



OPERATING POLICY AND PROCEDURE

OP xxx: Student Sexual Misconduct Policy

DATE: October 1, 2016

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to express Averett University's commitment to the prevention of sexual misconduct, support victim/survivors of sexual misconduct, and to take appropriate action to discipline violators of the policy for the protection and respect of our community members.

REVIEW: This OP will be reviewed annually in April by the President's Council.

POLICY/PROCEDURE

1. Averett University does not discriminate on the basis of sex in its education programs and activities. As a general proposition, Averett University does not discriminate on the basis of any class protected by law including, but not limited to, sex, sexual orientation, gender identity, or national origin.
Sexual Misconduct constitutes sexual discrimination prohibited by Title IX. Inquiries concerning the application of Title IX may be referred to Averett University's Title IX Coordinator or to the U.S. Department of Education's Office for Civil Rights (www2.ed.gov). Averett University's Title IX Coordinator is Jill Adams, whose office is in the student center. She may be reached by phone at 434-791-5628 or by email at jadams@averett.edu.
2. Averett University is committed to fostering a climate free from sexual misconduct. The University encourages all members of our community to participate in creating a safe, welcoming, and respectful environment on campus. Ultimately, each member of the community is expected to assume responsibility for his or her conduct, to report behaviors that may violate this policy, and to take reasonable and prudent actions to prevent, stop, or report acts of sexual misconduct.
 - a. Averett prohibits sexual violence, sexual assault, sexual harassment, domestic and dating violence, stalking, and retaliation for reporting or cooperating with the investigation into any of these actions (collectively referred to as Sexual Misconduct). These conducts are disruptive of the learning and working environment within the University and will not be tolerated. This policy addresses Averett University's responsibilities under Title IX, the Violence Against Women Reauthorization Act of 2013, and (VAWA) the Code of Virginia §23-234 and §23-9.2:15-17.
 - i. Title IX prohibits discrimination based on sex (gender) in educational programs and activities that receive federal assistance. VAWA Section 304 requires Universities to have procedures to respond to reports and incidents of sexual assault, relationship violence and stalking. The Code of Virginia requires certain

agreements to be in place to provide support and investigation of reports of sexual misconduct and requires reporting of violations on academic transcripts.

- ii. This policy covers student-related concerns of Sexual Misconduct, regardless of whether the Sexual Misconduct occurred on or off campus. It applies to conduct occurring from when the student is admitted as a student, through academic terms and breaks continuously until the student withdraws or graduates. In all instances of Sexual Misconduct reported under this policy, the Title IX Coordinator will take appropriate steps to end such conduct, address its effects, and prevent its recurrence.
- iii. All academic and administrative units of the University, regardless of division, school, campus, department, or center, are subject to this policy and must comply with and ensure that their policies are consistent and comply with this policy.

3. Timeframe for Filing a Complaint

The University does not impose a time limit for filing a Complaint. The University encourages Complaints to be filed as soon as reasonably possible following an alleged policy violation because the University's ability to gather adequate information may be limited where a significant length of time has elapsed. Complaints should also be filed promptly, if possible, in order to preserve evidence for potential legal proceedings. Further, the University's ability to complete its processes may be limited with respect to respondents who are no longer enrolled or are no longer employed.

4. Relevant definitions under this policy are as follows.

- a. Bystander is any person who is not directly involved in Sexual Misconduct, but who is a witness or who otherwise becomes aware of Sexual Misconduct against another person.
- b. Clery Act is the Jeanne Clery disclosure of Campus Security Policy and Campus Crime Statistics Act (the "Clery Act") is a federal law. The Clery Act generally requires all colleges and universities that participate in federal financial aid programs to keep and disclose information about crime on and near their respective campus.
- c. Complainant is a student who has made an allegation of Sexual Misconduct being committed on or toward the student by another person.
- d. Conduct Hearing Board is the 6-member hearing panel that determines whether the Respondent is responsible for conduct in violation of this policy based on a preponderance of the evidence and majority vote and, if warranted, administers sanctions and/or discipline against respondent. The board is composed of two faculty members, and two staff members.
- e. Confidential Reporting Resource is an individual who is exempted from the obligation to report an allegation of Sexual Misconduct to the Title IX Coordinator, based on law or policy. Such Confidential Reporting Resources are the Averett University Chaplain and the Averett University Director of Counseling.
- f. Consent is informed mutually understandable words or actions that are free made or given and that clearly indicate a willingness to engage in sexual activity. Consent cannot exist if there is coercion, intimidation, threats, physical force, or if a person is mentally or physically incapacitated or impaired so that the person cannot understand the fact, nature or extent of the sexual situation. Such impairments include incapacitation from use of drugs or alcohol, asleep, unconscious, unaware, or otherwise physically helpless. In the Commonwealth of Virginia, consent cannot be given by any individual under the age of

18 to participate in sexual activity with an individual over the age of 18, and can never be given by a minor under the age of 13.

- g. FERPA is the Family Educational Rights and Privacy Act, 20 U.S.C. §1232g; 34 C.F.R. Part 99, a federal law that limits a school's ability to share student "education records" with anyone other than the student.
- h. Gender Identity is a person's internal sense of being male, female, or 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.*
- i. Outcome Letter is the written document provided to all parties at the end of the student disciplinary process that provides information regarding the decision, sanctions or restrictions applicable to that one party, and appeal options.
- j. Privacy means that information will be shared only with individuals who have a need to know the information in order to assist in the investigation, review, resolution of the reported Sexual Misconduct.
- k. Relationship or Domestic Violence is physical violence within a romantic, intimate, or family relationship regardless of the length of the relationship or the gender of the individuals in the relationship.
- l. Respondent is the person who is accused of engaging in Sexual Misconduct.
- m. Responsible Employee is an employee who has been given the duty by Averett University to report incidents of sexual violence or any other misconduct by students to the Title IX Coordinator or other appropriate school official, as well as those who have been given authority to redress such Sexual Misconduct. At Averett, all faculty and staff members are considered Responsible Employees for reporting purposes except those who are Confidential Reporting Resources.
- n. Retaliation is an act or attempt to pay back, strike back, or punish a person for exercising their rights or reporting acts of Sexual Misconduct or acting as a witness to Sexual Misconduct. Acts of Retaliation are also Sexual Misconduct.
- o. Sexual Assault is the actual, attempted, or threatened unwanted sexual act (including intercourse, contact, or exploitation) against a person's will by means of force (express or implied), violence, duress, menace, fear or fraud; or when a person is incapacitated or unaware of the nature of the act due to unconsciousness, sleep and/or intoxicating substances. See Appendix A for a list of sample behaviors that constitute sexual assault.
- p. Sexual Harassment is unwelcome conduct of a sexual nature (advances, requests, or visual, verbal or physical conduct) or unwelcome conduct based on sex, sexual orientation, gender identity or gender expression when: (see Appendix A for examples)
 - i. It is implicit or explicit that submission to or rejection of the conduct will be a factor in academic or other decisions or evaluations, including permission to participate in a University event/activity; or
 - ii. The conduct has the purpose or effect of unreasonably interfering with a person's work or academic performance or creating an intimidating or hostile academic, work, or student living environment.
- q. Sexual Misconduct means conduct that interferes with another person's rights to access and enjoy the educational and related opportunities offered by Averett University, specifically including sexual harassment, sexual assault, sexual misconduct, relationship or domestic violence, and stalking, regardless of whether the conduct occurred on campus or not, during the time school is in session or not.
- r. Stalking is engaging in a course of conducted directed at a specific person that would cause a reasonable person to fear for his/ her safety or the safety of others; or to suffer substantial emotional distress.

- s. Task Force Team is a committee is responsible for overall management of student and employee safety, crisis and emergency management, and oversight of safety protocols and procedures consistent with allocated resources and in support of the mission, vision, values and strategic plan of Averett University.
 - t. Title IX refers to Title IX of the Education Amendments of 1972, a federal law that provides, *“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.”*
 - u. Title IX Coordinator is a person or persons designated by Averett University to “coordinate its efforts to comply with and carry out its responsibilities” under Title IX including: receive reports and oversee investigations of sexual misconduct or other forms of discrimination in accessing educational opportunities at Averett, and assure timely resolution of complaints alleging actions prohibited under Title IX. Averett University has designated Jill Adams, Director of Health and Wellness as the Title IX Coordinator.
5. As part of its ongoing commitment to the safety and wellbeing of its community members, Averett University shall engage in a series of educational programs and campaigns to promote awareness of sexual misconduct, sexual harassment, and other Sexual Misconduct, to raise awareness of the procedures to report such misconduct, bystander intervention, the response to, and the resources available to support persons who have suffered as a result of other persons’ misconduct. These efforts may include:
- a. Programing sponsored by student organizations
 - b. Programing supported by the Student Life Office
 - c. New student orientation
 - d. Integration into appropriate courses
 - e. Educational programs for employees and faculty on responding, providing assistance, and reporting
6. Any Averett University student who has knowledge of or believes she or he has been subjected to Sexual Misconduct is encouraged to report the concern, regardless of where or when the Sexual Misconduct occurred. There are two alternate forms of reporting available: Confidential Reporting which does not lead to an investigation or disciplinary action against those who may have committed the Sexual Misconduct; or reporting to a Responsible Employee which will lead to a report to the University’s Title IX Coordinator, an investigation, and potential disciplinary action against those who may have committed the Sexual Misconduct.
- a. To make a confidential report of Sexual Misconduct, the student should contact
 - i. Averett University Chaplain, Skyler Daniel at sdaniel@averett.edu
 - ii. Averett University Director of Counseling, Joan Kahwajy-Anderson at jkahwajy@averett.edu
 - b. A student who has been impacted by or a witness to Sexual Misconduct may notify the University of the Incident and initiate the Title IX assessment and resolution by contacting a Title IX Coordinator or any member of the faculty or staff of Averett University.
 - i. If the Respondent is an Averett University student, a student from another university, or an unknown individual, Complainants are urged to contact the Title IX Coordinator, Jill Adams.
 - ii. If the Respondent is an Averett University faculty or staff member, or a graduate assistant, Complainants are urged to contact Jill Adams, Title IX Coordinator, who will work closely with the Director of Human Resources, to work jointly to manage concerns and make decisions under this policy.

- c. Complainants, persons who have been the subject of sexual misconduct, relationship or domestic violence, or stalking, may choose from several paths:
 - i. Confidential reporting to an identified Confidential Reporting Resource which will enable access to support, some protective measures, and will not involve sharing of personally identifying information with other persons or entities. These trained professionals can provide counseling, information and support under legally protected confidentiality that applies privilege to the conversations and restricts sharing patient/client information without express written permission. Some non-identifying information about the incident may be shared for purposes of securing campus safety and statistical reporting purposes. The Complainant may decide to pursue other avenues of action later.
 - ii. Reporting to a Responsible Employee who will help access the Title IX Coordinator, and medical assistance, as needed. Once this option is selected, confidential reporting is no longer available.
 - iii. Reporting directly to the Title IX Coordinator who will review the options available with the student, provide support and assistance accessing needed services. Once this option is selected, confidential reporting is no longer available.
 - iv. Reporting directly to the appropriate law enforcement agency, such as the Virginia State Police, Danville Police, Caswell County Sherriff, Chesapeake Police, Newport News Police, Quantico Marine Base officials, etc.
 - v. Anonymous reporting of incidents of Sexual Misconduct without disclosing the identity of the person making the report, the identification of the Complainant or the Respondent, or requesting any action. The ability of the University to respond to anonymous reports is limited based on the information provided. Anonymous reports may be made at:
https://averett-advocate.symlicity.com/public_report/
 - vi. Bystanders are encouraged to report information relating to Sexual Misconduct on campus or involving any member of the Averett Community. Bystanders are supported by the University and are protected from retaliation.
- d. Regardless of which reporting option is chosen, Averett University encourages Complainants to seek medical treatment as soon as possible following an incident that may pose a threat to one's health, safety, or well-being. Campus Security and law enforcement assistance are available.
- e. The decision of whether, when and to whom to make a report of Sexual Misconduct and how to proceed thereafter is a personal, and difficult, decision. Averett University encourages Complainants to make a prompt report to law enforcement and to seek medical care to address immediate safety concerns, allow for the preservation of evidence, and enable an investigative response. Making these choices preserves the Complainants' options later but does not represent a commitment to a particular course of action (such as criminal prosecution).
 - i. There is no time limit on reporting violations of this policy. A delay in reporting may impair the University's ability to take disciplinary action against the Respondent
 - ii. In all cases, regardless of the timeliness of the report, the University will take all appropriate steps to end the Sexual Misconduct, prevent its recurrence, and address its effects.
 - iii. Under Virginia law, Averett University is required to have and maintain a Memorandum of Understanding with law enforcement agencies that provides for the reporting (which may exclude personally identifiable information) of Sexual

Misconduct that may constitute a criminal act to law enforcement, and in some instances to the Commonwealth's attorney's office.

- f. A list of University and community resources is maintained by Averett University as Appendix B to this policy and will be distributed and be accessible to all members of the Averett community through print and electronic media. Complainants and Respondents are encouraged to access the resources they determine they need as they work through the reporting, investigation, and resolution processes.
 - g. Averett University seeks to remove barriers to reporting of Sexual Misconduct. To encourage reporting of Sexual Misconduct, as a Complainant or Bystander, a person who reports such activity will not be subject to disciplinary action by the University for his or her personal consumption of alcohol or drugs at or about the time of the incident, provided that such consumption did not and does not place the health and safety of any other person at risk.
 - h. A false complaint of Sexual Misconduct can have serious permanent effects on a member of the Averett community and others, regardless of the ultimate outcome of an investigation. Accordingly, Averett University prohibits false accusations of Sexual Misconduct as violations of University policy. If it appears reasonably likely that a Complainant and/or others acted in bad faith or deliberately and knowingly filed a false complaint or provided false testimony, the Respondent, as well as the University, may seek disciplinary action against those persons making the false report/testimony.
7. Averett University will provide Complainants with access to counseling and other resources as needed or requested. The University will also provide the Complainant with the option to implement reasonable and appropriate interim measures. Respondents may also request interim measures. The University will implement such measures to address concerns of safety, emotional health, and physical well-being of community members and to preserve students' educational, work, and volunteer experience and the overall University environment.
- a. If the Complainant reported the Sexual Misconduct to a Responsible Employee or to the Title IX Coordinator directly, discussions regarding what interim measures are desired and appropriate will be conducted directly with the Title IX Coordinator. If the report of Sexual Misconduct was made confidentially to a Confidential Reporting Resource, that confidential resources will discuss options with the Complainant and the Dean of Students Office separate to provide appropriate support and protection to the Complainant.
 - b. Such interim measures may include, but are not limited to:
 - i. Academic accommodations (such as rescheduling assignments, transfer to another section of class, academic support, extensions, leave of absence, preservation of eligibility for financial aid, internships, etc.)
 - ii. Access to medical and mental health services
 - iii. Change in campus housing or dining locations
 - iv. Change in work schedules or arrangements
 - v. No-contact directive (unilateral or bilateral) pending the outcome of an investigation prohibiting the parties from verbal, electronic, written, or third party communication with each other
 - vi. An escort to ensure safe movement between classes, housing, and activities
 - vii. Other reasonable remedies that can be tailored to meet the needs and circumstances of the individuals
 - c. If the Title IX Coordinator, after consultation with the Task Force Team, determines that there is a risk to the health or safety of any member of the Averett community or to the physical property of the University, the Respondent(s) or others who are deemed a potential threat may be placed on an interim administrative leave of absence (known as

an interim suspension by the Dean of Students). During such an interim suspension, the student may be denied access to University property including residence halls, dining halls, administrative and classroom buildings, and programs and activities. Under Virginia law, if an interim suspension is imposed, a notation disclosing the suspension must be placed on the individual's transcript until such time as the suspension is lifted. If a Respondent withdraws or ceases attending Averett University while an allegation of Sexual Misconduct is pending assessment, investigation, or scheduled for a hearing, Virginia law requires that a notation disclosing the student withdrew while under investigation must be added to the Respondent's transcript. In some instances alternative arrangements for the continuation of coursework may be made at the discretion of the Title IX Coordinator and appropriate Dean.

8. Averett University is committed to consistent and equitable application of this policy to all individuals through the conduct of a prompt, thorough, and fair assessment of the alleged Sexual Misconduct. In accordance with Virginia law, Averett University has a Task Force Team that meets with the Title IX Coordinator within 72 hours of a report of sexual violence to review the information available and determine if there is a threat to the health and safety of Averett community members. Following an initial assessment, the Title IX Coordinator may open a formal investigation. The initial assessment by the Title IX Coordinator will consider the nature of the reported Sexual Misconduct, the safety of the persons involved and the Averett community, the Complainant's expressed preference for resolution, severity of the conduct, existence of threats, pattern of similar conduct by the Respondent, and necessity for interim measures or remedies. The determination of how to proceed will be communicated to the Complainant in writing. Respondents will be notified only when the determination will impact the Respondent such as imposing restrictions or proceedings that may result in disciplinary actions.
 - a. An investigation, if conducted, is to determine if the Sexual Misconduct has occurred, the extent of any risk of ongoing harm, whether additional accommodations or protective measures need to be put in place, whether the conduct hearing board should be convened, and if changes to policies, practices, or training should be considered.
 - b. An investigation may be conducted even if the Complainant declines to consent or cooperate with the investigation if, the balancing of factors indicates it is in the best interest of the Averett community to proceed. Factors to be considered include the seriousness of the allegation, the age of the Complainant, history of complaints about the same Respondent, and the respondent's rights.
 - c. Averett has designated the Task Force Team as Title IX Investigators who will work with the parties, witnesses, and collection of other information and evidence. Persons who may be involved in the conduct of such investigation include employees of the Office of the Dean of Students, Averett University Security Department, and others who have access to information relevant to the investigation. Disclosure of the investigation will be limited to a small number of individuals who need to know in order to effectively complete the investigation and address the Sexual Misconduct. A notice of investigation will be issued to the Respondent within 10 days of the initiation of the investigation that provides notice of the investigation, information regarding the allegations, identifies the alleged violation of policy, and how to obtain information on the investigation and disciplinary process. The investigation should normally be completed within 60 calendar days after the Title IX Coordinator receives notice of the Sexual Misconduct.
 - d. The investigation will be conducted as a fair and reliable gathering of facts that is thorough, impartial, and fair. All persons will be treated with appropriate sensitivity and respect. All Averett University faculty members, staff members, students, and other community members are expected to cooperate in the investigation, although students have the right to not incriminate themselves.

- e. The University may defer its Title IX investigation and fact finding at the request of law enforcement to enable the criminal investigation to proceed unhampered. In such an instance, communication with and provision of services to the Complainant, and implementation of interim measures will not be held in abeyance. The University's Title IX investigation will recommence as soon as law enforcement has released the case for review following the initial criminal investigation. The Title IX investigator will prepare a written report, supported by documentary and other evidence, following the completion of the inquiry. The Complainant and Respondent may request a copy of the report; however, the report shall be redacted to protect the privacy of personal and confidential information regarding all individuals other than the individual requesting the report
 - f. Based on the investigation report, the Title IX Coordinator may refer the report to the Assistant Director of Residence Life to determine whether or not to convene the Conduct Hearing Board. Often, this decision will be made within 48 hours of the Assistant Director's receipt of the report. If the decision is to proceed to the Conduct Hearing Board, a formal charge will be prepared that state the alleged violation (sexual misconduct, retaliation, etc.), the name of the Complainant, and the approximate date and time of the alleged conduct.
9. If a hearing before the Conduct Hearing Board is convened, the Complainant and Respondent may be accompanied by an advisor of their choice.
- a. Hearings will be held in a timely manner, normally within 14 calendar days of the issuance of the charging document.
 - b. During the hearing, the Conduct Hearing Board may question the Complainant, the Respondent, witnesses, the investigator, and examine evidence.
 - c. A Complainant's sexual history is not relevant and will not be considered as evidence. Where there has been a relationship between the Complainant and the Respondent, and the Respondent alleges consent, the sexual history between the parties may be relevant to assess the manner and nature of communications between the parties.
 - d. Hearings are confidential and all persons involved in hearings are expected to maintain confidentiality as well.
 - e. Based on a preponderance of the evidence standard and a majority vote, the Conduct Hearing Board will vote to reach a decision.
 - i. If the Respondent is found not responsible, both the Respondent and Complainant receive an outcome letter; the Complainant may appeal, and interim measures may be extended. If there is evidence of intentional falsehood by the Complainant, the Respondent may consider filing a grievance with the Title IX Coordinator for investigation.
 - ii. If the Respondent is found responsible, the Conduct Hearing Board will impose a sanction, based on the University's Sanction Guideline Matrix in Appendix C, intended to eliminate the misconduct, prevent its recurrence, and remedy its effects. As part of its deliberation, the Conduct Hearing Board may allow the Complainant, the Respondent, and other affected parties the opportunity to submit a written impact statement for consideration.
 - f. The Chair of the Conduct Hearing Board will notify the parties orally and, within 36 hours of the decision, shall provide to each party a written outcome letter that presents the decision and provides information on appeal options.
 - i. If sanctions are imposed, the Chair will inform the Respondent of those sanctions, the date by which requirements must be satisfied (if applicable), and the consequences of failure to satisfy such requirements.
 - ii. The Chair will inform the Complainant of sanctions that directly relate to the complainant or are required by federal law to be disclosed to the Complainant in

the case of certain criminal sexual offenses covered by the Campus Security Act (including sexual assault, domestic/relationship violence, and stalking).

- iii. Either the Complainant or Respondent may appeal the outcome to the Vice President of Vice President of Academic Affairs and Student Success within 2 business days of receipt of the written outcome letter. An appeal may be based on:
 1. Discovery of substantial new facts that were unavailable at the time of the hearing and which could affect the hearing board or hearing officer's decision.
 2. Violation(s) of hearing procedure as substantial as to deny one of the parties a fair hearing.
 3. Excessive sanction.

10. The Title IX Coordinator will retain records of all reports, allegations, and complaints, regardless of how the matter is resolved.

- a. Complaints resolved by Title IX assessment or remedies-based resolutions are not part of a student's conduct file or academic record.
- b. Affirmative findings of responsibility through the Conduct Hearing Board are part of a student's conduct record which are used in reviewing further conduct and in developing sanctions, and shall remain a part of a student's conduct record.
- c. The University will maintain records for the duration of the Respondent's relationship with the University, and for no fewer than seven years following the Respondent's departure from the University.
- d. If the Respondent is found not responsible, the student's conduct file will reflect the finding

Important Note: Under the Virginia state law, a Respondent suspended for, expelled for, or withdrawing from the University while under investigation for a violation involving Sexual Violence, said suspension, expulsion, or withdrawal will be **prominently** noted on the Respondent's academic transcript. The notation shall be removed from the Respondent's academic transcript if he or she a) completes the term of the suspension and all accompanying sanctions and b) has been determined to be in Good Standing.

Appendix A: Sample Behaviors Constituting Sexual Misconduct

This list of sample behaviors that constitute Sexual Misconduct is not a complete, all-inclusive list, but rather is intended to help members of the Averett University community understand the types of behaviors that are prohibited without specific consent.

Examples of Sexual Assault

Unless there is effective consent, the follow behaviors are examples of sexual contact that are prohibited as Sexual Assault.

- Sexual Intercourse:
 - Vaginal or anal penetration, no matter how slight
 - Penetration with a body part such as penis, tongue, finger, hand, etc.
 - Penetration with an object
 - Oral penetration involving mouth to genital contact

- Sexual Contact: Intentional, non-accidental, and non-consensual:
 - Touching of the intimate parts of another person's body
 - Causing another person to touch one's intimate body parts
 - Disrobing or exposure of another person
 - Intimate body parts include breasts, genitals, buttocks, groin, mouth, or any other part of the body touched in a sexual manner

- Sexual Exploitation:
 - Taking advantage of the sexuality of another person for any purpose (sexual gratification, financial gain, personal benefit, etc.):
 - Observing another person's nudity or sexual activity
 - Allowing others to observe consensual sexual activity without consent of every person involved
 - Streaming of images, photography, video, or audio recording of sexual activity or nudity
 - Distribution of images, photography, video, or audio recording of sexual activity or nudity
 - Prostituting another person
 - Inducing incapacitation for purposes of making a person vulnerable to non-consensual sexual activity

Examples of Sexual Harassment

A wide range of behavior can fall within the general definition of sexual harassment. Key factors are that the behavior is not welcome, is gender based or of a sexual nature, and is reasonably perceived as offensive and objectionable. Harassment may be one severe incident or it can be a series of less severe incidents. It does not require an intent to harm and can occur anywhere.

- Physical conduct:
 - Unwelcome touching, sexual/physical assault, impeding, restraining, or blocking movements
 - Unwanted sexual advances or suggestions

- Verbal conduct:
 - Making or using derogatory comments, epithets, slurs, or humor
 - Verbal abuse of a sexual nature;
 - graphic verbal commentaries about an individual's body;
 - sexually degrading words used to describe an individual;
 - suggestive or obscene letters, notes, or invitations
 - Offensive comments of a sexual nature, including persistent or pervasive sexually explicit statements, questions, jokes, or anecdotes

- Visual conduct:
 - Leering; making sexual gestures; displaying suggestive objects or pictures, cartoons, or posters in a public space or forum
 - Severe, persistent, or pervasive visual displays of suggestive, erotic, or degrading, sexually oriented images that are not pedagogically appropriate

- Written conduct:
 - letters, notes or electronic communications, including social media, containing comments, words, or images described above

- Quid pro quo conduct:
 - Direct propositions of a sexual nature between those for whom a power imbalance exists, such as teacher-student or supervisor-worker
 - Offering employment benefits or grades in exchange for sexual favors
 - Making submission to sexual advances an actual or implied condition of employment, work status, promotion, grades or letters of recommendation, including subtle pressure for sexual activity, an element of which may be repeated requests for private meetings with no academic or work purpose

- Making or threatening reprisals after a negative response to sexual advances

Examples of Stalking Behavior

Stalking includes physical as well as the use electronic media to pursue, harass, or make unwelcome and unsolicited contact with another person. Examples include any (or combination) of these behaviors:

- Unwelcome and repeated visual or physical proximity to a person
- Unwelcome and repeated electronic contact with a person (internet, social networks, blogs, calls, texts, etc.)
- Repeated oral or written or electronic threats
- Unwelcome/unsolicited written communications including letters, notes, cards, email, IMs, Snapchats, messages on online boards or social media messages, etc.
- Implicitly threatening physical conduct

Appendix B: Averett University & Community Resources

Averett University Resources for Students

Jill Adams, Director of Health and Wellness & Title IX Coordinator

Averett University Security Department: 434-791-5888

Residence Life On-call: 434-770-3608

Anonymous Reporting of Sexual Misconduct:

https://averett-advocate.symplicity.com/public_report/index.php/pid268967?rep_type=1001

The Averett University Counseling Center –A CONFIDENTIAL REPORTING RESOURCE

Joan Kahwajy-Anderson
Suite 417, Student Center
420 West Main Street
Danville, VA 24541
434-791-5624

Averett University Chaplain’s office - A CONFIDENTIAL REPORTING RESOURCE

Skyler Daniel
Suite 412, Student Center
420 West Main Street
Danville, VA 24541
434-791-7104

Community Resources for Students

Law Enforcement Agencies

Virginia State Police 804-674-2000

Danville Police Department 434-799-5111

Medical Resources

Danville Regional Medical Center
142 South Main Street
Danville, VA 24541
(434) 799-2100

National and State Hotlines:

The Virginia Family Violence and Sexual Assault Hotline
800-838-8238 (24 hour confidential resource)
www.dss.girginia.gov/community/dv/

Rape, Abuse, and Incest National Network (RAINN)
A confidential, anonymous national sexual assault hotline
800-656-4673
www.rainn.org

National Domestic Violence Hotline
Advocacy, resources, referrals, & legal assistance to victim/survivors of relationship violence
800-838-7233
www.thehotline.org

The Alcohol Treatment Referral Hotline
(Ask for referrals for Virginia facilities)
800-252-6465

The National Suicide Prevention Lifeline and Veterans Crisis Line
800-273-8255

Alcoholics Anonymous
AA World Services, Inc.
www.aa.org
212-870-3400

Alanon/Alateen
Al-Anon World Service Office
wso@al-anon.org
757-563-1600

Nar-Anon
wso@nar-anon.org
800-477-6291

Mental Health Resources:

The Virginia Department of Behavioral Health and Developmental Services
www.dbhds.virginia.gov

Danville Pittsylvania Community Services Board
245 Hairston Street
Danville, VA 24540
434-799-0456

Chesapeake Integrated Behavioral Healthcare (CIBH)
224 Great Bridge Boulevard
Chesapeake, VA 23320
757-547-9334

Richmond Behavioral Health Authority
107 South Fifth Street
Richmond, VA 23219

Piedmont Community Services
24 Clay Street
Martinsville, VA 24112
Crisis Services: 276-632-7128
Contact Listen Line: 877-934-3576

Blue Ridge Behavioral Healthcare
Burrell Center
611 McDowell Avenue
Roanoke, VA 24016
Crisis Services: 540-981-9351

Counseling and Psychological Services
1045 Main Street, Suite 5
Danville, VA 24541
434-792-2277

Mental Health Resources Management
291 Park Avenue
Danville, VA 24541
434-799-3310

Appendix C: Sanction Guideline Matrix

This matrix will be used by the Conduct Hearing Board to determine the appropriate sanction when a Respondent has been found responsible for Sexual Misconduct under the Averett University Sexual Misconduct Policy.

Sexual Misconduct	Range of Sanction
Non-Consensual Sexual Intercourse	Dismissal/Expulsion from the University – <i>Virginia law requires a notation be added to the student transcript disclosing the dismissal for violation of the Code of Conduct</i>
Non-Consensual Sexual Contact Non-Physical Sexual Harassment Sexual Exploitation Stalking Dating Violence Domestic Violence Retaliation	One or more of the following: <ul style="list-style-type: none"> <input type="checkbox"/> Dismissal/Expulsion from the University – <i>Virginia law requires a notation be added to the student transcript disclosing the dismissal for violation of the Code of Conduct</i> <input type="checkbox"/> Suspension – <i>Virginia law requires a notation be added to the student transcript disclosing the suspension for violation of the Code of Conduct until such time as the student has been restored to good standing at Averett University</i> <input type="checkbox"/> Disciplinary Probation <input type="checkbox"/> Community Service <input type="checkbox"/> Education/Counseling Consultation