationships with students. Consequently, should the university discover that an employee is engaged in this conduct, this will be deemed a policy violation and will be grounds for immediate dismissal from EMU.

DEFINITIONS

Additional terms used in this policy are defined below.

ADVISOR: an employee of EMU who has received Title IX training, is familiar with EMU’s *Relationship Violence and Sexual Misconduct Policy and Procedures* and is approved by the Title IX coordinator to provide guidance for the complainant and/or the respondent through the Title IX process. All complainants and respondents will be offered an advisor at the initial meeting with the Title IX Coordinator.

ADVOCATE: a person chosen by the complainant or respondent to be an emotional support person through the Title IX process. The advocate cannot be a participant or witness in the investigation.

COMPLAINANT: Any member of the university community seeking a formal disciplinary process in response to relationship violence or sexual misconduct.

EMPLOYEE: Any individual who receives compensation for the performance of their duties.

FERPA: The *Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g, 34 C.F.R. Part 99.*

“FREEZING”: A known response to trauma, evidenced by emotional and/or physical immobility (not speaking, not participating, lack of eye contact, confusion).

GENDER: Used synonymously with sex to denote whether a person anatomically is male or female at birth, e.g., “he’s a boy” or “she’s a girl.”

GENDER BIAS: A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.

GENDER IDENTITY: A person’s internal sense of being male, female, or a combination of both; that internal sense of a person’s gender may be different from the person’s gender at birth. Note: A transgender person may express their gender identity through gender characteristics, such as clothing, hair, voice, mannerisms, or behaviors that do not conform to the gender-based expectations of society.

GENDER IDENTITY BIAS: A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender nonconforming individuals.

GENDER NONCONFORMING: A person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing makeup.

PREPONDERANCE OF THE EVIDENCE: A standard of proof in which the totality of the evidence offered in support of a fact is greater or more convincing than the evidence which is offered in opposition to it, given the totality of information the version of events that is more likely than not. Preponderance of the evidence is understood to require more than 50 percent certainty to determine responsibility for violating university policy (51% or greater). *Preponderance of the evidence* is the standard of proof.

RELATIONSHIP VIOLENCE: Relationship violence is a broad term that encompasses domestic violence, dating violence, intimate partner violence, and stalking.

RESPONDENT: Any member of the University community who has been alleged to have violated the *Relationship Violence and Sexual Misconduct Policy*.

SEXUAL MISCONDUCT: A broad term that includes sexual or gender-based harassment, sexual assault, sexual exploitation, intimate partner violence, stalking, complicity and retaliation.

STUDENT:

A student will be considered enrolled if the following conditions are met:

1. the student is pre-registered for courses in any term (fall, spring or summer); and
2. the student's attendance in at least one class has been verified.

After classes begin, students need to be attending classes to continue their enrollment status. Students are considered continuously enrolled when they are registered for consecutive fall and spring terms. Please note that those who arrive to campus prior the start of classes for official university functions including, but not limited to student employment, trainings, athletics, orientation staff, etc. are considered Eastern Mennonite University students.

THIRD PARTY:

A *third party* is any person on campus that is not directly employed by the university but is contracted to provide services to the university community.

TITLE IX:

Under *Title IX*, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal

financial assistance.

TITLE IX COORDINATOR:

The Title IX coordinator is responsible for overseeing and resolving all *Title IX* complaints and identifying and addressing any patterns or systemic concerns that arise during the review of such reports. The coordinator's responsibilities include oversight of a prompt, fair, equitable investigation and resolution process for reports of relationship violence, sexual misconduct or other forms of prohibited conduct at the university. The Title IX coordinator also evaluates trends on campus by using information reported to them and makes recommendations for campus wide training and education programs and other remedial actions designed to eliminate relationship violence and sexual misconduct, prevent its recurrence, and address its effects.

In addition to the Title IX coordinator's core responsibilities, additional services to the university community will include working with campus resources to provide ongoing training to new/current students, faculty, and staff on *Title IX* issues and procedures. The university will ensure that responsible employees with the authority to address sexual violence, including sexual harassment, know how to respond appropriately to reports of prohibited conduct, that they are obligated to report relationship violence, sexual misconduct or other forms of prohibited conduct to the Title IX coordinator, and that all employees understand how to respond to such reports.

Title IX Coordinator: Irene Kniss; 540-432-4302; titleixcoordinator@emu.edu

TITLE IX INVESTIGATORS/DEPUTIES

The Title IX investigators/deputies serve as designees for the Title IX coordinator to carry out the investigation of the case and prepare a written preliminary investigation report and a final investigation report after the investigation is completed. The Title IX investigators/deputies conduct thorough and impartial investigations into the facts of a case including interviewing the complainant, respondent, witnesses or others who may have relevant information, and collecting any other evidence deemed relevant to a case.

TITLE IX ADVISORS

Title IX advisors are EMU faculty and staff members whose role is to be a process support person for any party involved in any part of a Title IX process (reporting, investigating, adjudicating, etc.). Title IX advisors are trained and are aware of the *Relationship Violence and Sexual Misconduct Policy*, including the procedures. The advisor cannot be a witness in the proceedings. At the discretion of the complainant or respondent, the advisor may accompany the complainant or respondent to any meeting/hearing related to these procedures.

REPORTING

The university encourages all community members to report relationship violence or sexual misconduct in order to obtain assistance and maintain a safe campus environment. The university encourages all individuals to immediately seek assistance from campus security, law enforcement, a medical provider, and/or a victim advocate. Though the university encourages immediate reporting, delayed reporting will not be considered as a factor when assessing the preponderance of the evidence.

In addition, an individual does not have to be a member of the university community to file a report under this policy. The university will also take action to respond to allegations of relationship violence, sexual misconduct or other forms of prohibited conduct when the university knows or reasonably should know based on any available information that relationship violence, sexual misconduct or other forms of prohibited conduct has occurred. To the best of its ability, the university will respond to every report it receives. Anonymous or third-party reports may limit the response the university can provide.

The Title IX coordinator is charged with responding to allegations of relationship violence or sexual misconduct to stop the behavior, prevent its recurrence, and remedy its effects. Specifically, the Title IX coordinator, or their deputy designee, will coordinate the initial assessment, offer resources and support, and initiate an investigation when appropriate and/or requested.

B. Employee reporting obligations

With the exception of those employees who have recognized confidentiality, called *confidential employees* (see “Privacy and Confidentiality” section above), all university employees, including faculty, staff, administrators, and student employees or volunteers who have responsibility for the welfare of other students, are required to share with the Title IX coordinator any report of relationship violence or sexual misconduct about which they become aware.

As outlined in the Privacy and Confidentiality section of this policy, the university respects the privacy interests of students, faculty, and staff. Information reported to the Title IX coordinator will only be shared with the university officials who will assist in responding, investigating, and/or resolving a complaint. The university will document non-identifying information in the campus incident log. Should the university determine there is a serious or imminent threat, a timely warning notice will be shared with the community.

The Title IX coordinator will ensure that the university responds to all reports in a timely, fair, effective, and consistent manner. To accomplish this, the Title IX coordinator may consult with members of the Title IX assessment team and others, as applicable.

The university will approach each report with the intent to understand the perspective and experiences of each individual involved to ensure fair and impartial evaluation and resolution. The university will also take every effort to ensure the safety of the campus community when evaluating and assessing any reported relationship violence or

sexual misconduct.

C. Incident reports

A report is a notification of an incident of relationship violence or sexual misconduct to the Title IX coordinator by any reporting person. A report may be accompanied by a request for resources or information, no further action, or to initiate a relationship violence or sexual misconduct investigation.

To the extent of the complainant's cooperation and consent, university offices will work cooperatively to ensure that the complainant's health, physical safety, work and academic status are protected, including taking interim measures before the final outcome of an investigation.

The university will provide resources to any person who has experienced relationship violence and/or sexual misconduct no matter where that conduct is reported to have occurred, and will apply disciplinary procedures to those who violate this policy, if they have jurisdiction to do so. The procedures set forth below afford a prompt and equitable response to reports of relationship violence and/or sexual misconduct, maintain privacy and fairness consistent with applicable legal requirements, and impose appropriate sanctions on violators of this policy.

The university will complete an adequate, reliable, equitable, and impartial investigation of reports that are made in good faith and will uphold the rights of all parties.

Anonymous reports also are accepted and should be directed to the Title IX coordinator. The university will respond promptly and equitably to anonymous reports, but the response may be limited if the report does not include identifying information and/or a description of the facts and circumstances. Anonymous reports that provide enough information to constitute certain criminal offenses will be reported to Campus Safety and Security for purposes of inclusion in the university's annual security report and to assess whether the university should send a timely warning notice as required by the Clery Act.

D. Campus reporting options

The university recognizes that any member of the community may choose to report relationship violence or sexual misconduct to any university employee (see definitions for *responsible employee* and *confidential employee*). Under this policy, any employee, other than those deemed *confidential employee*, who receives a report of relationship violence or sexual misconduct is required to share the report with the Title IX coordinator. All members of the university community are encouraged to go directly to the Title IX coordinator with reports of or concerns about relationship violence or sexual misconduct.

Campus Reporting Options:

1. Title IX Coordinator, Irene Kniss, 1200 Park Rd, 540-432-4302 titleixcoordinator@emu.edu
2. Campus Safety Incident Report <https://emu.edu/safecampus/>
 - a. Campus Security 540-432-4911
3. Title IX Investigator/Deputy:

- a. Director of Human Resources: Marcy Engle, 540-432-4148 marcy.engle@emu.edu
- b. Campus Safety and Security Coordinator: David Emswiler, 540-432-4396, emswildw@emu.edu

E. Reporting to law enforcement

In addition to a university response, EMU also encourages complainants to pursue criminal action for incidents of relationship violence or sexual misconduct that may also be crimes under Virginia criminal statutes.

Complainants may simultaneously pursue criminal and university disciplinary action. The university will support complainants in understanding and assessing their reporting options. Upon receipt of a report, the university will inform individuals of their right to file (or decline to file) criminal charges as well as the availability of medical, counseling and support services, and additional interim measures to prevent contact between a complainant and a respondent, such as housing, academic, transportation and working accommodations, if reasonably available. Making a report to the university does not require participation in any subsequent university proceedings, nor is a report required for a complainant to receive support or remedial measures.

Although the university strongly encourages all members of its community to report violations of this policy to law enforcement, it is the complainant's choice whether to make such a report and victims have the right to decline involvement with the police.² The university's Title IX coordinator will assist any victim with notifying local police if they so desire. Local and state law enforcement may be utilized (see Appendix D: Resources).

If the complainant would like to contact local law enforcement authorities, the following processes may be used:

1. A complainant may choose not to have law enforcement contacted and no report filed but still may have a Physical Evidence Resource Kit (PERK) collected. (Note: The complainant later may file a report and may pursue criminal charges.) Kits from victims who elect not to report are known as *anonymous physical evidence recovery kits* and will be stored at the Division of Consolidated Laboratory Services (the Division) for two years, although the Division, the victim, or the law-enforcement agency may elect for the kits to be retained for a longer period. If the victim, later, elects to report the sexual assault, the victim's kit will be released to law enforcement.
2. A complainant may file a report and ask that the investigation and charges be immediately pursued. While the prosecuting attorney is still the decision-maker in whether the perpetrator is charged criminally, the complainant can cooperate and provide as much timely cooperation and information as may be possible.

² The Title IX coordinator is a responsible employee under *Title IX* and also a campus security authority under the *Clery Act*. Statistical information not including the victim's personal identifying information will be provided to the university official responsible for compiling the university's crime statistics for the annual security report, even if the victim chooses not to report the incident to Campus Safety and Security.

F. Reporting considerations

1. Timeliness of report, location of incident

The university encourages prompt reporting of relationship violence, sexual misconduct or other forms of prohibited conduct so that the university can respond promptly and equitably; however, the university does not limit the timeframe for reporting. Delayed reporting will not be considered as a factor when assessing the preponderance of the evidence. If the respondent is no longer affiliated with the university at the time the report is made, the university will provide reasonably appropriate remedial measures, assist the complainant in identifying external reporting options, and take other reasonable steps to respond under Title IX. The university may continue to investigate for purposes of complying with Title IX and take steps to prevent the recurrence of such conduct and remedy the effects, if appropriate. An incident does not have to occur on campus to be reported to the university. Off-campus conduct is covered under this policy.

2. Personal use of alcohol and/or other drugs

The university seeks to remove any barriers to reporting. The university will generally offer a student, complainant, third party, and/or witness who reports relationship violence or sexual misconduct limited immunity from being charged for violations related to the university's alcohol or other drugs policy, provided that such violations did not and do not place the health and safety of any person at risk. The university may choose, however, to recommend educational or therapeutic remedies in certain situations.

This policy does not grant immunity for criminal, civil or legal consequences for violations of federal, state and/or local laws.

3. Statement against retaliation

As stated above, retaliation is a violation of this policy. *Retaliation* can take many forms, may be committed by or against an individual or group, and that a respondent or third party may also be the subject of retaliation by another individual, including the complainant. An individual reporting relationship violence or sexual misconduct is entitled to protection from any form of retaliation following a report made in good faith, even if the report is not later substantiated.

4. False reporting

The allegation of relationship violence or sexual misconduct may have severe consequences and therefore the university takes very seriously the validity of reported information. An individual who makes a report that is later found to have been intentionally false or made maliciously without regard for the truth may be subject to disciplinary action. This provision does not apply to reports made in good faith, even if the facts alleged in the report are not substantiated by an investigation. Similarly, a party or witness who is later proven to have intentionally given false information during the course of an investigation or resolution may be subject to university disciplinary action.

G. Reports involving minors: Victims under the age of 18 that file a report with police may be deemed a child in

need of services and the appropriate authorities will decide of whether to pursue charges. *Please see Virginia Code § 16.1-278.4*, or applicable local code for further information. If a parent or guardian of a minor refuses to consent to a physical evidence recovery kit examination of the minor, the minor may consent.

H. Timeframe for procedures

The university seeks to resolve all complaints of relationship violence or sexual misconduct within sixty (60) days. All time frames expressed in this policy are meant to be guidelines rather than rigid requirements. Circumstances may arise that require the shortening or lengthening of time frames, including extension beyond sixty (60) days. In general, a complainant and respondent can expect that the process will proceed according to the time frames provided in this policy. In the event that the investigation and resolution exceed this time frame, the Title IX coordinator will notify all parties of the reason for the delay and the expected adjustment in time frames. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

I. Resolution Procedures

The specific procedures for reporting, investigating, and resolving *prohibited conduct* are based upon the nature of the respondent's relationship to the university (student, employee, or third party). Each set of procedures referenced below is guided by the same principles of fairness and respect for complainants and respondents.

A student or employee determined by the university to have committed an act of *prohibited conduct* is subject to disciplinary action, up to and including separation from the university. Third parties who commit *prohibited conduct* may have their relationships with the university terminated and/or their privileges of being on university premises withdrawn.

The procedures referenced below provide for prompt and equitable response to reports of *prohibited conduct*. The procedures designate specific timeframes for major stages of the process and provide for thorough and impartial investigations that afford all parties notice and an opportunity to present witnesses and evidence and to view the information that will be used in determining whether a policy violation has occurred. The university applies the preponderance of the evidence standard when determining whether this policy has been violated. *Preponderance of the evidence* means that it is more likely than not that a policy violation occurred.

Appendix A: Procedures for Students

Appendix B: Procedures for Employees

PREVENTION AND TRAINING

The university is committed to the prevention of prohibited conduct through regular and ongoing education and awareness programs. Incoming students and new employees receive primary prevention and awareness programming as part of their orientation, and returning students and current employees receive ongoing training and related education. For a description of the university's prohibited conduct prevention and awareness programs, including programs on minimizing the risk of incidents of prohibited conduct and bystander intervention, see Appendix C. ([link to Appendix C](#))

MONITORING AND EVALUATION

The Title IX coordinator will be responsible for convening an ongoing monitoring and evaluation (M&E) of this policy and these procedures. Monitoring and evaluation provides a process for understanding trends in policy and practices, and provides the capacity for preemptive planning towards a preventative future. This M&E process will intentionally: monitor university changes across time, examine how the broader landscape is shifting its requirements, and explore how the university is responding to various stakeholders.

References

- Eastern Mennonite University (2016). *Academic Planner and Student Handbook 2016-2017*. Harrisonburg, VA.
- Eastern Mennonite University (2016). Findings and Recommendations from the Independent Investigation by D. Stafford & Associate. Retrieved from http://emu.edu/cms-links/president/docs/DSA_Report.pdf
- Michigan State University (2014). Relationship Violence and Sexual Misconduct Policy. Retrieved from <https://www.hr.msu.edu/policies-procedures/universitywide/documents/RVSMPolicy.pdf>
- The National Sexual Assault Coalition Resource Sharing Project and National Sexual Violence Resource Center (2013). *Building Cultures of Care: A Guide for Sexual Assault Services Programs*. Retrieved from <http://www.nsvrc.org/publications/nsvrc-publications-guides/building-cultures-care-guide-sexual-assault-services-programs>
- Ohio State University (2017). Sexual Misconduct Policy. Retrieved from <https://hr.osu.edu/public/documents/policy/policy115.pdf>
- Swarthmore College (2016). Sexual Assault and Harassment Policy. Retrieved from <http://www.swarthmore.edu/share/sexual-assault-harassment-policy>
- University of Virginia (2015). Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence. Retrieved from <https://vpsa.virginia.edu/sites/vpsa.virginia.edu/files/Title%20IX%20VAWA%20Umbrella%20Policy.pdf>

Statement of Rights for the Complainant

1. The right to investigation and appropriate resolution of all credible complaints of relationship violence and/or sexual misconduct made in good faith to university administrators;
2. The right to have all personally identifiable information kept private and only revealed as required by law.
3. The right to be treated with respect by university officials;
4. The right not to be discouraged by university officials from reporting an assault to both on-campus and off-campus authorities;
5. The right to be informed by university officials of options to notify proper law enforcement authorities, including local police, and the option to be assisted by campus authorities in notifying such authorities, if the student chooses. This also includes the right not to report, if this is the complainant's desire unless required by law.
6. The right to seek medical intervention and care.
7. The right to have complaints of sexual misconduct responded to quickly, and with sensitivity, by all parties.
8. The right to preservation of privacy, to the extent possible and allowed by law;
9. The right to be informed of, and have, university policies and procedures followed without material deviation; and the right to have an advisor to guide and support them in the process.
10. The right to notification of, options for, and available assistance in, changing academic and living situations after an alleged relationship violence and/or sexual assault incident, if requested by the complainant and are reasonably available (no formal complaint, or investigation, campus or criminal, need occur before this option is available). Accommodations may include:
 - a. Change of an on-campus student's housing to a different on-campus location;
 - b. Assistance from university residence life staff in completing the relocation;
 - c. Arranging to dissolve a housing contract and pro-rating a refund (through business office)
 - d. Exam (paper, assignment) rescheduling; taking an incomplete in a class; alternative course completion options; transferring class sections; withdrawal (in consultation with EMU's Director of Retention);
11. The right to a no contact order against another student who has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the reporting student or others; (In consultation with EMU's campus safety and security coordinator);
12. The right to bring an advocate and/or advisor to all phases of the Title IX process;
13. The right to be informed of available counseling, mental health or student services for victims of sexual assault, both on-campus and in the community;

14. The right to be fully informed of the nature, rules, and procedures of the process and to a timely written notice of all alleged violations within the report, including the nature of the violation and possible outcomes;
15. The right to review the preliminary investigative report and offer additional relevant materials and relevant witnesses to be interviewed and considered before the final investigative report is created;
16. The right to review the final investigative report, subject to the privacy limitations imposed by state and federal law, at least 2 working days prior to a review panel;
17. The right to be informed of the names of all witnesses, except in cases where a witness' identity will not be revealed for compelling safety reasons;
18. The right to have complaints heard by persons who have received annual Title IX and trauma informed training;
19. The right to a review panel comprised of representatives of sex, ethnicity and culture;
20. The right to identify and petition that any party be removed on the basis of bias and/or conflict of interest;
21. The right to have an advocate and/or advisor during an investigation and/or hearing;
22. The right not to have any prior unrelated sexual history admitted as evidence;
23. The right to a finding based on the preponderance (more likely than not) of the evidence presented during the investigation process. Such evidence should be credible, relevant, based on fact, and without prejudice;
24. The right to be informed in writing of the findings and outcomes of any alleged relationship violence and/or sexual misconduct, usually within 5 working days of the determination;
25. The right to appeal the findings and/or outcomes, in accordance with the standards for appeal established in the RVSM policy and procedure.

Statement of Rights of the Respondent

1. The right to investigation and appropriate resolution of all credible complaints of relationship violence and/or sexual misconduct made in good faith to university administrators;
2. The right to have all personally identifiable information kept private and only revealed as required by the Relationship Violence and Sexual Misconduct (RSVM) policy and law.
3. The right to be treated with respect by university officials;
4. The right to be informed of, and have, university policies and procedures followed without material deviation; and the right to have an advisor to guide and support them in the process.
5. The right to bring an advisor and/or advocate to all phases of the investigation proceeding;
6. The right to be informed of and have access to campus resources for medical, counseling, and advisory services; both on-campus and in the community
7. The right to be fully informed of the nature, rules and procedures of the process and to timely written notice of all alleged violations within the report, including the nature of the violation and possible outcomes;
8. The right to review the preliminary investigative report and offer additional relevant materials and relevant witnesses to be interviewed and considered before the final investigative report is created;
9. The right to review the preliminary and final report, subject to the privacy limitations imposed by state and federal law, at least 2 working days prior to a requested appeals hearing;
10. The right to be informed of the names of all witnesses, except in cases where a witness' identity will not be revealed for compelling safety reasons;
11. The right to have complaints heard by persons who have received annual Title IX and trauma informed training;
12. The right to a review panel comprised of representatives of sex, ethnicity and culture;
13. The right to identify and petition that any party be removed on the basis of bias and/or conflict of interest;
14. The right to have an advocate and/or advisor during an investigation and/or hearing;
15. The right to have an advocate and/or advisor during an investigation and/or hearing;
16. The right not to have any prior unrelated sexual history admitted as evidence;
17. The right to a finding based on the preponderance (more likely than not) of evidence presented during the investigation process. Such evidence shall be credible, relevant, based on fact, and without prejudice;

18. The right to be informed in writing of the findings and outcomes of any alleged relationship violence and/or sexual misconduct, usually within 5 working days of the determination;
19. The right to appeal the findings and/or outcomes, in accordance with the standards for appeal established in the RVSM policy and procedure.

Appendix A

The care and welfare of our students is of utmost importance. While policies and procedures can often feel cold and impersonal, we understand the stress and emotional trauma involved in such situations. Procedures are carried out by people who care about and are committed to walk with all involved.

The following procedure functions in conjunction with the Policy on Relationship Violence and Sexual Misconduct, and will be activated when a mandated reporter or complainant reports an alleged occurrence of relationship violence and/or sexual misconduct. This process is not designed to take the place of making a criminal report to law enforcement, or of a criminal investigation. The procedure as outlined below may take place whether or not a criminal report is made, and is a separate and independent process.

PROCEDURE

1. Report received: the Title IX coordinator will receive a campus safety incident report by an electronic EMU incident report form: <https://emu.edu/safecampus/> or in-person report or phone call.
 - a. If the form is not completed, the Title IX coordinator will have the individual complete a report.
 - b. If the form is completed online, the campus safety officer, the vice president of finance, the vice president of student life, and the Title IX coordinator will receive the report. Additional personnel will be notified on a need-to-know basis. The reporter will be advised of additional personnel who are notified.
 - c. The Title IX coordinator opens a confidential file to be maintained throughout the case.
2. Assessment:
 - a. Title IX coordinator and campus safety officer, and/or administration determine the need for a timely warning. A timely warning may be issued by campus safety and security depending on circumstances of the incident.
 - b. The Title IX coordinator meets/confers with the campus safety team (safety coordinator, vice president for student life, Title IX coordinator or their designees) to determine next steps in regards to the report and the 72 hour notice requirement of notifying the Commonwealth's Attorney and local law enforcement. Note: safety officer has final authority.
<http://law.lis.virginia.gov/vacode/title23.1/chapter8/section23.1-806/>
 - i. Safety officer will use email template to notify all parties as necessary.
 - c. Concurrently, threat to safety of the complainant and campus will be addressed.
 - i. Interim measures may be implemented to maintain safety. Interim measures may include, but are not limited to: removal from campus housing, no contact orders, and adjustment of class schedule.
 - d. Title IX coordinator follows up with the author of the report if not completed by complainant.
3. Title IX coordinator contacts the complainant to set up an initial inquiry and informs the complainant that they may bring an advocate with them. The complainant has the right to decline this meeting. If the meeting

is declined, the process may continue without the complainant if the Title IX coordinator determines that there is a safety concern based on Virginia statute.

<http://law.lis.virginia.gov/vacode/title23.1/chapter8/section23.1-806/>

4. Initial inquiry with complainant involves:
 - a. the Title IX coordinator provides general support and listens to the complainant.
 - i. At the discretion of the Title IX coordinator, an additional member of the campus safety team and/or an EMU counseling services counselor may be present, with the permission of the complainant.
 - b. provide the [Rights of the Complainant](#) document.
 - c. review university policy and procedure with the complainant and inform them of their options and resources, including reporting to local law enforcement. Complainants are encouraged to report to local law enforcement, and will be supported through this process, if they choose to make a report.
 - d. determine what complainant chooses to do. Depending on the substance of the report, required university responses will be reviewed with the complainant.
 - i. Follow up on all reports is always based on safety.
 - ii. If a complainant chooses not to participate, even in circumstances where investigation is required due to safety issues, the complainant may sign a “statement of release”, indicating they do not wish to be involved in any investigation at the time and/or if they wish to receive any further information regarding the process. The complainant is informed of their right to participate or decline to participate in any investigation to the extent permitted under state or federal law. <http://law.lis.virginia.gov/vacode/title23.1/chapter8/section23.1-806/>
 - iii. If investigation is pursued, the complainant will be offered an advisor to guide them through the relationship violence and sexual misconduct procedures.
 - e. inform the complainant they may choose to have their advocate and/or advisor be present throughout the investigation, noting the difference between the advisor and the advocate as defined in the *Relationship Violence and Sexual Misconduct (RVSM)* policy.
 - f. offer on- and off- campus counseling services, and other resources (see [Appendix D](#)).
 - g. inform the complainant that an investigator, or someone on behalf of the investigator, may be contacting them to set up a time to meet with them.
5. Initial inquiry with respondent (if investigation is pursued and respondent is known) involves:
 - a. the Title IX coordinator provides general support and listens to the respondent.
 - i. At the discretion of the Title IX coordinator, an additional member of the campus safety team and/or an EMU counseling services counselor may be present, with the permission of the respondent.
 - b. provide the [Rights of the Respondent](#) document.
 - c. review university policy and procedure with the respondent and inform them of their options and resources, including reporting to local law enforcement.
 - d. the respondent is offered an advisor to guide them through the relationship violence and sexual misconduct procedures.

- e. inform the respondent they may choose to have their advocate and/or advisor be present throughout the investigation, noting the difference between the advisor and the advocate as defined in the *Relationship Violence and Sexual Misconduct (RVSM)* policy.
 - f. offer on- and off-campus counseling services, and other resources (see Appendix D).
 - g. inform the respondent that an investigator, or someone on behalf of the investigator, may be contacting them to set up a time to meet.
6. Title IX coordinator reconvenes campus safety team to determine if the reported incident requires investigation.
7. Title IX coordinator informs (in writing) the complainant and respondent of the alleged misconduct as defined in the *RSVM policy* and that an investigation has been initiated.
8. Investigation
- a. Title IX coordinator contacts Title IX investigator(s) to initiate an investigation
 - b. The Title IX investigator(s) may choose to ask assistance from the student life operations coordinator to set up times for interviews.
 - c. The Title IX investigator(s) and/or the student life operations coordinator will keep the Title IX coordinator informed of the times of interviews etc.
 - d. Interviews:
 - i. may include the complainant, respondent, and witnesses.
 - 1. An advisor or advocate may be present in the interview but cannot serve as a witness, and will be present only during the interview with the person for whom they are serving as an advocate.
 - ii. will be recorded only by EMU. Recordings are used for reference in compiling the preliminary investigative report, and may not be duplicated.
 - 1. Verbal permission to record is obtained on the actual recording.
 - 2. The person being recorded is the only person (outside of the investigator(s)) who may listen to their recording and must listen to the recording in the presence of the investigator.
 - a. Discrepancies will be noted by the investigator(s) and the note will be included in the Preliminary Investigative Report.
 - 3. Recordings are stored in a secure location
 - 4. The recording will be destroyed upon completion of the case, after the deadline for and/or completion of an appeal process. Recordings will be destroyed by the Title IX Coordinator.
9. Preliminary investigative report
- a. After all interviews with the complainant, respondent and other witnesses are completed and other information gathered – the investigator(s) will complete a preliminary investigative report that sets out the known facts of the case; disputed facts of the case, and a list of all parties interviewed.

- b. Title IX coordinator receives a copy of the preliminary report.
- c. The Title IX coordinator and the investigator will meet separately with the complainant and the respondent to review the preliminary report.
 - i. The complainant/respondent may suggest additional witnesses and provide additional information at this time.
 - ii. If additional witnesses or additional information is provided at this time the investigator(s) will follow up with the additional witnesses and review the additional information.
 - iii. The complainant and respondent will both be given the opportunity to submit questions for the other party to be asked by the investigator in a follow-up inquiry.
 - iv. If changes are made to the preliminary report, these changes will be reviewed with both complainant and respondent.
 - v. If no additional witnesses or additional information is provided by the complainant and/or the respondent then the investigator(s) prepares the final investigative report.

10. Final investigative report

- a. The final investigative report is provided to the Title IX coordinator.
- b. The final investigative report includes known facts of the case, disputed facts of the case, and a list of all parties interviewed.

11. Title IX coordinator and investigator(s) determine, based on the Final Investigative Report, which review process will be used:

- a. staff review
- b. Title IX review panel
- c. Title IX coordinator informs the complainant and respondent which review process will be used.

12. Staff review

- a. A staff review involves a meeting between the respondent, the Vice President of Student Life and the Title IX coordinator. This type of review is used when the welfare of the student or best interests of the community is served by confidential proceedings, where there are few disputed facts, and would not constitute a violation of civil or criminal law, or the timing of the violation warrants such.
 - i. The Title IX coordinator will make a finding to determine whether or not a violation of the RVSM policy has occurred. This finding will be based on the preponderance of evidence.
 - ii. Once the Title IX coordinator has determined that there is sufficient evidence, by a preponderance of the evidence, to support a finding of responsibility under the policy, any one or more outcomes may be imposed. In determining the appropriate outcome(s), the staff review will be guided by a number of considerations, including:
 - 1. the severity, persistence or pervasiveness of the prohibited conduct;
 - 2. the nature or violence (if applicable) of the prohibited conduct;
 - 3. the impact of the prohibited conduct on the complainant;
 - 4. the impact or implications of the prohibited conduct within the university community;

5. prior misconduct by the respondent, including the respondent's relevant prior disciplinary history, at the university or elsewhere, and any criminal convictions;
6. whether the respondent has accepted responsibility for the prohibited conduct;
7. the maintenance of a safe, nondiscriminatory and respectful environment conducive to learning;
8. any other mitigating, aggravating, or compelling factors.

iii. Possible outcomes (*outcomes are effective immediately unless otherwise specified*)

1. in-school suspension
2. temporary suspension
3. indefinite suspension/disciplinary withdrawal*
4. dismissal*
5. probation
6. loss of university employment or volunteer position
7. loss of university resources or services
8. no contact orders
9. removal from dorm or other campus buildings
10. community service
11. application of a behavioral contract
12. alcohol and/or drug assessment and recommendations
13. exclusion from co-curricular or leadership activities
14. completion of issue-relevant education activities
15. fines
16. monetary or other restitution
17. referral to counseling
18. transcript notation

* A prominent notation will be placed on the student's academic transcript if the student is suspended from, permanently dismissed from, or withdraws from the university while under investigation for an offense involving sexual violence, as required by law.

<http://law.lis.virginia.gov/vacode/title23.1/chapter9/section23.1-900/>

- b. The Title IX coordinator provides a letter with the findings and outcomes of the staff review. This letter is provided to both the complainant and respondent.

13. Title IX review panel (*for cases not resolved through a staff review*)

- a. The Title IX coordinator convenes a meeting of the Title IX review panel
 - i. The Title IX review panel consists of the Title IX review panel chair and two additional employees (one faculty member and one staff member) who have received Title IX training. The Title IX coordinator will check for conflicts of interest when selecting members for the panel.
 - ii. The Title IX coordinator and Title IX investigator will be available for questions and clarifications.

- iii. Complainant and respondent will be separately notified of the composition of the review panel, and have the right to raise any conflicts of interest.
 - 1. The review panel meets separately with the complainant and the respondent. An advisor or advocate may attend the review panel but may not participate in the panel process.
 - 2. The complainant or respondent may choose not to attend the review panel. The review panel process will proceed regardless.
 - iv. The review panel proceedings may be recorded by EMU only. The chair of the panel will inform all persons present that the proceedings are being recorded for reference purposes only. The recording will be destroyed at the conclusion of the case, after the deadline for and/or completion of an appeal process.
 - b. The review panel will make a finding to determine whether or not a violation of the RVSM policy has occurred. This finding will be based on the preponderance of evidence.
 - c. The review panel will determine the outcome(s) based on the factual findings outlined in the final investigative report and the testimony heard.
14. If the review panel has determined that there is sufficient evidence, by a preponderance of the evidence, to support a finding of responsibility under the policy, any one or more outcomes may be imposed. In determining the appropriate outcome(s), the review panel will be guided by a number of considerations, including:
- a. the severity, persistence or pervasiveness of the prohibited conduct;
 - b. the nature or violence (if applicable) of the prohibited conduct;
 - c. the impact of the prohibited conduct on the complainant;
 - d. the impact or implications of the prohibited conduct within the university community;
 - e. prior misconduct by the respondent, including the respondent's relevant prior disciplinary history, at the university or elsewhere, and any criminal convictions;
 - f. whether the respondent has accepted responsibility for the prohibited conduct;
 - g. the maintenance of a safe, nondiscriminatory and respectful environment conducive to learning, and
 - h. any other mitigating, aggravating, or compelling factors;
 - i. outcomes are effective immediately, unless otherwise specified by the review panel.
15. Possible outcomes (*outcomes are effective immediately unless otherwise specified*)
- a. in-school suspension
 - b. temporary suspension
 - c. indefinite suspension/disciplinary withdrawal*
 - d. dismissal*
 - e. probation
 - f. loss of university employment or volunteer position
 - g. change of employment or volunteer position
 - h. loss of university resources or services
 - i. no contact orders
 - j. removal from dorm or other campus buildings
 - k. community service

- l. application of a behavioral contract
- m. alcohol and/or drug assessment and recommendations
- n. exclusion from co-curricular or leadership activities
- o. completion of issue-relevant education activities
- p. fines
- q. monetary or other restitution
- r. referral to counseling
- s. transcript notation

* a prominent notation will be placed on the student's academic transcript if the student is suspended from, permanently dismissed from, or withdraws from the university while under investigation for an offense involving sexual violence, as required by law.

<http://law.lis.virginia.gov/vacode/title23.1/chapter9/section23.1-900/>

16. At the conclusion of the review panel, the review panel chair will prepare a summary of the proceedings.

Included in this panel summary will be:

- a. documentation of determination of preponderance of evidence.
- b. documentation of outcomes determined.
- c. a description of the appeal process.

17. The review panel chair delivers the panel summary to the Title IX coordinator.

18. The Title IX coordinator prepares a letter reflecting the panel's findings and outcomes as well as appeal process information.

19. The Title IX coordinator meets with the complainant and the respondent and shares the letter.

- a. In the case of dismissal, suspension or withdrawal while under investigation, notification will be sent to the parent/legal guardian(s) (per FERPA release), to the director of retention, and any other departments on campus that will be impacted by the consequences.
- b. The student life operations coordinator will ensure that the respondent's file is properly updated with a copy of the findings and outcome letter.
- c. If the complainant or respondent does not agree with the findings and/or the consequences they may appeal.

20. Appeals

- a. Either the complainant or the respondent may appeal the outcomes determined. The appeal must be submitted in writing within three business days following notification and should be directed to the appeal board chair.. Reasons for an appeal must be clearly stated and based on one of the following:
 - i. relevant new evidence that was previously unavailable and could significantly affect the outcome.
 - ii. alleged procedural error, which may have materially affected the outcome.
 - iii. outcome is substantially disproportionate to the findings.
- b. The appeal board chair, will review the reason for appeal to determine if it meets the above criteria.

- i. on the basis of this determination, the appeal board will review the appeal. A decision will be made to uphold or modify the action. This decision is final.
- c. The appeal board chair will notify both parties that an appeal has been requested as well as the grounds for the appeal. Disclosure of the grounds for appeal will include provision of new evidence to the complainant and/or respondent, with 48 hours allowed for response.

21. Title IX appeal board

- a. The Title IX appeal board, is a standing board, consisting of three EMU employees appointed by the President. The appeal will be directed to the designated chair of the appeal board.
- b. All persons serving on the appeal board (or as the chair) must be impartial and free from actual bias or conflict of interest.
- c. The appeal board chair along with the student life operations coordinator will schedule the appeal board meeting.
- d. The appeal board chair will notify the parties in writing of the date, time, and location of the meeting; the names of the appeal board members and how to challenge participation by any member of the appeal board for bias or conflict of interest.
- e. The appeal board meeting will usually be scheduled within five (5) calendar days from the date of the request for an appeal, subject to extension for good cause.
- f. The appeal board will have access to the final investigative report and any new evidence from the complainant and/or respondent. The appeal board will also have access to the written summary of the review panel as well as the appeal letter.
- g. The appeal board may choose to uphold, modify, or dismiss the findings and/or outcomes of the review panel.
- h. The decision of the appeal board is final.
- i. The findings are communicated to the Title IX coordinator by the appeal board chair.
- j. The appeal board chair prepares a letter reflecting the appeal board's findings and outcomes.
- k. The Title IX coordinator provides the complainant and respondent a copy of the letter of appeal board determination.
- l. A copy of the letter will also become a part of the student file.
- m. The Title IX coordinator may nevertheless ensure that remedial measures remain in effect to support the parties.
- n.

Appendix B

The following procedure functions in conjunction with the Policy on Relationship Violence and Sexual Misconduct, and will be activated when a mandated reporter or complainant reports an alleged occurrence of relationship violence and/or sexual misconduct. This process is not designed to take the place of making a criminal report to law enforcement, or of a criminal investigation. The procedure as outlined below may take place whether or not a criminal report is made, and is a separate and independent process.

These procedures are carried out by people who care about and are committed to walk with all involved and understand that individuals can experience stress and emotional trauma with such situations. The care and welfare of EMU faculty, staff, and students is of utmost importance.

PROCEDURE

1. Report received: the Title IX coordinator will receive a campus safety incident report by an electronic EMU incident report form: <https://emu.edu/safecampus/> or in-person report or phone call.
 - a. If the case involves a student, the Title IX coordinator will have the individual complete a report.
 - i. A copy of the report must go to the vice president for student life, vice president for finance, and the human resource director. Additional personnel notified may be notified on a need-to-know basis. The reporter will be advised of additional personnel who are notified.
 - b. A case involving employee to employee: the Title IX coordinator will have the individual complete a report.
 - i. A copy of the report must go to vice president for finance, human resource director, and provost. Additional personnel notified on a need-to-know basis. The reporter will be advised of additional personnel who are notified.
 - c. The Title IX coordinator opens a confidential file to be maintained throughout the case.
2. Assessment
 - a. The Title IX coordinator and campus safety officer, and/or administration determine the need for a timely warning. A timely warning may be issued by campus safety and security depending on circumstances of the incident.
 - b. The Title IX coordinator meets/confers with the campus safety team (safety coordinator, vice president for student life, Title IX coordinator or their respective designees) to determine next steps in regards to the 72 hour notice requirement of notifying the Commonwealth's Attorney and local law enforcement. Note: safety officer has final authority.
<http://law.lis.virginia.gov/vacode/title23.1/chapter8/section23.1-806/>
 - i. The safety officer will use an email template to notify the two parties as necessary.
 - c. Concurrently, threat to the complainant and campus safety will be addressed.
 - i. Interim measures may be implemented to maintain safety. Interim measures may include, but are not limited to: removal from campus facilities, no contact orders, adjustment of class, work or teaching schedule depending on the parties involved in the case.
 - d. The Title IX coordinator or human resource director (or their designee) follows up with the author of

the report if not completed by complainant.

3. The Title IX coordinator will meet with the human resource director to coordinate the process for investigation.
 - a. The human resource director will notify the employee that a complaint has been received (if the employee is the respondent) and the Title IX coordinator (or designee) will follow up to schedule a meeting.
 - b. The Title IX investigator and the director of human resources will conduct investigative interviews.
 - c. The respective VP of the employee will be kept apprised of the investigation.
 - d. If a conflict of interest (e.g. family relationship between a member of president's cabinet, Title IX coordinator, human resource director, or Title IX investigators or deputies) exists, the investigation will be completed by an external entity.
 - e. The human resources director will review the case under Title VII of the Civil Rights Act during the Title IX process. Additional investigation and response may occur to respond to Title VII obligations.

4. Title IX coordinator contacts the complainant to set up an initial inquiry and informs the complainant that they may bring an advocate with them. The complainant has the right to decline this meeting. If the meeting is declined, the process may continue without the complainant if the Title IX coordinator determines that there is a safety concern based on Virginia statute.
<http://law.lis.virginia.gov/vacode/title23.1/chapter8/section23.1-806/>

5. Initial inquiry with complainant involves:
 - a. the Title IX coordinator provides general support and listens to the complainant.
 - i. At the discretion of the Title IX coordinator, an additional member of the campus safety team, EMU counseling services counselor and/or HR director may be present, with the permission of the complainant.
 - b. review [Rights of the Complainant](#) document.
 - c. review university policy and procedure with the complainant and inform them of their options and resources, including reporting to local law enforcement. Complainants are encouraged to report to local law enforcement for criminal matters, and will be supported through this process if they choose to make a report.
 - d. determine what complainant chooses to do – depending on the substance of the report, required university responses will be reviewed with the complainant.
 - i. Follow up on all reports is always based on safety.
 - ii. If a complainant chooses not to participate, even in circumstances where investigation is required due to safety issues, the complainant may sign a “statement of release”, indicating they do not wish to be involved in any investigation at the time and/or if they wish to receive any further information regarding the process. The complainant is informed of their right to participate or decline to participate in any investigation to the extent permitted under state or federal law. <http://law.lis.virginia.gov/vacode/title23.1/chapter8/section23.1-806/>
 - iii. If investigation is pursued, the complainant will be offered an advisor to guide them through the relationship violence and sexual misconduct procedures.
 - e. inform the complainant they can choose an advocate and/or advisor to be present during the investigation, noting the difference between the advisor and the advocate as defined in the *Relationship*

Violence and Sexual Misconduct (RVSM) policy.

- f. offer on- and off- campus counseling services, and other resources (see [Appendix D](#)).
 - g. inform the complainant that an investigator, or someone on behalf of the investigator, may be contacting them to set up a time to meet with them.
6. Initial inquiry with respondent (if investigation is pursued, and respondent is known) involves:
- a. the Title IX coordinator provides general support and listens to the respondent.
 - i. At the discretion of the Title IX coordinator, an additional member of the campus safety team and/or an EMU counseling services counselor may be present.
 - b. review [Rights of the Respondent](#) document.
 - c. review university policy and procedure with the respondent, and inform them of their resources, including reporting to local law enforcement.
 - d. the respondent is offered an advisor to guide them through the relationship violence and sexual misconduct procedures.
 - e. inform the respondent may choose to have their advocate and/or advisor present throughout the investigation, noting the difference between the advisor and the advocate as defined in the *Relationship Violence and Sexual Misconduct (RVSM) policy*.
 - f. offer on- and off-campus counseling services, and other resources (see [Appendix D](#)).
 - g. inform the respondent that an investigator, or someone on behalf of the investigator, may be contacting them to set up a time to meet with them.
7. Title IX coordinator informs (in writing) the complainant and respondent of the alleged misconduct and that an investigation has been initiated.
8. Title IX coordinator reconvenes campus safety team and the human resources director to determine if the reported incident requires investigation.
9. Investigation
- a. Title IX coordinator contacts Title IX investigator and the director of human resources to initiate an investigation.
 - b. The Title IX investigator(s) may choose to ask assistance (human resources office assistant and/or the student life operations coordinator) to set up times for interviews.
 - c. The Title IX investigator will keep the Title IX coordinator informed of the times of interviews.
 - d. Interviews
 - i. may include the complainant, respondent, and witnesses.
 1. An advisor or advocate cannot serve as a witness, and will be present only during the interview with the person for whom they are serving as an advocate.
 - ii. will be recorded only by EMU. Recordings are used for reference in compiling the preliminary investigative report, and may not be duplicated.
 1. Verbal permission to record is obtained on the actual recording.
 2. The person being recorded is the only person (outside of the investigator(s)) who may listen to their recording and must listen to the recording in the presence of the investigator.

- a. Discrepancies will be noted by the investigator(s) and the note will be included in the preliminary investigative report.
3. Recordings are stored in a secure location.
4. The recording will be destroyed upon completion of the case, after the deadline for and/or completion of an appeal process. Recordings will be destroyed by the Title IX coordinator.

10. Preliminary investigative report

- a. After all interviews with the complainant, respondent and other witnesses are completed and other information gathered, the investigator(s) will complete a preliminary investigative report that sets out the known facts of the case, disputed facts of the case, and a list of all parties interviewed.
- b. Title IX coordinator receives a copy of the preliminary report.
- c. The Title IX coordinator and the human resource director will meet separately with the complainant and the respondent to review the preliminary report.
 - i. The complainant/respondent may suggest additional witnesses and provide additional information at this time.
 - ii. If additional witnesses or additional information is provided at this time the investigator(s) will follow up with the additional witnesses and review the additional information
 - iii. The complainant and respondent will both be given the opportunity to submit questions for the other party to be asked by the investigator in a follow up inquiry.
 - iv. If changes are made to the preliminary report, these changes will be verified with both complainant and respondent.
 - v. If no additional witnesses or additional information is provided by the complainant and/or the respondent then the investigator(s) prepares the final investigative report

11. Final investigative report

- a. The final investigative report is provided to the Title IX coordinator and the director for finance.
- b. The final investigative report includes known facts of the case, disputed facts of the case, and a list of all parties interviewed.

12. Title IX coordinator and investigator determine, based on the Final Investigative Report, which review process will be used:

- a. staff review
- b. Title IX review panel
- c. Title IX coordinator informs the complainant and respondent which review process will be used.

13. Staff review

- a. A staff review involves a meeting between the respondent and the Title IX coordinator, and the director of human resources (respondent - employee) or the vice president of student life (respondent - student). This type of review is used when the welfare of the complainant or best interests of the community is served by private proceedings, where there are few disputed facts, and would not constitute a violation of civil or criminal law, or the timing of the violation warrants such.

- i. The Title IX coordinator will make a finding to determine whether or not a violation of the RVSM policy has occurred. This finding will be based on the preponderance of evidence.
- ii. Once the Title IX coordinator has determined that there is sufficient evidence, by a preponderance of evidence, to support a finding of responsibility under the policy, any one or more outcomes may be imposed. In determining the appropriate outcome(s), the staff review will be guided by a number of considerations, including: the outcome(s) based on the factual findings outlined in the final investigative report.
 1. the severity, persistence or pervasiveness of the prohibited conduct;
 2. the nature or violence (if applicable) of the prohibited conduct;
 3. the impact of the prohibited conduct on the complainant;
 4. the impact or implications of the prohibited conduct within the university community;
 5. prior misconduct by the respondent, including the respondent's relevant prior disciplinary history, at the university or elsewhere, and any criminal convictions;
 6. whether the respondent has accepted responsibility for the prohibited conduct;
 7. the maintenance of a safe, nondiscriminatory and respectful environment conducive to learning, and
 8. any other mitigating, aggravating, or compelling factors.
- iii. Possible outcomes (*outcomes are effective immediately unless otherwise specified*)
 1. in-school suspension
 2. temporary suspension
 3. indefinite suspension/disciplinary withdrawal*
 4. dismissal*
 5. probation
 6. loss of university employment or volunteer position
 7. change of employment or volunteer position
 8. loss of university resources or services
 9. no contact orders
 10. removal from dorm or other campus buildings
 11. community service
 12. application of a behavioral contract
 13. alcohol and/or drug assessment and recommendations
 14. exclusion from co-curricular or leadership activities
 15. completion of issue-relevant education activities
 16. fines
 17. monetary or other restitution
 18. referral to counseling
 19. transcript notation

* A prominent notation will be placed on the student's academic transcript if the student is suspended from, permanently dismissed from, or who withdraws from the university while under investigation for an offense involving sexual violence, as required by law.

<http://law.lis.virginia.gov/vacode/title23.1/chapter9/section23.1-900/>

- b. The Title IX coordinator provides a letter with the findings and outcomes of the staff review. This letter is provided to both the complainant and respondent.

14. Title IX review panel (*for cases not resolved through a staff review*)

- a. The Title IX coordinator convenes a meeting of the Title IX review panel
 - i. The Title IX review panel consists of the Title IX review panel chair and two additional employees (one faculty member and one staff member) who have received Title IX training. The Title IX coordinator will check for conflicts of interest when selecting additional members for the panel.
 - ii. The Title IX coordinator, director of human resources, and Title IX investigator will be available for questions and clarifications.
 - iii. Complainant and respondent will be separately notified of the composition of the review panel, and have the right to raise any conflicts of interest.
 - 1. The review panel meets separately with the complainant and the respondent. An advisor or advocate may attend the review panel but may not participate in the panel process.
 - 2. The complainant or respondent may choose not to attend the review panel. The review panel process will proceed regardless.
 - iv. The review panel proceedings will be recorded by EMU only. The chair of the panel will inform all persons present that the proceedings are being recorded for reference purposes only. The recording will be destroyed at the conclusion of the case, after the deadline for and/or completion of an appeal process.
- b. The review panel will make a finding to determine whether or not a violation of the RVSM policy has occurred. This finding will be based on the preponderance of evidence.
- c. The review panel will determine the outcome(s) based on the factual findings outlined in the final investigative report and the testimony heard.

15. Once the review panel has determined that there is sufficient evidence, by a preponderance of the evidence, to support a finding of responsibility under the policy, any one or more outcomes may be imposed. In determining the appropriate outcome(s), the review panel will be guided by a number of considerations, including:

- a. the severity, persistence or pervasiveness of the prohibited conduct;
- b. the nature or violence (if applicable) of the prohibited conduct;
- c. the impact of the prohibited conduct on the complainant;
- d. the impact or implications of the prohibited conduct within the university community;
- e. prior misconduct by the respondent, including the respondent's relevant prior disciplinary history, at the university or elsewhere, and any criminal convictions;
- f. whether the respondent has accepted responsibility for the prohibited conduct;
- g. the maintenance of a safe, nondiscriminatory and respectful environment conducive to learning, and
- h. any other mitigating, aggravating, or compelling factors;

16. Possible outcomes (*outcomes are effective immediately unless otherwise specified*)

- a. in-school suspension
- b. temporary suspension

- c. indefinite suspension/disciplinary withdrawal*
- d. dismissal*
- e. probation
- f. loss of university employment or volunteer position
- g. loss of university resources or services
- h. change of employment or volunteer position
- i. no contact orders
- j. removal from dorm or other campus buildings
- k. community service
- l. application of a behavioral contract
- m. alcohol and/or drug assessment and recommendations
- n. exclusion from co-curricular or leadership activities
- o. completion of issue-relevant education activities
- p. fines
- q. monetary or other restitution
- r. referral to counseling
- s. transcript notation

*a prominent notation will be placed on the student's academic transcript if the student is suspended from, permanently dismissed from, or withdraws from the university while under investigation for an offense involving sexual violence, as required by law.

17. At the conclusion of the review panel, the review panel chair will prepare a summary of the proceedings.

Included in this panel summary will be:

- a. documentation of determination of preponderance of evidence.
- b. documentation of outcomes proposed.
- c. a description of the appeal process.

18. The review panel chair delivers the panel summary to the Title IX coordinator.

19. The Title IX coordinator prepares a letter reflecting the panel's findings and outcomes as well as appeal process information.

20. The Title IX coordinator meets with the complainant and the respondent and shares the letter.

- a. For students, in the case of dismissal, suspension or withdrawal while under investigation, notification will be sent to the parent(s) (per FERPA release), to the director of retention, and any other departments on campus that will be impacted by the consequences.
- b. The student life operations coordinator will ensure that the student's file is properly updated.
- c. The director of human resources or the provost will ensure that the employee's file is properly updated.
- d. If the complainant or respondent does not agree with the findings and/or the consequences they may appeal.

21. Appeals

- a. Either the complainant or the respondent may appeal the outcomes determined.. The appeal must be submitted in writing within three business days following notification and should be directed to the appeal board chair. Reasons for an appeal must be clearly stated and based on one of the following:
 - i. relevant new evidence that was previously unavailable and could significantly affect the outcome.
 - ii. alleged procedural error, which may have materially affected the outcome.
 - iii. outcome is substantially disproportionate to the findings.
- b. The appeal board chair will review the reason for appeal to determine if it meets the above criteria.
 - i. on the basis of this determination, the appeal board will review the appeal. A decision will be made to uphold or modify the action. This decision is final.
- c. The appeal board chair will notify both parties that an appeal has been requested, as well as the grounds for the appeal. Disclosure of the grounds for appeal will include provision of new evidence to the complainant and/or respondent with 48 hours allowed for response.

22. Title IX appeal board

- a. The Title IX appeal board, is a standing board, consisting of three EMU employees appointed by the president. The appeal will be directed to the designated chair of the appeal board.
- b. All persons serving on the appeal board (or as the chair) must be impartial and free from actual bias or conflict of interest.
- c. The appeal board chair along with the student life operations coordinator and/or the assistant to the provost will schedule the appeal board meeting
- d. The appeal board meeting will usually be scheduled within five (5) business days from the date of the request for an appeal, subject to extension for good cause.
- e. The appeal board will have access to the final investigative report and any new information or evidence from the complainant and/or respondent. The appeal board will also have access to the written summary of the review panel as well as the appeal letter.
- f. The appeal board may choose to uphold, modify, or dismiss the findings and/or outcomes of the review panel.
- g. the decision of the appeal board is final.
- h. the findings are communicated to the Title IX coordinator by the appeal board chair.
- i. the appeal board chair prepares a letter reflecting the appeal board's findings and outcomes.
- j. the Title IX coordinator provides the complainant and respondent a copy of the letter of appeal board determination.
- k. A copy of the outcome letter will also become part of the respondent's (employee or student) file.
- l. the Title IX coordinator may nevertheless ensure that remedial measures remain in effect to support the parties.

Appendix C: Training, Education, and Prevention

Table of Contents

I. INTRODUCTION	1
II. TRAINING	2
A. UNIVERSITY OFFICIALS INVOLVED IN IMPLEMENTING THE POLICY	2
B. RESPONSIBLE EMPLOYEES	2
C. STUDENTS AND EMPLOYEES	3
D. RESIDENCE STAFF TRAINING	3
III. EDUCATION AND PREVENTION	3
A. AWARENESS PROGRAMS	4
B. BYSTANDER INTERVENTION	5
C. ONGOING PREVENTION AND AWARENESS CAMPAIGNS	6
D. PRIMARY PREVENTION PROGRAMS	7

I. INTRODUCTION

Eastern Mennonite University (*the university*) is committed to providing a safe and non-discriminatory environment for all members of the university community. The university prohibits sexual assault, sexual exploitation, intimate partner violence, stalking, sexual and gender-based harassment, complicity and retaliation (together, *prohibited conduct*). These forms of prohibited conduct are defined in the [Relationship Violence and Sexual Misconduct policy](#) (the *policy*). This appendix identifies the university's training, education, and prevention programs related to the policy.

¹This appendix should be read in conjunction with the policy. Italicized terms used and not otherwise defined in this appendix are defined in the policy.

II. TRAINING

EMU provides training to students and employees to ensure they understand the policy and the topics and issues related to maintaining an education and employment environment free from relationship violence and sexual misconduct.

A. PERSONS INVOLVED IN IMPLEMENTING THE POLICY

EMU offers online and in-person training to all persons charged with implementing the Policy, including the university's Title IX coordinator, HR director, employees, faculty members who could be selected to sit on a review panel or board as outlined by the student and employee procedures related to the policy, and all other employees involved in responding to reports of prohibited conduct. The training varies by official and is based upon the role(s) the official is fulfilling under the policy. Topics include working with and interviewing persons reporting prohibited conduct; the particular types of conduct that constitute prohibited conduct; issues related to intimate partner violence, sexual assault, and stalking; the proper standard of review for complaints under the policy (preponderance of the evidence); affirmative consent and the role alcohol or drugs can play with respect to affirmative consent; the importance of accountability for respondents found to have violated the policy, and the need for interim measures for the respondent, the complainant, and/or the university community; how to determine credibility; how to evaluate evidence and weigh it in an impartial manner; how to conduct prompt, fair, impartial, and thorough investigations and hearings that ensure due process, protect community and individual safety, and promote accountability; confidentiality; the effects of trauma, including neurobiological change; and cultural awareness regarding how prohibited conduct may impact persons differently depending on their cultural backgrounds.

EMU persons charged with implementing the policy receive regular training on these and other topics on an annual basis. EMU sends all persons charged with implementing the policy to relevant local, regional, and national conferences.

B. RESPONSIBLE EMPLOYEES

EMU requires online and offers in-person training to responsible employees to ensure they understand the particular types of conduct that constitute prohibited conduct, as well as their reporting obligations under EMU's reporting policy. This training includes information on how to prevent and identify prohibited conduct; the behaviors that may lead to and result in prohibited conduct; the attitudes of bystanders that may allow prohibited conduct to continue; appropriate methods for responding to persons who may have experienced prohibited conduct, including the use of nonjudgmental language; and the impact of trauma. This training also includes an explanation of the responsible employee's reporting obligations, including how, what, and where to report; the consequences for failing to report; the procedures EMU uses for confidentiality; how to inform complainants of their options for support and assistance following an incident of prohibited conduct; and the contact information for EMU's Title IX coordinator. All employees are required to take the online Campus Answers Training.

C. STUDENTS

EMU offers online and in-person training to students to ensure they understand the policy, including how to report incidents of prohibited conduct, and how to access confidential sources following an incident of prohibited conduct. Topics include Title IX and what constitutes prohibited conduct under the policy; and the definition of affirmative consent, including examples.

III. EDUCATION AND PREVENTION

EMU is committed to the prevention of prohibited conduct through regular and ongoing education and awareness programs. Incoming students and new employees receive primary prevention and awareness programming as part of their orientation, and returning students and current employees receive ongoing training and related programs. These programs include (1) statements that the university prohibits prohibited conduct, as defined by the policy, and related crimes under Virginia law; (2) the definitions of related crimes under Virginia law; (3) the definition of *affirmative consent*, for purposes of the policy; (4) 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 prohibited conduct against another person; (5) information on risk reduction to recognize warning signs of abusive behavior; and (6) information about the procedures that EMU will follow after an incident of prohibited conduct has occurred.

A. ONGOING AWARENESS AND PREVENTION PROGRAMS

Awareness programs consist of community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration. EMU's specific annual awareness programs are:

Take Back the Night. EMU holds a week of programming to raise awareness about sexual assault and sexual violence. The week with a public program speak out for survivors of sexual violence.

Campus Answers: a comprehensive online education system and awareness program.

Coalition on Sexual Violence Prevention: The Coalition on Sexual Violence Prevention (CoSVP) is an umbrella organization that helps bring together the various groups invested in sexual assault prevention and education. This coalition is a group of students, faculty and staff who believe in supporting survivors, preventing assault,

empowering bystanders, advocating for change and knowing their rights. The goal of the coalition is to establish integrated education, awareness and prevention efforts that address sexual violence, encourage sexual well-being and promote healthy relationships.

Faculty / staff workshops/courses INSERT LINKS AND INFO HERE

Stall Stories: Stall stories use social norms theory to educate and create behavior change around health behaviors. Monthly posters are placed in stalls of bathrooms on campus. Posters consist of data on healthy behaviors, beliefs, and bystander intentions, as well as general education and resources related to college health issues such as substance abuse, sexual assault, bystander theory/intervention, healthy relationships, disordered eating, and sexual health.

Written materials at various campus locations

B. ONGOING BYSTANDER TRAINING

Bystander intervention consists of safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is risk of an occurrence of Prohibited Conduct. It also includes recognizing situations of potential harm, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

Bystander Intervention Presentation & Facilitation for First Year Students and Transfer students : First year students and Transfer students are a part of a group where bystander intervention is taught as a role play for students to participate in as part of the first year orientation series. The program is given to help students understand their role in maintaining a community of care and trust and also to introduce them to the importance of being an active bystander in furthering that goal.

Bystander Intervention workshops for campus: provided periodically.

Appendix D: Resources

Acts of sexual misconduct can be life changing. EMU's campus and community resources are beneficial and can help lead to recovery. Everyone recovers differently, so there is a wide variety of different avenues available to make sure that every consideration is given to their well-being. These resources are available to students, employees, affiliates, and visitors.

Confidential Advocacy Resources

EMU Counseling Services

540-432-4317

EMU Health Services

540-432-4308

EMU Campus Ministries Pastor

540-432-4273

Community Resources in Harrisonburg, Virginia

The Collins Center and Child Advocacy Center

(540) 432-6430

217 S. Liberty Street, Suite 205, Harrisonburg VA 22801

The Collins Center models and promotes the prevention of child sexual abuse, and provides excellence in sexual assault response and treatment in Harrisonburg and Rockingham County. The Collins Center serves the community through its programs: Sexual Assault Crisis Services, Prevention & Education, Mental Health Treatment, and the Child Advocacy Center.

Emergency Phone Numbers

24-HOUR SEXUAL ASSAULT CRISIS HOTLINE: 540.434.2272

REPORT CHILD ABUSE NOW:

1-800-552-7096

<http://www.thecollinscenter.org/>

Confidential Medical Resources

Sentara RMH Emergency Department

(540) 689-1000

2010 Health Campus Drive, Harrisonburg, VA 22801

Within 72 hours of the sexual assault, a Physical Evidence Recovery Kit (PERK) can be performed by a Sexual

Assault Nurse Examiner (SANE Nurse), and a police department investigator from where the assault occurred will be called.

Confidential Hotlines

Rape, Abuse & Incest National Network (RAINN) Sexual Assault Hotline 1-800-656-HOPE www.rainn.org This is a national hotline for victims of sexual assault. The hotline offers free, confidential counseling and support 24 hours a day, from anywhere in the country. When a survivor calls the hotline, s/he is connected to the nearest local rape crisis center through a unique computer routing system that maintains the confidentiality of callers.

Suicide Prevention Hotline, 831-458-5300 or toll free: 877-ONE-LIFE (663-5433) 24-hour Suicide Crisis Line is an anonymous and confidential service that provides distressed people a safe place to express suicidal thoughts and feelings. Volunteers are trained to assess each call for potential lethality and to respond appropriately to ensure the safety of the caller.

National Domestic Violence Hotline 1-800-799-SAFE (7233) TTY: 1-800-787-3224 The National Domestic Violence Hotline provides anonymous crisis intervention, information about domestic violence and referrals to local services. The hotline advocates can answer calls in English and Spanish and have access to translators in 139 languages.

National Suicide Prevention Lifeline: 1-800-273-8255 The Lifeline provides 24/7, free and confidential support for people in distress, prevention and crisis resources for you or your loved ones, and best practices for professionals.

Virginia Commonwealth Attorney's Victim Services Program: 1-800-838-8238 (24/7 Virginia Violence and Sexual Assault Hotline).

Non-confidential Resources

EMU Title IX Office

In accordance with Title IX regulations, the university has designated Irene Kniss, Director of Health Services as the University's Title IX Coordinator. The Title IX Coordinator is the designated university official with primary responsibility for coordinating the university's compliance with Title IX. This includes providing leadership for Title IX activities, providing consultation, education and training, and helping to ensure the university responds appropriately, effectively and equitably to Title IX issues.

For questions, comments or reports:

Irene Kniss

Title IX Coordinator

Director of Health Services

540-432-4302

titleixcoordinator@emu.edu

EMU Campus Security

Contact **Campus** Security at 4911 from a campus phone or 540-432-4911 from an off-campus phone

Residence Director on call – 540-476-4578

Harrisonburg Police Department

City Hall

409 South Main Street, Harrisonburg, VA 22801

General information: (540) 432-7701

Nonemergency: (540) 434-4436

Emergency: 911

EMU @ Lancaster Resources

Medical Assistance

Visit or call the emergency rooms at

Lancaster General Hospital 717-544-5511

Lancaster Regional Med. Ctr. 717-291-8211

File a Report with the Police

Emergency Number: 911

Non-Emergency Number: 717-661-1180; 800-957-2677

Counseling Services

Lancaster Helpline 717-299-4855

Samaritan Counseling Ctr. 717-560-9969

YWCA Sexual Assault Prevention & Counseling Center 717-392-7273

Washington Scholars Program Resources

The National Domestic Violence Hotline: 800 799 SAFE (7233); For the Deaf: 800 787 3224 (TTY) or 855 812 1001 (VP).

I suggest repeating the local hotlines here as well.

Community Resources

DC Rape Crisis Center: 202-232-0789

the confidential hotline (202) 333-RAPE (7273).

DC Coalition Against Domestic Violence (202) 299 1181.

Community Counselor:

Gigi Gruenke with Brookland Pastoral Counseling Center: 646-852-7404

File a Report with the Police:

Sexual Assault Unit (202 727 3700)

ASK DC: an app and a website which has numerous area resources for sexual assault survivors. It includes a special focus on university students. The app is free and works on both Android and iPhone platforms.

The DC Center for the LGBT Community offers counseling for any members of that community who experience relational or sexual violence. Contact: samantha@thedccenter.org.

Deaf Community

Deaf Women's Abuse Network (DAWN) provides counseling & support services to deaf survivors of domestic and sexual violence. Contact at: 202-559 5366 (VP) and email at Info@deafdawn.org

LGBTQ Community

National Sexual Assault Hotline – can also refer you to a local rape crisis center
1-800-656-HOPE (4673) 24/7

Love is Respect Hotline
1-866-331-99474 (24/7) or Text “loveis” 22522

The Anti-Violence Project– serves people who are LGBTQ
Hotline 212-714-1124 Bilingual 24/7

GLBT National Help Center Serving gay, lesbian, bisexual, transgender and questioning people by providing free and confidential peer -support and local resources

National Youth Talkline: Hotline 1800-246-PRIDE (1-800-246-7743) serving youth - age 25 or 1-888-843-4564 serving callers all ages. Online Chat at <http://www.volunteerlogin.org/chat/>

Northwest Network– serves LGBT survivors of abuse; can provide local referrals
Hotline– 206-568-7777

National Sexual Violence Resource Center <http://www.nsvrc.org/> The National Sexual Violence Resource Center serves as the nation's principle information and resource center regarding all aspects of sexual violence.

Rape Treatment Center <http://www.911rape.org/> This web site offers information on the impact of rape, date rape drugs, facts and statistics, as well as a comprehensive list of links to other resources.

For Men Only: Male Survivors of Sexual Assault <http://cmhc.utexas.edu/booklets/maleassault/menassault.html> This page is from the Counseling and Mental Health Center at the University of Texas at Austin and offers another source of information for male survivors of sexual assault.

Gay Men's Domestic Violence Project <http://gmdvp.org/> The Gay Men's Domestic Violence Project is a grassroots, nonprofit organization providing community education and direct services for clients. GMDVP offers shelter, guidance, and resources to allow gay, bisexual, and transgender men in crisis to leave violent situations and relationships.

The Network/La Red 617-423-SAFE (Hotline in English and Spanish) This program offers free services in English and Spanish for lesbians, bisexual women and transgender people who are victims of battering. These services include a hotline, emergency shelter and advocacy programs.

Sources: University of Santa Cruz online Student Health Outreach and Promotion; "Am I Being Abused?" online

Additional Resources

Health and Human Services -Office for Civil Rights (OCR) for Higher Education HHS.Gov [U.S. Department of Health & Human Services](http://www.hhs.gov/office-of-civil-rights/)

Department of Education's Dear Colleague Letter on Sexual Violence: Background, Summary, and Fast Facts, dated April 4, 2011

<https://ifap.ed.gov/dpccletters/GEN1413.html>

U.S. Department of Justice <https://www.justice.gov/ovw/protecting-students-sexual-assault#sexualviolence>